

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



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SPECIAL EXCEPTION APPLICATION No. 4408

Application	General Data
Project Name Ritchie Land Reclamation Rubblefill Location Southwest side of Ritchie-Marlboro Road approximately 3,000' south of White House Road, known as 2001 Ritchie-Marlboro Road. Applicant Ritchie Land Reclamation, L.P. 24012 Frederick Road, Suite 200 Clarksburg, Maryland 20871 ATTN: William Pleasants	Date Accepted 2/7/01
	Planning Board Action Limit N/A
	Tax Map & Grid 082/F-2
	Plan Acreage 288.4 Acres
	Zone O-S/R-A
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 78
	Council District 06
	Municipality None
	200-Scale Base Map 203/4SE8/9

Purpose of Application			Notice Dates	
Rubblefill in accordance with Sections 27-317 & 27-406			Adjoining Property Owners (CB-15-1998)	02/07/01
			Previous Parties of Record (CB-13-1997)	N/A
			Sign(s) Posted on Site	N/A
			Variance(s): Adjoining Property Owners	N/A
Staff Recommendation			Staff Reviewer	
			Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION	
	X			

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August 29, 2001

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Special Exception Application No. 4408**

REQUEST: **Rubblefill in the R-A and O-S Zones**

RECOMMENDATION: **Approval, subject to conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: The subject property consists of 288 $\frac{1}{2}$ acres located on the west side of Ritchie-Marlboro Road, 3,000 $\frac{1}{2}$ feet south of its intersection with White House Road. It is the site of an existing rubblefill. The site is largely cleared as a result of the filling activity, although there are wide forested buffers (100-1,500+ feet) around most of the periphery and along two streams that traverse the property.
- B. History: Special Exception Application No. 3515 was approved on February 25, 1985, for a rubblefill on the subject property for a period of five years. On September 16, 1991, the District Council approved Special Exception Application No. 4012, extending the life of the fill 15 years and adding a rock crusher, until the year 2006. Filling has continued since that time. The applicant now wishes to extend the life of the fill beyond 2006, as well as add a contiguous 30-acre property previously owned by the Board of Education. In 1994, the *Sectional Map Amendment (SMA) for Melwood-Westphalia* retained the site in the R-A (Residential-Agricultural) and O-S (Open Space) Zones.
- C. Master Plan Recommendation: The 1994 *Master Plan for Melwood-Westphalia* recognizes the existing fill and recommends the majority of the site be placed in permanent open space after filling is complete, with 100 acres being dedicated as parkland. The former Board of Education parcel is proposed for a school site; however, the site has been obtained by the applicant. The subsequent SMA retained the site in the R-A and O-S Zones.
- D. Request: The applicant requests permission to once again extend the life of the fill, this time by almost 19 years, until January 1, 2025. According to the applicant, approximately 20 acres of the ■Phase I■ area remains available for filling. This Phase II would consist of an additional 76 $\frac{1}{2}$ acres in the southern and eastern sections of the property. The applicant also seeks to increase the finished elevation of the fill from 292 feet to 312 feet, as well as adding a larger recycling building. The site will continue to be accessed by an existing haul road directly from Ritchie-Marlboro Road. The applicant proposes the same hours of operations: 7:00 a.m. to 5:00 p.m., Monday through Friday, closed on county holidays. They also assert the rubblefill will be fully lined and routinely covered in accordance with state law.
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:
- | | |
|----------------|---|
| <u>North</u> - | Undeveloped land and scattered single-family residences in the R-E Zone. |
| <u>East</u> - | Undeveloped land partially used for agriculture in the R-E Zone. |
| <u>South</u> - | Two Class III landfills and single-family residences (Westphalia Woods) in the R-A and R-E Zones, respectively. |

West - The Arrowhead Elementary School in the O-S Zone and an undeveloped industrial park in the I- Zone.

The neighborhood is defined by the following boundaries:

North
and East: Ritchie-Marlboro Road

South: Westphalia Road

West: D•Arcy Road and Sansbury Road

This neighborhood is largely rural and undeveloped in nature, although there have been several residential subdivisions developing in the last several years, most notably the Westphalia Woods subdivision to the south and east of the site. There are also several ■Class III Landfills• along the north side of Westphalia Road. Unlike the rubblefill, they are very evident from the road and unsightly.

F. Specific Special Exception Requirements (Sec. 27-406. Sanitary Landfill; Rubblefill):

- (1) A sanitary landfill or rubblefill may be permitted as a temporary Special Exception.
- (2) The District Council shall determine the period of time for which the Special Exception is valid.

Finding: The applicant requests the special exception, if approved, remain valid until January 1, 2025. If this time period is approved, this ■temporary• use will have been in existence in this neighborhood for 40 years. Staff has no reason to believe that the applicant, if approved for the additional time, would deviate from their past exemplary operating practices. However, due to the extraordinary period of time requested, staff recommends retaining a condition from the last approval declaring that this special exception is subject to review by the District Council at its own election every five years. This review may result in a modification of the conditions of approval or a termination of approval.

- (3) In the R-E Zone, the landfill is only allowed if the neighborhood is substantially undeveloped and the landfill is an extension of an existing sanitary landfill on abutting land for which the approved Special Exception has not expired. This is not an amendment to an approved Special Exception under Subdivision 10 of Division 1, above.

Finding: The site is in the R-A and O-S Zones, not the R-E Zone.

- (4) An application for a sanitary landfill or rubblefill that includes a "rock crusher" on the site must show the location of the proposed "rock crusher" on the site plan.

Finding: An existing rock crusher, approved as part of SE-4012, is shown on the site plan.

- (5) The Technical Staff Report prepared in response to the application shall include a current, Countywide inventory of the locations, dates of approval, and conditions of approval concerning haul routes and estimated loads per day for all approved and pending Special Exceptions for sand and gravel wet-processing, sanitary landfills and rubblefills, and surface mining, as indicated by the record in the case. The inventory shall also include the locations of all nonconforming sand and gravel wet-processing, sanitary landfills and rubblefills, and surface mining operations throughout the County that were certified after September 6, 1974.
- (6) In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-406(e).

Finding: The Environmental Planning Section (M-NCPPC) prepared the required inventory, identified as Appendix in the report entitled *Analysis of Rubble Landfills Capacity in Prince George's County, MD. (1999-2014)*, for SE-4408. A copy of the inventory is attached to this staff report. The inventory lists 59 sites comprised of 47 sand and gravel mines, 8 wash plants, 2 rubblefills and 2 sanitary landfills.

- (7) The Technical Staff Report prepared in response to an application for a rubblefill shall include an analysis of need based on the most current available projections of residential and employment growth in Prince George's County over a fifteen-year period. The District Council shall consider this analysis when determining compliance with the finding required in Subsection (h), below, and when determining the period of time for which the Special Exception is valid.
- (8) When approving a Special Exception for a rubblefill, the District Council shall find that the proposed use is necessary to serve the projected growth in Prince George's County.

Finding: The Landfills Capacity Report addresses the need for another rubblefill in the county. It indicates that there are currently four active landfill operations which are accepting rubble materials. Three of them are located in Prince George's County and the fourth, known as PST, is located in Anne Arundel County. By January 1, 2002, two of the existing operations, PST and Brandywine, will cease operations leaving only Brown Station Landfill and Ritchie Rubblefill. The Sandy Hill Landfill recently closed.

The Landfills Capacity Report evaluates several scenarios with respect to allocation of materials between various sites, growth in demand and the amount of recycling. The report also takes into account the new recycling facility located on Dower House Road. The

scenarios make it possible to evaluate the expected remaining life of the existing and proposed facilities. They are based on the following assumptions:



1. All the assumptions made in Scenario A
2. Dower House Road Recycling Plant will begin operation by January 1, 2002, and is projected to proceed as follows:
 1. 2002 capacity of 150,000 tons/year
 2. 2003 capacity of 200,000 tons/year
 3. 2004 and 2005 capacity of 250,000 tons/year
 4. 2006-2030 capacity of 300,000 tons/year
3. Recycling at Dower House Road Recycling Plant is projected to be 50 percent throughout the operating period.
4. Nonrecycled materials from the Dower House Road Recycling Plant will be disposed of as a proportion of the materials going to each rubble landfill.

Scenario C - Existing Facilities plus Proposed Expansion of Ritchie:

1. Scenario A
2. Capacity of the expanded facility increases by 10,476,000 cubic yards
3. New expanded facility opens July 1, 2003

Scenario D - Existing Facilities plus Dower House Road Recycling Plant plus Proposed Expansion of Ritchie:

All the assumptions listed for scenarios A, B and C.



Findings:

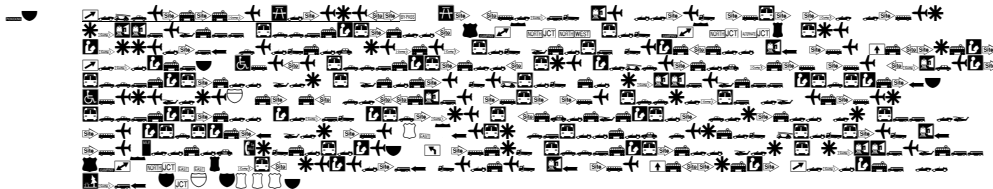
1. In 1997, nine counties in the State of Maryland had rubble landfills and two counties had land-clearing debris landfills. Harford County had three rubble landfills and Prince George's County had two rubble landfills.
2. During 1997, the State of Maryland accepted 2,048,695 tons of rubble and land-clearing debris. PST Reclamation rubble landfill, which is located in Anne Arundel County, accepted 828,123 tons in 1997, representing 40 percent of the total rubble materials in the State of Maryland. In 1999 it accepted 284,696 tons or 17 percent of the total statewide rubble materials.
3. According to a 1998 Maryland Environmental Service report, in 1995 Maryland imported about one million tons of rubble; in 1997, Maryland imported about half a million tons of rubble.
4. During 1999, in the State of Maryland, the construction and demolition (C and D) component represented 28 percent of the tonnages of total solid waste received at landfills and incinerators in the state; in Prince George's County, this component (C and D) represents 53 percent of the county tonnages of total solid waste handled by the county.
5. During 1999, 768,068 tons of rubble material were handled by Prince George's County, representing about 46 percent of the 1,659,913 tons of rubble received at rubble landfills in the State of Maryland.
6. About 348,154 tons, representing 45.3 percent of the total materials handled by Prince George's County, were generated in Prince George's County during 1999.
7. During 1999, a total of 768,068 tons of rubble material were disposed of in 5 solid waste management facilities (four in Prince George's County and one in Anne Arundel County) as follows: Brandywine Crosstrails rubblefill, 34.7 percent;

Ritchie Land Reclamation, 46.8 percent; PST Reclamation (Anne Arundel County), 6.2 percent; Brown Station Landfill, 1.7 percent; and Sandy Hill, 10.6 percent. These 5 solid waste management facilities handled 44.3 percent of the state's total rubble received at rubble landfills.

Conclusions:

1. If operated independently, and the in-county amount of materials increase as projected, and the out-of-county amounts of materials increase by 1.1 percent per year, then
 - PST Reclamation will close in mid-2001
 - Brown Station Landfill will close in 2018
 - Brandywine Crosstrails rubblefill will close in mid-2001 (very small amounts of rubble have been disposed of at this site during 2001)
 - Ritchie Land Reclamation will close in 2003
(Refer to Appendix 3 of the report for more information; note that Sandy Hill closed in mid-2001)
2. If operated under the conditions specified in Scenario A, the countywide deficit for the demand of in-county generated rubble materials will occur approximately in May 2007, while for the total rubble materials (which include the out-of-county component), the deficit will occur approximately in July 2003.
3. The recycling plant located on Dower House Road (Scenario B) is expected to increase the capacity for in-county material by about three years (2010) and have essentially no effect for total materials when compared to Scenario A.
4. Countywide capacity at the existing solid waste facilities (Scenario A) will not be sufficient to meet the in-county demand or the total (in and out-of-county) demand during the 15-year planning period. Capacity to meet in-county demand will be available until May 2007, while capacity to meet the total demand will be available until July 2003.
5. The in-county as well as the total (in and out-of-county) demand for a 15-year period can be satisfied by the countywide rubblefill capacities under Scenarios C (existing plus Ritchie Land Reclamation rubble landfill expansion) and D (existing plus Ritchie Land Reclamation, L.P. rubble landfill expansion and the Dower House Road Processing Facility). The subject rubble landfill expansion under Scenario D will add about 10,476,000 cubic yards of capacity. This scenario will provide sufficient capacity for the in-county rubble for approximately 70 years (2071). The total demand (in and out-of-county) for capacity is expected to be sufficient for about 32 years (2033).

- G. Parking Regulations: The applicant is required to provide one parking space for each 500 square feet of building area on the site. The site plan shows two buildings, the existing scale house (a 256-square-foot trailer), and the existing 4,800-square-foot recycling shed. This use does not lend itself well to an organized, permanent parking lot since the workers are constantly shifting to different locations on the 288 $\frac{1}{2}$ -acre site as they are needed. The trucks coming to and from the site simply off-load and leave without parking. Visitors are few; they park at the scale house where concrete wheel stops define a de facto parking area. Twice previously, the use has been approved without permanent parking facilities shown, with the realization that adequate parking can be provided on-site for the relatively few workers. However, the Zoning Ordinance clearly requires that parking be shown on the site plan or a departure from parking and loading standards obtained. Therefore, the site must be amended accordingly. If the recycling shed is expanded to 12,000 square feet, an additional 18 parking spaces must be provided.
- H. Landscape Manual Requirements: The *Landscape Manual* classifies a rubblefill as a low-intensity use. The proposal must comply with the requirements of Sections 4.2 (Commercial and Industrial Landscape Strip Requirements) and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. According to a referral from the Urban Design Section dated May 18, 2001, these requirements are met by the wide undisturbed forest buffers along the periphery and the proposed 200-foot wide reforested berm along Ritchie-Marlboro Road.
- I. Zone Standards: The proposal conforms to the requirements and standards for the R-A and O-S Zones.
- J. Sign Regulations: The existing sign along Ritchie-Marlboro Road is shown on the plan.



- L. Other Issues:

Environmental Impacts: The Environmental Planning Section (M-NCPPC), in its referral dated August 1, 2001, evaluated this request and made the following findings (in relevant part):

1. The Forest Stand Delineation (FSD) submitted with this application has been reviewed and found to meet the requirements for an FSD as provided for in the ■Woodland Conservation and Tree Preservation Technical Manual for Prince Georges County, Maryland.●

2. The Type I Tree Conservation Plan (TCP I/9/01) was reviewed and found to meet the requirements of the Prince George's County Woodland Conservation Ordinance. A Letter of Exemption, E/57/99, was issued for the area of SE-4012. A Type II Tree Conservation Plan, TCPII/65/90, was approved for the former Board of Education property. Upon approval of TCPI/9/01, E/57/99 and TCPII/65/90 shall become void.

TCPI/9/01 is recommended for approval subject to the conditions found in the Recommendation section of this memorandum. The subject property has a net tract area of 272.11 acres and a Woodland Conservation Threshold (WCT) of 50 percent, or 136.06 acres. The application proposes 46.36 acres of woodland clearing which is subject to 2:1 replacement requirements. The total woodland conservation requirement for this application is 163.09 acres, which is being satisfied by 70.37 acres of on-site preservation in priority retention areas adjacent to the stream systems. The 92.72-acre balance of the woodland conservation requirement will be satisfied by providing 18.58 acres of on-site reforestation and 73.94 acres of off-site mitigation at a location yet to be determined.

The Type I TCP as submitted provides a basic framework for the timing of the reforestation activities which will be further refined on the Type II TCP.

3. Rubblefills are evaluated for the noise levels that may be generated by on-site activities. To evaluate potential noise impacts, a report titled Environmental Noise Assessment, Ritchie Rubblefill Special Exception, prepared by Staiano Engineering, Inc., dated March 12, 2001, was provided. Only the noise generated by the on-site operation of this proposed rubblefill was evaluated. The on-site noise generated by this proposed activity will not adversely impact off-site residential properties if mitigation measures are followed.

4. Although Prince George's County has no direct legal responsibility for the review of hydrogeologic information during the review of rubblefill applications, conditions which affect the groundwater may also affect other aspects of the review that are regulated by the Prince George's County Code. Staff has concerns regarding the proposed changes to groundwater flow and the potential impact on surface stream flows. At the request of staff a report titled "Ritchie Rubble Landfill Groundwater Elevations," dated March 1, 2001, was submitted. The purpose of this report was to provide staff with background information only and was not intended to provide the detailed information required by the Maryland Department of the Environment for review of a rubblefill permit application in accordance with State Code, Title 26,

Subtitle 04 Regulation of Water Supply, Sewage Disposal and Solid Waste Regulation, Chapter 07 - Solid Waste Management. State of Maryland Regulations, Title 26.04.07.16.(C)(6)(a), require that all proposed rubblefill liners have a minimum of three (3) feet of separation from the groundwater.

The report, which is based on January 1997 through January 1999 data, indicates that shallow groundwater levels are at least 15 feet below the existing surface for the property. The report indicates that the recharge area for this shallow groundwater is outside of the boundary of this application. The liner is to be placed over the surface of the existing rubblefill; only minor grading is proposed for the installation. The liner will be more than three feet from the top of the groundwater.

5. Off-site visibility has been an issue for projects similar to that proposed such as monopoles, commercial sites, and industrial sites. Ritchie-Marlboro Road is a designated historic road. The existing rubblefill is not effectively screened from the historic road.

The special exception site plan shows a landscaped berm along most of Ritchie-Marlboro Road. Additional landscaping is proposed to mitigate views from the west of the rubblefill. Screening is not needed from the north or south because existing topography and existing woodlands block most views. For plantings to be effective, the trees would have to be planted early enough in the process to allow the trees to grow to a sufficient height prior to the rubblefill becoming visible on the horizon.

6. A review of available information indicates that streams, wetlands, and 100-year floodplains are found on this property. No adverse impacts are proposed. The plan indicates two tributary streams to Turkey Branch in the southeastern portion of the site. These are not noted as streams on the M-NCPPC GIS. Staff conducted a field visit on July 26, 2001, and determined that they are ephemeral drainage swales and not streams. The Patuxent River Primary Management Area Preservation Area is preserved in its existing condition.

The Environmental Planning Section recommends the following conditions of approval for TCPI/9/01 and SE-4408:

1. Prior to the issuance of any permits a Type II Tree Conservation Plan shall be approved by the Environmental Planning Section. The Type II TCP shall provide

detailed information on the location of all off-site mitigation, planting schedules, planting plans, reforestation management plans, phasing of the plan implementation, and other pertinent information as determined necessary by the Environmental Planning Section.

2. All appropriate reforestation bonds shall be posted with the Department of Environmental Resources in accordance with the phasing of the activities for this application.
3. Development of the site shall conform to the mitigation measures indicated in a report titled "Environmental Noise Assessment, Ritchie Rubblefill Special Exception" prepared by Staiano Engineering, Inc., dated March 12, 2001, and/or any subsequent report approved by the Environmental Planning Section.
4. The construction of the berms and all landscaping for screening of the site shall be included in the first permit.

Historic Site Considerations: This site does not adjoin any historic resources.

Additional Height: Through this application the applicant is seeking permission to raise the final elevation of the fill by 20 feet to 312 feet. This would place it at the same finished elevation as the adjacent (and unfortunately, all too visible) Class III landfills. The applicant has submitted a line-of-sight analysis which shows that a combination of berms, landscaping, existing topography and undisturbed woods will hide the fill from surrounding properties even at an elevation of 312 feet. Staff supports the change in elevation.

Larger Recycling Building: The applicant presently recycles 15 percent of the wasteflow and anticipates a greater percentage in the future. This is commendable. To do so, however, a larger building is necessary. The applicant is requesting permission to potentially increase the size of the recycling building from 4,800 square feet up to 12,000 square feet. Ostensibly, this would put more of the existing recycling efforts under cover. Presently, the rock crusher/shaker/screener and chipper/shredder are out in the open, as are much of the recycled products (stone, mulch and bales of cardboard). Staff supports the request for a larger recycling building.

M. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

Finding: The purposes of the Zoning Ordinance are contained in Section 27-102. They are many and varied, but all are predicated on protecting and promoting the health, safety,

morals, comfort, convenience and welfare of the present and future inhabitants of the county. The applicant's proposal can be found to generally be in harmony with these purposes, and in particular, the request furthers:

(2) To implement the General Plans, Area Master Plans and Functional Master Plans.

Finding: The 1994 *Master Plan for Melwood-Westphalia* recognizes the use of this property as a rubblefill. It recommends that the site, once filling is completed, be placed in permanent open space. By virtue of the fact that a rubblefill is permitted in the R-A and O-S Zones, it is presumed compatible with the zone in which this property was placed by the 1994 SMA.

(4) To guide the orderly growth and development of the county, while recognizing the needs of agriculture, housing, industry and business.

Finding: Growth and development in Prince George's County bring with it a need for construction activities, which in turn generate demolition and other construction-related material. Additional fill capacity is needed to provide for the proper disposal of these materials and to accommodate growth and development in the county.

(9) To encourage economic development activities that provide desirable employment in a broad, protected tax base.

Finding: The construction industry is a leading employer in Prince George's County. Development drives the need for additional fill capacity which, in turn, encourages economic development.

(10) To prevent the overcrowding of land.

Finding: After its completion, the subject property will remain in permanent open space.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

Finding: With the recommended conditions of approval in place, the proposed use meets the specific requirements and regulations for rubblefills and those pertaining to the R-A and O-S Zones.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

Finding: The use of the subject property as a rubblefill will not impair the integrity of the 1994 *Master Plan for Melwood-Westphalia*. To the contrary, it is consistent with the plan's goals and objectives regarding the retention of permanent open space and parkland. Along this line, the Park Planning and Development Division (M-NCPPC) recommends several conditions to ensure that the property is left in acceptable condition for public use when fill operations are complete.

1. The main access road shall be clearly identified as 30 feet wide with a minimum grade of five percent.
 2. If Area Basins 2, 3, 4, 5, 6, 7 and Lagoon 1 are to be maintained after the rubblefill closes, a minimum 12-foot-wide vehicular access road to each shall be provided. If they are to be discontinued after closure, this must be noted on the plan.
 3. Upon completion of the placement of rubble at the site, the Department of Parks and Recreation (M-NCPPC) will be contacted in writing. At that time, and prior to the placement of the cap, a rough grading plan to accommodate the recreational uses shall be approved by the Planning Board or its designee.
 4. The plateau, access roads and maintenance roads shall be free of any obstructions above finished grade.
 5. All existing structures, temporary or otherwise, shall be removed from the site unless they are to be retained by mutual agreement.
 6. A uniform, thick stand of grass on topsoil shall be established over the site.
 7. All conditions regarding future development of the site are subject to modification due to state closure requirements.
- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

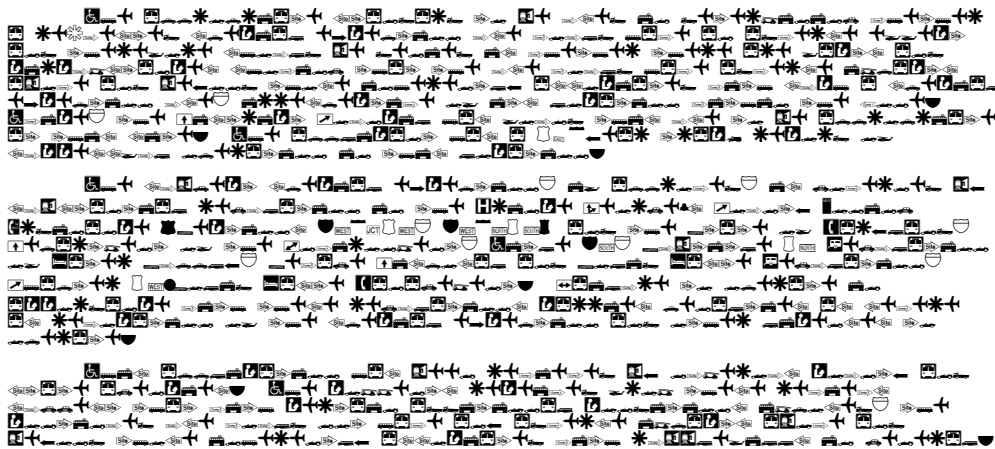
Finding: There has been an active rubblefill at this site for more than 15 years without apparent deleterious effect on the surrounding neighborhood. The State of Maryland's regulation of rubblefills has become much stricter through the years. Today's fills are subject to regulations including liners, leachate recovery systems, covering every three days, and capping upon completion. These regulations, in concert with the conditions proposed in

this report, ensure that the proposed use will not adversely impact residents or workers in the surrounding neighborhood. Nor will it be detrimental to the development of adjacent properties. Upon completion, the site will revert to permanent open space. In addition, the Transportation Planning Section (M-NCPPC) has concluded that there will be no significant transportation impacts as a result of this proposed special exception, so long as there is no increase in hauling activity. According to the applicant, the maximum number of loads coming to this facility daily is 280, resulting in 560 daily truck trips. Staff recommends a condition limiting truck trips at this level.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

Finding: The applicant has submitted a Type II Tree Conservation Plan (TCPII/9/01), which is recommended for approval, subject to a condition which has been incorporated into the staff recommendation.

CONCLUSION:



Therefore, staff recommends approval of Special Exception Application No. 4408, subject to the following conditions:

1. The operation shall be limited to approximately 20 ∇ acres remaining in Phase I of the fill and 76 ∇ acres shown as Phase II as depicted on the site plan.
2. The operation shall be restricted to the placing in a controlled manner of fill consisting of construction or building demolition rubble, including both irreducible materials (concrete, rock, brick) and those subject to decay (lumber and root material, brush, tree limbs and stumps). Collection of recyclable materials is permitted as an accessory use as allowed by county and state

refuse disposal permits and licenses, provided that the materials originate only at a construction site, and further provided that no single load shall include more than 50 percent by volume of paper and cardboard. This shall not impact the state permit restrictions on what materials can be placed in the fill. These recyclable materials shall be deposited, separated and stockpiled within a wholly enclosed area and the site plan shall show the size, location and purpose of all structures and uses associated with the collection of recyclable materials. The dimensions of the structure within this accessory use shall not exceed 60 feet by 80 feet.

3. No wall board or plasterboard that may have any chemical properties which, when exposed to water, will form any odorous or toxic gas; no asbestos, fiberglass or any hazardous substances may be placed in the fill.
4. A six-foot-high chain-link security fence between the school yard and the subject premises, topped by approximately two feet of barbed wire strands slanted at a 45-degree angle, shall be maintained in good condition.
5. The white pine screen buffer between the rubblefill and Arrowhead Elementary School shall be widened from 70 feet to 150 feet.
6. The one and only entrance to the rubblefill shall be the existing road located on Ritchie-Marlboro, which is approximately 3/4 of a mile from the school site.
7. The applicant shall continue to distribute an informational flyer, whose directions shall only bring traffic to the subject property via Central Avenue to Ritchie Road to Ritchie-Marlboro Road, to general contractors and construction-oriented companies in need of a rubblefill.
8. The special exception shall terminate on January 1, 2025, unless previously terminated after public hearing for noncompliance with operational requirements and conditions of approval.
9. The rubblefill shall be limited to a height of no greater than 312 feet above sea level.
10. All trucks leaving the rubblefill site shall have their wheels and undercarriage washed free of debris.
11. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday. The fill shall be closed on Saturdays, Sundays and holidays recognized by the Prince George's County Brown Station Landfill.
12. The gate at the entrance to the subject property shall be maintained in a locked condition at all times that the rubblefill is not open for business.
13. The applicant shall continue to meet quarterly with the liaison designated by the Largo Civic Association and by the Arrowhead PTA to review the operation of the rubblefill.

14. This special exception may be subject to review by the District Council at its own election every five years. This review may result in a modification of the conditions of approval or a termination of approval.
15. Copies of the biannual reports to the Maryland Department of the Environment prepared for the applicant regarding regulatory compliance on site shall be made available to the Largo Civic Association and the Arrowhead PTA.
16. Prior to the issuance of any permits a Type II Tree Conservation Plan shall be approved by the Environmental Planning Section. The Type II TCP shall provide detailed information on the location of all off-site mitigation, planting schedules, planting plans, reforestation management plans, phasing of the plan implementation and other pertinent information as determined necessary by the Environmental Planning Section.
17. All appropriate reforestation bonds shall be posted with the Department of Environmental Resources in accordance with the phasing of the activities for this application.
18. Development of the site shall conform to the mitigation measures indicated in a report titled ■Environmental Noise Assessment, Ritchie Rubblefill Special Exception• prepared by Staiano Engineering, Inc., dated March 12, 2001, and/or any subsequent report approved by the Environmental Planning Section.
19. The construction of berms and all landscaping for screening of the site shall be included in the first permit.
20. In the event that any portion of the subject site is dedicated to public use following completion of fill activities, the following shall apply:
 - a. The main access road shall be clearly identified as 30 feet wide with a minimum grade of 5 percent.
 - b. If Area Basins 2, 3, 4, 5, 6, 7 and Lagoon 1 are to be maintained after the rubblefill closes, a minimum 12-foot-wide vehicular access road to each shall be provided. If they are to be discontinued after closure, this must be noted on the plan.
 - c. Upon completion of the placement of rubble at the site, the Department of Parks and Recreation (M-NCPPC) will be contacted in writing. At that time, and prior to the placement of the ■cap,• a rough grading plan to accommodate the recreational uses shall be approved by the Planning Board or its designee.
 - d. The plateau, access roads and maintenance roads shall be free of any obstructions above finished grade.

- e. All existing structures, temporary or otherwise, shall be removed from the site unless they are to be retained by mutual agreement.
 - f. A uniform, thick stand of grass on topsoil shall be established over the site.
 - g. All conditions regarding future development of the site are subject to modification due to state closure requirements.
21. The site plan shall be amended to show 11 off-street parking spaces, or a departure from parking and loading spaces obtained. In the event that the recycling shed is enlarged to 12,000 square feet, an additional 18 parking spaces must be shown or an additional departure granted.
22. The maximum daily number of truck loads received at this facility shall be 280, resulting in a maximum of 560 daily truck trips.