

PGCPB No. 12-107(A/2)

File No. 4-10020

S E C O N D   A M E N D E D   R E S O L U T I O N

WHEREAS, The Ryland Group, Inc. is the owner of a 90.69-acre parcel of land known as Tax Map 134 in Grid B-1 and is also known as Parcel 58, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-80) Zone; and

WHEREAS, on May 31, 2012, The Ryland Group, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 64 single-family lots, 5 parcels, and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10020 for The Vineyards II, 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 November 8, 2012, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 8, 2012, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, by letter dated June 28, 2019, the applicant requested a reconsideration of a condition of approval related to the timing for completion of a master plan trail; and

\*WHEREAS, on July 25, 2019, the Planning Board approved the waiver and request for reconsideration in furtherance of substantial public interest, due to other good cause or inadvertence which resulted in an error; and

\*WHEREAS, on October 3, 2019, the Planning Board heard testimony regarding the reconsideration.

†WHEREAS, by letter dated December 12, 2024, the applicant requested a reconsideration of the preliminary plan for review of Condition 15f.

†WHEREAS, on January 16, 2025, the Planning Board granted this request.

†WHEREAS, on March 27, 2025, the Planning Board approved the applicant's request for reconsideration based on other good cause and furtherance of public interest; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-023-03-01), and further APPROVED Preliminary Plan of Subdivision 4-10020,

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The Vineyards II, including a Variance to Section 25-122(b)(1)(G) for 64 single-family lots, 5 parcels, and 1 outparcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise the lot and parcel layout to reflect the applicant's Exhibit I (64 lots, 1 outparcel, 5 parcels), and all other revisions necessary.
  - b. Relabel Parcel D as to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC), which includes the master plan trail, and increase the developable area to 1.5.
  - c. Revise the Site Development Data—R-80 Zone section to accurately total the acreage area of the R-80 Zone, and provide gross and net tract acres.
  - d. Relabel Outparcel C on the applicant's Exhibit I to Outparcel A, to be retained by the applicant.
  - e. Incorporate a part of Outparcel C that is north of the Hunt Weber Drive cul-de-sac along the eastern boundary on the applicant's Exhibit I to Parcel D.
  - f. Show and label Archeological Site 18PR953 on the applicant's Exhibit I.
2. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees, shall submit a revised and approved stormwater management concept plan that reflects the lot layout of the approved preliminary plan.
3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise all symbols on the plan to be consistent with the symbols provided in the Environmental Technical Manual (ETM) including, but limited to, symbols for the wetland buffer, stream buffer, forest interior dwelling species (FIDS) limits, and archeology site. Correctly show all symbols used on the plan in the legend.
  - b. Show the symbol for the primary management area (PMA) in the legend. The symbol must be consistent with the symbol provided in the ETM.
  - c. Identify the archeological site on Sheet 5 with the required identification number.
  - d. Revise the forest conservation worksheet to remove the off-site woodland credits.
  - e. Revise General Note 7 to remove R-T zoning.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- f. Remove unnecessary Type 2 tree conservation plan (TCP2) notes on Sheet 6 and place the TCP1 notes and the specimen tree chart on another sheet.
  - g. Have the plans reviewed and signed by the qualified professional who prepared them.
  - h. Revise the lot and parcel layout to reflect the applicant's Exhibit I and all other revisions necessary.
  - i. Revise the statement of justification of impacts to the primary management area for Impacts 1, 2, 3, and 6 for only utility connection and trail construction based on the applicant's Exhibit I, and revise the dates of the exhibits.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-023-03). 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 (TCP1-023-03 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. 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.”
5. Development of this subdivision shall be in conformance with an approved Type 2 tree conservation plan. 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.”
6. Prior to approval of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. At the time of final plat, a conservation easement (primary management area) 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 (PMA) 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.”

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

8. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that any abandoned well associated with the existing structure has been backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller.
9. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that any abandoned septic tank and pump chamber associated with the existing structure has been pumped out by a licensed scavenger and either removed or backfilled in place.
10. Nonresidential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
11. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public rights of-way as delineated on the approved preliminary plan of subdivision.
12. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following unless modified by the Department of Public Works and Transportation (DPW&T):
  - a. Construct standard sidewalks along both sides of all internal roads.
  - b. Revise the plans to reflect the master plan trail along Piscataway Creek entirely on land dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation.
  - c. Remove the note on Sheet 4 that appears to be labeling the master plan trail as "SWM POND."
13. Prior to signature approval of the preliminary plan of subdivision and the Type 1 tree conservation plan (TCP1), the boundary of Parcel D shall be revised to provide a minimum of 1.5 acres of unencumbered developable land. The TCP1 shall be revised to remove as much of the tree conservation areas as feasible from the dedicated parkland, especially in the area allocated for the future master-planned trail construction. The TCP1 shall be reviewed and acknowledged by the Department of Parks and Recreation (DPR) for approval.
14. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Parcel D, 23.46± acres of land. Land to be conveyed shall be subject to the following:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

- a. An original special warranty deed for the property to be conveyed (signed by the Washington Suburban Sanitary Commission (WSSC) assessment supervisor) shall be submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC), along with the final plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR prior to approval of grading permits.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that the land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR beyond those reflected on the approved preliminary plan and tree conservation plan. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to issuance of grading permits.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

15. The applicant and the applicant's heirs, successors, and/or assignees shall design and construct the master-planned Piscataway Creek Trail as shown on Parcel D (M-NCPPC) on the preliminary plan of subdivision:
- a. Prior to approval of the first building permit, the applicant shall confer with the Department of Parks and Recreation (DPR) concerning the exact alignment of the master-planned trail along Piscataway Creek and of the connecting trails from the adjoining residential areas. The alignment shall be approved by DPR.
  - b. Prior to approval of the first building permit, the applicant shall submit trail construction plans along with three original, executed public recreational facilities agreements (RFA). Upon approval by DPR, the RFAs shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - c. Prior to the start of any trail construction, the applicant shall have the location of the trail staked in the field and approved by DPR.
  - d. At a minimum of three weeks prior to the start on any trail construction, the applicant shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be agreed upon with DPR.
  - \*e. The ten-foot master-planned trail shall be completed and ready for use either (i) prior to [issuance] approval of the [60<sup>th</sup>] 64<sup>th</sup> building permit, or (ii) the applicant shall obtain approval of a preliminary plan of subdivision for Outparcel A, as depicted on the plat of subdivision recorded at Plat Book 243-52, with a condition requiring construction of the trail, whichever occurs first.
  - \*f. Prior to approval of the 60th building permit, the applicant shall revise the recreational facilities agreement (RFA) recorded at Liber 37376 Folio 566 to (i) reflect the triggers for completion of the trail and (ii) add a provision that failure to complete construction of the trail within five years following recordation of the revised RFA shall be considered a default, which allows the Prince George's County Department of Parks and Recreation (DPR) to send notice of default to the surety company and to require payment of the bond that has been posted with DPR, †unless the DPR Director or designee agrees to an extension of the trail construction, which extension shall be reflected in a revision to the RFA. In the event that the DPR Director or designee agrees to an extension of the trail construction, the applicant shall post a new performance bond, letter of credit, or other suitable financial guarantee adjusted for inflation.
16. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that common areas have been conveyed to the HOA (Parcels A, B, E, and F), as reflected on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD) along with the final plat.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, 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, soil filling, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site 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. If such proposals are approved, a written agreement and financial guarantee may be required to warrant restoration, repair, or improvements required by the approval process.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division prior to issuance of grading or building permits in accordance with the approved detailed site plan.
  - f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by the Development Review Division in accordance with the approved detailed site plan.
  - g. The Prince George's County Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
17. Prior to signature approval of the preliminary plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Submit the final Phase II archeological report for Sites 18PR952 and 18PR953 to Historic Preservation staff;
  - b. Provide proof to Historic Preservation staff that all necessary materials have been provided to the Maryland Historical Trust for review of potential effects on archeological and historical resources on the subject property if Section 106 review is required.
18. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- a. Submit a Phase III archeology work plan for Archeological Site 18PR953 that is designed to recover significant data from the site;
  - b. Provide a plan for on-site commemorative/interpretive features, including the location of interpretive signage for Archeological Site 18PR953 and other public outreach measures, based on the findings of the Phase I, II, and III archeological investigations and other research on the property.
19. Prior to any ground disturbance or the approval of any grading permits south of the Potomac Electric Power Company (PEPCO) right-of-way on Outparcel A, the applicant shall provide a final report detailing the Phase III investigations at Site 18PR953 and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
20. Prior to issuance of the 60th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the required interpretive measures for Site 18PR953.
21. Branch Avenue (MD 5) at Surratts Road: Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - Restripe an existing eastbound through lane to become a shared through/left-turn lane.
22. Prior to issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County the appropriate share of costs for improvements to the Brandywine Road/Surratts Road intersection and other improvements to Brandywine and Surratts Roads as a means of providing the developer funding to ensure that the project is 100 percent funded for construction. The amount to be paid shall be based on the existing agreement between the applicant and Prince George's County, previously entered into (White Property).
23. Prior to issuance of any building permit, the applicant shall provide funding for the issuance of a bus shelter near the intersection of Brandywine Road and Summersweet Drive (Bus Route 37). The location will be determined by the Department of Public Works and Transportation (DPW&T), Office of Transportation, and installation will be completed by DPW&T's bus shelter contractor.
24. Total development (64 single-family lots) of the site shall be limited to uses that would generate no more than 48 AM and 58 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language



25. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way for public use, as shown on the approved preliminary plan.
26. Prior to issuance of the 60th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall secure approval of the Potomac Electric Power Company (PEPCO) crossing of a public street along the eastern property line for the construction of the public street as shown on the approved preliminary plan to extend to Parcel D. Vehicular and/or pedestrian access to the master-planned stream valley trail shall be provided at this location unless an alternative access is approved prior to the 60th permit, and the above approval by PEPCO shall be deemed unnecessary.
27. Prior to approval of the final plat for Lots 23 and 24, including the right-of-way on which those lots front, the development scenario of Outparcel A shall be determined.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located within the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment for Planning Areas 81A, 81B, 83, 84, and 85A* (Subregion 5 Master Plan and SMA), which retained a portion of the subject property as the R-80 Zone (66.69 acres) and changed a portion, approximately 24 acres, of the property from the R-80 Zone to the R-T Zone. The Subregion 5 Master Plan and SMA is the subject of a recent Circuit Court decision, *Accokeek, Mattawoman, Piscataway Creeks Communities Council, et. al. v. County Council of Prince George's County, Maryland, Sitting as the District Council, et. al.* (Case numbers CAL 09-31402 and CAL 09-32017), regarding the validity of the master plan and the upzoning for the R-T portion of the property. A court order dated October 26, 2012 voided the 2009 Subregion 5 Master Plan and SMA and ruled that the properties listed in the order, including the subject property, will retain their original zoning. As such, the proposed R-T development which was originally part of this application would not be considered in conformance with the zoning which has reverted to the previous zoning for that area (24 acres) to R-80. Pursuant to a memorandum and order of the Circuit Court dated October 26, 2012, the development of this property (90.96 acres) is subject to the R-80 Zone and the previous master for this area dated 1993.

Since the court decision, the applicant has submitted Exhibit I which proposes 64 single-family lots, 5 parcels, and 1 outparcel. The 24 acres of land which was previously zoned R-T, and proposed with townhouses, has reverted to the R-80 Zone due to the court order and is converted to an outparcel in accordance with the applicant's Exhibit I, which is acceptable. Portions of the analysis contained in this report did include the evaluation of the previously proposed townhouse development in the R-T Zone because it was received so late in the review process, October 26, 2012. With the release of the court order on October 26, 2012, the R-T Zone is no longer valid and cannot be considered for approval with this preliminary plan. The conditions of

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

approval are based on the applicant's Exhibit I for 64 single-family residential lots only. All of the single-family lots proposed meet or exceed the minimum standards for conventional development in the R-80 Zone.

The subject property is located on Tax Map 134 in Grid B-1 and is known as Parcel 58. It is an acreage parcel of land never having been the subject of a record plat of subdivision. The property is approximately 90.69 acres and is in the One-Family Detached Residential (R-80) Zone. Several existing structures are located on the property, including a single-family dwelling unit and accessory barns, all of which are to be removed.

The property is encumbered by two high-voltage, electric power transmission line rights-of-way that traverse the property. One, a 250-foot-wide Potomac Electric Power Company (PEPCO) right-of-way, crosses north to southwest and segments the property into two. The 250-foot-wide right-of-way is in the fee-simple ownership of PEPCO (Liber 3124, Folio 212). The second right-of-way is an 80-foot-wide easement (Liber 1319, Folio 208) running north to south on the property. Prior to approval of final plats, the applicant should secure approval for the construction of public streets on those portions of the property under the jurisdiction of PEPCO.

The applicant is now proposing to subdivide the property into 64 single-family lots, 5 parcels, and 1 outparcel. All of the lots proposed meet or exceed the minimum standards for conventional development in the R-80 Zone. The applicant is proposing to dedicate Parcels A, B, E, and F (38.67± acres) to a homeowners association for open space purposes, and Parcel D (23.34± acres) to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for fulfillment of the requirement of mandatory dedication of parkland (Section 24-134 of the Subdivision Regulations).

The property is the subject of Preliminary Plan of Subdivision 4-03014 for White Property, which was originally approved on May 22, 2003 by the Prince George's County Planning Board (PGCPB Resolution No. 03-113). The approved preliminary plan of subdivision was for 112 lots and 7 parcels for single-family residential development (R-80 Zone), and the resolution contains 22 conditions. No final plat has been filed or recorded for the subject site. The approved preliminary plan expired on June 19, 2005.

The site is not adjacent to any master plan rights-of-way. The site access to this property is through existing residential subdivision streets that intersect Brandywine Road (C-513), approximately one-third mile to the east. The property has frontage on Cushwa Drive to the north, an existing 50-foot-wide dedicated public right-of-way that is proposed to extend south into the proposed subdivision. Access to the subdivision is also proposed from Summersweet Drive to the east, an existing 60-foot-wide dedicated public right-of-way that is proposed to extend into the proposed subdivision. The applicant proposes to dedicate and construct internal public streets to serve the development.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Vacant	Single-Family Residential
Acreage	90.69	90.69
Lots	0	64
Outparcels	0	1
Parcels	1	5
Dwelling Units	0	64
Commercial/Retail	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on June 22, 2012.

2. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The preliminary plan of subdivision (PPS) is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by proposing a suburban residential development. Approval of this application does not violate the General Plan's growth goals for the year 2025 based upon Prince George's County's current General Plan Growth Policy Update.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained a portion of the subject property as the R-80 Zone and changed a portion, approximately 24 acres, from the R-80 Zone to the R-T Zone. The change from R-80 to R-T zoning on this property is the subject of Circuit Court case *Accokeek, Mattawoman, Piscataway Creeks Communities Council, et. al. v. County Council of Prince George's County, Maryland, Sitting as the District Council, et. al.* (Case numbers CAL 09-31402 and CAL 09-32017). The decision of the court ruled that the property (24 acres) zoned R-T should revert back to the R-80 Zone. On October 26, 2012, the court released its memorandum and order, that declares VOID the adoption of County Council Resolutions CR-61-2009 and CR-62-2009 of the District Council for Prince George's County, Maryland for failure to meet the affidavit requirement. As such, the 2009 Approved Subregion 5 Master Plan and SMA and the R-T zone for this site are no longer valid, which is what the original application was based on. The applicable master plan and zoning for the site is reverted to the previous 1993 Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B (Subregion V Master Plan and SMA) and the R-80 Zone.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The 1993 Subregion V Master Plan and SMA retained a portion of the subject property as R-80 Zone. The applicant's Exhibit I, which proposes 64 single-family lots and an outparcel, is in conformance with the residential land use recommendations of the 1993 Subregion V Master Plan and SMA by proposing single-family residential development. Prior to signature approval of the PPS, it must be revised in accordance with the applicant's Exhibit I.

3. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

**Conformance with the Requirements of the Zoning Ordinance**

Detailed site plan (DSP) approval would have been required for townhouse developments in accordance with Section 27-433 of the Zoning Ordinance which was proposed.

**Conformance with the 2010 Prince George's County Landscape Manual**

The application is subject to the requirements of the Landscape Manual. More particularly, the application is subject to Section 4.1, Residential Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets. Conformance with the requirements of these sections will be evaluated at the time of permit review for the proposed single-family detached houses.

Specifically, with respect to Section 4.7, Buffering Incompatible Uses, the Urban Design Section offers the following:

Stormwater management ponds and driveways should not be in the Section 4.7 bufferyard. Unless these items are removed from the Section 4.7 bufferyard through redesign, the applicant should seek alternative compliance pursuant to Section 1.3 of the Landscape Manual.

**Recreational Facilities**

In the subject subdivision, a master plan trail has been proposed. Noting the adjacency of public parkland and the proposed land dedication to the Department of Parks and Recreation, it is suggested that the applicant consider inclusion of a private passive recreational area to enhance the residential quality of the proposed subdivision, although not required, as discussed further in the Parks and Recreation section.

4. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate area master plan. A signed Natural Resources Inventory (NRI-053-07) and Type 1 Tree Conservation Plan (TCP1-023-03) for the subject property has been received and reviewed.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

### **Conformance to the Master Plan**

The master plan for this area is the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V (Subregion V Master Plan and SMA). There are no specific environmental recommendations or design standards that require review for conformance.

### **Conformance with the Green Infrastructure Plan**

The site contains approximately 63 acres of land that are regulated, evaluation and network gap areas within the designated network of the Countywide Green Infrastructure Plan on land to be dedicated to M-NCPPC (Parcel D). The regulated area is primarily located in the southern portion of the site within the Piscataway Creek system. There is also regulated area associated with a tributary that flows in a northwest-southeast direction where it eventually drains into Piscataway Creek. The evaluation area is mapped to the north along the adjacent PEPCO high tower line right-of-way parcel. The network gap is located in a small area adjacent to the existing residential lots that front American Swing Place. All of the environmental features are found within the designated Countywide Green Infrastructure Plan network.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

### **POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The subject property contains regulated, evaluation and network gap areas within the designated network, with the stream and wetland systems within the regulated area being the most sensitive areas. Some of these are, as shown on the TCP, proposed to be disturbed for grading lots, stormwater management facilities, and roadways. Because of the extensive nature of the regulated environmental features on this site, the total woodland conservation requirement should be met on-site. This finding is based on the initial review which provided for a combination of R-T and R-80 lot development. Additional review at the time of Type 2 tree conservation plan (TCP2) of these particular areas will be necessary to preserve as much of the green infrastructure network as possible.

### **POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

There are wetlands and streams located in various sections of the property. These areas should be protected from impacts which could damage the animal habitat and water quality going into the Piscataway Creek system. Preservation of water quality in this area should be provided through the application of best stormwater management practices for stormwater management.

As previously discussed, the approved stormwater management concept plan shows environmental site design techniques that address surface and groundwater quality and quantity control.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

**POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

The submitted TCP proposes on-site preservation and reforestation. There does appear to be areas where more on-site planting could be provided. Woodland conservation is discussed further in the Environmental Review section.

**POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.**

The use of environmentally-sensitive building techniques and overall energy consumption should be encouraged.

**POLICY 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.**

The sensitive environmental features within the green infrastructure network of this site should be preserved and/or restored to the fullest extent possible to ensure that this site, as well as all other sites within this watershed, meets the standards of the Livable Communities Initiative. Protection of sensitive environmental features within the green infrastructure network is discussed further in the Environmental Review section.

**Environmental Review**

An approved Natural Resources Inventory, NRI-053-07, was submitted with the review package which was approved on April 3, 2012. The NRI shows regulated environmental features on the subject property. According to the approved NRI, streams, wetlands, steep slopes, and floodplain are found to occur on the property. The forest stand delineation (FSD) indicates the presence of two forest stands totaling 60.80 acres and 8 specimen trees on-site. The site is part of a large contiguous woodland tract that follows the Piscataway Creek watershed. A letter from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, stated that there are no mapped rare, threatened, or endangered (RTE) species, but the woodland on-site may include forest interior dwelling species (FIDS) habitat. A FIDS bird species habitat boundary limits is shown on the approved NRI. No additional information is required with regard to the NRI.

The site drains to Piscataway Creek subwatershed which ultimately drains into the Potomac River basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include the Adelphia-Holmdel complex, Croom-Marr complex, Dodon fine sandy loam, Grosstown gravelly silt loam, Issue silt loam, Marr-Dodon complex, Widewater and Issue soils, and Woodstown sandy loam. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review, to review the possibility of a high water table.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~striethrough~~ indicate deleted language

There are three dedicated public rights-of-way which abut the subject property. Cushwa and Elysee Drives terminate along the northern boundary of the site and Summersweet Drive terminates at the eastern boundary of the site. These roads are not regulated for traffic-generated noise. There are no other nearby noise sources. The proposed use is not expected to be a noise generator. There are no designated scenic or historic roads adjacent or within the site area. The site is located in the Developing Tier of the approved General Plan. According to the Countywide Green Infrastructure Plan, the site contains regulated, evaluation, and network gap areas within the designated network of the plan.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet in size; the property contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-023-03-01) was submitted with the review package.

The site has a woodland conservation threshold of 20 percent, or 14.10 acres of the net tract area. The plan proposes clearing of 23.31 acres of woodland on the net tract, 0.26 acre within the floodplain, and 0.16 acre of off-site. Based on the woodland conservation threshold and the proposed clearing, the subject site has a total woodland conservation requirement of 20.34 acres. The TCP1 proposes to meet the woodland conservation requirement with 18.23 acres of on-site preservation, 2.11 acres of afforestation/reforestation plantings on-site, and 0.44 acre of off-site woodland conservation, which is 0.44 acre more than required. It is unclear why 0.44 acre of off-site woodland conservation is proposed because the on-site preservation and planting meets the minimum woodland conservation requirement. The proposed 0.44 acre of off-site woodland is not required and the TCP worksheet should be revised.

Several revisions are required to the plan. The symbol for the wetland buffer is shown as “-SB-” in the legend, which is the standard symbol for stream buffer. A symbol should be provided for the stream buffer in the legend and a separate symbol for the wetland buffer, and correctly show both symbols on the plan. The symbol must be consistent with what is required by the Environmental Technical Manual (ETM). The symbol for the limits of the archeological site on Sheets 2 and 5 needs to be located on the legend. The archeological site should be identified on the plan with the required identification number as discussed in the Historic section of this report. A label and symbol should be added for the limits of the FIDS habitat to the legend. The post development notes, afforestation and reforestation notes, four-year management plan for reforestation areas notes, planting specification notes, and tree preservation and retention notes should be removed. The standard TCP1 notes and the specimen tree table should be placed on another sheet to have one less overall sheet.

#### **Primary Management Area (PMA)**

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and 100-year floodplain. Section 24-130(b)(5) states:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or those that are required by the Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The current site design proposes impacts to regulated environmental features for the grading of lots, stormwater management facilities, a road crossing, utility connections, and a master-planned hiker/biker trail. A revised statement of justification letter stamp dated October 16, 2012 has been submitted. The Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of "fullest extent possible." The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation may be considered depending on the extent of the impact.

**Impact 1** proposes to impact 3,182 square feet of isolated wetlands and 8,136 square feet of wetland buffer to construct a road, utilities, and lots. The property is narrow (approximately 250 feet wide) at this location and located between adjacent developed residential lots and the PEPCO right-of-way. This road impact, as stated in the original justification statement, was required to provide adequate circulation for fire, police, and emergency vehicles. The eight-inch sewer extension is necessary to support development to the north, on the north side of the PEPCO right-of-way. Development of townhouses on this portion of the property would necessitate the entire impact. However, as an outparcel, only impacts for the sewer extension is supported.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language



Isolated wetlands are not be regulated by the U.S. Army Corps of Engineers, but are regulated by the state in some instances. The County Code recognizes isolated wetlands as regulated environmental features that are also afforded protection. This impact is supported if revised.

**Impact 2** proposes to impact 26,961 square feet of stream buffer and 180 linear feet of stream for a road crossing and utility connections. The road crossing is located south of the Impact 2 area in the same stretch of narrow land; however, in this location a tributary traverses the area. The justification statement states that this area is impacted to provide an adequate circulation pattern for fire, police, and emergency vehicles and will serve to improve the public safety, health, and welfare of the proposed community.

According to the revised impact exhibit for the road crossing, the impact area has been revised three times and the primary management area disturbance has been reduced from 57,249 square feet to 26,961 square feet. The eight-inch sewer extension is necessary to support development to the north, on the north side of the PEPCO right-of-way. Development of townhouses on this portion of the property would necessitate the entire impact. However, as an outparcel, only impacts for the sewer extension is supported. This impact is supported if revised.

**Impact 3** proposes to impact 10,038 square feet of isolated wetlands and 17,350 square feet of wetland buffer to construct a road, utilities, and lots. This wetland is located along the western property line just south of the Impact 3 area in that same stretch of narrow land located between existing residential lots to the west and a PEPCO right-of-way to the east. According to the justification statement, the applicant's request states that the impact cannot be avoided and that the "the main portion of this environmental impact request is for the disturbance to construct the extension of Hunt Weber Drive, associated utilities and the disturbance for the stormwater management embankment."

After the road construction, the isolated wetland area would not receive some of the previous drainage that flowed into this wetland. Various environmental functions will be lost and the isolated area will become a degraded wetland system. The eight-inch sewer extension is necessary to support development to the north, on the north side of the PEPCO right-of-way. Development of townhouses on this portion of the property would necessitate the entire impact. However, as an outparcel, only impacts for the sewer extension is supported. This impact is supported if revised.

**Impact 4** proposes to impact 1,550 square feet of floodplain and 1,427 square feet of floodplain buffer to construct a master plan trail adjacent to the Piscataway Creek stream system. This trail is located southwest of proposed stormwater management Pond 2 and is designed to connect to a future trail in the existing residential subdivision property to the west.

The impacts to the floodplain are unavoidable because the proposed trail is consistent with the 2009 *Approved Countywide Master Plan of Transportation's* (MPOT) location of this trail. The trail will be placed on a parcel that will ultimately be dedicated to the Department of Parks and Recreation (DPR). The trail should be field located prior to approval of a Type 2 tree conservation plan (TCP2) for the proposed trail. The surveyed location should avoid disturbing

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

environmental features and trees to the extent possible. This impact is supported with a condition to field locate the trail prior to approval of the associated TCP2.

**Impact 5** proposes to impact 403 square feet of wetlands, 962 square feet of wetland buffer, 9,047 square feet of floodplain, and 465 square feet of floodplain buffer to construct a sanitary sewer line to an existing sanitary line within the floodplain of Piscataway Creek.

This impact is unavoidable because the connection to the existing sanitary sewer line is necessary for the development of the site. This impact is supported with a condition to field survey the trail prior to approval of the associated TCP2.

**Impact 6** proposes to impact 115 linear feet of stream, 9,638 square feet of stream buffer, 598 square feet of wetland, and 3,424 square feet of wetland buffer, originally to construct a 25-foot connecting roadway for the townhouse development and a master plan trail adjacent to the Piscataway Creek stream system. This trail is located along Hunt Weber Drive and is designed to connect to the M-NCPPC property to the east.

Impacts to the wetland and stream buffer are unavoidable for the trail connection, which is designed to be consistent with the approved MPOT. The trail will extend from the cul-de-sac of Hunt Weber Drive, on the south side of the PEPCO right-of-way, and be placed on a parcel that will be dedicated to DPR. The trail should be field surveyed prior to approval of any TCP2 for the proposed trail. The surveyed location should avoid disturbing environmental features and trees to the extent possible. The proposed Hunt Weber cul-de-sac will provide adequate access to the M-NCPPC stream valley park. This impact is supported with a condition to field survey the trail prior to approval of the associated TCP2.

#### **Primary Management Area Conclusions**

The proposed site design and the statement of justification show that the impacts proposed will provide the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. The six proposed impacts for the grading of lots, stormwater management facilities, a road crossing, utility connections, and a master-planned hiker/biker trail, total impacts of 14,223 square feet of wetland, 25,486 square feet of wetland buffer, 295 linear feet of stream, 36,600 square feet of stream, 10,597 square feet of floodplain, and 1,892 square feet of floodplain buffer, are approved with revisions.

From the October 26, 2012 Circuit Court decision, the 2009 Subregion 5 Master Plan and SMA and the R-T Zone are no longer applicable for the subject site; therefore, the proposed townhouse development is not valid and cannot be approved for the site. The original proposed impacts to the PMA were primarily associated with the proposed townhouse development, which included road crossings and stormwater management facilities. The applicant's Exhibit I, recently submitted in response to the court order decision, now proposes 64 single-family lots, sewer connections, stormwater management facilities, and a master-planned hiker/biker trail. Proposed Impact 4 for the trail and Impact 5 for sewer connection are recommended for approval as shown on the applicant's Exhibit I and the July 2008 variation exhibits. Proposed Impacts 1, 2, 3, and 6 are recommended for approval for only the utility connections necessary for the proposed

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

single-family development and the trail as shown on Exhibit I. Prior to signature approval, the applicant shall revise the statement of justification to reflect the portions of proposed Impacts 1, 2, 3, and 6 for only utility connections for the proposed single-family development and trail connection only.

**Variance to Section 25-122(b)(1)(G)**

Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), which includes the preservation of specimen trees pursuant to Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance application and a statement of justification in support of a variance was submitted and received by the Environmental Planning Section on October 29, 2012.

The specimen tree table on the environmental impact plan and the limits of disturbance on the TCP1 show the proposed removal of four of the eight specimen trees (Specimen Trees 1-4). The trees to be preserved (Specimen Trees 5-8) are located within the primary management area (PMA).

SPECIMEN TREE CHART				
No.	Common Name	DBH (inches)	Condition	Disposition
1	Red Maple	41	Poor	Remove
2	Red Maple	33	Poor	Remove
3	Cork Elm	34	Poor	Remove
4	Black Walnut	33	Poor	Remove
5	Black Walnut	38	Good	Save
6	Red Maple	40	Poor	Save
7	Southern Red Oak	42	Poor	Save
8	Southern Red Oak	40	Poor	Save

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The letter of justification submitted seeks to address the required

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

findings for the four specimen trees (1–4) as a group. The variance request is supported because the trees are clustered together centrally on the site and have similar concerns regarding their location, species, and condition.

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

The property's developable area on-site is limited and irregular in shape due to the location of the PMA and the PEPCO right-of-way that traverse the site. The four specimen trees are clustered together and are located in the northeastern corner of the site adjacent to the PMA. All four specimen trees are within an area planned for single-family lots and a right-of-way that provides the primary vehicular circulation through the proposed subdivision. The four trees (two Red Maples, Cork Elm, and Black Walnut) were identified as being in poor condition on the approved natural resources inventory (NRI). Based on the proposed development, the trees would rapidly decline following development of the site as a result of grading in and around the critical root zone area.

The hardship on this site is created by the location of these trees and the narrow, unusual shape of the property when compared to surrounding properties. In order to provide adequate access and to develop useable upland areas, removal of these specimen trees is required.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

If other constrained properties encountered trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The existing conditions are not the result of actions by the applicant, but a result of the configuration of the developable area of the property, which is unusual because of the PEPCO right-of-way and PMA locations.

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

The request to remove the trees does not arise from any condition on a neighboring property.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal and all of the four trees are in poor condition. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Public Works and Transportation (DPW&T).

**Variance Conclusion**

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed for the removal of Specimen Trees 1 through 4 based on the information provided, and the variance to remove Specimen Trees 1, 2, 3, and 4 is approved.

5. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 28228-2004-01 was approved on April 5, 2011 and is valid until May 4, 2013. The concept plan shows bioretention and stormwater management ponds and indicates that the site will be charged a fee-in-lieu of on-site quality control measures. The location of the management ponds and lot layout on the concept plan is different from the preliminary plan. Prior to signature approval of the preliminary plan, the applicant should submit a revised approved stormwater concept plan that reflects the approved preliminary plan. The stormwater management facilities can impact the lotting pattern, which is determined with the PPS. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved stormwater concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 (Water Resources and Protection), Division 3 (Stormwater Management), Section 172 (Watershed Management Planning). As such, the requirements of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, have been addressed with the approval of the stormwater management concept plan by DPW&T.

6. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the preliminary plan for conformance with the requirements of the 2009 MPOT, the Land Preservation and Recreation Program for Prince George's County, the current zoning regulations, and the existing conditions within the vicinity of the proposed development.

The subject property consists of 90.69 total acres of land and is located approximately one-half mile east of Brandywine Road (MD 381). The property is bounded on the southern end by M-NCPPC property and the Piscataway Creek Stream Valley Park. At the time of review for mandatory dedication, there was some question as to the applicant's ability to move forward with development in the R-T Zone; therefore, the property has been evaluated in two different ways for compliance to the applicable codes and regulations.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

### **R-80 and R-T Zone Development**

If the R-80 and R-T Zones were to be developed, the plans indicate that there will be 64 single-family detached lots, 142 single-family attached lots, several homeowners association (HOA) parcels, and Parcel D (23.34 acres) which is proposed for dedication to M-NCPPC as a part of the master plan stream valley park. In accordance with Section 24-134(a) of the Subdivision Regulations, the requirement is for 7.5 percent mandatory dedication of land for public parkland, which equates to 6.8 acres of land. The normal requirement is for the land to be unencumbered and suitable for active recreation. The applicant has proposed dedication of Parcel D which comprises 23.46 acres of land, of which 1.18 acres is developable for active recreation and an additional 1.73 acres will be encumbered by forest conservation, which is agreeable to M-NCPPC (DPR). The plans also show the alignment of a master-planned trail along Piscataway Creek to be located within the 1.18 acres of unencumbered land on Parcel D. The applicant will construct this master-planned trail in accordance with Section 24-134(a)(4). Proposed access to the master-planned trail will be provided from a public street (Hunt Weber Drive extended) to Parcel D.

Parcel D is highly desirable to DPR as it would tie together and connect Piscataway Creek Stream Valley Park which bounds the subject property to the southeast and southwest. DPR believes that the property boundaries for Parcel D should be adjusted to create a minimum of 1.5 acres unencumbered by woodland or environmental features suitable for active recreation. With this adjustment prior to signature approval, the applicant's proposal to dedicate Parcel D would meet the mandatory dedication of public parkland requirement.

### **R-80-zoned Development only**

If the applicant develops the R-80-zoned portion of the site only, the plans indicate that there will be 64 single-family detached lots, several HOA parcels, one outparcel on the previously R-T-zoned portion of the property, and Parcel D which is proposed for dedication to M-NCPPC.

Section 24-134(a) of the Subdivision Regulations states that the requirement for mandatory dedication of land for public parkland for residential subdivisions, with a density between 4 and 7.5 dwelling units per acre, is 7.5 percent. The applicant's proposal to dedicate Parcel D will meet the mandatory dedication requirement for the entire site, including the future development of the outparcel as either single-family or townhouses.

Section 24-134(a)(4) provides that land dedicated for a stream valley park in lieu of active recreation may be provided as long as any trails shown on the master plan are provided and there is a reasonable amount of active recreation in the area. The dedication of Parcel D would tie together and connect to the Piscataway Creek Stream Valley Park, which is adjacent to the property from the south. The subject property is located within approximately 1,000 feet of Cosca Regional Park, which is one of M-NCPPC's largest and most comprehensive recreational facilities. Cosca Regional Park is equipped with eight playgrounds, picnic areas, hiking and equestrian trails, tennis facilities (indoor and lighted), and softball/baseball fields. The applicant is also proposing construction of the master-planned trail along Piscataway Creek. The trail should be designed and constructed at ten feet in width.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

7. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Both the MPOT and area master plan recommend a master plan trail along the subject site's portion of Piscataway Creek. The MPOT also recommends continuous sidewalks along both sides of all roads within the Developed and Developing Tier, including the portions of Subregion V that includes the subject site.

The MPOT and area master plan also recommend a stream valley trail along Piscataway Creek. This trail is shown within homeowners association (HOA) land on the applicant's Exhibit I, which should be revised (corrected) to reflect M-NCPPC dedication of Parcel D. Both the area master plan and MPOT envision Piscataway Creek as being a M-NCPPC stream valley trail. The plans should be revised to reflect the stream valley trail within land dedicated to M-NCPPC, not private HOA land. The MPOT includes the following description of the planned stream valley trail:

**Piscataway Creek Stream Valley Trail: Piscataway Creek is one of the primary stream valley trail recommendations in southern Prince George's County and runs through portions of both Subregions 6 and 5. Significant segments of the stream valley have been acquired by the Department of Parks and Recreation as development has occurred. Existing trails are located in the northeast portion of the subregion and will be connected to the Piscataway Creek Stream Valley Trail. In conjunction with the Charles Branch Trail in Subregion 6, the Piscataway Creek Trail will be part of a "crosscountry" connection linking the Potomac River at Fort Washington with the Patuxent River Greenway near Jug Bay. This trail will also link to the extensive trail system and recreational facilities at Cosca Regional Park. (MPOT, page 121).**

The area master plan also recognizes the need to incorporate trails and pedestrian connections into new communities as development occurs. The area master plan includes the following guidelines which reinforce the need to have pedestrian and trail connections to local destinations such as recreation and commercial areas, as well as to the region's trail network.

**A system of trails and walks for pedestrians, bicyclists and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transportation facilities (area master plan, page 170).**

**Applications for preliminary subdivisions should show interior trails and proposed connections with the planned trails system (area master plan, page 170).**

The MPOT also includes several policies related to pedestrian access and the provision of complete streets within the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**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.**

Sidewalks are currently fragmented in the immediate vicinity of the subject site. Sidewalks are generally provided along one side of internal roads, although the community immediately to the east of the subject site (along Summersweet Drive) includes sidewalks along both sides. Cushwa Drive to the north also includes sidewalks along both sides. Consistent with the MPOT, the provision of a standard sidewalk are recommended along both sides of all internal roads.

The MPOT also includes the following policies regarding the provision of neighborhood sidewalk connections and access to parks, recreation area, and other activity centers:

**POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.**

**POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.**

It should be noted that the Piscataway Creek Stream Valley Trail is one of the major planned trail connections in southern Prince George's County. It will provide access between communities, to major parks such as Cosca Regional Park, and to other nearby public facilities. The subject site will also connect to adjacent residential communities at Cushwa Drive and Summersweet Drive.

#### **†Summary of 2025 Reconsideration**

†By letter dated December 12, 2024 (submitted December 13, 2024), Thomas H. Haller, representing US Home, LLC, requested a waiver of the Planning Board's Rules of Procedure (Sections 10(a), 10(e), and 12(a)) and a reconsideration of PPS 4-10020, which was approved by the Planning Board on November 8, 2012. The resolution of approval was adopted on November 29, 2012 (PGCPB No. 12 107). The Board adopted and amended the resolution on October 24, 2019 (PGCPB No. 12-107(A)), pursuant to prior reconsideration.

†On January 16, 2025, the Planning Board granted a waiver of the Planning Board's Rules of Procedure, to admit the subject reconsideration request submitted more than 14 days after adoption of the resolution. The Board also granted the applicant's request for this reconsideration, in accordance with Section 10(e) of the Rules of Procedure, which states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Board granted the request for reconsideration, based on inadvertence and other good

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language



cause, and in furtherance of substantial public interest. The applicant's specific request was for reconsideration of Condition 15f related to the timing for completion of a master plan trail.

†PPS 4-10020 was approved by the Planning Board for a total of 64 lots, 5 parcels, and 1 outparcel for development of 64 single-family homes. The subject property is bisected by a 250-foot-wide PEPCO right-of-way which, at the time of the 2012 review of PPS 4-10020, created two separate development pods, with the northeastern pod located in the R-80 Zone and the southwestern pod located in the R-T Zone. The 2009 Subregion 5 Master Plan and SMA rezoned 24 acres southwest of the PEPCO right-of-way from the R-80 Zone to the R-T Zone. PPS 4-10020 originally proposed 64 single-family homes in the R-80-zoned portion of the subdivision and 142 townhomes in the R-T-zoned portion. On October 26, 2012, the Circuit Court for Prince George's County issued a decision, which voided the Subregion 5 Master Plan and SMA and reverted the entirety of the area included in the subdivision back to the R-80 Zone. The applicant subsequently elected to proceed with, and the Board approved, the subdivision of the 64 single-family residential lots in the R-80 Zone and placed the property for the proposed townhomes in an outparcel (Outparcel A) for future development. The applicant indicated in their request that their intention is to file a new PPS for Outparcel A, titled Vineyards III, under the provisions of the prior Subdivision Regulations, before April 1, 2025. PPS 4-10020 required Parcel D, located in the southernmost portion of the site, to be dedicated to M-NCPPC, in accordance with the mandatory parkland dedication requirements for the subdivision, and the dedication has subsequently occurred. PPS 4-10020 also required the applicant to construct the master-planned Piscataway Creek Trail on Parcel D. The PPS showed that access to the trail was to be provided from the subdivided lots in the northern part of the site to the southern part of the site, across the intervening PEPCO right-of-way and Outparcel A. However, approval of a new PPS to develop Outlot A is necessary, in order to access Parcel D to construct the trail.

†In 2019, the applicant requested a reconsideration of PPS 4-10020 related to the same matter before the Planning Board with this 2025 reconsideration, regarding the timing for completion of the master plan trail construction. In the 2019 reconsideration, the Board approved an amendment to Condition 15, which addressed the trail construction by specifically modifying Condition 15e and adding Condition 15f.

†In the 2025 reconsideration request, the applicant requested to further adjust the timing for completion of the master plan trail construction, to allow DPR staff the ability to extend the deadline to complete the construction, subject to certain conditions. The applicant claimed that failure to include a flexible timing provision in Condition 15f, with the first reconsideration hearing in 2019, was an inadvertent error, and good cause exists to modify the condition. It was anticipated, at that time, that the environmental issues that have delayed the applicant from being able to file a new PPS for Outparcel A, necessary to access Parcel D and construct the trail, would have been resolved in accordance with the construction timing set by Condition 15f. However, resolution of the environmental issues has only recently been reached and the amendment to Condition 15f would allow the applicant additional time to file for and seek approval of the required PPS for the Vineyards III phase of development.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

†The applicant provided justification for this reconsideration and amendment of Condition 15f, which was supported by DPR, as set forth in a memorandum dated February 21, 2025 (Thompson to Bartlett), incorporated by reference herein. Analysis indicated that certain circumstances have occurred, beyond the control of the applicant or the Planning Board, which present a conflict in completing construction of the trail, prior to issuance of the 60th building permit, as required by this condition. Specifically, the property on which the trail is located cannot be accessed without crossing Outparcel A. In addition, a new wetlands delineation was required in 2012, which resulted in portions of the proposed trail and Outparcel A being impacted by wetlands. The trail cannot be accessed or constructed, until a PPS for intervening Outparcel A and the environmental impacts associated with the trail construction are approved. In lieu of these circumstances, the amendment to Condition 15f provides the applicant with additional time to complete the trail. Through revision of the recreational facilities agreement and the establishment of a new bond, the amended Condition 15f also allows for an ultimate date to be established for completion of the trail.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of 64 single-family detached lots, and previously also included 142 single-family attached lots. Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (Guidelines), the table below summarizes trip generation for the site as originally submitted:

Trip Generation Summary, 4-10020, The Vineyards II								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Single-Family	64	homes	10	38	48	38	20	58
Townhouse	142	homes	20	80	100	74	40	114
<b>Total Trips</b>			<b>30</b>	<b>118</b>	<b>148</b>	<b>112</b>	<b>60</b>	<b>172</b>

It is determined that the proposed development would generate 148 AM (30 inbound and 118 outbound) and 172 PM (112 inbound and 60 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- MD 5 and Surratts Road (unsignalized)
- Brandywine Road and Surratts Road (signalized)
- Brandywine Road and Thrift Road (signalized)
- Brandywine Road and Summersweet Drive (unsignalized)
- Brandywine Road and Burch Hill Road (unsignalized)

The application is supported by a traffic study dated January 2012, which was submitted prior to the Circuit Court decision reversing the R-T (Townhouse) zoning. It was referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received and are attached. The

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the Guidelines.

### Analysis of Traffic Impact

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in December 2011 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,634	1,285	F	C
Brandywine Road and Surratts Road	1,315	1,385	D	D
Brandywine Road and Thrift Road	749	879	A	A
Brandywine Road and Summersweet Drive	11.8*	13.7*	--	--
Brandywine Road and Burch Hill Road	10.8*	12.4*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Improvements to Surratts Road, Brandywine Road, and the Brandywine/Surratts and Brandywine/Thrift intersections are programmed for improvement with 100 percent construction funding within the next six years in the Prince George’s County Capital Improvement Program (CIP). It shall be noted that the 100 percent funding requires developer contributions (a copy of the CIP project page is attached). There are no improvements that are currently programmed in the Maryland Department of Transportation Consolidated Transportation Program (CTP). Background traffic has been developed in the traffic study using approved development encompassing nearly 950 approved but unbuilt residences in the area plus other nonresidential development. The study has also considered one percent annual growth rate in through traffic along the major roadways. It is noted that the traffic study’s background analysis did not take into account the programmed improvements along Brandywine and Surratts Roads. Therefore, the following critical intersections, interchanges, and links, when analyzed with the programmed improvements and background traffic as developed using the Guidelines and adjusted as noted above, operate as follows:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
MD 5 and Surratts Road	1,781	1,418	F	D
Brandywine Road and Surratts Road	808	789	A	A
Brandywine Road and Thrift Road	900	1,050	A	B
Brandywine Road and Summersweet Drive	12.8*	15.3*	--	--
Brandywine Road and Burch Hill Road	13.0*	20.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
MD 5 and Surratts Road	1,800	1,433	F	D
Brandywine Road and Surratts Road	869	897	A	A
Brandywine Road and Thrift Road	1,009	1,153	B	C
Brandywine Road and Summersweet Drive	15.7*	18.4*	--	--
Brandywine Road and Burch Hill Road	14.2*	21.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The applicant proposes mitigation in accordance with Section 24-124(a)(6) of the Subdivision Regulations. This is discussed in greater detail below.

#### **MD 5 and Surratts Road**

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the “Guidelines for Mitigation Action” (the portion of the Guidelines approved as County Council Resolution CR-29-1994). The proffer recommends the following improvement:

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- On the eastbound Surratts Road approach, restripe an existing eastbound through lane to become a shared through/left-turn lane.

SHA, as the agency with jurisdiction for permitting the ultimate improvement, reviewed this proposal. By memorandum dated July 27, 2012, SHA requested a number of clarifications regarding the study prior to opining on the mitigation action. Subsequently, by memorandum dated September 13, 2012, SHA concurred with the recommendation. The impact of the mitigation action at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5 and Surratts Road				
Background Traffic Conditions	F/1,781	D/1,418		
Total Traffic Conditions	F/1,800	D/1,433	+19	N/A
Total Traffic Conditions w/Mitigation	E/1,712	--	-88	N/A

The options for improving this intersection to Level-of-service (LOS) D and the policy level of service at this location are very limited, as follows:

- Additional through lanes along MD 5 through the intersection would not be effective; MD 5 is already three through lanes northbound and southbound at this location. North of this area, MD 5 continues with three lanes northbound through the MD 223 interchange. South of this area, MD 5 tapers to two lanes southbound.
- The western and eastern legs of the intersection could be widened in theory, but the traffic volumes are not sufficient to have a great effect on the overall critical lane volume (CLV).
- The only identifiable improvement that would result in LOS D operations at this location would be construction of the planned MD 5 and Surratts Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, but there has been no funding to date for design or construction.

As the CLV at the critical intersection is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the AM peak hour. The table indicates that the proposed mitigation action would mitigate 460 percent of the trips generated by the subject property in the AM peak hour. As the intersection operates at LOS D during the PM peak hour, while mitigation would improve operations incrementally during the PM peak hour, the overall mitigation findings are not germane to the PM peak hour. **Therefore, the applicant's proposed mitigation at MD 5 and Surratts Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts.**

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

As noted earlier, SHA does concur with the mitigation that is proposed. Given past actions by the Planning Board approving the use of mitigation in this area, this is a similar circumstance in which the Planning Board would consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

It is noted that there is a condition that will include a trip cap for the site. The trip cap will be for the 64 single-family lots only, since the development can no longer include the townhouse lots.

#### **DPW&T and SHA Comments**

The traffic study was referred to and reviewed by DPW&T and SHA (there are two separate referrals from SHA). The responses are attached, and the agencies raise several issues that require discussion below.

**DPW&T Comments:** DPW&T stated that the county-funded improvements at Brandywine/Surratts provide LOS A in both peak hours, and these improvements should be reflected in the study. In fact, they are reflected in the study recommendations. Nonetheless, it is consistent with the Guidelines that funded improvements be reflected under background traffic and total traffic. The review presented the information in this way, and it should have been presented that way in the traffic study.

DPW&T indicated that the CLVs at the MD 5/Surratts Road intersection are miscalculated. The traffic consultant rechecked the computations as did the Transportation Planning Section, and determined that the computations are done in accordance with the Guidelines.

DPW&T indicated that they will soon be implementing bus service (Route 37) along Brandywine Road. They are requiring bus shelters adjacent to the site. While bus shelters were not specifically proffered in the traffic study, facilities to encourage the use of transit are useful to the community, and should be provided.

DPW&T raised several issues about payments to the county toward road improvements in the area. Some of these payments are permit-related. However, payments toward the CIP project along Brandywine Road/Surratts Road are required for a finding of adequacy, and such payments will be required as a condition. It is noted that the amount of the payment was originally negotiated when the subject site was known as "White Property."

**SHA Comments:** In a memorandum dated July 27, 2012, SHA stated that a one percent annual growth rate for through traffic is not consistent with other studies, and recommends the use of 1.5 percent per year. The applicant has provided information to indicate that the use of the higher growth rate would not change the results of the study in any substantial way. Furthermore, ten years of data actually indicates 1.32 percent is the correct growth rate. Furthermore, given the quantity of approved but unbuilt development that has been factored into the study, it is believed that the study, as presented, sufficiently accounts for anticipated growth within the study timeframe.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

SHA questioned whether two developments shown in the study were described as “built out” with no trips generated or assigned. It has been verified that these developments were built and are occupied and currently generating traffic that would have been included in the counts used to develop existing traffic. It was correct to not show trips generated or assigned from these developments.

SHA indicated that the MD 5/Brandywine Road intersection should have been included in the traffic study. However, as indicated by the trip assignment shown in the study, only ten percent of the site-generated traffic would utilize the MD 5/Brandywine Road intersection. This site distribution pattern has been utilized in previous studies (2003 and 2008) for this site. While SHA is correct that the two MD 5 intersections are nearly equal distance from the site, the proposed site development will have a much greater impact on the MD 5/Surratts Road intersection than the MD 5/Brandywine Road intersection (30 percent versus 10 percent based on the trip distribution assumed in the study). Furthermore, in accordance with the Guidelines, the intersection could not be considered critical because it does not serve at least 20 percent of site-generated trips or a minimum of 150 trips in any peak hour.

The applicant did provide a response to SHA. Subsequently, SHA provided a memorandum dated September 13, 2012 that concurred with the findings in the traffic study, and determined that further analyses would not be required at this time.

#### **Master Plan Roadways**

The site is not adjacent to any master plan rights-of-way. For a development of this size, primary and secondary access points are essential. Primary access will be via Summersweet Drive, and this access is supported strongly. Also, the plan indicates secondary access onto Cushwa Drive, and this access is also strongly supported. It is noted that Elysse Drive also stubs into the subject property, and it has been determined through grade establishment plans that a connection to Elysse Drive would be too steep and therefore not appropriate.

At the time of the Subdivision and Development Review Committee meeting, the original submitted plan showed Hunt Weber Drive concluding as a very long cul-de-sac within the townhouse portion of the site. It was recommended at that time that a second access point was needed to serve the townhouse area or that the length of the cul-de-sac and the development along it should be limited. The revised plan found a way to provide a second access point, extending Hunt Weber Drive south along the eastern property line. For purposes of staging the provision of the second access point, it is determined that the completion of Hunt Weber Drive (to provide a second access to the townhouse portion of the site at the north and south ends) was required prior to the 63rd townhouse unit. This corresponded to a maximum average daily traffic volume of 600 using Hunt Weber Drive at Cushwa Drive. However, with an outparcel in lieu of townhouse lots, the second connection is not required, but recommended and reflected on the applicant’s Exhibit I.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

### Transportation Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—The proposed preliminary plan includes 64 single-family lots and has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolution CR-23-2003), and concluded the following:

#### Impact on Affected Public School Clusters

##### SF Detached Units

Affected School Clusters	Elementary School 5 Cluster	Middle School 2 Cluster	High School 3 Cluster
Dwelling Units	64 DU	64 DU	64 DU
Pupil Yield Factor	0.164	0.130	0.144
Subdivision Enrollment	10	8	9
Actual Enrollment	3,518	4,599	6,260
Total Enrollment	3,528	4,607	6,269
State Rated Capacity	3,753	5,540	7,862
Percent Capacity	94%	83%	80%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,762 and \$15,020 to be paid at the time of issuance of each building permit.

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

10. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

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

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language



First Due Fire/EMS Company #	Fire/EMS Station	Address
25	Clinton	9025 Woodyard Road

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

#### **Capital Improvement Program (CIP)**

There are no Prince George's County Capital Improvement Program (CIP) projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 31, 2012.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 05/31/2012	4/2012-3/2011	8 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of 10 minutes for emergency calls were met and the 25 minutes for nonemergency calls were met on May 31, 2012.

12. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System. The property must be approved for water and sewer Category 3 through the administrative amendment procedure before approval of the final plat.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

13. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has following comments:

There are at least two abandoned shallow wells existing on the property. These wells must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller, or as witnessed by a representative of the Health Department; and the required Water Well Abandonment-Sealing Report form submitted prior to approval of any grading activities on the property.

Any abandoned septic tanks existing on the property must be field located, pumped out by a licensed scavenger as necessary to collect any remaining sewage, and either removed or backfilled in place, prior to approval of any grading activities on the property.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations for public streets, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner’s dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George’s County in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along the public and private rights-of-way as requested by the utility companies and will be required on the final plat.

15. **Historic**—The subject property contains the Jamison Farmhouse (81A-011), a documented property. It was listed in the 1981 *Historic Sites and Districts Plan* as a historic resource. The building was documented on a Maryland Inventory of Historic Properties form in 1985. At its February 21, 1989 meeting, the Prince George’s County Historic Preservation Commission (HPC) deleted the Jamison Farmhouse from the Inventory of Historic Resources, finding that it met none of the criteria required for classification as a county historic site. The applicant has updated the information in the Maryland Inventory of Historic Properties form to reflect current conditions. The building does not meet the criteria for listing in the National Register of Historic Places or the Prince George’s County criteria for listing as a historic site.

A Phase I archaeological survey was conducted on the subject property in July and August 2008. Two Archeological Sites, 18PR952—a historic farm complex (the Jamison House, 81A-11) containing artifacts dating from the eighteenth to twentieth centuries, and 18PR953—a large prehistoric artifact scatter and tool manufacturing site, were identified. A total of 241 historic and three prehistoric artifacts were recovered from 27 positive shovel test pits near the Jamison farmhouse, 18PR952. The artifacts recovered date from the eighteenth to twentieth centuries. One feature, a layer of brick and mortar, was noted near the Jamison farmhouse and may possibly represent an earlier walkway. The Jamison farm complex and associated artifact scatter were recorded as Archeological Site 18PR952 and covers an area measuring 135 by 90 meters. Site 18PR952 also has a small prehistoric component.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Site 18PR953 represents an occupation area where the prehistoric inhabitants could take advantage of the various locally available resources. Site 18PR953 also contains a small historic component, and historic artifacts recovered include dark olive green bottle glass, unidentified metal, window glass, and bottle glass. Due to the possibility of intact cultural deposits at both sites and their potential to yield significant information on the prehistoric and historic occupation of the southwestern portion of Prince George's County, Phase II investigations were recommended on Sites 18PR952 and 18PR953. Four copies of the final Phase I report were received and approved on January 16, 2009. Phase II work plans for Sites 18PR952 and 18PR953 were submitted to Historic Preservation and were approved on January 16, 2009.

Subsequent to the approval of the Phase II work plans for Sites 18PR952 and 18PR953, the applicant retained the services of another archeological consultant. That consultant did not follow the approved Phase II work plans and did not submit revised work plans for the Phase II work that was completed. The consultant also did not notify Historic Preservation that he was conducting Phase II investigations on the Vineyards property. Phase II investigations were conducted on the Vineyards property in August 2009, but the draft report was not submitted to Historic Preservation until September 2011.

Phase II investigations on the Vineyards property focused on determining the integrity and significance of archeological deposits associated with Sites 18PR952 and 18PR953. Phase II investigations at the Jamison farmstead, Site 18PR952, indicate that construction of the current building and more recent activity around the house appear to have destroyed evidence of an early 1800s dwelling site. The site did not contain intact features or cultural deposits that could provide significant information on the history of Prince George's County. Therefore, the site does not meet the criteria for listing in the National Register of Historic Places or the five criteria for Phase III treatment of archeological sites listed in the Planning Board's *Guidelines for Archeological Review*. No further work is required on this site.

Site 18PR953 did not contain any pottery or Woodland period (200 BC-1600 AD) projectile points and likely represents a multicomponent site with Middle Archaic (6000-4000 BC) and Late Archaic/Transitional (4000-200 BC) occupations. This site has the potential to answer questions about Middle to Late Archaic settlement patterning and subsistence strategies. The site retains vertical and spatial integrity and could yield significant data on microband use of wetland environments on a seasonal basis. A microband comprises a small band of a few people or a single family who together carry out collecting or hunting activities on a seasonal basis. The microband may rejoin a larger group at other seasons of the year when there is a greater supply of seasonal food.

Site 18PR953 retains vertical and spatial integrity and could yield significant data on the prehistoric occupation of the southern part of Prince George's County and is eligible for listing in the National Register of Historic Places under Criterion D. In addition, Site 18PR953 meets Criteria A, B, C, and D for Phase III treatment listed in the Planning Board's *Guidelines for Archeological Review*. The sewer connection in the southeastern portion of the proposed development is the only area where the applicant can connect into the existing sewer lines. This connection and the construction of Hunt Weber Drive and the hiker/biker trail will cause the

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

destruction of Site 18PR953. Therefore, Phase III data recovery investigations are recommended on Site 18PR953 to recover significant data contained within the site.

The proposed development will require state and federal wetland permits. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

### **Historic Preservation Commission**

The Historic Preservation Commission (HPC) reviewed the new Preliminary Plan, 4-10020, for the subject property at its September 18, 2012 meeting. HPC received testimony from the applicant's attorney and engineer about the details of the required sewer connection and the issue of the potential change of zoning for the townhouse portion of the development from R-T to R-80. Ms. Kim Morgan, project engineer, informed HPC of the limitations associated with the required sewer connection for the developing property, noting that the only viable location would require removal of Archeological Site 18PR953. Mr. Andre Gingles, attorney for the applicant, indicated that, based on the resolution of pending litigation, the portion of the property zoned for townhouses may revert to the R-80 (single-family dwelling) Zone. HPC voted unanimously to recommend Phase III data recovery for Site 18PR953.

16. **Use Conversion**—The subject application is analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, and public facilities specifically related to the residential land use proposed with this application. There exists different adequate public facility tests comparatively between residential and nonresidential uses. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan should be required.
17. **Street Dedication R-80 vs. R-T**—The applicant's Exhibit I proposed two public street crossings of the PEPCO (250-foot-wide) fee simple property, one street on the eastern portion and one street on the western portion of the site. Prior to approval of final plats, the applicant should secure approval for the construction of public streets for those two crossings of the property under the jurisdiction of PEPCO. The location of the crossing for the street on the eastern portion may change depending on the future development of Outparcel A. Any development on Outparcel A will require a new preliminary plan of subdivision.

If Outparcel A is development with single-family lots (R-80 Zone), the street crossing of the PEPCO property on the eastern portion of the site may not be necessary due to the low density development. If Outparcel A is developed with townhouse lots (R-T Zone), the second public street crossing of the PEPCO property on the eastern portion of the site is necessary to provide for adequate circulation (Section 24-124 of the Subdivision Regulations) by providing a second public street connection to this land bay (Outparcel A) due to the high-density development (R-T Zone).

The appropriateness of a second public street crossing of the PEPCO right-of-way should be further examined with the development application for Outparcel A. Therefore, dedication of the

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

street beyond Lot 22 on the east side of Hunt Weber Drive should not occur until the issue of the zoning of Outparcel A is settled (R-80 or R-T), in the mind of the applicant. This would provide two options depending on the development scenario of Outparcel A. If Outparcel A is zoned R-80, the stub of Hunt Weber Drive would terminate in a cul-de-sac on the north side of the PEPCO property. If R-T, the public street would extend across the PEPCO property and terminate in a cul-de-sac on the south side of the PEPCO property.

The preliminary plan should include an inset which reflects the termination of the cul-de-sac on the north side of the PEPCO property as a second option only if Outparcel A is developed with single-family dwellings (R-80). The analysis would also ensure that access to the master plan stream valley trail from the development north of the PEPCO property could occur.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Bailey, with Commissioners Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, November 8, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2012.

\*This is to certify that the foregoing is a true and correct copy of the reconsideration 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, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 3, 2019, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

\*Adopted by the Prince George's County Planning Board this 24th day of October 2019.

†Denotes (2025) Amendment

\*Denotes (2019) Amendment


Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

†This is to certify that the foregoing is a true and correct copy of the reconsideration or remand 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, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, March 27, 2025, in Largo, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 17th day of April 2025.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:JB:tr



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

4/15/25

†Denotes (2025) Amendment

\*Denotes (2019) Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language