



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

Note: Staff reports can be accessed at <http://mncppc.igmp2.com/Citizens/Default.aspx>

Detailed Site Plan

DSP-86116-15

Chesapeake Bay Critical Area Conservation Plan

CP-22002

Waterside Subdivision - Hill Residence

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of March 2, 2023 to March 23, 2023.</p> <p>Construction of a new two-story, single-family residence and boat pier in the Chesapeake Bay Critical Area, along with two variance requests.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none">• DISAPPROVAL of Detailed Site Plan DSP-86116-15• DISAPPROVAL of Chesapeake Bay Critical Area Conservation Plan CP-22002• DISAPPROVAL of a Variance to Section 27-548.17(b)• DISAPPROVAL of a Variance to Section 5B-114(e)(5)

Location: On the west side of Waterside Court, near the intersection of Waterside Court and Cagle Place.

Gross Acreage: 0.58

Zone: RR/LDO

Zone Prior: R-R/L-D-O

Reviewed per Zoning Ordinance: Section 27-1903(c)

Dwelling Units: 1

Gross Floor Area: 3,555 sq. ft.

Planning Area: 80

Council District: 08

Municipality: N/A

Applicant/Address:
Tenika Felder, AIA
Redlef Group Architects, LLC
6902 Forbes Boulevard
Lanham, MD 20706

Staff Reviewer: Dominique Lockhart
Phone Number: 301-952-3411
Email: Dominique.Lockhart@ppd.mncppc.org



Planning Board Date: 03/23/2023

Planning Board Action Limit: 04/11/2023

Staff Report Date: 03/09/2023

Date Accepted: 12/12/2022

Informational Mailing: 07/19/2022

Acceptance Mailing: 12/01/2022

Sign Posting Deadline: 01/31/2023

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.

Table of Contents

EVALUATION CRITERIA	3
FINDINGS	4
1. Request	4
2. Development Data Summary	4
3. Location	4
4. Surrounding Uses	4
5. Previous Approvals.....	4
6. Design Features	5
COMPLIANCE WITH EVALUATION CRITERIA	7
7. Chesapeake Bay Critical Area Ordinance Conformance and Environmental Review	7
8. Prince George’s County Zoning Ordinance.....	20
9. Preliminary Plan of Subdivision 4-85186	20
10. 2010 Prince George’s County Landscape Manual	23
11. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.....	24
12. Prince George’s County Tree Canopy Coverage Ordinance.....	24
13. Referral Comments	24
RECOMMENDATION	25

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-86116-15
Chesapeake Bay Critical Area Conservation Plan CP-22002
Variance to Section 27-548.17(b)
Variance to Section 5B-114(e)(5)
Waterside Subdivision – Hill Residence

The Zoning staff has reviewed the detailed site plan, conservation plan, and variance requests for the subject property and presents the following evaluation and findings leading to a recommendation of DISAPPROVAL, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The property is located within the Rural Residential (R-R) Zone and is also within the Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zone. This application is being reviewed and evaluated, in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1903(c) of the Zoning Ordinance, which allows for development proposals of any type to utilize the prior Zoning Ordinance for development of a property. The detailed site plan, conservation plan, and variance requests were reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance and Subtitle 5B of the County Code for the development of property in the Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zone; and;
- b. The requirements of the prior Prince George's County Zoning Ordinance for the Rural Residential (R-R) Zone;
- c. The requirements of Preliminary Plan of Subdivision 4-85186;
- d. The requirements of the 2010 *Prince George's County Landscape Manual*;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- g. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Zoning staff recommends the following findings:

1. **Request:** This detailed site plan (DSP) and companion conservation plan (CP) requests construction of a two-story, single-family residence and boat pier, along with two variance requests.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	RR (Prior R-R)	RR (Prior R-R)
Use(s)	Vacant	Residential
Total Gross Acreage	0.58	0.58
Floodplain Acreage	0.07	0.07
Net Acreage	0.51	0.51
Total Gross Floor Area (GFA)	0 sq. ft.	3,555 sq. ft.

3. **Location:** The subject property is located in Fort Washington, on the west side of Waterside Court, near the intersection of Waterside Court and Cagle Place. The site is part of Block A in the Waterside Subdivision, and is within Planning Area 80 and Council District 08. More specifically, the subject property is located at 8215 Waterside Court and consists of one lot, totaling 0.58 acre.
4. **Surrounding Uses:** The subject property is located within the prior Rural Residential (R-R) and Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zones. The site is currently vacant and vegetated. To the north of the site are single-family detached residences in the R-R and L-D-O Zones. The subject property abuts Waterside Court to the east. Across Waterside Court are single-family detached residences in the R-R and L-D-O Zones. To the south, the site abuts Outparcel A, which is currently vacant and vegetated. Outparcel A is owned by the Waterside Subdivision Homeowners Association (HOA) and will remain undeveloped. Beyond Outparcel A is a vacant lot and another single-family detached residence, located at the end of the cul-de-sac on Lot 5, all within the R-R and L-D-O Zones. The Potomac River runs along the west side of the subject property.
5. **Previous Approvals:** The subject property is located on Tax Map 113 in Grid C-1. The property consists of one lot, known as Lot 7, recorded in the Prince George's County Land Records in Plat Book NLP 132 page 94. The property consists of 0.58 acre and is located within the R-R and L-D-O Zones. The property is subject to Preliminary Plan of Subdivision (PPS) 4-85186, Waterside, which was approved by the Prince George's County Planning Board on December 18, 1985 (PGCPB Resolution No. 85-431). PPS 4-85186 approved 34 lots for development of 34 single-family detached dwellings. At the time of final plat, only 30 lots were platted for development. This was followed by DSP-86116, which laid out the subdivision as it currently exists. Since that time, numerous minor revisions to the DSP have

been approved by the Planning Director, as the designee of the Planning Board. The following revisions have been filed and approved:

Case Number	Status	Nature of Revision
DSP-86116-01	Approved 06/19/90	Revise house footprints for houses in Block C
DSP-86116-02	Approved 08/15/90	Add decks for houses in Block C
DSP-86116-03	Approved 10/24/90	Revise front porches for houses in Block C
DSP-86116-04	Approved 08/25/95	Revise house footprints, grading, and retaining walls for houses in Block C
DSP-86116-05	Approved 08/11/95	Revise grading and LOD for lots in Blocks A and B
DSP-86116-06	Approved 03/21/02	Swimming pool for Block C, Lot 5
DSP-86116-07	Approved 04/04/03	Adjust house footprints in Block B
DSP-86116-08	Approved 11/06/03	Two monumental entrance features in Block B
DSP-86116-09	Approved 07/15/04	Deck for Block A, Lot 9
DSP-86116-11	Approved 12/09/04	House for Block A, Lot 7
DSP-86116-12	Approved 11/22/04	Rear deck and front porch for Block C, Lot 6
DSP-86116-13	Approved 02/18/05	Swimming pool for Block A, Lot 8
DSP-86116-14	Approved 02/7/08	Boat pier for Block A, Lot 10

The above list shows that DSP-86116-11 was approved by the Planning Director on December 9, 2004, for a single-family detached dwelling on the subject property, Lot 7; however, the dwelling was never constructed. The original 1986 DSP and the revised 2004 DSP design for the subject lot was approved with an allowed disturbance area of 8,550 square feet for a single-family residence. The lot is currently vacant and undisturbed. To date, 27 residences out of the 30 platted lots have been constructed. The remaining three vacant lots are within Block A.

Several code changes have occurred in the time between the last approved DSP, in 2008, and today that affect the subject property. In 2010, Prince George's County Council Bill CB-75-2010 updated Subtitle 5B, the Chesapeake Bay Critical Area Ordinance, adding woodland clearing limits to lots within the CBCA L-D-O and R-C-O Zones. In 2015, CB-36-2015 updated the County's erosion and sediment control regulations. This included requiring properties within the CBCA to provide stormwater management (SWM) facilities on their lots. In 2021, the County Council approved CB-016-2021, tightening the standards for granting a variance under the Prince George's County Zoning Ordinance.

6. **Design Features:** The applicant is proposing to develop the currently vacant waterfront property with a 3,555-square-foot dwelling and associated site features (stairs, driveway, and patio), resulting in a total impervious area on the property of 5,564 square feet, or 22 percent of the total lot area. The majority of the rear yard of the lot, approximately 10,400 square feet, is within the Chesapeake Bay Critical Area (CBCA) primary buffer, which is defined as the area 100 feet from the mean high tide-water line of the river. The proposed pier will be reviewed and evaluated at a later stage by the Maryland Department of the Environment (MDE), the United States Army Corps of Engineers, and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

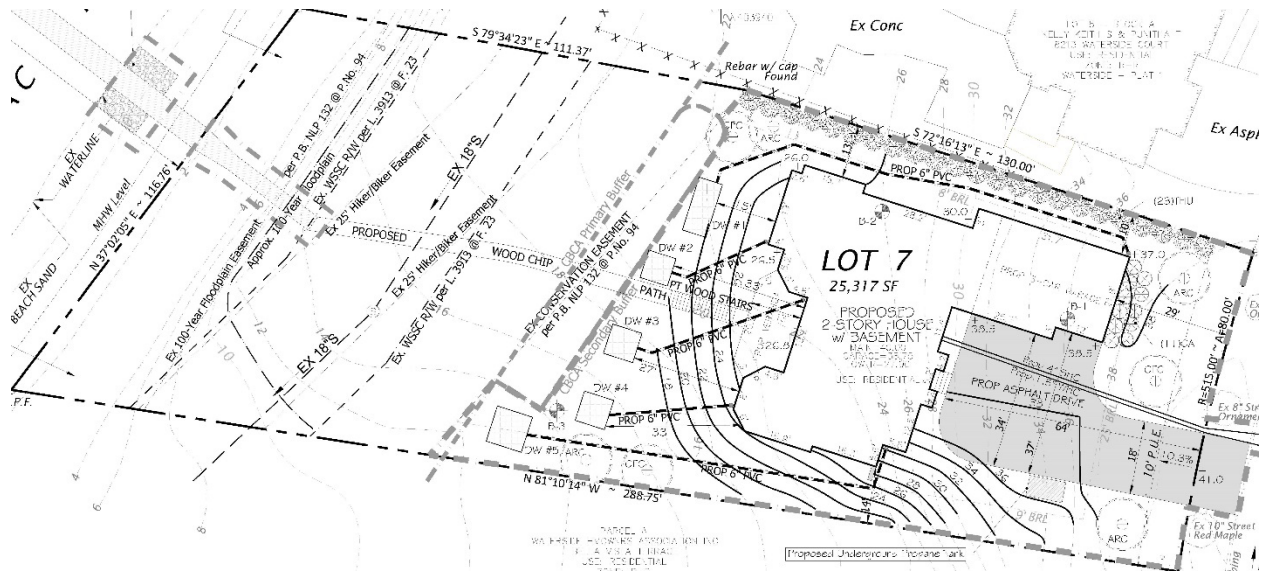


Figure 1: Site Plan

Architecture

The proposed dwelling will consist mainly of brick. The dwelling will also be approximately 34 feet high, from the tallest elevation, and will contain a shingled hipped roof.

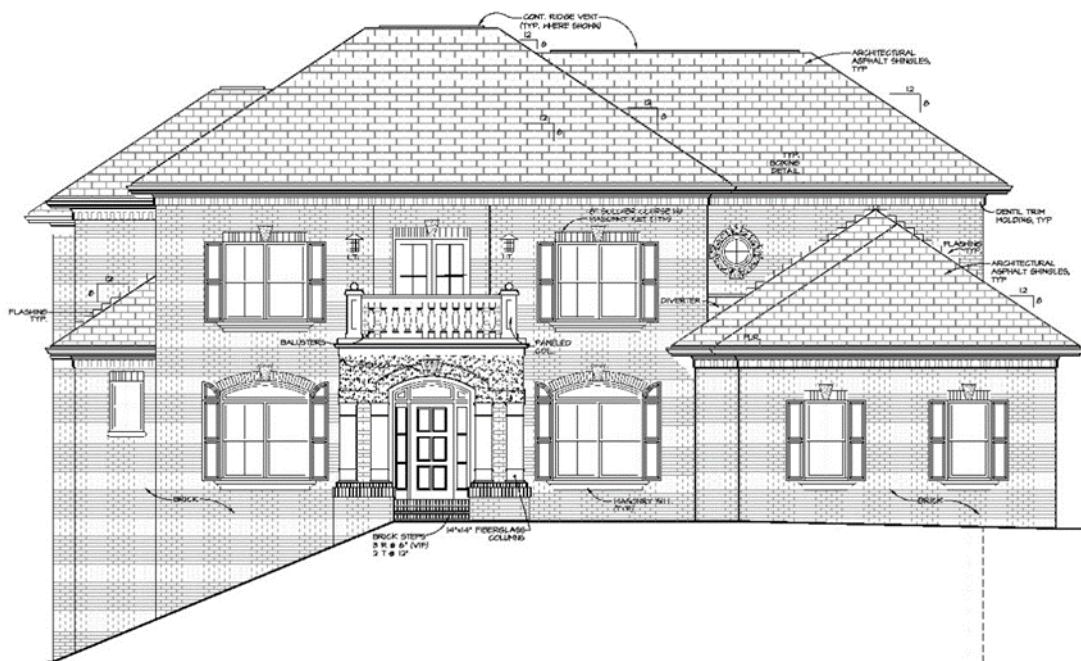


Figure 2: Front Elevation along Waterside Court

COMPLIANCE WITH EVALUATION CRITERIA

7. Chesapeake Bay Critical Area Ordinance Conformance and Environmental Review:

Site Description

This 0.58-acre property is in the prior R-R and L-D-O Zones and is located at 8215 Waterside Court. Current zoning for the property is Residential Rural (RR). The site contains CBCA 100-foot primary buffer, secondary buffer, Federal Emergency Management Agency 100-year floodplain, and steep slopes. The application area is wooded with no existing structures present on-site. The site contains developed woodlands throughout the property, both within and outside the 100-foot primary buffer. The subject property has a natural shoreline, similar to other lots within the subdivision. No scenic or historic roads are affected by this application. The site is not located within a Sensitive Species Project Review Area, nor does it have state or federal rare, threatened or endangered species within the boundary area. The subject lot contains both regulated and evaluation areas of the Green Infrastructure Network. The web soil survey indicates that the site is comprised of the Evesboro-Downer complex soil type.

Proposed Activity

The applicant proposes to develop the subject property by removing woodland for construction of a new single-family dwelling, driveway, yard space, and required SWM facilities. The new house design will not impact the primary and secondary buffers.

According to the previous and current Prince George's County Zoning Ordinance, the 0.58-acre (25,265-square-foot) lot is allowed a maximum lot coverage of 15 percent, or 3,790 square feet, within the L-D-O Zone. The applicant proposes to use Section 27-548.17(c)(4) of the prior Zoning Ordinance to increase the maximum allowable lot impervious area. This regulation states "For subdivisions approved after December 1, 1985, the overall Critical Area lot coverage for the subdivision may not exceed 15 percent. Lot coverage on individual lots may exceed 15 percent as long as the overall percentage of Critical Area lot coverage does not exceed 15 percent." PPS 4-85186 was approved by the Planning Board on December 18, 1985, and subsequently DSP-86116 was approved in 1986. These approvals established the overall layout for the Waterside Subdivision. The subject property is utilizing the maximum lot coverage for the underlying R-R Zone, which is 25 percent.

The CP contains an impervious surface table for the entire Waterside Subdivision, to account for the lot-by-lot and roadway impervious areas. Currently, the Waterside Subdivision contains 12.43 percent of impervious surface areas, with Lots 6, 7, and 14 currently undeveloped. After the subject property is developed, the overall critical area lot coverage for the Subdivision will increase to 12.59 percent. As previously stated, the Subdivision lot coverage cannot exceed 15 percent, which leaves approximately 2.41 percent (or 38,838 square feet) available for the remaining undeveloped lots.

The site contains 0.48 acre (21,090 square feet) of developed woodlands. The plan proposes to remove approximately 52 percent of the woodlands (10,950 square feet) or 73 percent more than permitted by Section 5B-114(e)(5) of the County Code ("Clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance."). Therefore, a variance will be required to permit the excess woodland clearing.

Natural Resources Inventory Plan

Neither a natural resources inventory plan (NRI) nor forest stand delineation was required as part of the 1985 review of the overall subdivision. Natural Resources Inventory NRI-010-2022 was completed and approved on May 11, 2022, to establish all on-site environmental features (woodland limits, the Potomac River water line, floodplain limits, primary buffer (CBCA 100-foot tidal buffer), secondary buffer (expanded primary buffer), and steep slopes); and was included with the application package. The NRI shows that the site contains 0.48 acre of developed woodlands and 5 acres of woodland area located within the 100-year floodplain. The CP correctly shows the site features and buffers in alignment with the NRI.

Chesapeake Bay Critical Area Conservation Plan

The plan, labeled as a “Chesapeake Bay Critical Conservation Plan – Lot 7- Block A 8215 Waterside Court – Waterside -PLAT 1,” in the Waterside Subdivision shows the proposed driveway, house/garage location, and SWM structures, as required, as part of the overall review of the CP.

Since this lot is located adjacent to the tidal waters of the Potomac River, the environmental features, are applicable.

According to PGAtlas supplemental imagery around 1988–1989, the Waterside Subdivision was wooded, and construction of infrastructure (woodland clearing and grading) had started. Current aerials reflect that the on-site woodland clearing associated with Waterside Court, and approved with the PPS 4-85186 development, was completed. Since no development has occurred on this lot, natural regeneration has occurred, and the open area was reforested. During the 1988–1989 infrastructure activity for the overall subdivision, no woodland clearing took place within the primary buffer on Lot 7. As shown on the previously approved plans and the plat, the on-site primary buffer area contains an existing Washington Sanitary Sewer Commission (WSSC) sanitary sewer easement (existing 18-inch pipeline). Within this WSSC easement is the Fort Foote Trail (a 25-foot hiker/biker) easement. All Waterside Subdivision waterfront lots contain these sewer and trail easements. The hiker/biker trail is owned by the United States National Park Service (NPS). No parts of this trail have been constructed within the Waterside Subdivision.

The submitted CP shows the required plan view information and tables. Revisions are required to the lot-by-lot table of impervious surfaces for the entire Waterside Subdivision, the developed woodland table, and the buffer management plan.

Before the CP is certified, all remaining developed woodlands and new woodland replacement plantings will need to be placed in a conservation easement. The applicant is proposing to meet a portion of the developed woodland requirement with on-site plantings. These on-site plantings cannot be credited for CBCA plantings because of the shape (single row) and location (front yard), and the conservation easement will be hard to regulate. All required plantings shall be located off-site.

The applicant is proposing a water access walkway, through the primary and secondary buffers to the Potomac River, and a new pier structure. The walkway shown on the CP is preliminary, in nature, and the final access walkway will use the pathway to lessen resistance using minimal tree clearing. The trees to be removed should be marked and approved by DPIE. Any tree removed should be replaced at a 2:1 ratio with a 1-inch caliper

native tree species planted in the adjacent area. As mentioned above, the Fort Foote Trail easement is located within the primary buffer area of this property. Before the water access walkway has been established, NPS should be contacted if there are any concerns about the proposed crossing or minor tree clearing.

Any woodland clearing associated with the proposed pier clearing will be regulated when a pier permit is requested from MDE. The Critical Area Commission will comment on this pier installation during the permit process with MDE. The Maryland-National Capital Park and Planning Commission (M-NCPPC) is not part of the pier permit process.

Technical revisions to the CP are required, prior to certification, and have been included as conditions in the Recommendation section of this staff report.

Chesapeake Bay Conservation and Planting Agreement

A Chesapeake Bay Conservation and Planting Agreement is required to be executed and recorded, prior to certification approval of the CP, for development of the site.

Chesapeake Bay Conservation Easement

A conservation easement will be required for this site. A metes and bounds description must accompany the easement. The review of the easement falls under the purview of DPIE.

Variance Requests

The applicant is requesting two variances to the following sections of the Prince George's County Code:

- Section 27-548.17, that prohibits "development on slopes greater than 15 percent: in the L-D-O Zone, and
- Section 5B-114(e)(5), that prohibits "clearing in excess of 30 percent of a natural or developed woodland: in the L-D-O Zone.

The original 1986 DSP and the revised 2004 DSP design for the subject lot was approved with impacts to the steep slopes outside the primary and secondary buffers, and with a disturbance of 8,550 square feet for a house and yard. There was no on-lot SWM requirement, at the time, but is now required to control on-site stormwater runoff. The development proposal will increase the amount of on-site woodland clearing and the amount of development on slopes greater than 15 percent from what was previously approved. This additional woodland clearing and steep slopes development is a result of the increased building footprint and impervious surface area, required SWM, and usable rear yard. The development proposal was reviewed by DPIE for SWM and is subject to current regulations.

On September 28, 2021, the County Council approved CB-016-2021, tightening the standards for granting a variance under the Zoning Ordinance, including additional findings requiring that a variance: be the minimum reasonably necessary to overcome the exceptional physical conditions; not substantially impair the use and enjoyment of adjacent properties, and not be granted if the practical difficulty is self-inflicted by the owner of the property.

The Prince George's County Planning Department received justification exhibits with the submission containing proposed findings for both requested variances.

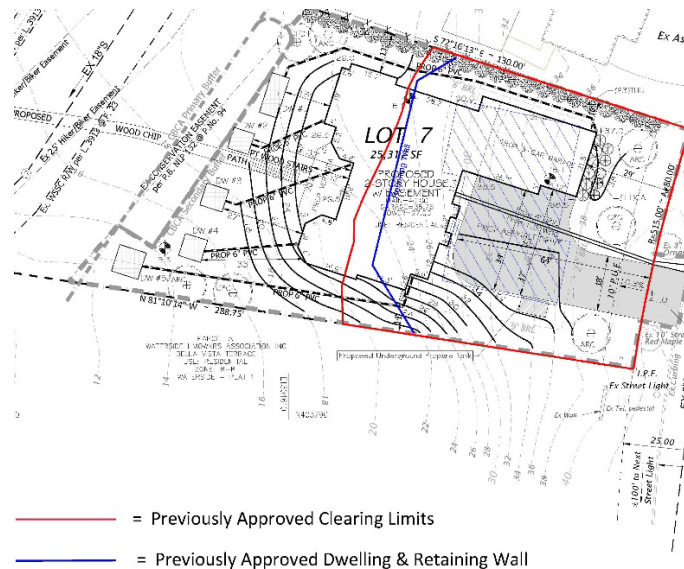


Figure 3: Exhibit showing the previously approved disturbance area compared to what is proposed

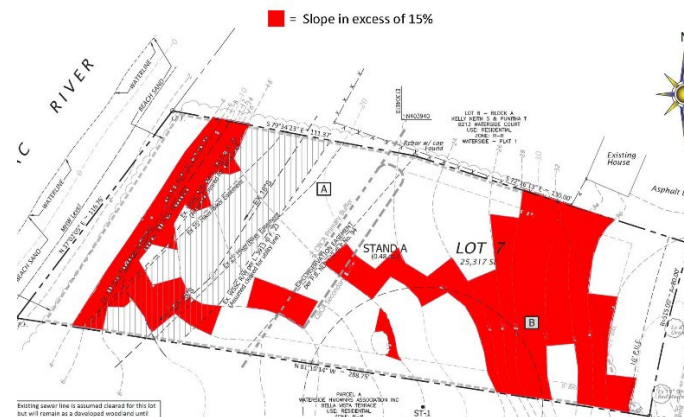


Figure 4: Exhibit showing the areas of steep slopes that are greater than 15 percent

Variance Request No.1: Disturbance to Steep Slopes

Section 27-230 of the prior Zoning Ordinance contains required findings [text in **bold**] to be made before a variance can be granted. The plain text is staff's analysis of the applicant's variance request.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
 - (1) **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary**

conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

As described above, the subject property is an existing undeveloped wooded residential lot. This lot is part of a subdivision that was approved with PPS 4-85186, in 1985. The Waterside Subdivision is located wholly within the CBCA and was one of the earliest subdivisions approved after adoption of the CBCA regulations. The subject lot is one of three lots within the subdivision that has not been developed.

The site contains steep slopes, defined as slopes with a 15 percent or greater incline, throughout the property. The CP shows the location of the steep slopes, which takes up approximately 8,032 square feet (or 32 percent) of the entire lot. The steep slopes also take up approximately 4,240 square feet (or 46 percent) of the buildable area, located between the secondary buffer and the building setback limits. According to the applicant, the extent of steep slopes on this lot is greater than most of the other lots within Block A of Waterside. Therefore, staff finds that the lot has exceptional topographic conditions that causes it to be unique and unusual in a manner different from surrounding properties.

(2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;

The applicant is proposing to develop the subject property and impact areas of 15 percent and greater slope outside of the primary and secondary buffers. The steep slopes take up approximately 46 percent of the buildable area, the area between the secondary buffer and the building setback limits. Steep slopes are also located throughout the entire lot, taking up 32 percent of the site. Due to the extent of the steep slopes on this lot, the zoning prohibition against development in areas 15 percent or greater in slope imposes a disproportionate impact on the lot because it would prohibit almost all potential residential development resulting in an undue hardship for the owner of the property.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

While the subject lot cannot be developed without any impacts to the on-site steep slopes, staff finds the requested variance is not the minimum reasonably necessary to overcome the exceptional physical conditions because reasonable additional measures are available to reduce the amount of proposed impervious surface on the lot which would reduce the amount of development on steep

slopes. Thus, the proposed development plan cannot be considered the minimum necessary to overcome the exceptional physical conditions of the lot.

- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and**

The *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* places the Potomac River shoreline in a special conservation area. The Green Infrastructure Plan and the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) states that this area should focus on water quality, as well as preservation of the natural environment and the river's scenic character. Forest fragmentation should be minimized and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs. There are slopes greater than 15 percent located within the area between the primary buffer and Waterside Court. No development is proposed beyond the primary buffer, reducing any potential adverse impacts to the Potomac River or surrounding natural areas.

The proposed use as a single-family residence conforms to the low density land use recommendation of the Henson Creek-South Potomac Master Plan and SMA. Granting the variance would not impair the intent, purpose, or integrity of applicable general and master plans.

- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties.**

The subject CP incorporates SWM controls to address adverse impacts on water quality from pollutants discharged from the site onto adjacent properties. In addition, the site abuts Outparcel A, which is currently vacant and vegetated. Outparcel A is owned by the Waterside Subdivision HOA and will remain undeveloped. The variance request to develop on steep slopes will not substantially impair the use and enjoyment of adjacent properties.

- (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.**

The steep slopes that are creating a practical difficulty for the owner are a natural topographic condition and were not self-inflicted, and no land grading has occurred on the property.

Variance Request No. 2: Clearing Developed Woodland Greater than 30 Percent

Section 27-230 contains required findings [text in **bold**] to be made before a variance can be granted. Variances from the requirements of Subtitle 5B must satisfy the required findings in Section 27-230(a) and (b). The plain text is staff's analysis of the applicant's revised variance request.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

- (1) **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);**

The subject property is similar in size to surrounding properties that are also located within the Waterside Subdivision. The Subdivision is located entirely within the CBCA and was one of the early subdivisions approved after adoption of the CBCA regulations. As described previously, the subject lot contains exceptional topographic conditions and a narrower lot compared to surrounding lots within the Subdivision. The lot width of the subject property is 80 feet. Surrounding lots within Block A of the Waterside Subdivision range from 60 feet to 142 feet. The steep slopes and their extensive coverage are also unique and unusual within the subdivision.

However, the exceptional topographic conditions and narrower lot are not the reason the applicant's proposed development is unable to meet the requirement in Section 5B-114(e)(5). Such unique and unusual characteristics merely limit the developable area in which the applicant can construct its project; they do not require the applicant to remove more than 30 percent of the natural or developed woodland.

- (2) **The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**

The vacant parcel is 0.58 acre in size, of which 0.48 acre exists of natural and developed woodland. The applicant proposes to clear 0.25 acre (52 percent) of the existing woodland. The amount of woodland clearing permitted is 30 percent or 0.144 acre.

The exceptional topographic conditions (steep slopes) that exist on-site and the narrower lot do not cause the woodland clearing requirement to impact disproportionately upon the property because development on almost any part of the lot will result in the clearing of woodland whether or not it occurs on steep slopes or within a narrower development footprint. Instead, the woodland clearing is driven entirely by the size of the proposed dwelling and the proposed amount of impervious surface. The size of the development also determines the size and location of the SWM facilities that are requiring additional woodland clearing.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

As noted above, the amount of woodland clearing proposed (10,090 square feet, or 52 percent) is based entirely on the amount of impervious surface area and the grading required to install SWM on the property.

DSP-86116-11 was approved by the Planning Director on December 9, 2004, for a single-family detached dwelling on the subject property. The grading exhibit submitted by the applicant shows an increase in the house footprint from what was approved in the 2004 DSP. The size of the previous dwelling is estimated as 2,500 square feet. The disturbance permitted on Lot 7 was noted as 8,550 square feet. If the same square footage of disturbance was permitted for the subject application, the woodland clearing amount would be 40.5 percent. DSP-86116-11 is no longer valid and does not govern this application, but serves as an example of a development proposal that would overcome the exceptional physical conditions while requiring less clearing than 52 percent.

The proposed dwelling is noted as 3,555 square feet, with the total amount of impervious surface area proposed as 5,542 square feet. Based on the existing approvals, additional reasonable measures are available to reduce the amount of proposed impervious surface on the lot, which would reduce the amount of woodland clearing needed. For example, although clearing of some woodlands is necessary to develop the subject property, it is feasible that such clearing can be limited to an amount similar (40.5 percent) to what is approved under the development previously approved. Accordingly, staff finds the subject property does not exhibit other extraordinary situations or conditions necessitating the variance request of 52 percent., and the proposed development plan cannot be considered the minimum necessary to overcome the exceptional physical conditions of the lot.

- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and**

The Countywide Green Infrastructure Plan places the Potomac River shoreline in a special conservation area. According to the Henson Creek-South Potomac Master Plan and SMA, the Potomac River shoreline is in a special conservation area. In addition, the Green Infrastructure Plan states that this area should focus on water quality and preservation of the natural environment and the river's scenic character, and that forest fragmentation should be minimized and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs. Excessive woodland clearing would diminish existing natural areas that can otherwise be preserved. Therefore, this finding has not been met.

- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties.**

The additional clearing requested by the applicant will not substantially impair the use and enjoyment of adjacent properties. The lot to the north of the subject property is currently developed with a residence, which will be approximately 23 feet away from the proposed residence. Landscaping will also be provided, along the property line between the two lots, specifically 23 evergreen trees. The lot to the south, Outparcel A, is owned by the Waterside Subdivision HOA and will remain undeveloped.

- (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.**

As discussed above, the practical difficulty is not the result of the existence of woodland on the property. Instead, the difficulty is being caused entirely by the size of the proposed development and therefore, is self-inflicted.

- (b) Variances from the requirements of Subtitle 5B of this Code for property located within the Chesapeake Bay Critical Area Overlay Zones shall only be approved by the Planning Board where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board has found, in addition to the findings set forth in Subsection (a), that:**

- (1) Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal interpretation of provisions within the Chesapeake Bay Critical Area would result in unwarranted hardship.**

State law defines “unwarranted hardship” to mean “that without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested” (COMAR 27.01.12.01).

While developments on adjacent lots are comparable to the development proposed by the applicant, the adjacent lots were developed before SWM regulations and therefore, were not required to contain on-site SWM structures. Current SWM regulations require each individual lot to have on-site SWM structures. The existence of steep slopes and the narrowness of the lot are special conditions or circumstances peculiar to the property, but such conditions are not causing an unwarranted hardship. Instead, the proposed hardship is being caused entirely by the size of the proposed development.

(2) A literal interpretation of the Subtitle would deprive the applicant of the rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Area.

Lot 7 is an infill lot within an existing developed subdivision. All waterfront lots have been developed, except the subject lot. Changes to the originally approved 1986 DSP allowed several of the adjacent waterfront owners to increase the impervious surface area and woodland clearing permitted within the lot.

Adjacent Lot 8 was the last lot within the subdivision to ask for a modification from the approved original DSP. In 2003, DSP-86116-07, was approved for new house footprints within the existing limits of disturbance on Lots 1-5, 8-13, and 15 of Block A. The disturbance permitted on Lot 8 was noted as 8,550 square feet. This represented 37 percent of the total lot area of 23,215 square feet, with 14,665 square feet remaining undisturbed. In 2005, DSP-86116-13, was approved for construction of a swimming pool on Lot 8.

Based on aerial photographs, Lot 8 was cleared of most of its vegetation between 2000-2005, while Lot 7 remained undeveloped and vegetated. The available M-NCPPC aerials show Lot 8 as wooded in 2000, and in 2005, Lot 8 is shown as cleared. Although Lot 8 was approved for additional disturbance, no woodland calculations were shown on the DSP. The DSP application file for Lot 8 (DSP-86116-13) does not show or note the amount of woodland that was cleared for the lot or for the Subdivision as a whole.

In addition, the language in Section 5B-116(e)(5) was added per Council Bill CB-75-2010. Thus, the woodland clearing limit of 30 percent was not applicable to the other lots within the Waterside Subdivision that were processed and permitted prior to 2010. It is

unclear what the woodland clearing requirements were prior to 2010 for lots within the CBCA.

However, despite the existence of comparable developments on neighboring properties, the laws requiring the applicant to seek a variance were adopted after the date those previous developments were approved. In other words, if those properties were developed today, they would all be subject to the same laws as the applicant. Therefore, the applicant is not being deprived of rights that would be commonly enjoyed by other property owners.

A literal interpretation of the CBCA Ordinance would, therefore, deprive the applicant of rights commonly enjoyed by the owners of other properties, in similar areas.

(3) The granting of a variance would not confer upon an applicant any special privilege that would be denied by this Subtitle to other lands or structures within the Chesapeake Bay Critical Area.

Within the CBCA L-D-O and Resource Conservation Overlay (R-C-O) Zones, clearing natural or developed woodlands in excess of 30 percent is prohibited without a variance.

The granting of this variance would create a special privilege for the applicant because the woodland clearing 30 percent threshold applies to all development activity taking place within the L-D-O and R-C-O Zones of the CBCA. In addition, the subject property can be developed without the requested variance.

(4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any conditions relating to land or building use, either permitted or non-conforming, on any neighboring property.

Lot 7 is currently undeveloped and contains 21,090 square feet of existing woodlands. The applicant proposes to clear 0.25 acre (52 percent) of the existing natural and developed woodland on-site to newly construct a residential dwelling, a driveway, and install SWM. The amount of woodland clearing proposed is directly correlated with the amount of impervious surface area on the lot, which is determined by the applicant.

The variance request does not arise from any conditions relating to land or building use, either permitted or nonconforming, on any neighboring property.

- (5) **The granting of the variance would not adversely affect water quality or adversely impact fish, plant, wildlife habitat within the Chesapeake Bay Critical Area, and that granting of the variance would be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area.**

To develop the subject site, woodland clearing would be required; however, clearing up to 52 percent of the subject property could have a long-term adverse effect on water quality within the CBCA. Minimization of forest clearing reduces the need for artificial SWM and preserves valuable wildlife and plant habitat. In granting the variance, this application would not be in harmony with the general spirit and intent of the applicable laws within the CBCA.

- (6) **The development plan would minimize adverse impacts on the water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands.**

The CP incorporates SWM controls to address adverse impacts on water quality from pollutants discharged from structures, conveyances, or runoff from surrounding lands. However, the additional clearing requested by the applicant would not minimize adverse impacts to water quality.

- (7) **All fish, wildlife and plant habitat in the designated Critical Area would be protected by the development and implementation of either on-site or off-site programs.**

The developed woodland within the primary and secondary buffers will not be impacted by this application. Woodlands from the primary and secondary buffer limits to Waterside Court is proposed to be removed. The remaining on-site woodland will be preserved and recorded in a conservation easement for protection.

- (8) **The number of persons, their movements, and activities, specified in the development plan, and in conformity to establish land use policies and would not create any adverse environmental impact.**

The number of persons, their movements, and activities specified in the development plan are in conformance with existing land use policies and would not create any adverse environmental impact. This proposal is for development of a new single-family dwelling in an existing residentially zoned established community.

- (9) **The growth allocation for Overlay Zones within the County would not be exceeded by the granting of the variance.**

No growth allocation is proposed for this property.

- (c) **For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where the applicant proposes development of multifamily dwellings and also proposes that the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code, the Board of Appeals may consider this increase over the required number of accessible units in making its required findings.**

The subject property is not located within the R-30, R-30C, R-18C, R-10A, R-10, or R-H Zones.

- (d) **Notwithstanding (a) above, a variance is not required for a reduction of up to ten (10) percent to the building setback and lot coverage requirements if the subject property is within a County designated Historic District and the variance is needed to be consistent with Historic District Design Guidelines.**

The subject property is not located within a County designated historic district.

Chesapeake Bay Critical Area Commission (CBCA) Review

The Environmental Planning Section received a letter from the Critical Area Commission (CAC), dated January 26, 2023, in response to the proposed application. The CAC did not comment on the requested variances, but provided the following comments:

“In this case, the Board must consider whether the applicant can meet the standard of unwarranted hardship and whether the variance request is the minimum necessary to provide relief. Specifically, the Board must determine whether the applicant has the opportunity to develop the site in a manner that minimizes the amount of clearing of natural and developed woodland given the amount of existing forested area, and whether the proposed lot coverage on a parcel comprising 0.48 acre is also minimized. Finally, the Board must determine whether the applicant has the opportunity to minimize the amount of disturbance to steep slopes in excess of 15 percent given the site design, including the amount of stormwater runoff generated by the proposed lot coverage on a lot comprising 0.48 acre, and other site constraints.

“If the Board does approve this request, then a Buffer Management Plan must be submitted and approved by the County in accordance with the County’s Critical Area program requirements. Mitigation is required at a 3:1 for the square footage of clearing of natural and developed woodland and for the disturbance to steep slopes 15 percent or greater. Furthermore, if clearing occurs in the Primary and/or Secondary Buffers to accommodate the riparian accessway, mitigation at a rate of 2:1 ratio for the square footage of disturbance to the Primary and Secondary Buffers and shall be included in the Buffer Management Plan. Finally, we request that the Board confirm that M-NCPPC staff will ensure that the lot coverage table associated with this subdivision is properly updated to outline the lot coverage limits for each lot and to ensure that the 15 percent lot coverage limit is met for the entire

subdivision; it is our understanding that M-NCPPC is in the process of completing this update.”

The new construction of a homesite proposes 5,564 square feet (22 percent) of impervious area outside the primary and secondary buffers. This proposed development will clear 10,950 square feet of developed woodlands. No impacts are proposed to the primary and secondary buffers, other than for a wood chipped water access trail. The subject lot is fully wooded, other than the proposed development area, and all required mitigation efforts must be located at an approved off-site location. The applicant is required to add additional information pertaining to the buffer management plan.

Prince George’s County Department of Permitting, Inspections and Enforcement Review

Copies of the approved SWM Concept Plan (19892-2021-00) and letter, which is valid until October 12, 2025, were submitted with the subject application. The SWM concept plan proposes stormwater to be directed to five dry wells to treat stormwater on-site. These dry wells are in the rear of the proposed residential dwelling structure, before the primary and secondary buffers. As part of the approval, the applicant is required to pay a SWM fee of \$250.00, in lieu of providing on-site attenuation/quality control measures. The CP is consistent with the SWM concept plan.

8. **Prince George’s County Zoning Ordinance:** The subject application is in general conformance with the requirements of Section 27-442 of the prior Zoning Ordinance, which governs uses in residential zones. The proposed single-family detached residence is a permitted use in the R-R Zone. The lot size, lot coverage, and setbacks for this property and the entire Waterside Subdivision was established with PPS 4-85186, and is reflected on the approved record plat.
9. **Preliminary Plan of Subdivision 4-85186:** PPS 4-85186 was approved by the Planning Board on December 18, 1985 (PGCPB Resolution No. 85-431), subject to 12 conditions. The conditions applicable to the review of this application are, as follows:
 3. **The applicant obtain approval from the Planning Board of a site plan for the development of the property prior to the final plat to assure that required grading is minimized. On Lots 5, 6, and 7, Block A, this may require the use of:**
 - a. **Custom architecture.**
 - b. **Walk out basements in the front, side, or rear of unit (down-hill side);**
 - c. **The combination of retaining walls and terracing;**
 - d. **Depressed driveways, and/or;**
 - e. **The grading of the site to incorporate shallow slopes (through terracing of steeper areas) to serve as permanent sediment control features in private yard areas;**
 - f. **A soils report by a qualified engineer to address potential foundation stability problems.**

The application provided by the applicant provides custom architecture, a walkout basement on the down-hill side of the property, and a retaining wall. The applicant also submitted a copy of the sediment control plan.

4. Conceptual grading plans shall be approved by DER and Natural Resources prior to final plat.

Final Plat 5-87108 was approved by the Planning Board, on May 7, 1987, for the subject property. Therefore, this condition would have been satisfied, prior to final plat approval. The applicant has, however, submitted a copy of the SWM Concept Plan (19892-2021-00) and letter, approved by DPIE.

5. A 100-foot buffer measured from mean high tide must be maintained, and covenants provided to ensure the inviolability of the buffer.

The site plan depicts the mean high tide-water level and the CBCA primary buffer line.

6. The applicant shall contact Natural Resources and DER for assistance in the design of stormwater management facilities suitable for the site including those stormwater management facilities in the public right-of-way, such as grass swales.

Conformance to this condition was reviewed by the Environmental Planning Section and the condition was met, prior to approval of the final plat.

8. The applicant shall comply with Parks and Recreation memorandum of November 14, 1985.

The Prince George's County Department of Parks and Recreation memorandum, dated November 14, 1985, contained two recommendations, as follows:

"1) In accordance with Section 24-135 of the Subdivision Regulations of the Prince George's County Code, the Planning, Design and Research Division recommends to the Prince George's County Planning Board that the following stipulation be required of the applicant, his successors and/or assigns as a condition for approval.

a. Provide a 25-foot trail easement."

The 25-foot-wide trail easement is delineated on the site plan, in accordance with the record plat.

"2) In accordance with Section 24-135(a) of the Subdivision Regulations of the Prince George's County Code, the Planning, Design and Research Division recommends that the Prince George's County Planning Board require fee-in-lieu of dedication as applicable from the subject preliminary plan because the land available for dedication is unsuitable or impractical due to size, topography,

drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision."

The reasons checked, in the memorandum for requiring a fee-in-lieu of dedication, were location, topography, and configuration. This condition would have been previously addressed, at the time the final plat approval in 1987.

9. **Prior to final plats, the applicant shall submit the following for review and approval to the (Planning Board):**
- a. **A conceptual grading plan for the entire site which specifically delineates those areas which are to remain undisturbed, and which shows existing and proposed grades for all road and utility construction at two-foot contour intervals.**
 - b. **A storm water concept plan with infiltration controls, demonstrating both runoff quality and quantity controls approved by DER. Although a stormwater management pond might be determined the best method for water quality control, ponds will not be required if only for quantity control.**
 - c. **A sediment control concept study approved by the Soil Conservation District.**
 - d. **Site plans for individual lots or groups of lots consistent with the above studies. The site plans should show the footprint of the proposed structures, driveways and other impervious surfaces, areas to remain undisturbed, existing and proposed grades at two-foot contour intervals, and on-site stormwater management and/or sediment control features as appropriate.**
 - e. **The applicant assure maximum retention/replacement of vegetative cover by incorporating into the grading minimization efforts of condition 3 above, a plan for using tree wells to minimize loss of trees and a plan for revegetating with a specific plant species that will maximize retention of soil cover.**
 - f. **The applicant will provide a planting plan, to be approved by the Prince George's County Planning Board, that will assure that infiltration and evapotranspiration is encouraged by using plants that slow down overland flow of water, increase surface infiltrability of soil cover, and provide a high level of surface area of leaves for transpiration particularly during the wet season.**
 - g. **Covenants shall be recorded in the land records of Prince George's County to protect preserved slopes and vegetation and to assure maintenance of all erosion control features and planting areas referenced in these conditions.**

Final Plat 5-87108 was approved by the Planning Board, on May 7, 1987, for the subject property. Therefore, this condition would have been satisfied, prior to final plat approval. With this application, the applicant also submitted a grading plan, a sediment control plan, a SWM concept plan, and a landscape plan for review. Covenants, in conformance with Condition 9g, were recorded in Liber 6627 folio 319, prior to final plat approval. Conformance to Conditions 9a through 9f were further reviewed by the Environmental Planning Section and was met, prior to approval of the final plat.

- 10. A site plan shall be approved by the Planning Board for Lots 5, 6, and 7, Block A, prior to the issuance of any permit for that use.**

Lot 7 is the subject of this site plan application, which will conform to this condition, if approved.

- 11. Approval of the 100-year floodplain by the Department of Public Works prior to final plat approval.**

This condition would have been satisfied, prior to final plat approval. The SWM concept approval letter indicates that the 100-year floodplain was reviewed by DPIE under FPS 860148, and a new floodplain easement is required during fine grading review, prior to issuance of permits for this property.

- 12. Prior to the approval of any site plan for any lot in the subdivision, an inventory shall be made of historic artifacts on the site. Site plans shall address the issue of the disposition of these artifacts.**

Conformance to this condition was reviewed by the Historic Preservation Section, prior to approval of the final plat. Archeological investigations at Waterside Subdivision identified 12 features associated with the Notley Hall Amusement Park (Archeology Site 18PR311), including the remains of some of the park rides, a wooden water tower, a generator building, the power plant, and a pier. Several of these features were preserved in an open space area, within the Waterside Subdivision, and an interpretive sign was installed in the development.

- 10. 2010 Prince George's County Landscape Manual:** The development proposal for a new single-family detached home is subject to the Landscape Manual because the application is for new construction. Specifically, the following sections of the Landscape Manual are applicable to this property:

Section 4.1, Residential Requirements

The plan provides the schedule and plantings showing the requirements of Section 4.1 being met, for lots between 20,000–39,999 square feet, by planting 4 shade trees, 3 ornamental trees, and 23 evergreen trees.

Section 4.9, Sustainable Landscaping Requirements

The correct schedule and notes have been provided on the plan, showing conformance with the requirements of Section 4.9 for native species.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project site is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, due to the entire site being within the CBCA, in accordance with Section 25-119(b)(4)(c).
12. **Prince George's County Tree Canopy Coverage Ordinance:** The property is located within the CBCA and is, therefore, exempt from the requirements of the Tree Canopy Coverage Ordinance, in accordance with Section 25-127(b)(1)(E).
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:
 - a. **Historic Preservation**—In a memorandum dated December 14, 2022 (Berger, Stabler, Smith, and Chisholm to Lockhart), the Historic Preservation Section concluded that the subject property is located in the Waterside Subdivision, to the north of the Notley Hall Amusement Park site and to the west of the Admirathoria/Notley Hall historic site. The site, where the proposed house is to be located, was previously graded c. 1998. Therefore, Phase I archeological investigations are not recommended, due to this previous ground disturbance.
 - b. **Permit Review**—In a memorandum dated January 6, 2023 (Glascoe to Lockhart), the Permit Review Section noted site plan revisions that are needed, prior to certification of the subject application. These revisions have been added to the conditions of this staff report.
 - c. **Community Planning**—In a memorandum dated January 25, 2023 (Umeozulu to Lockhart), the Community Planning Division provided that, pursuant to Division 2 of the CBCA Ordinance, master plan conformance is not required for this application. However, it does conform to the residential, low-density land use recommendation of the Henson Creek-South Potomac Master Plan and SMA.
 - d. **Critical Area Commission (CAC)**—In a memorandum dated January 26, 2023 (Harris to Schneider), the CAC concluded that the Planning Board must consider whether the applicant can meet the standard of unwarranted hardship and whether the variances requested are the minimum necessary, to provide relief. If approved, then a buffer management plan must be submitted, in accordance with the County's critical area program requirements.
 - e. **Environmental Planning**—In a memorandum dated January 30, 2022 (Schneider to Lockhart), the Environmental Planning Section provided an analysis of the subject application's conformance with the CBCA Ordinance, as included in Finding 7 above.
 - f. **Subdivision**—In a memorandum dated January 31, 2023 (Heath to Lockhart), the Subdivision Section provided an analysis of the subject DSP's conformance with the previously approved PPS, as included in Finding 9 above.
 - g. **Transportation Planning**—In a memorandum dated February 1, 2023 (Capers and Patrick to Lockhart), the Transportation Planning Section offered an analysis of the prior approvals and the MPOT. There are no applicable prior conditions of approval

or master plan recommendations, and the hiker/biker easement is accurately shown on the plans.

- h. **Urban Design**—In a memorandum dated February 1, 2023 (Burke to Lockhart), the Urban Design Section concluded that the subject property is in conformance with the prior approvals, the Landscape Manual, and the Tree Canopy Coverage Ordinance.
- 14. As required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
- 15. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:
 - (4) 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).**

Per Section 24-130(b)(5) of the prior Subdivision Regulations, only property outside of the CBCA overlay zones must conform to this requirement. An NRI was completed to establish all of the on-site environmental features (woodland limits, Potomac River water line, floodplain limits, primary buffer (CBCA 100-foot tidal buffer), secondary buffer (expanded primary buffer), and steep slopes). 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 CP and DSP.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning Section recommends that the Planning Board adopt the findings of this report and DISAPPROVE Detailed Site Plan DSP-86116-15, Conservation Plan CP-22002, a Variance to Section 27-548.17(b), and a Variance to Section 5B-114(e)(5), for Waterside Subdivision – Hill Residence.

If approved, staff recommends the following conditions:

- 1. Prior to certification, the conservation plan (CP) shall be revised, or additional information shall be provided, as follows:
 - a. Reduce the total amount of woodland clearing to 8,550 square feet, or 40.5 percent.
 - b. The proposed driveway shall use pervious pavers.
 - c. Provide the dimensions of the driveway.
 - d. Provide the rear yard setback.

- e. Revise the property owner certification block to add the correct CP number (CP-22002) and add the detailed site plan number (DSP-86116-15).
- f. Add the property owner certification block to Sheet 2 of the CP.
- g. Revise the specimen tree table to add a “disposition” column and add that all the trees are to be saved.
- h. Revise the specimen tree table to add a “preservation comments” column and add measures needed to preserve the tree.
- i. Add a note under the specimen tree table that the subject tree is located off-site.
- j. Proposed landscape plantings shall be native species. Revise the planting list to remove non-native species.
- k. Revise the “simplified buffer management plan” on Sheet 2 to add to Section 4 “All trees to be removed shall be marked for DPIE inspector review and trees replaced at a 2:1 ratio and planted back within the adjacent area. Replacement trees shall be one inch caliper native species.”
- l. Revise the note on Sheet 1 of the CP, pertaining to tree removal for the trail, to read “2:1,” instead of “1:1.”
- m. Revise the Chesapeake Bay Critical Area developed woodlands table to reflect the reduction of the proposed clearing.
- n. Revise the Chesapeake Bay Critical Area developed woodlands table to remove “400-square-foot” in the “Proposed woodland or developed woodlands clearing in Buffer” column.
- o. Revise the Chesapeake Bay Critical Area developed woodlands table to remove “4,250 square feet” in the “credit for on-site plantings” column.
- p. Revise the Waterside lot-by-lot impervious table and Lot Coverage Calculations table to reflect the reduction in impervious surface area.

Revise the Waterside lot-by-lot impervious table to add the street address to each lot within the subdivision.
- q. Revise the Waterside lot-by-lot impervious table to add wording “square-foot” to the house and driveway column headings.
- r. Revise the Waterside lot-by-lot impervious table to round up to whole numbers for the homeowners association and Maryland-National Capital Park and Planning Commission land acreages.

- s. Add a note, below the Waterside lot-by-lot impervious table, that the overall 15 percentage is for the total subdivision area, in square feet and acreage, and what is the remaining square footage/acreage of impervious surface below 15 percent, after development of Lot 7.
 - t. Update the revision blocks.
2. Prior to certification of the conservation plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by Prince George's County, prior to recordation. The applicant shall provide a copy of the recorded agreement to the Prince George's County Department of Permitting, Inspections and Enforcement, and the Liber/folio shall be shown above the site plan approval block, in the following note:
- "The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L. __F. __."
3. Prior to certification of the conservation plan, a conservation easement for the proposed mitigation plantings and the existing developed woodland preservation area shall be recorded in Prince George's County Land Records. The easement document shall be reviewed by the County, prior to recordation. The Liber/folio shall be shown above the site plan approval block, in the following note:
- "The conservation easement for this property is found in Plat No. L. __ F. __."