



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-90

File No. 4-10003

RESOLUTION

WHEREAS, Harrington Living Trust is the owner of a 4-acre parcel of land known as Tax Map 54 in Grid C3 and is also known as Parcel 36, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential-Agricultural (R-A); and

WHEREAS, on May 20, 2010, Harrington Living Trust filed an application for approval of a Preliminary Plan of Subdivision for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10003 for Harrington Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 29, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 29, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/004/10), and further APPROVED Preliminary Plan of Subdivision 4-10003, Harrington Property for 2 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise the location of the driveway easement to provide a minimum 25-foot setback from each house.
 - b. Revise the proposed lot line between Lots 1 and 2 to provide a minimum 200-foot width for each lot.
 - c. Revise the proposed Church Road treatment exhibit to show street tree plantings on both sides of the proposed driveway. Relocate the split to serve individual houses in the proposed driveway to occur before the end of the driveway easement.
2. Prior to the issuance of the first grading permit, the approved technical stormwater management plan shall show the location of the required drywells for the site. The Type II tree conservation

plan (TCPII) shall reflect the location all stormwater management techniques proposed.

3. Prior to approval of a Type II Tree Conservation Plan, the TCPII shall ensure the following:
 - a. The rears of dwellings shall not be visible from Church Road.
 - b. The fronts of the proposed dwellings shall be oriented toward Church Road.
 - c. The entrance driveways shall be combined to maximize woodland preservation within the scenic buffer area.
 - d. The scenic easement proposed along Church Road shall have a minimum width of 80 feet.
 - e. Trees, understory plantings, and attractive fencing shall be provided along the Church Road frontage, and the shared driveway to enhance the scenic characteristics of the viewshed.
 - f. An invasive plant removal plan shall be submitted. The plan shall include an inventory of all invasive plants on the site, and the intended method to remove them.
4. Prior to the issuance of the first building permit:
 - a. The invasive plant removal plan shall be implemented and completed.
 - b. All understory planting shall be completed.
 - c. Afforestation and associated permanent protection fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
5. The final plat of subdivision shall note that all building permit plans shall be in conformance with the road treatment exhibit approved as part of this preliminary plan, including the installation of fences, stone piers, and driveway trees.
6. The TCPII shall show a minimum of 2.38 acres of on-site woodland conservation.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/004/10). The following notes shall be placed on the Final Plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/004/10), or as modified by the Type II Tree Conservation Plan,

and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the primary management area (PMA), woodland conservation areas, and scenic easement and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

9. At the time of final plat, the applicant and the applicant's heirs, successors and/or assignees shall dedicate rights of way consistent with the approved preliminary plan of subdivision.
10. The final plat of subdivision shall note that all building plans shall show the use of cut-off optics to reduce upward light from proposed houses.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Vacant	Single-family dwellings
Acreage	4.0 acres	4.0 acres
Lots	1	2
Outlots	0	0
Dwelling Units:		
Detached	0	2

The case was heard before the Subdivision Development Review Committee on June 11, 2010.

3. **Conservation Sketch Plan**— The purpose of a conservation subdivision is to preserve the scenic, agricultural, environmental and historic characteristics of a development site. The procedure for such a subdivision begins with the sketch plan, a planning tool used to establish a conceptual foundation for preservation opportunities that may exist on the site of a conservation subdivision. The characteristics are set into broad categories of scenic, agricultural, environmental and historic. Through the sketch plan, site visits and preliminary plan processes, other site characteristics may be identified for preservation. Preservation may be a combination of site characteristics and may overlap. When opportunities overlap, these areas are considered high priority areas for conservation. The evaluation of the specifics of the residential development area lotting pattern occur with the preliminary plan and ultimately be the decision of the Planning Board.

On October 26, 2009, Sketch Plan S-09002 was accepted, and on November 13, 2009, the case was brought before the Subdivision and Development Review Committee.

On November 30, 2009, staff visited the site with the applicant's engineer and attorney. Staff entered the site from the south side of the property at Church Road. Two issues were noted on the site visit. First, the topography of the site is downhill and goes immediately into vegetation as one moves away from Church Road. Second, existing vegetation on the site consists of Eastern Red Cedar and Sweetgum with invasive species. This is indicative of a typical Prince George's County hardwood forest in mid-regenerative state.

The revised sketch plan, dated January 6, 2010, was reviewed for the purposes of the conservation subdivision. The revised sketch plan was certified as complete pursuant to Section 24-152(f)(1) of the Subdivision Regulations on March 12, 2010.

Based on the resources identified in Sketch Plan S-09002, the subdivision protects the existing and potential scenic character of the site in addition to the existing environmental character of the site. The scenic characteristics of the site are its location off of Church Road, a designated scenic road, and potential improvements made along this road. The environmental characteristics include wetland, Primary Management Area (PMA), and woodland in keeping with the June 2005 *Approved Countywide Green Infrastructure Plan*.

The layout preserves the scenic qualities of the site from adjoining properties and the scenic road. The applicant utilizes the optional standards allowed by the conservation subdivision regulations to propose a layout that minimizes access to Church Road, provides a maximum protected buffer from the scenic road, and establishes a formal and vegetative buffer around the scenic conservation area.

4. **Conservation Subdivision**—Section 24-152 of the Subdivision Regulations sets forth the following requirements for conservation subdivision [in bold] with analysis of the plan's conformance following each section:

- (b) **Purpose. The purpose of a conservation subdivision is to protect the character of land through the permanent preservation of farmland, woodland, sensitive natural**

features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan. The standards in this Section provide for lots, open space and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites. A conservation subdivision prioritizes site characteristics for conservation and is intended to create a site layout that conserves important site features such as open space networks, blocks of productive farmland, unique characteristics of a site and contiguous woodland habitats. The site design should encourage agricultural pursuits, create attractive development layouts respecting existing features of the site, and encourage connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties.

Pursuant to Section 24-152 of the Subdivision Regulations, Sketch Plan S-09002 was certified by the Planning Director on March 12, 2010, to document the completion of the sketch plan process. The certified sketch plan showed the location of proposed development, including stormwater management, on that portion of the site determined to be least suitable for conservation. The submitted preliminary plan and Type I tree conservation plan TCPI for this application is in conformance with the certified sketch plan.

The focus of the certified conservation sketch plan is the preservation of the historic, agricultural, and scenic character of Church Road. Other sensitive environmental features such as the existing woodlands, the stream and associated primary management areas are preserved and have been included as conservation priorities for this site. The plan shows a shared driveway which reduces the limit of disturbance (LOD), reduces the number of access points, consolidates the placement of utilities, and maximizes the amount of woodland preservation on-site.

The sketch plan proposes to remove the invasive species on-site, to reduce competition with the native species and allow for a more rapid regeneration of the woodland on-site. Reforestation is also proposed to supplement the edge conditions of the existing woodlands with plantings of native understory plants, such as viburnums, dogwoods redbuds and holly. The additional plantings are proposed to further define the edge of the conservation area, and to deter homeowner encroachment into the scenic buffer/woodland conservation area.

The sketch plan design further provides the following scenic benefits: The rears of dwellings shall not be visible from Church Road; the proposed dwellings shall be oriented toward Church Road; the entrance driveways shall be combined to maximize forest preservation within the scenic buffer area; the scenic easement proposed along Church Road shall have a minimum width of 80 feet. Understory plantings and attractive fencing shall be provided along the Church Road frontage and will help to enhance the scenic characteristics of the viewshed.

The submitted preliminary plan and TCPI are in conformance with the certified conservation sketch plan.

(d) Land distribution.

- (2) In the R-A Zone a minimum fifty percent (50%) of the gross tract area shall be designated as a conservation lot or parcel. Up to fifty percent (50%) of the gross tract area may be utilized for residential development areas.**

The preliminary plan proposes to meet the minimum conservation requirement with 100 percent of the gross tract area within conservation lots. According to the submitted TCPI the applicant proposes to clear 1.32 acres of woodland, which is less than 50 percent of the gross tract area. The land area that is graded or disturbed for the installation of infrastructure (temporary or permanent) for roads, stormwater management, dwellings or recreational amenities are not to be utilized in meeting the minimum percentage of gross tract area required for the conservation parcel.

(f) Submittal requirements. The applicant shall file a sketch plan in accordance with Section 24-119(c) before submitting a preliminary plat of subdivision.

The applicant filed a revised sketch plan on January 6, 2010. This sketch plan divided the property into four areas and prioritized those areas for development and conservation. The highest priority was set as the scenic buffer and the PMA. The sketch plan included two conservation lots covering the entire property. Each conservation lot is proposed to be developed with one single-family detached dwelling. No separate residential area is proposed to be created. Therefore, the sketch plan did not provide a lotting pattern for a separate residential development area, but expressed a proposed building envelope for the two houses proposed. This sketch plan was certified per section 24-152(f)(1) of the Subdivision Regulations on March 12, 2010.

(g) Conservation area.

- (1) The conservation area shall be located on a parcel or lot and characterized as primarily scenic, agricultural, historic or environmental, or any combination.**

(A) A conservation easement for the purpose established on the preliminary plat shall be placed on the conservation area at the time of final plat. The conservation area shall be designated as either a parcel or a lot on the sketch plan, preliminary plat and final plat.

- (i) A conservation parcel that includes stormwater management facilities and septic recovery areas associated with the residential development area shall be conveyed to the homeowners' association.**

- (ii) A conservation lot may support one dwelling unit. Stormwater management or septic recovery areas not associated with the single-family dwelling unit on the**

conservation lot shall not be permitted.

(2) Design criteria for conservation areas.

- (A) The area of the site required for a conservation parcel or lot shall be determined based on the priorities established in the review of the sketch plan, may include areas of the site not otherwise more specifically regulated by this Subtitle, and should be one parcel or lot to the extent possible.
- (B) Conservation areas shall connect with existing and potential conservation areas on abutting sites to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing or existing natural barriers.
- (C) Naturally contiguous conservation areas shall not be divided for the sole purposes of obtaining allowable density.
- (D) Fragmentation of the conservation area into small, irregularly shaped conservation parcels and lots shall be avoided.
- (E) Farm structures shall be retained whenever possible.
- (F) The subdivision layout shall be designed to minimize potential adverse impacts on existing farm operations.
- (G) Woodland conservation required for the area of conservation parcels or lots may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape.
- (H) Septic recovery areas and stormwater management facilities may be located on a conservation parcel to be maintained by the homeowners' association if there is no adverse impact to the character of that area of land, and it is demonstrated that the residential development area cannot support these facilities. Stormwater management facilities in conservation parcels should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing or unsightly overflow structures. Farm ponds, bioretention ponds, naturally contoured ponds and wet ponds with wetland edges and no visible structures are permitted on the conservation parcel which is to be maintained by the homeowners' association. Septic recovery areas within conservation parcels to be maintained by the homeowners' association should be designed to appear to be part of the existing landscape.

The conservation area has been generally designed in keeping with the above requirements and appropriately characterizes the conservation area for its scenic and environmental value. On this property, the conservation lots are unique in that they cover 100 percent of the property. This allows for two outcomes. First, the primary conservation area - the scenic road buffer - is proposed to be located across the entire road frontage of the property. Given the proposed location of the shared driveway and the logical layout of the property line, there will be portions of the road buffer on each of the two proposed lots. Having both lots identified as conservation areas will allow appropriate easements and protections for these buffers.

Second, conservation lots are permitted to have some woodland conservation requirements met offsite with some restrictions. This allowed some flexibility in the design of the site. However, the applicant was able to provide all woodland conservation on-site.

Flexibility in meeting woodland conservation requirements permits the applicant to provide an interesting treatment along the scenic road. The goal of this treatment is to become a model for other treatments along Church Road and provide a cornerstone from which other properties will be able to connect in their treatments along Church Road. The applicant's exhibit showing the scenic easement treatment provides a good example on which other properties will be able to base the design for their scenic road treatments. The removal of invasive species from the scenic buffer area will provide the opportunity for the forest to regenerate. This buffer will be surrounded by supplemental edge plantings, establishing a strong edge for the buffer but not removing or overwhelming the trees that are successfully growing there. This leads to a three-rail fence that runs along the Church Road and down the two sides of the driveway. The illustrated design for this fence appears very traditional, although the material proposed is vinyl. The applicant also proposes stone piers at the corners of the fence, which will be an attractive addition.

The Planning Board conditions its approval on deciduous trees similar to the street trees being planted along both sides of the driveway in the area between the paving and the proposed fence. Over time, this will create a tree tunnel over the driveway and rebuild any canopy that is lost by removal of invasive species. The Church Road treatment exhibit shall be revised to reflect these plantings. These improvements will be made in addition to the proposed street trees that are shown in the preliminary plan. The street trees are to be installed under the authority of the Department of Public Works and Transportation (DPW&T). The applicant coordinated the design of these street trees with the current standards for tree planting along this type of road. Therefore, this proposal should accurately reflect the final appearance of the fence, scenic buffer, and street trees.

The site is currently in Water and Sewer Category 4. At the time of preliminary plan, the applicant is expected to apply for an administrative change to Category 3, permitting public water and sewer on-site. No septic recovery areas are proposed.

(h) Residential development area.

- (1) The residential development area shall include individual lots, recreational facilities, community or individual septic recovery areas, stormwater**

management facilities, and all easements and streets serving these lots.

(2) Layout Design Criteria

- (A) Internal streets shall be sited to maintain the existing grade as much as possible.**
- (B) Lots and the siting of dwellings shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting properties.**
- (C) Dwellings should not be located in the center of open fields or on a ridgeline.**
- (D) Existing farm roads and driveways should be incorporated into the internal street or trail design where possible.**
- (E) Access to all lots should be from interior streets and easements.**
- (F) Dwellings and streets should be located at the edges of woodlands or situated in a manner that will maximize the amount of contiguous wooded area left intact.**
- (G) Proposed street and driveway crossings through wetlands, floodplains, steep slopes, and streams are prohibited, unless the crossing will provide more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.**
- (H) Trees on ridgelines should be preserved.**
- (I) Dwellings should be located a minimum of forty (40) feet from any environmentally regulated area, including woodland conservation areas.**

(3) Lot specific design criteria.

- (A) Buildings and driveways shall be sited to maintain the existing grade as much as possible.**
- (B) A variety of lot sizes and lot widths should be provided within clusters of dwellings in order to prevent visual monotony. Since the variety of lot sizes and lot widths in a Public Benefit Conservation Subdivision may be limited, to the extent that such variation is**

impracticable, the applicant may provide a variety of house facades and enhanced streetscape elements for lighting, landscaping and sidewalks.

- (C) Dwellings should be sited to avoid the rears being oriented toward the fronts of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements and the fronts of other dwellings.
 - (D) Direct driveway access for individual lots onto perimeter streets shall be avoided unless necessary for safety reasons or for some other benefit such as environmental preservation.
 - (E) Large expanses of driveways and parking areas shall not be visible from the external streets and abutting properties.
- (4) Stormwater management. The applicant shall utilize low impact development (LID) techniques, unless otherwise authorized by the Department of Public Works and Transportation (DPW&T). For purposes of this Section, "low impact development (LID) techniques" refer to stormwater management designs that accommodate stormwater through the use of existing hydrological site features and by reducing impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Due to the constraints associated with the lot sizes in a Public Benefit Conservation Subdivision, traditional stormwater management designs and practices may need to be utilized, particularly adjacent to lots of less than twenty thousand (20,000) square feet where urban street construction utilizing sidewalks should be provided. However, the use of LID and integrated management practices shall be encouraged to enhance stormwater management. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches and similar techniques.
- (5) Gateway signs permitted pursuant to Section 27-624 shall be reviewed by the Urban Design Section prior to the approval of the sign permit for compatibility with the character of the surrounding and proposed community.
- (6) Lighting techniques should be utilized that decrease adverse impacts on the adjoining and abutting properties.

There is no specified residential development area separate from the conservation lots on this site.

However, stormwater management facilities and easements or streets must conform to the provisions of this section. Regardless, as designed, the area identified for development of houses on the conservation lots fulfills the lot design standards of this section. The area proposed for the two dwellings is established to provide maximum space for treatment facing the historic road while minimizing impact to environmental features. The area for grading has been consolidated between the two dwellings and is situated towards Church Road. No impact to ridgelines is proposed. No interior streets or gateway signs are proposed. No shared stormwater or septic facilities are proposed. Section 24-134(a)(3)(B) of the Prince George's County Subdivision Regulations exempts lots over one (1) acre from mandatory dedication of parkland.

- (i) **Scenic and historic roads. Development along a designated scenic or historic road shall conform to the following standards:**
 - (1) There should be no views of the rears of dwellings from the road.
 - (2) Engineered berms for screening purposes are not permitted unless they are constructed to mimic natural contours.
 - (3) Fencing along the road shall be rural in character.
 - (4) Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.
 - (5) Trees and vegetation shall not be removed within the required setback unless in accordance with an approved tree conservation plan.
 - (6) Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.
 - (7) Buildings that are located within two hundred (200) feet from the street should be sited such that the principal entrance is oriented toward the street.
 - (8) A scenic easement shall be provided along the frontage of a designated scenic or historic road abutting the 10-foot public utility easement. The scenic easement shall be a minimum of forty (40) feet and increased where appropriate to retain unique characteristics of the scenic and historic character of the road.
 - (9) In general, access (public and private) to a scenic or historic road should be limited to the extent possible unless for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.

- (10) **Septic recovery areas shall not be permitted within the scenic easement, unless determined appropriate.**
- (j) **Streets.**

 - (1) **A conservation subdivision may be served by public and private streets, and access easements.**
 - (2) **Access authorized pursuant to Section 24-128(b)(1), (3) and (11) of the Subdivision Regulations may be deemed adequate to serve lots of any net lot area. Access easements designed in accordance with Section 24-128(b)(1) may be deemed adequate to serve a maximum of eight (8) lots. The access easement shall provide a passing area when determined appropriate.**

The issues of scenic roads and streets will be considered together. As discussed, the property fronts Church Road which is designated a scenic and historic road. Establishment of an appropriate treatment along Church Road is a priority for this Conservation Subdivision. The driveway to the houses is proposed to directly access Church Road and crosses the scenic road easement.

The treatment along Church Road is the critical element of this proposed conservation subdivision. As stated above, the current site characteristics would be protected using conventional subdivision. It will be the treatment along Church Road that defines whether this site design is "clearly superior to that which could be achieved through the use of conventional development standards" as required in Section 24-152(k)(3) of the Subdivision Regulations. In the applicant's statement of justification, the applicant proposes 100 percent increase in the scenic road easement (40-foot minimum required to 80-foot proposed), constructing a three rail fence and stone piers, and undertaking a landscaping program. The landscaping is proposed to remove invasive species, support the regenerating hardwood forest, and define edges of the conservation area. The applicant has provided exhibits showing these treatments. With some additions, the proposed treatments provide for preservation and enhancement of the scenic buffer and edge of the scenic roadway.

The applicant shall perform a closer study of the existing vegetation in the buffer to identify the presence of invasive plants and to address management in a buffer management plan be prepared as part of the Type II tree conservation plan for the subject property. The plan provides for a wider scenic buffer, and the maximization of woodland on-site.

No public streets are proposed within this subdivision. The applicant shall locate a single driveway within a shared private easement to serve the dwelling units. Such access is considered a street under the Subdivision Regulations, and for this circumstance is regulated by Section 24-128(b)(1) as modified in Conservation Subdivisions by Section 24-152(j). As a street, the applicant will be required to provide adequate setbacks between the proposed houses and the easement and frontage along this street. The easement shall have a minimum right-of-way width of twenty-two feet connecting to the public road and shall be restricted to one-family dwellings or agricultural purposes. The proposed easement will serve less than eight lots. The applicant must relocate this

easement to position a minimum front lot line of 25 feet for each lot as required in the R-A Zone.

The driveway and easement will cross the area to be improved as a treatment for the historic road. Use of a private access easement will reduce the number of access points off of Church Road from two to one. Minimizing this impact allows the driveway to be integrated with the historic road treatment identified as a priority for this site. Such treatment is shown in the Church Road treatment exhibit and includes stone piers at the roadway and shrub plantings along the length of the driveway. Staff recommends the addition of several large street trees along both sides of the driveway. The applicant will be required to show these plantings as part of the plans at the time of building permit.

As discussed in the Transportation Planning Section below, the applicant will be required to dedicate a portion of the property for the widening of Church Road. The proposed amount of dedication has been reflected in this preliminary plan. The Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) have indicated no objection to this proposal.

- (k) **Criteria for approval. The Planning Board shall find that the conservation subdivision:**
- (1) **Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**
 - (2) **Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**
 - (3) **Because the use of the Conservation Subdivision technique in the Developed or Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a secondary consideration to achieving the purposes of the Public Benefit Conservation Subdivision in assessing whether a proposed plan is clearly superior.**

The Planning Board finds that the application fulfills these three criteria for approval.

For the reasons listed above, the application fulfills the purpose and conforms to the regulations and standards for a conservation subdivision as well as achieves the best possible relationship between development of the conservation of site characteristics.

This application is in the Developing Tier and requires the applicant to show that the proposed plan is clearly superior to that which could be achieved through the use of conventional

development standards and clearly meets the purposes of the Conservation Subdivision technique. The applicant has provided a statement of justification and an exhibit of a conventional lot yield to support this contention.

The conventional lot yield would require variances to the size of the lots and the provision of two driveways. The scenic buffer would be reduced to the minimum 40-foot-wide required by the Subdivision Regulations. The exhibit does show a "conservation easement" under conventional zoning, but that is not actually required for anything more than the PMA and woodland conservation.

The applicant's statement of justification outlines the amount of the property that will be used for conservation and development. Under this conservation subdivision, 59 percent of the property will be placed into conservation area, while 41 percent would be disturbed for development. Conventionally, the R-A Zone has no minimum required green space. The applicant's proposed 80-foot scenic buffer is a 100 percent increase over the required scenic buffer of 40 feet.

Most importantly, there is no requirement in conventional zoning for the site characteristics and scenic road treatment that the applicant is proposing. As stated above, these treatments enhance the scenic road and provide an example for future proposed developments along this scenic road.

5. **Environmental**—This 4.00-acre property is located in the R-A Zone on the west side of Church Road, south of John Hanson Highway (US 50). According to mapping research and information submitted, a regulated stream and associated primary management area (PMA) are located on the northwestern portion of the site. Nontidal wetlands, 100-year floodplain, severe and steep slopes on highly erodible soils, are not found to occur on the property. The site has frontage along Church Road, a master planned collector roadway that is not regulated for noise and the proposed residential use is located far enough from possible nearby noise sources (1,850 feet southwest of US 50, a master planned freeway) so that noise is not an issue. The soils found to occur according to the *Prince George's County Soil Survey* include the Monmouth and Shrewsbury series. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no records of rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site has frontage along Church Road, a designated scenic and historic road. This property is located in the Northeast Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. Neither the subject property nor any adjacent properties are within the designated network of the Countywide Green Infrastructure Plan.

Master Plan Conformance

The master plan for this area is the February 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the

current project. The text in **BOLD** is the relevant text from the master plan. The preliminary plan and TCPI must demonstrate conformance to the master plan.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies:

4. **Ensure the use of low impact development techniques to the extent possible during the development process.**

Low impact development techniques are recommended for this site. The approved stormwater management concept plan and letter (38733-2008) were included in the review package. The letter indicates that drywells and grass swales are required for water quantity and quality control. These techniques can be considered low-impact development techniques. It is not clear on the associated concept plan where the drywells will be located. The plan does indicate that rooftop disconnection will be used. The approved stormwater concept is correctly reflected on the TCPI. The technical stormwater management plan should show the location of the required drywells for the site. The Type II tree conservation plan should reflect the location all stormwater management techniques proposed.

5. **During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

The stormwater to the adjacent stream will be controlled through sheet flow, a grass swale, and drywells. The proposed water and quality controls will serve to minimize impacts to the adjacent streams by continuing to allow for natural infiltration of stormwater.

Policy 3: Protect and enhance tree cover within the master plan area.

The Woodland Conservation and Tree Preservation Ordinance mandates a woodland conservation threshold of 50 percent for the subject property. The site is proposing to meet the entire woodland conservation requirement on-site by preserving the maximum amount of woodland to the extent possible in addition to providing afforestation.

Conformance with the Green Infrastructure Plan

Neither the subject property nor any adjacent properties are within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A signed Natural Resource Inventory (NRI/013/07) was submitted with the application. The NRI information is correctly shown on the TCPI and preliminary plan. No additional information is required with regard to the Natural Resources Inventory.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted. The woodland conservation threshold (WCT) for this 4.00-acre property is 50 percent of the net tract area or 2.00 acres. The total woodland conservation requirement based on the amount of clearing proposed is 2.38 acres. This requirement is proposed to be satisfied with 1.94 acres of on-site preservation and 0.44 acres of on-site reforestation. All of the woodland conservation requirement is proposed to be met on-site. Development of this subdivision must be in compliance with an approved Type I Tree Conservation Plan (TCPI/004/10). The TCPII must show a minimum of 2.38 acres of on-site woodland conservation. Appropriate notes concerning the TCPI and TCPII must be placed on the final plat of subdivision.

A copy of the approved stormwater management concept plan and letter were submitted with the subject application. Stormwater management is being provided through the provision of drywells, a grass swale, and sheet flow. The proposed techniques are considered "environmental site design" methods as required by state law. Detailed comments with regard to stormwater management as shown on the associated plans are provided in the previous section for Conservation Subdivision conformance.

A regulated stream and its associated buffer are found to occur on this property. These features comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b) (11) of the Subdivision Regulations.

The Subdivision Regulations mandates that the PMA be preserved to the fullest extent possible. The Planning Board generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. The Planning Board recommends approval of PMA impacts for lots, structures or clearing and grading when alternative designs would reduce or eliminate the impacts. No impacts to the PMA have been proposed. No letter of justification is required at this time because no impacts have been proposed. At time of final plat, a conservation easement should be described by bearings and distances and contain the primary management area, woodland conservation areas, and scenic easement. The final plat will be reviewed by the Environmental Planning Section and should include appropriate notes pertaining to the conservation easement.

The site has frontage along Church Road, a master planned collector roadway that is not regulated for noise. The proposed residential use is located far enough from possible nearby noise sources (1,850 feet southwest of US 50, a master planned freeway) so that noise is not an issue. No further information is required with respect to noise.

The site has frontage along Church Road, a designated scenic and historic road. The TCPI shows the proposed location of dwellings on the central portion of the site with a scenic buffer greater than the minimum 40-foot buffer typically provided along scenic and historic roads. A review of the proposed enhancements to frontage along Church Road is provided in the previous section. No additional information is required with respect to noise.

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Monmouth and Shrewsbury series. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

6. **Community Planning**—This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The proposed application supports the General Plan's Developing Tier goals of maintaining low-to moderate-density land uses. The proposed development also responds to the Bowie and Vicinity Master Plan's recommendation for low-density residential development. The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The property is located in the 2006 Approved Bowie and Vicinity Master Plan, Planning Area 74A. The 2006 Bowie and Vicinity Sectional Map Amendment retained the property in the R-A Zone, which permits single family detached residential development as a matter of right. The master plan designated Church Road as a scenic road. The vision for scenic roads is that scenic views are provided along a substantial part of the road through natural or manmade features. The "exhibit for Church Road treatment plan" has been provided as part of this application. This application does not show the shared-use roadway trail as shown on the master plan map. This issue is discussed further in the Trails Section, below. The application conforms with the land use recommendations of the 2006 Approved Bowie and Vicinity Master Plan for residential low-density development.

This application is located in Aviation Policy Area-6 (APA-6), the traffic pattern for a small general aviation airport (Freeway Airport) and is subject to Aviation Policy Area (APA) regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. This application is located under the traffic pattern for a small general aviation airport (Freeway Airport) and is approximately 800 feet southeast of the south end of the runway. This area is subject to regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Residential land uses are allowed in this aviation policy area in accordance with standard zoning regulations. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for residential property sales in Section 27-548.43 that are relevant to the evaluation of this application.

Section 27-548.38(d)(3) of the Zoning Ordinance prohibits interference, emissions, or light pollution that impair the landing, taking off or maneuvering of the aircraft. Building plans should note the use of cut-off optics to reduce light pollution in the area.

7. **Department of Parks and Recreation (DPR)**—Per Section 24-134(a)(3)(B) of the Prince Georges County Subdivision Regulations, both lots being created by this subdivision have a net acreage over one acre and are therefore exempt from mandatory dedication of parkland.
8. **Trails**—The Planning Board requires that plats conform to Sec. 24-123 of the Subdivision Regulations. This section contains the requirements for transportation and circulation. Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat. The trails shall be shown when indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted (Section 24-123).

In terms of providing bikeway improvement, the subject preliminary plan is in conformance with Section 24-123 of the code. The plan shows a dedication for 90 feet of right-of-way along the property frontage of Church Road. Church Road is recommended in the MPOT to have 90 feet of right-of-way. Church Road is recommended for a paved shoulder bikeway improvement in the Approved Master Plan & Sectional Map Amendment Bowie and Vicinity (area master plan) between Annapolis Road (MD 450) and Central Avenue (MD 214). The bicycle facility is being constructed by Prince George's County. Church Road will contain six-foot-wide paved shoulders for bicycle use, bicycle safety signage, and sidepaths at intersections. Sidepath construction at major intersections may occur for safety.

This amount of dedication for right-of-way is sufficient to implement the master-planned bikeway with six-foot-wide paved shoulders. Signage for the bikeway will be provided by others.

9. **Transportation**—The subject property is located on the west side of Church Road, approximately 1,850 feet south of its intersection with US 50. The applicant proposes a residential subdivision consisting of two lots. Based on the current zoning, the property could support one single-family dwelling, consequently, an adequacy finding will be based on one net new lot.

Based on the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines), the one-lot single-family development will generate 1 AM peak-hour trips, and 1 PM peak-hour trips. The subject property is located within the Developing Tier as defined in the *Prince George's County Approved General Plan*. As such, properties are generally evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Pursuant to provisions in the *Guidelines*, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period.

The property fronts on Church Road where a dedication of forty-five feet from centerline is being shown. The Planning Board finds this proposed dedication to be adequate. Regarding on-site circulation of traffic, staff has no issues.

Based on the fact that the subject application is considered to be *de minimus*, adequate transportation facilities shall exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

10. **Schools**—The proposed development was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 as follows:

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	0.32	0.26	0.28
Actual Enrollment	4,572	5,564	12,737
Total Enrollment	4,572.32	5,564.26	12,737.28
State Rated Capacity	4,836	5,430	13,026
Percent Capacity	94.5%	102.5%	97.8%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$ 13,921 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

11. **Fire and Rescue**—The subject property was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

This preliminary plan is within the 7-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
16	Northview	14901 Health Center Drive, Bowie

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

12. **Police Facilities**—The subject property is located in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 20, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	5/2009-4/2010	9.0 Minutes	9.0 Minutes
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met June 21, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Harrington Property and has no comments to offer.
14. **Sewer and Water**—The adopted 2008 Water and Sewer Plan designates this property in Water

and Sewer Category 4. Category 3, obtained through the **Administrative Amendment** procedure, must be approved before approval of a final plat.

15. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 38733-2008-00 has been approved with conditions to require geotechnical reports and right-of-way frontage improvements. Development must be in accordance with this approved plan.
16. **Cemeteries**—No cemeteries have been identified on the property.
17. **Historic and Archeology**—The proposed subdivision will have no effect on identified Historic Sites, Resources or Districts.

Phase I archeological survey is not recommended on the above-referenced four-acre property located on the west side of Church Road approximately 1,850 feet southwest of John Hanson Highway (US 50) in Bowie, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. However, the applicant should be aware that there are ten previously identified archeological sites, two prehistoric, seven historic, and one multi-component prehistoric and historic site, located within a one-mile radius of the subject property. In addition, there are two County Historic Sites, Mount Oak (74A-8) and Pleasant Prospect and Outbuildings (74A-6), located within one mile of the subject property. Pleasant Prospect is listed in the National Register of Historic Places.

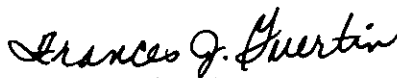
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 29, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of September 2010.

Patricia Colihan Barney
Executive Director

By 
Frances J. Guertin
Planning Board Administrator

PCB:FJG:RD:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 8/5/10