THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2020-31

File No. SDP-1202-07

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 5, 2020, regarding Specific Design Plan SDP-1202-07 for Canter Creek, Phases III & IV, the Planning Board finds:

1. **Request:** The subject application is for approval of an amendment to a specific design plan (SDP) for Phases III and IV of the Canter Creek subdivision, which proposes 161 single-family detached dwelling units.

2. **Development Data Summary**:

	EXISTING	APPROVED
Zone	R-S/M-I-O	R-S/M-I-O
Use	Vacant	Single-Family Detached Residential
Total Dwelling Units	249	410 (161 proposed)
Total Gross Acreage	342.38	342.38
Total Net Tract Area	248.64	248.64
Gross Acreage of Phases III-& IV	112.46	112.46
Net Tract of Phases III & IV	109.61	109.61

3. **Location:** The Canter Creek development is located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Upper Marlboro. The site is in Planning Area 82A and Council District 9.

4. **Surrounding Uses:** To the north of the overall Canter Creek subdivision is the Williamsburg Estates single-family detached residential subdivision in the One-Family Detached Residential Zone and a single-family detached parcel in the Rural Residential (R-R) Zone. In the northeastern corner, Canter Creek surrounds the R-R-zoned Merrymount Equestrian Center, with the Joshua Turner House Historic Site. Across Frank Tippett Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development in the R-R Zone. To the south are single-family home subdivisions and an undeveloped lot in the R-R Zone. To the west is a 404-acre undeveloped property in the Reserved Open Space Zone, which is owned by Maryland Environmental Services.

This SDP, Phases III and IV, is located in the northern portion of the Canter Creek subdivision and can be accessed from the previously approved development in Phases I and II, at the southern end of the overall property.

5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the Prince George's County District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural and R-R Zones to the Residential Suburban Development (R-S) Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review but withdrawn before being heard by the Prince George's County Planning Board. Preliminary Plan of Subdivision (PPS) 4-00064 and TCPI-110-90, for the proposed development of the property, (in accordance with Prince George's County Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories, was approved by PGCPB Resolution No. 01-79(A). TCPII-002-02 was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, CDP-0701 and a revision to TCPI-110-90-01 were approved by the District Council, subject to 31 conditions. This approval superseded CDP-9007.

PPS 4-07005 and TCPI-110-90-02 were disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the 1990 Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO) and the Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on good cause associated with conformance to the Green Infrastructure Plan and WCO.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved TCPI-110-90-02 and PPS 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

On October 25, 2012, the Planning Board reviewed SDP-1202 for Canter Creek, Phase 1, for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 1, 2012. On November 19, 2012, the District Council elected to review the case and on February 12, 2013 the District Council remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered additional evidence and approved the SDP with 18 conditions and amended findings in response to the Order of Remand.

On May 29, 2014, the Planning Board reviewed SDP-1202-01 for 106 lots and architectural elevations and approved the plans subject to conditions contained in PGCPB Resolution

No. 14-46(c). Subsequently, four amendments to SDP-1202 were approved by the Planning Director for additional architecture and other site features.

On May 9, 2017, the Planning Board reviewed SDP-1605 for Infrastructure for Canter Creek, Phases II, III, and IV and approved the plans subject to conditions as contained in PGCPB Resolution No. 17-38.

On April 20, 2017, the Planning Board approved SDP-1202-04 for Phase II, consisting of 143 single-family detached units, and 12 architectural models, subject to conditions contained in PGCPB Resolution No. 17-65.

6. **Design Features:** Canter Creek subdivision is a 410 single-family detached residential community in Upper Marlboro, accessed from two public roads off Frank Tippett Road. This amendment to an SDP is for the final two phases, III and IV, consisting of 161 dwelling units. These phases are located at the northern end of the overall site and will be accessed via public roads within the community. The proposed homes will be built using Mid-Atlantic Builders and Ryan Homes architectural models, previously approved in SDP-1202-01 for Phase 1, PGCPB Resolution No. 14-46(c). Condition 10 of that resolution states that "All architecture approved with this SDP for Phase One shall be permitted in subsequent phases of the development."

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to 9 conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

Conditions

1. **Land uses shall be only as shown on the Basic Plan.**

   The subject SDP is for single-family detached development, which is in conformance with the approved land use of the basic plan.

2. **The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

   The subject SDP is in conformance with this condition.

5.b. **A 50-foot wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.**

A 200-foot-wide preservation corridor of existing woodlands has been provided adjacent to the Williamsburg Estates community to the north in fulfillment of this condition. Minor clearing and grading for a public right-of-way and an east-west trail across Parcel J is proposed within the delineated preservation corridor. However, the 50-foot undisturbed buffer is maintained, except for as allowed for the trail.

6. **The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

The previously approved SDP-1202 for infrastructure showed the equestrian center as existing and proposed the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland and constructed with public funding.

Considerations

1. **The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation was submitted with the approved Natural Resources Inventory (NRI-015-07). The approved TCPI shows the preservation of woodlands along streams and adjoining roads and preserves a major forest stand identified by the NRI as Forest Stand D. This is in conformance with this consideration because it preserves a major stand of trees adjacent to a stream and property lines and preserves additional woodland along Piscataway Creek.

2. **The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

A 100-year floodplain study was approved on November 20, 1989. A letter from the Prince George's County Department of Public Works and Transportation (DPW&T), dated September 22, 2009, indicated that Floodplain Study 900058, approved on November 20, 1989 remained valid.

Stormwater Management (SWM) Concept Plan 8327602-2000-06 was issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 9, 2017, which expires on May 9, 2020. The current SWM concept approval requires extended detention for water quality and one-year attenuation for water quantity control, and the payment of a SWM fee of $107,000.00 in lieu of providing on-site attenuation/quality control measures.

3. **A minimum 50-foot wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

   The NRI, TCPI, and TCPII show the expanded stream buffer which comprise the regulated environmental features of the site. No new impacts to regulated environmental features have been identified with the current application.

4. **The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

   SDP-1202 provided landscaping and buffering along Frank Tippett Road, which will maintain the suburban character of the area. The current amendment for Phases III and IV includes building lots that are over 1,000 feet from Frank Tippett Road and will not be clearly visible.

6. **Design of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.**

   The previously approved SDP-1202 for infrastructure showed the equestrian trails and proposed the design and construction of four equestrian trails. Two of the proposed equestrian trails will be located on the proposed M-NCPPC parkland and constructed with public funding. A portion of the other two are located within this phase of development for the subject application and are designed in conformance with this condition.

8. **The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

   There are no SWM ponds proposed on dedicated parkland with this phase.

12. **All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

    A note is included on the SDP, in conformance with this condition.

8. **Prince George's County Zoning Ordinance**: This application has been reviewed for compliance with the requirements in the R-S and Military Installation Overlay (M-I-O) Zones.

a. This application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, of the Zoning Ordinance governing development in the R-S Zone.

b. Section 27-548.50 of the Zoning Ordinance sets forth criteria for the M-I-O Zone. This property is located within the Joint Base Andrews M-I-O Zone area. The northern portion of the property is within Conical Surface E for height, with a 20:1 restriction from the end of the right runway. The property is 11,000 feet from the clear zone of that runway. Therefore, the maximum height for structures at this location is 550 feet. All the proposed single-family detached houses are lower than 50 feet in height and, therefore, meet the requirements of the M-I-O Zone.

c. Section 27-528(a) of the Zoning Ordinance sets forth the following criteria for approval of an SDP:

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

(1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

The plan conforms to the requirements of CDP-0701, as detailed in Finding 9 below, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as detailed in Finding 14 below.

(1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;

The SDP does not contain property designated as a regional urban community.

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either

shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;

The subject property is governed by an approved and valid PPS that meets the adequacy test for the required transportation facilities serving this development. The Planning Board reviewed an analysis of police, fire and rescue, schools, and water and sewer facilities and determined that adequacy has been met for all of these.

(3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The applicant provided a copy of a current approved SWM Concept Plan, 8327602-2000-06, which was approved on May 9, 2017, and expires on May 9, 2020. The SDP satisfies this requirement.

(4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board approved TCPII-043-2019, subject to conditions included herein.

(5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The Planning Board found that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, and impacts shown are consistent with the impacts approved at time of PPS.

9. **Comprehensive Design Plan CDP-0701:** CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the review of the subject SDP and warrant discussion, as follows:

10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

Standard sidewalks were shown on both sides of all internal roads in the subject SDP.

15. **Prior to certificate approval of the subject comprehensive design plan application:**

a. **Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.**

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.

b. **Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**

(1) Evaluating the resource at the Phase II level, or

(2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Historic Preservation staff requested Phase II evaluation studies on sites 18PR971 and 18PR996. Phase II investigations were completed on site 18PR996 in November 2009. Historic Preservation staff did not request any further investigations on site 18PR996 because of its lack of integrity.

Phase II investigations were completed on site 18PR971 in January 2020. Site 18PR971 is located within the area covered by SDP-1202-07 and will be affected by the development proposed in the subject application. The boundaries of site 18PR971 are shown on the plans. Portions of the site are located on Lots 52, 53, and 54 of the proposed development.

Phase II investigations have been completed and determined that a dense artifact scatter ranging in date from the 19th to mid-20th-century was present. Two structures are visible in the 1938 aerial photographs and late 19th and early 20th-century United States Geological Survey topographic maps. A total of

25 shovel test pits and ten 3-foot by 3-foot units were excavated. These units yielded 1,122 artifacts, including 499 architectural materials (brick, window glass, machine-cut/headed nails, and wire nails) and 568 vessel shards. Several artifacts dating to the 19th-century were recovered, along with several prehistoric artifacts of unknown date. No cultural features were identified, and no further work was recommended.

The Planning Board concurs that no additional archeological investigations are necessary on site 18PR971. The final reports have not been submitted and the artifacts have not yet been curated. Therefore, this condition has not been satisfied and is carried forward with this application.

16. **Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of site 18PR996, which is located within the area of SDP-1202, but the applicant should still prepare interpretive signage that discusses the findings of the archeological investigations on the subject property. Phase II investigations have not been completed on site 18PR971, which is located within the planned Phase III of the subject development. Interpretive signage discussing the history of the subject property and the findings of the archeological investigations shall be provided along the trail. The applicant shall indicate on the plans the location for an interpretive sign.

17. **Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP is adjacent to the Joshua Turner House Historic Site (82A-017). The applicant has provided a viewshed exhibit that demonstrates that the proposed new development will not be substantially visible from the historic site.

19. **The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.**

No part of the expanded stream buffer, which will be placed into conservation easements at the time of final plat, is located on a residential lot in the current application. At the time of certification of the SDP, a woodland conservation easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the Liber and folio shall be added to the TCPII in an appropriate note, as conditioned herein.

28. **Prior to approval of a Specific Design Plan, the following shall be demonstrated:**

e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

The SDP is in conformance with this condition.

30. **Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:**

a. Preservation of Forest Stand "D": through the elimination of proposed stream crossing that forms the extension of Dressage Drive.

The stream crossing was eliminated and additional area in Forest Stand D was proposed for preservation. The final decision of the Planning Board was to preserve Forest Stand D with the approval of TCPI-110-90-02. The current TCPII application is consistent with the TCPI, and consistent with the preservation of Forest Stand D.

b. Elimination of lots that are adjacent to the north property line and provide a 300-foot wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys.

At the time of PPS, a 200-foot-wide land bridge was determined to be sufficient in width to fulfill the functional requirements of a wildlife corridor envisioned in the Green Infrastructure Plan, which is shown on the approved PPS and TCP1. A 200-foot-wide preservation corridor has been maintained with the current application.

c. **Preservation of an area within 300 feet of the floodplain of Piscataway Creek.**

The area located within 300 feet of the 100-year floodplain of Piscataway Creek is included in woodland conservation areas to the fullest extent possible, and unforested areas within the desired riparian buffers are proposed for afforestation/reforestation with the TCPII for Phases III and IV and are consistent with the approved TCPI.

d. **The use of afforestation in those areas those are adjacent to regulated areas.**

Afforestation has been used as a methodology to re-establish woodlands within and adjacent to expanded stream buffers.

10. **Preliminary Plan of Subdivision 4-07005:** PPS 4-07005 was approved by the Planning Board on October 29, 2009 (PGCPB Resolution No. 08-112), subject to 35 conditions. The relevant conditions of the PPS approval warrant discussion, as follows:

2. **A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

TCPII-043-2019 for Phases III and IV is approved with this application.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.**

SWM Concept Plan 8327602-2000-04 has been revised as SWM Concept Plan 8327602-2000-06, which is valid through May 9, 2020. General Note 11 on the SDP reflects the current SWM concept plan number.

18. **Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.**

The PPS and TCPI were revised, and the certificate was issued. Minor incursions into the required preservation corridor with the current SDP for Phases III and IV have been identified. The location of the east-west equestrian trail within Phase III and IV has now been shown on the plan with an excessive clearing width of 30 feet with substantial impacts to the preservation corridor, which has been reduced to a 200-foot width. The intention of field locating the trail is to minimize the clearing necessary for trail construction, to the fullest extent possible, while complying with the *Park and Recreation Facilities Guidelines.*

Clearing within the preservation corridor for the equestrian trail shall be the minimum width required to satisfy the standard for an equestrian trail so that canopy closure is maintained to protect the quality of the ecosystem, and the centerline of the trail should be moved so that a minimum 35 feet of woodland is retained between the delineated edge of the preservation corridor and the southern edge of the clearing for the equestrian trail. These required revisions have been included as conditions in this resolution.

19. **Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assigns:**

    a. **At the intersection of Rosaryville Road & Gambier Drive**

        - **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**

    b. **At the intersection of Rosaryville Road and Williamsburg Drive**

        - **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**

    c. **At the intersection of Rosaryville Road and Frank Tippett Road**

        - **Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.**

        - **Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T.**

The two signal warrant studies referenced in Conditions 19a. and 19b. have been completed and traffic signals are not deemed to be warranted. The findings have been shared with DPIE and DPW&T. The offsite improvements have been bonded through DPIE.

22. **Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:**

    a. Evaluating the resources at the Phase II level, or
    b. Avoiding and preserving the resources in place.

    The subject SDP includes archeological site 18PR971. The Phase II work plan for site 18PR971 was approved on December 2, 2019. The archeological investigation of site 18PR971 was completed in January 2020. No further work is recommended on site 18PR971. This condition has been satisfied.

23. **Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.**

    This condition still applies and the final report for Phase II and/or III investigations for site 18PR971 was submitted.

25. **The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corps of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

    The Army Corps of Engineers and the Maryland Historical Trust did not require any further work on archeological site 18PR971 through the Section 106 review process. This condition has been satisfied.

26. **Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

    The area within the subject SDP is adjacent to the Joshua Turner House Historic Site (82A-017). The viewshed exhibit indicates that the view to the proposed houses directly west of the historic site will be substantially screened by existing vegetation and by trees proposed to be placed at the rear of the building lots. As shown in the viewshed exhibit, the proposed building on Lot 129 will be about 974 feet west of the historic site. Some

grading will occur to the west of the stream for the installation of a trail, but existing vegetation should provide sufficient screening. The viewshed to the northwest from the historic site will also be substantially screened by existing vegetation. The Planning Board concurs that no additional buffering will be necessary, and that proposed dwellings will not be substantially visible from the historic site.

27. **The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.**

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the vicinity, and the area's equestrian heritage. This condition has been satisfied.

30. **Prior to the approval of the first final plat, in conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:**

c. **The applicant shall construct the East-West Trail required as part of Exhibit 44 of the approved Basic Plan A-9738 C. The timing of construction shall be determined at time of specific design plan.**

The proposed East-West Trail is shown on the northern edge of the development within proposed Parcel J. The applicant has met this requirement via a recorded private recreational facilities agreement (RFA) at Liber 36434, folio 083. The RFA states that the developer has agreed to construct 2,882 feet of an 8-foot-wide equestrian trail prior to the 250th building permit.

11. **Specific Design Plan SDP-1202:** The Planning Board reviewed SDP-1202, Phase One for infrastructure only, and adopted PGCPB Resolution No. 12-102 on November 1, 2012. The District Council elected to review the case and on February 12, 2013 remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered additional evidence and approved the SDP with 18 conditions. The following conditions are applicable to this SDP:

13. **Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.**

The submitted plans indicate sidewalks along both sides of all internal roads.

14. **Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road.**

    The submitted plans include a sidewalk along most of Frank Tippett Road; however, there's a portion of Frank Tippett Drive that does not include sidewalk. Therefore, a condition is included herein requiring the sidewalk to be extended.

16. **The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.**

17. **The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.**

    The submitted plans accurately depict both the Tributary Trail and the East-West Trail through Phases III and IV of the development. Both trails are depicted as 8-foot-wide trails with 2-foot-wide buffers. The construction triggers for the Tributary Trail and the East-West Trail, the 150th building permit and the 250th building permit, respectively, will not change with this application and remain applicable.

12. **Specific Design Plan SDP-1202-01:** SDP-1202-01 was approved by the Planning Board on May 15, 2014, (PGCPB Resolution No. 14-46(C)) and administratively corrected on June 10, 2014, subject to 20 conditions. None of the conditions specifically relate to the subject amendment; however, all conditions relative to architecture remain applicable to the homes built within these phases.

13. **Specific Design Plan SDP-1605:** SDP-1605 was approved by the Planning Board on March 9, 2017, (PGCPB Resolution No. 17-38) subject to four conditions, of which the following two conditions are applicable to this SDP:

    3. **At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.**

       This condition is included herein as required.

    4. **Prior to approval of any further specific design plan (SDP) application for the site, beyond one that is limited to stormwater management infrastructure, the natural resources inventory site statistics and SDP site statistics shall be reconciled.**

The site statistics tables for the NRI and the SDP have been reconciled with this application.

14. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1), an SDP must conform to the applicable standards of the Landscape Manual. The proposed development of residential lots is subject to conformance with Section 4.1 Residential Requirements, Section 4.6 Buffering Development from Streets, and Section 4.9 Sustainable Landscaping Requirements of the Landscape Manual. The applicant has provided the required landscaping and landscape schedules demonstrating conformance to all of these sections.

15. **Prince George's County Woodland Conservation and Tree Preservation Ordinance**: The property is subject to the requirements of the WCO and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved TCPII for Phase I that has been implemented, and a revised TCPII for the implementation of SWM infrastructure for Phases II, III, and IV.

    The TCPII plan submitted with the current SDP application for Phases III and IV has been assigned a new TCPII number. All future development phases going forward will also be assigned an individual TCPII number. The development of Phase I will retain the number TCPII-002-02 with any future revisions.

    The phased woodland conservation worksheet for the overall development submitted on the plan indicates that the gross tract area of the application is 342.38 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site is 49.73 acres. With replacement for cumulative clearing of 46.99 acres of woodlands, 1.07 acres of wooded 100-year floodplain, the woodland conservation requirement for the site is 71.58 acres of woodland conservation.

    With the current development phase, the requirement will be met with 54.07 acres of on-site preservation, 0.93 acre of on-site afforestation/reforestation, and 16.58 acres of off-site woodland conservation credits.

    The TCPII requires additional information, design, and technical revisions to bring it into conformance with the requirement of the applicable WCO and Environmental Technical Manual, prior to certification of the SDP.

16. **Prince George's Country Tree Canopy Coverage Ordinance:** Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. In the R-S Zone, the coverage requirement is 15 percent, which for this application equates to 16.87 acres when applied to the 112.46 acres within Phases III and IV. The schedule provided on the landscape plan demonstrates conformance with this requirement by providing 63.71 acres of tree canopy coverage.

17. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

a. **Historic Preservation**—The Planning Board adopted, herein by reference, a memorandum dated February 5, 2020 (Stabler and Smith to Burke), with findings associated with a Phase II archaeological survey conducted on the site, the relationship of the proposed development to the adjacent historic Joshua Turner House site, and the previous conditions of approval as incorporated into the findings above. Conditions have been included herein to address a few outstanding issues.

b. **Community Planning**— The Planning Board adopted, herein by reference, a memorandum dated January 6, 2020 (Irminger to Burke), which indicated that, pursuant to Part 8, Division 4, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this application.

c. **Transportation Planning**— The Planning Board adopted, herein by reference, a memorandum dated January 3, 2020 (Burton to Burke), which discussed the previous transportation-related conditions of approval, incorporated into findings above, and indicated that there are no issues regarding on-site circulation and the road network is consistent with the approved PPS.

d. **Trails**— The Planning Board adopted, herein by reference, a memorandum dated January 8, 2020 (Barnett-Woods to Burke), which provided an evaluation of previous conditions of approval included in findings above as appropriate.

e. **Department of Parks and Recreation (DPR)**— The Planning Board adopted, herein by reference, a memorandum dated January 3, 2020, which evaluated conformance with previous conditions of approval regarding the establishment of trails, private on-site recreational facilities, and a SWM easement.

f. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated January 23, 2020 (Finch to Burke), which provided an evaluation of previous conditions of approval which are incorporated into findings above. Additional summarized comments were provided, as follows:

Natural Resources Inventory and Existing Conditions
A revised NRI-015-07-01 was signed by the Environmental Planning Section on June 30, 2008. Although the NRI is past the usual five-year validity period, the current application was not required to submit an updated NRI with the current application because the site was otherwise grandfathered. The environmental features shown on the revised NRI plan have been correctly reflected on the amended SDP and TCPII, and the site statistics of NRI-015-07-01 are consistent with the SDP and TCPII submitted with the current application.

Regulated Environmental Features/Primary Management Area
There are streams and stream buffers, wetlands and wetland buffers, and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. Nine impacts to regulated environmental features were submitted and approved with PPS 4-07005.

The impacts to the expanded stream buffer/primary management area shown on the revised SDP and TCPII with the currently proposed activity are in conformance with those approved at time of PPS review and those approved with the previous SDP and TCPII approvals. No additional environmental impacts were requested with the current application, and none have been identified during the review process. The location of the proposed tributary trail has been placed over the old roadbed of an existing driveway to minimize disturbance.

Stormwater Management
A valid SWM Concept Approval Letter and associated plans, 8327602-2000-06, were submitted with the current application, which expires on May 4, 2020. Condition 26 of CDP-0701 required that the SDP show the use of forebays with the proposed SWM plan. The current SDP and TCPII show the use of forebays, in accordance with the requirements of the Maryland Department of Environment's Stormwater Management Design Manual. No additional information with regards to SWM is required with this application.

g. **Special Projects**—The Planning Board adopted, herein by reference, a memorandum dated January 6, 2020 (Thompson to Burke), which offered an analysis of the required adequacy finding relative to police facilities, fire and rescue, schools, and water and sewer.

h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum dated November 22, 2019 (Giles to Burke), in which DPIE indicated that the proposed development plan is consistent with the approved SWM concept plan, and provided requirements to be fulfilled at the time of technical approval and permitting.

i. **Prince George's County Health Department**—The Planning Board adopted, herein by reference, a memorandum dated November 27, 2019, which acknowledged the proposal for trail facilities for active recreation and pedestrian access for walkability and access to the adjacent sections of the community as means to promote positive health outcomes.

j. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.

k. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments on the subject application.

l. **Washington Suburban Sanitary Commission (WSSC)**— The Planning Board adopted, herein by reference, a memorandum dated November 21, 2019, which included numerous comments that were provided to the applicant and will be addressed in their separate permitting process.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type II Tree Conservation Plan TCPII-043-2019, and further APPROVED Specific Design Plan SDP-1202-07 for the above-described land, subject to the following conditions:

1. Prior to certification of this specific design plan (SDP) the applicant shall:

a. Correct the numbering of General Notes 11 and 12 on the SDP coversheet, and provide the approval date of the stormwater management concept plan.

b. Provide a standard sidewalk on Frank Tippett Road between Parcel 91 (Merrymount Equestrian Center), and the northern boundary of Parcel K, unless modified by the Department of Permitting, Inspections and Enforcement with written correspondence.

c. The east-west equestrian trail shall be designed, in accordance with the *Park and Recreation Facilities Guidelines.*

d. Alignment of the equestrian trail shall preserve mature specimen trees, as much as possible, and be staked in the field by staff of the Environmental Planning and Transportation Planning Sections prior to clearing. A minimum of 35 feet of woodland preservation shall be retained between the southern edge of clearing for the trail and the delineated edge of the preservation corridor.

e. The plans shall be revised to reduce the width of the limit of disturbance for construction of the trail to no more than 12 feet in width, or minimized to the fullest extent possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet.

f. The trail surface shall be 8 feet wide, of compacted earth with stumps removed and shall afford dry passage, as demonstrated in detail on the SDP. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes shall be minimized to prevent erosion.

g. Revise the SDP to show a location for and a detail of an interpretive sign discussing the history of the subject property and the findings of the archeological investigations along the trail. The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.

h. Provide a final report detailing the Phase II archeological investigations and a plan to curate and archive artifacts as required.

i. Revise the Parcel Summary Table on Sheet 1A of the SDP to remove Parcel L and incorporate the acreage into Parcel K, for a total of 30.55 acres, and specify that this parcel will be retained by the owner, consistent with the comprehensive design plan and preliminary plan of subdivison.

j. The Type II tree conservation plan shall be revised, as follows:

(1) On all plan sheets, provide the most current TCPII approval block and the correct TCPII number in the correct format, TCPII-043-2019.

(2) On the cover sheet location map, make the boundary line for Phases III and IV more visible.

(3) On Sheet 2 of 20:

(a) Revise the phased woodland conservation worksheet to provide the correct TCPII number for the current phase.

(b) Add an "Individual TCP2 Worksheet for a TCPII with a prior TCPII worksheet," which addresses the woodland conservation requirement for Phases III and IV, and how it is fulfilled.

(c) Relabel the phased woodland conservation worksheet as "Canter Creek OVERALL."

(d) Revise standard Note 1 to reference the correct TCPII number and remove the second sentence of the note.

(e) Add standard notes applicable when off-site woodland conservation is proposed.

(4) On Sheet 2A:

(a) Add a cross section of the clearing for the east-west equestrian trail, which shows the allowable horizontal and vertical clearing.

(b) Add a standard detail for root pruning and include notes for its application along the edge of woodlands to be preserved on the plan prior to grading.

(c) Add a detail for a permanent tree protection fence.

(5) Revise the limit of disturbance/cleared width of the east-west equestrian trail to a maximum of 12 feet, or minimized to the fullest extent possible, in accordance with the *Park and Recreation Facilities Guidelines,* and move the trail a minimum of 35 feet north of the delineated limit of the preservation corridor.

(6) Add a woodland conservation sheet summary to each plan sheet.

(7) Add a symbol for woodland conservation signage to the legend.

(8) Along the north side of Cavesson Way, revise the grading limit of disturbance to minimize intrusions into the preservation corridor to the fullest extent possible.

(9) Adjust all quantities and calculations to reflect the required revisions.

(10) Provide the Liber/folio of a recorded on-site woodland conservation easement, as required by Condition 3 of Specific Design Plan SDP-1605.

(11) Provide a cross section pruning detail to the TCPII for a cross section which shows the width of horizontal clearing allowed, and the minimum height of vertical pruning required for the proposed trail.

(12) Have the revised plan signed and dated by the qualified professional who prepared the plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 5, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of March, 2020.

Elizabeth M. Hewlett
Chairman

Jessica Jones

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date 3-9-2020