

R E S O L U T I O N

WHEREAS, Swann Road Investors LLC, is the owner of a 12.74-acre parcel of land known as Lot 15; Parts of Lot 16; Part of Lot 19; Lot 67; Part of Lot 68; and Lot 69, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family -65 (RSF-65); and

WHEREAS, on May 15, 2023, Swann Road Investors LLC filed an application for approval of a Preliminary Plan of Subdivision for 57 lots and 6 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22048 for Swann Crossing 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 27, 2023; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on July 27, 2023, 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 Type 1 Tree Conservation Plan TCP1-008-2023, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-22048, for 57 lots and 6 parcels with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised, as follows:
  - a. Other than for the existing dwelling on proposed Lot 57, label all existing structures on the subject site to be removed.

- b. Remove the approval block in the bottom right corner of the plans.
  - c. Remove the Recreational Facilities Calculation table.
  - d. Remove notes on fences and walls, corner lot obstructions, frontage, extension and projections, off-street parking, and signs.
  - e. Update General Note 21 to provide the stormwater management concept number.
  - f. Update General Note 27 to provide the Type 1 tree conservation plan number.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 40416-2022-0, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
  - a. Right-of-way dedication of a minimum of 30 feet from the centerline of Swann Road, and dedication of the new proposed public rights-of-way within the subdivision, in accordance with the approved preliminary plan of subdivision.
  - b. Dedication of 10-foot-wide public utility easements, along both sides of all proposed rights-of-way, as delineated on the approved preliminary plan of subdivision.
4. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site recreational facilities.
5. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three executed original private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the book and page of the RFA shall be noted on the final plat, prior to plat recordation.
6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined, at the time of DSP review.

7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee to the Development Review Division, for construction of the recreational facilities.
8. Prior to approval of the detailed site plan, and prior to their demolition, the house and outbuildings at 3328 Swann Road shall be thoroughly documented on a Maryland Inventory of Historic Properties form by a 36CFR61-certified consultant. The form shall be submitted, in draft, to Historic Preservation staff for review and approval, and the final form shall be submitted to the Maryland Historical Trust.
9. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department for approval, and to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
10. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.

- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
11. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - a. Remove the proposed landscape credits from Lot 57 and revise the worksheet to account for the reduction of 0.17 acre of landscape credits. Provide an alternative method of meeting the remaining requirements, such as off-site credits.
  - b. Correct the approval block to provide TCP1-008-2023 as the tree conservation plan number within the Environmental Planning Section approval block.
  - c. Identify the Development Review Division case number as 4-22048 along the -00 line of the Environmental Planning Section approval block.
  - d. Revise the labeling for specimen trees to be more legible, using the same larger font for each tree.
  - e. Add the following note to the plan under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of six specimen trees (Section 25-122(b)(1)(G)), specifically specimen trees ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19.”
  - f. Revise the woodland conservation worksheet to accurately reflect that the total wooded floodplain proposed for removal, based on the location of the stormwater outfall, is 0.01 acre.
12. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-008-2023). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-008-2023, or most recent revision, or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance (WCO). 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.”

13. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved.”

14. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, 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.”

15. Prior to issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the plans.
17. Prior to issuance of the first permit, the final location of stormwater management (SWM) features on the Type 2 tree conservation plan shall be reflective of the approved SWM concept plan. The limits of disturbance shall be consistent between the plans.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the east side of Swann Road, across from Keir Drive, and is 12.74 acres. The property is comprised of nine lots, recorded by deed in the Prince George’s County Land Records. These lots are known as: Lot 15 and Part 1 of Lot 16, recorded in Liber 40920 at folio 517; Part of Lot 16, recorded in Liber 42069 at folio 163; Part of Lot 16, recorded in Liber 21862 at folio 465; Part of Lot 19, recorded in Liber 25779 at folio 623; Lot 67 and Part of Lot 68, recorded in Liber 35168 at folio 68; and, Lot 69, recorded in Liber 23861 at folio 551, respectively. The property is within the Residential, Single-Family-65 (RSF-65) Zone; however, this preliminary plan of subdivision (PPS) was reviewed, in accordance with the prior

Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. Under the prior Zoning Ordinance, the subject property was in the One-Family Detached Residential (R-55) and Development District Overlay (D-D-O) Zones. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by, and subject to, approved Certificate of Adequacy ADQ-2022-038. The site is subject to the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. The subject site currently has six single-family dwellings, of which five will be razed and one will remain. The PPS includes 57 lots and 6 parcels for development of 57 single-family detached dwellings, one of which is existing. Vehicular access is from Swann Road.

The PPS also includes a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow the removal of six specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject property is located on Tax Map 80 in Grids E4 and F4, and Tax Map 88 in Grid F1, and is within Planning Area 75A. The properties abutting the subject site to the north consist of single-family detached dwellings within the RSF-65 and Legacy Mixed-Use Town Center (LMUTC) Zones. The properties abutting the subject site to the east consist of single-family detached dwellings and multifamily dwelling units within the RSF-65 and Residential, Multifamily-20 (RMF-20) Zones. The properties to the south, beyond Swann Road, and to the west consist of single-family detached dwellings within the RSF-65 Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the development evaluated.

	EXISTING	EVALUATED
Zone	RSF-65	R-55/D-D-O
Use(s)	Residential	Residential
Acreage	12.74	12.74
Lots	9	57
Parcels	0	6
Outlots	0	0
Dwelling Units	6	57

PPS 4-22048 was accepted for review on May 15, 2023. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on May 26, 2023. Revised plans were received on June 23, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—No prior approvals are associated with this site.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

**Plan 2035**

Plan 2035 places this property in the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the regional transit districts and local centers, as Established Communities, which are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

**Sector Plan Conformance**

According to Plan 2035, all planning documents which were duly adopted and approved, prior to the date of adoption of Plan 2035, remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. The sector plan is silent on the future land use of the subject property. The subject property is zoned R-55, which is included in the sector plan D-D-O Zone. Per Prince George's County Council Resolution CR-10-2014, the uses allowed on a property shall be the same as those allowed in the underlying zone in which the property is classified. The proposed use for the subject property for single-family detached dwellings is allowed, per the prior Zoning Ordinance and D-D-O Zone.

Pursuant to Section 24-121(a)(5), this PPS conforms to the land use recommendation of the sector plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (40416-2022-0) was submitted with this PPS. The SWM concept plan shows the use of seven micro-bioretenion facilities and drywells to treat and detain stormwater before it leaves the site. An approved SWM concept plan will be required as part of the application, at the time of detailed site plan (DSP). No further information was required regarding SWM with this PPS.

Development of the site, in conformance with the SWM concept plan and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation*

*and Open Space*, the sector plan, and the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

This PPS conforms to the sector plan, per Section 24-121(a)(5). The proposed development has no impact on sector plan park and open space recommendations.

Park and recreation amenities serving the subject property include Suitland Park, which is within 0.20 mile of the site and improved with a basketball court, a picnic area, a playground, a softball diamond, and trails. The William Beanes Community Center is within 0.34 mile of the site development and is improved with a community center, a gymnasium, a youth soccer field, a softball diamond, and an outdoor tennis court.

Separate from the evaluation of adequacy, mandatory dedication of parkland requirements is applicable. This PPS was reviewed, per the provisions of Sections 24-134 and 24-135 of the prior Subdivision Regulations, which pertain to mandatory dedication of parkland and provides for the dedication of land, payment of a fee-in-lieu, or recreational facilities, to meet the requirement. Based on the proposed density of development, 7.5 percent of the net residential lot area is required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.32 acre. The subject property is not adjacent to, or contiguous with, any property currently owned by M-NCPPC. Therefore, 0.32 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The *Parks and Recreation Facilities Guidelines* also set standards based on population. The projected population for the development is 164 new residents. The applicant is proposing to meet the minimum requirement with the provision of a tot lot, benches, a hard surface path, landscaping, and turf. On-site recreational facilities, to meet mandatory dedication of parkland for the proposed development, shall be provided.

The applicant's proposal, to provide on-site recreational facilities, will meet the requirements of Section 24-135(a).

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan, to provide the appropriate transportation facilities.

#### **Master Plan Roads**

The subject site is located along Swann Road, which does not have a master plan right-of-way (ROW) designation established in the MPOT. The existing ROW of Swann Road is dedicated 30 feet from the roadway centerline, along the majority of the subject property's frontage. The applicant is proposing 687 square feet of ROW dedication, along the eastern portion of the site's roadway frontage, to provide a consistent ROW width for Swann Road.



### **Master Plan Pedestrian and Bike Facilities**

The MPOT does not include planned pedestrian and bicycle facilities along the Swann Road frontage.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element recommends how to accommodate infrastructure for people that walk and utilize bicycles.

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.** (page 9)

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.** (page 10)

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.** (page 10)

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.** (page 10)

The sector plan does not have any planned pedestrian or bicycle facilities along the frontage of Swann Road, but makes the following recommendations regarding the accommodation of pedestrian and bicycle facilities:

**Goal 1: Provide safe, convenient, and accessible transportation system that meets the basic need for travel via motorized and non-motorized modes.**

**Goal 3: Promote pedestrian access to the station via a connected street grid and seek locations to implement the county's Complete Streets policies, by providing sidewalks and marked bicycle lanes in the station areas.**

**Goal 7: Decrease the production of greenhouse gases by minimizing vehicular trips and promoting greater pedestrian and bicycle mobility.**

The PPS shows a network of sidewalks along both sides of all new roads and the property's frontage of Swann Road. The proposed configuration is acceptable. The pedestrian and bicycle facilities will be further evaluated during the DSP application.

### **Access and Circulation**

The PPS indicates that the site will be served by one full-access connection, at the northeast side of the intersection of Swann Road and Kier Drive. The existing unsignalized T-intersection is proposed to be reconstructed as a four-leg unsignalized intersection, with the site access and Kier

Drive controlled by stop signs. The PPS provides a conceptual location of the access connections. The proposed plan and circulation layout are acceptable.

Based on the preceding findings, the transportation facilities will be in conformance with the MPOT, the sector plan, and the Subdivision Regulations.

10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains discussion of public facilities in the project area (page 17) and establishes goals for public facilities and parks in the transit-oriented development area (page 36). The primary goal for public facilities is:

**Seek opportunities for new public facilities that will serve as amenities to support the Green Line stations as neighborhoods of choice for current and new residents and businesses.**

The proposed development will not impede achievement of any of the above-referenced goals. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-038), which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities; however, none of the recommendations affect the subject site.

11. **Public Utility Easement**—Section 24-122(a) of the prior Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide, along both sides of all public ROWs. The subject site has frontage along the existing public ROW of Swann Road, and includes new public ROWs throughout the site. The required 10-foot-wide PUEs are depicted on both sides of all the proposed public ROWs, and along the entire frontage of Swann Road.

12. **Historic**—The sector plan contains minimal goals and policies related to historic preservation. However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates that the probability of archeological sites within the subject property is high. An 1878 Hopkins Atlas map indicates the location of at least one structure, identified as S.T. Suit. Tax records suggest that 3328 Swann Road was constructed circa 1900, and 3324 Swann Road in 1948. A Phase I archeology survey was completed in January 2023, and no further work was required. Based on the information contained in the Phase I archeology survey, the house and outbuildings at 3328 Swann Road shall be

photographed and recorded on a Maryland Inventory of Historic Properties form, prior to its demolition.

13. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-085-2022	N/A	Staff	Approved	6/23/2022	N/A
4-22048	TCP1-008-2023	Planning Board	Approved	7/27/2023	2023-90

#### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Code because this is a new PPS.

#### **Site Description**

This site contains 100-year floodplain, wetlands, and streams associated with the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on, or in the vicinity of, this property. The site does not have frontage on any roadways with a scenic or historic designation. According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains evaluation areas.

#### **Plan 2035**

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of Growth Policy Area, as designated by Plan 2035.

#### **Sector Plan Conformance**

The sector plan provides recommendations on environmental quality and sustainability. The text in **BOLD** is from the sector plan and the plain text provides findings on plan conformance. The recommendations are as follows:

##### **Environmental Quality and Sustainability (page 51)**

- **Conserving and protecting trees, woodlands, and wildlife habitat by requiring site planning techniques and construction practices that prevent adverse effects on these sensitive environmental features.**

This site features woodland, floodplain, and streams. The primary management area (PMA) is located along the northeastern property edge. The existing woodland is split into two stands, as identified on Natural Resources Inventory NRI-085-2022 as Stand A and Stand B. Stand A is located in conjunction with the PMA. Stand B abuts Stand A, encompassing a portion of the developable

area. Stand A is noted for having high priority for preservation and reforestation, while Stand B has a low priority. A total of 5.00 acres of woodland is located on-site, with 0.47 acre of the site being in the floodplain, 0.19 acre of woodland in the floodplain, and 4.81 acres of woodland in the net tract. This PPS will retain 1.55 acres of the total 5.00 acres of woodland as preservation, and clear 2.96 acres of woodland within the net tract and 0.19 acre of woodland in the floodplain. The woodland preservation proposed on-site is located within, and in close proximity to, the PMA. The PMA contains regulated environmental features (REF), which are required to be preserved with minimal allowable impacts. The clearing of woodlands is anticipated on sites proposed for development; however, the expectation put forth by both the sector plan and the Green Infrastructure Plan is that the development proposals are to be designed, in such a way, to minimize impact to REF. The layout proposed with this development maximizes the use of the developable area by clearing the existing woodland within Stand B, outside of the PMA. The development includes minimal impacts to the PMA, which is limited to an outfall for SWM. The majority of the high-priority woodland in Stand A is retained.

- **Improving water quality using a variety of approaches appropriate to an urban setting. These should include but should not be limited to comprehensive streetscape plans using extensive tree planting, linear urban parks, and median planting; green rooftops; and using site designs that reduce surface runoff and maximize infiltration in all new and redeveloped sites.**

An unapproved SWM Concept Plan (40416-2022-0) was submitted with this PPS, which shows the use of seven micro-bioretenion devices and drywells, to meet environmental site design. Stormwater is reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). It should be noted that, if DPIE approved a stormwater design that shows impacts to specimen trees and PMA, it is not sufficient justification to approve those impacts to REF.

- **Protecting, preserving and enhancing the green infrastructure network and enhancing environmental corridors by focusing development outside the network.**

The majority of the site outside of the green infrastructure network is proposed to be developed. The portion of the green infrastructure network on-site includes the stream buffer, PMA, and existing woodland. This area is the only woodland preservation on-site. The PMA and stream buffer are in large part preserved, with the exception of a 0.7-acre impact to the 2.04-acre PMA for a stormwater outfall necessary for the conveyance of stormwater off-site. As such, impacts have been limited, to the greatest extent possible. A focus on preserving, protecting, and enhancing the environmental features on-site was considered with this PPS.

### **Green Infrastructure Plan Conformance**

According to the Green Infrastructure Plan, the site contains an evaluation area. The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides findings on plan conformance:

#### **Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
  - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
  - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Potomac River watershed and is not within a Tier II catchment area. The site contains a stream system, which is within the evaluation area of the green infrastructure network. The plan proposes to retain the majority of the stream system and to provide woodland preservation within the stream buffer and PMA. Stream crossings are not proposed with this PPS; however, impacts to the PMA are proposed, which are discussed later in this finding.

**Policy 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The PPS indicates that the regulated system on-site will be impacted by a stormwater outfall, with the majority of the stream buffer to be protected by preservation. A Type 1 tree conservation plan (TCP1) was provided with this PPS, which shows that the woodland conservation requirement will be met with woodland preservation, landscape credits, reforestation, and off-site credits.

**Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
  - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of REF by transportation systems is proposed with this PPS; however, the environmentally sensitive areas on-site are being impacted for a necessary stormwater outfall, resulting in minor fragmentation of the PMA.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible.**

**Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems are proposed with this PPS.

**Policy 4: Provide the necessary tools for implementation of the Green Infrastructure Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation shall be placed in Woodland and Wildlife Habitat Conservation Easements, prior to certification of the DSP and associated Type 2 tree conservation plan (TCP2).

**Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The proposal has not received stormwater concept approval. The unapproved draft concept plan, submitted with this PPS, shows the use of seven micro-bioretenment devices and a series of drywells to meet the current requirements of environmental site design, to the maximum extent practicable. The TCP1 submitted shows one impact to the PMA for a stormwater outfall. The stormwater concept shall be updated to match the TCP1 and current layout. No stormwater features, aside from stormwater outfalls, shall be placed within the PMA.

**Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

***General Strategies for Increasing Forest and Tree Canopy Coverage.***

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Woodland exists on-site along the stream systems and throughout the site. The TCP1 meets the woodland conservation requirements with on-site preservation, on-site reforestation, landscape credits, and off-site credits. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Fifty-four percent of the development's requirement is being met on-site. The woodland conservation threshold is calculated as 20 percent, or 2.45 acres. The TCP1 provides a total of 1.99 acres of woodland conservation on-site through preservation, reforestation, and landscape credits, which addresses 81 percent of the woodland conservation threshold requirement. Tree canopy coverage requirements will be evaluated at the time of the DSP review.

#### ***Forest Canopy Strategies***

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with the subject PPS. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.



**Policy 12: Provide adequate protection and screening from noise and vibration.**

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The project does not abut, but is in the vicinity of Suitland Road, which is classified as a master-planned arterial roadway. A substantial buffer has been established between Suitland Road and the residential lots.

**ENVIRONMENTAL REVIEW**

**Natural Resources Inventory**

A signed Natural Resources Inventory (NRI-085-2022) was submitted with the PPS. The site contains floodplain, streams, and associated buffers that comprise the PMA. The NRI indicates the presence of two forest stands, labeled as Stand A and Stand B, with 26 specimen trees identified on-site. Within the specimen tree variance, Finding F, the applicant stated that manmade debris exists in the PMA area. The NRI does not show any debris piles in this area and no additional comments were made regarding debris piles on any other environmental documents. The TCP1 and the PPS show all required information correctly, in conformance with the NRI; however, if DPIE finds that the debris piles are significant enough to require removal, the NRI shall be revised to show the debris piles, prior to certification of the TCP1.

**Woodland Conservation**

This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because this is a new PPS and is subject to the ETM. Type 1 Tree Conservation Plan TCP1-008-2023 was submitted with the PPS and requires minor revisions, to be found in conformance with the WCO.

The woodland conservation threshold for this 12.74-acre property is 20 percent of the net tract area, or 2.45 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 3.84 acres. The woodland conservation requirement is to be satisfied with 1.55 acres of on-site woodland preservation, 0.21 acre of landscape credits, 0.23 acre of reforestation, and 1.85 acres of off-site credit. Following the June 23, 2023 submittal, the applicant further clarified that the clearing of 0.19 acre, shown on the TCP1, is incorrect and should be 0.01 acre of wooded floodplain clearing. This value shall be corrected, prior to signature approval of the TCP1. The woodland conservation worksheet shall be revised to accurately reflect the wooded floodplain clearing.

Technical revisions to the TCP1 are required and included in the conditions of this resolution.

### **Specimen, Champion, or Historic Trees**

Section 25-122(b)(1)(G) of the Prince George’s County Code requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A revised Subtitle 25 variance, dated June 22, 2023, was submitted for review with this PPS. Approved NRI-085-2022 identifies a total of 26 specimen trees on-site. The following analysis is a review of the request to remove six specimen trees.

The letter of justification (LOJ) requests the removal of six specimen trees identified as ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19. The condition of trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal, for the development of the site and associated infrastructure.

Specimen Tree Variance SOJ Table						
ST	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	43	Silver Maple	Outside any forest stand, north of dwelling to remain	Fair	Grading for lots	Poor
2	38	White Mulberry	Outside any forest stand, north of dwelling to remain	Poor	Grading for lots	Good
3	33	American Basswood	Outside any forest stand, north of dwelling to remain	Fair	Grading for lots	Medium
4	30	Red Maple	Outside any forest stand, west of ST-8 and ST-9	Poor	Stormwater and utilities	Good
7	45	White Oak	Outside any forest stand, west of ST-8 and ST-9	Fair	Stormwater and utilities	Medium/Good
19	38	Sweetgum	Within Forest Stand A	Good	Stormwater and utilities	Good

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. The removal of six specimen trees, requested by the applicant, is approved, based on these findings:

**Section 25-119(d) Variances**

- (1) An applicant may request a variance from this Division as part of the review of a TCP where owing to special features of the site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an applicant. To approve a variance, the approving authority shall find that:**

- (A) Special conditions peculiar to the property have caused the unwarranted hardship.**

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain six specimen trees identified as ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 12.74 acres, and the NRI shows approximately 2.04 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 16 percent of the overall site area. The applicant is proposing one impact to the site’s PMA which shall be fully minimized, to the extent practicable, and is proposing woodland conservation to further protect the PMA.

The specimen trees are located in two key areas of the site. Three trees are located towards Swann Road and the existing dwelling, with the remaining trees either near or within the PMA. The specimen trees proposed for removal are located in the upland areas of the site, in the steep slopes to the north, and within the PMA. This site contains steep slopes, wetlands, streams, and floodplains, with the PMA located to the north of the site, running east to west. A summary of each removal request is, as follows:

Grading for Lots						
ST	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	43	Silver Maple	Outside any forest stand, north of dwelling to remain	Fair	Grading for lots	Poor
2	38	White Mulberry	Outside any forest stand, north of dwelling to remain	Poor	Grading for lots	Good
3	33	American Basswood	Outside any forest stand, north of dwelling to remain	Fair	Grading for lots	Medium

The table above indicates the specimen trees requested for removal, due to the grading required for lots. The species in this area are maple, basswood, and mulberry. These trees have poor to good construction tolerances. All trees in this category are in poor to fair condition. The largest tree in this set is a 43-inch diameter, at breast height, silver maple. Retention of these trees would not allow for the grading required to establish the proposed lots and to install drainage swales to protect the existing lot, which is to remain. The three trees are located in close proximity to Swann Road, well outside of the PMA and REF. Given the current condition of these trees, additional stressors could result in unsafe and potentially hazardous conditions for future residents. Not grading this area could result in standing water or the flooding of adjacent properties. The removal of these trees maintains safe standard engineering practices, and is approved.

Grading for Stormwater and Utilities						
ST	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
4	30	Red Maple	Outside any forest stand, west of ST-8 and ST-9	Poor	Stormwater and utilities	Good
7	45	White Oak	Outside any forest stand, west of ST-8 and ST-9	Fair	Stormwater and utilities	Medium/Good
19	38	Sweetgum	Within Forest Stand A	Good	Stormwater and utilities	Good

The table above indicates the specimen trees requested for removal, due to the grading required to establish SWM and utilities. The species in this area are maple, sweetgum, and oak. These trees have good to medium

construction tolerance. The trees in this category range from poor to good condition. The largest tree in this set is a 45-inch diameter, at breast height, white oak. Retention of these trees would not allow for the grading required to implement SWM facilities and necessary utility connections. Retaining these trees, and not accounting for their condition, could result in unsafe and potentially hazardous conditions for future residents, due to potential stormwater flooding. While none of these trees are within the PMA, both ST-7 and ST-19 are within close proximity to the PMA. The PMA area of this site features steep slopes, which require grading to meet the requirements for lotting and stormwater facilities. The removal of ST-19 allows for the retention of on-site PMA and avoids impacts for the proposed sewer utility. The removal of ST-4, ST-7, and ST-19 is approved.

The applicant submitted an LOJ to request the removal of six specimen trees identified as ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19. The condition of trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal, for the development of the site and associated infrastructure.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical route zone (CRZ), would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site, are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have only a minor impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

The proposed residential development is a use that aligns with the uses permitted in the R-55 Zone. ST-1, ST-2, and ST-3 are located within the developable parts of the site, with the remaining specimen trees near or within the PMA. Aside from the PMA area proposed to be impacted, the only preservation of existing woodland on-site is within, and in proximity to, the PMA area. Of the existing 4.81 acres of net tract area

woodland, only 1.55 acres (32 percent) are proposed to be retained. The woodland conservation threshold for this development is calculated as 20 percent, or 2.45 acres. Not all of the specimen trees proposed for removal are centrally located at the site, three are in close proximity to the PMA, and the request for removal is partly due to locating necessary infrastructure at the fringe of the development and within the PMA to maximize the use of the developable area. The locations of these specimen trees do not significantly inhibit the developable area; however, utilities have been co-located to reduce additional PMA and specimen tree impacts, and stormwater features were located in order to provide for the safe conveyance of stormwater from the site.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

Not granting the variance request for ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19 would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

This site is noted in the Southern Green Line Sector Plan as being one of the few locations for proposed residential development. The applicant states that smaller compact lots are preferable at this location, given the proximity to the Suitland Metro Station. The density and lot type are not specifically mentioned in the sector plan; however, the sector plan does state that conserving and protecting trees, existing woodlands, and REF is a priority, as provided in Chapter 2. With this PPS, the PMA has been mostly preserved, which does align with the sector plan's goals.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of all six specimen trees would be the result of the infrastructure and grading required for the development, as proposed by the applicant. The request to remove the trees is solely based on the trees' locations on the site, their species, and condition.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.**

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

**(F) Granting of the variance will not adversely affect water quality.**

Granting this variance request will not violate state water quality standards, nor cause measurable degradation in water quality. Requirements regarding SWM are reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state standards set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of six specimen trees identified as ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19. The variance for the removal of six specimen trees identified as ST-1, ST-2, ST-3, ST-4, ST-7, and ST-19, for construction of residential development, is approved.

**Soils**

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are in the Beltsville-Urban land complex, Chillum-Urban land complex, Croom-Marr complex, Croom-Marr-Urban complex, and the Croom-Urban land complex. Soils containing Marlboro clays or Christiana complexes do not occur on-site. This information is provided for the applicant's benefit and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report, in conformance with Prince George's County Council Bill CB-94-2004, during the permit process review.

**Erosion and Sediment Control**

The County requires approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for installation of permanent site infrastructure, but also for installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

**Regulated Environmental Features**

This site contains REF that is required to be preserved and/or restored, to the fullest extent possible, under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF

includes streams, stream buffers, 100-year floodplain, and steep slopes. An LOJ for impacts to the PMA was submitted with the acceptance of this PPS. A revised LOJ, dated June 5, 2023, was submitted addressing comments presented at SDRC. The revised LOJ showed an increase in the total square footage of requested impacts of 87 square feet (0.002 acre), bringing the total request up to 11,144 square feet (0.26 acre) and 20 linear feet of stream impacts for installation of the stormwater outfall. Subsequently, the applicant submitted a redesign of the layout showing a reduction to the PMA impacts on the site. A revised LOJ was submitted, dated June 22, 2023, which removed three previously proposed impacts and proposed one impact for a stormwater outfall. This reduced the total proposed PMA impacts from 11,144 square feet (0.26 acre) to 3,049.02 square feet (0.07 acre) and 20 linear feet of stream impact.

#### **Impact 1**

This request is for 2,857 square feet (0.07 acre) of PMA impacts and 20 linear feet of stream impacts, for an outfall from the proposed submerged gravel wetland. This impact is reflective of the unapproved stormwater plan and is approved, for conveyance of stormwater off-site.

14. **Urban Design**—The PPS was reviewed for conformance with the requirements of the prior Zoning Ordinance, the Prince George’s County Tree Canopy Coverage Ordinance, and the Landscape Manual.

#### **Conformance with the Zoning Ordinance**

The use evaluated for this property in the R-55 Zone is permitted, subject to approval of a DSP, per Section 27-548.25(a) of the prior Zoning Ordinance.

Conformance with the prior Zoning Ordinance is required for the proposed development, at the time of DSP review, including, but not limited to the following:

- **Section 27-430 requirements for the R-55 Zone, as applicable;**
- **Section 27-441(b) regarding uses permitted in the R-55 Zone;**
- **Section 27-442 regarding regulations in the R-55 Zone;**
- **Part 11 Off-Street Parking and Loading; and**
- **Part 12.**

#### **Conformance with the 2010 Prince George’s County Landscape Manual**

The development proposal for a community consisting of 57 single-family detached dwellings is subject to the Landscape Manual because this PPS is for new construction. Specifically, the following sections of the Landscape Manual are applicable to this property:

- **Section 4.1 – Residential Requirements;**
- **Section 4.7 – Buffering Incompatible Uses; and**
- **Section 4.9 – Sustainable Landscaping Requirements.**

Conformance with the applicable landscaping requirements will be determined, at the time of DSP.



**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site, in the RSF-65 Zone, is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be evaluated, at the time of future DSP review.

15. **Community Feedback**—A citizen letter of opposition, dated July 25, 2023, was received. The letter expressed concern over the public’s access to information, regarding studies for impacts such as transportation, environmental, and public safety. With regard to transportation impacts, these were evaluated with approved Certificate of Adequacy ADQ-2022-038, which was published on the M-NCPPC website for public viewing. The traffic analysis found that all roads impacted by this PPS will operate adequately. A review of public safety impacts is also included in the ADQ, which found that police and fire and rescue response times are adequate.

The letter of opposition also discusses concerns on environmental impacts, such as the removal of trees and displacement of wildlife during construction. Environmental impacts, and their review, is included in the Environmental finding of this resolution. The Planning Board hearing for this PPS, originally scheduled for July 13, 2023, was continued to July 27, 2023, in part, to give the applicant additional time to reduce the proposed environmental impacts.

In regard to displacement of wildlife during construction, the applicant is required to submit and obtain approval of a sediment and erosion control plan. This plan ensures the stabilization of land, and requires silt fences around construction sites to contain dust and debris.

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.

\* \* \* \* \*

PGCPB No. 2023-90


File No. 4-22048

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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 Doerner, with Commissioners Washington, Doerner, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, July 27, 2023, in Upper Marlboro, Maryland.

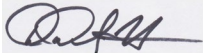
Adopted by the Prince George's County Planning Board this 7th day of September 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:AH:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: August 22, 2023