

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 29, 2003 regarding Detailed Site Plan DSP-04001 for Chesterfield Estates, the Planning Board finds:

1. **Request:** The subject application requests the creation of a 22- unit detached dwelling subdivision in the R-R Zone.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	18.88	18.88
Lots	2	22
Number of dwelling units	0	22

3. **Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located on the west side of Dangerfield Road approximately 300 feet south of its intersection with Dangerfield Drive in Clinton, Maryland.
4. **Surroundings and Use:** The subject property is bounded on all sides by single-family detached dwellings, with the exception of one church, Calvary Road Baptist Church, on the opposite side of Dangerfield Drive. Please note that the subject site is also proximate to Andrews Air Force Base, located approximately 2,500 feet to its south.
5. **Previous Approvals:** The subject site received approval for Preliminary Plan of Subdivision 4-03062 on October 30, 2003. Resolution 03-226 was adopted by the Planning Board formalizing that approval on December 4, 2003.
6. **Design Features:** The subdivision, roughly triangular in shape, fronts on Dangerfield Drive. It is accessed via Shackelford Way, which forms a "T" intersection with the only other roadway in the subdivision, Morrisett Court. Shackelford Way offers frontage for six of the proposed lots. The remainder of the 22 lots have frontage on Morrisett Court that terminates in culs-de-sac on both ends. The point of the triangle, the furthest part of the subdivision from Dangerfield Drive, has been preserved as Parcel A and not lotted out because of environmental features.

Architecture for the project includes the following 13 house types. The total base finished area is included for each house type.

<b>House Type</b>	<b>Total Base Finished Area</b>
Burleigh	3,940
Chartwell II	2,746
Dinmont II	2,989
Patuxent	3,346
Southill	3,180
Yorkshire II	3,482
Augusta	3,930
The Grand Augusta	4,514
The Savannah	3,274
The Pinehurst	2,716
The Atlanta	2,984
Chapel Hill	3,456

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-441(b), Table of Uses, which governs permitted uses in residential zones. The proposed residential subdivision is a permitted use in the R-R Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones.
8. **Preliminary Plan of Subdivision 4-03062:** The subject site received approval for Preliminary Plan of Subdivision 4-03062 on October 30, 2003. Resolution 03-226 was adopted by the Planning Board formalizing that approval on December 4, 2003. The following conditions of approval apply to the review of the subject Detailed Site Plan:

**2. A detailed site plan shall be approved prior to the approval of final plats.**

The applicant has complied with this condition by submitting the subject application.

**4. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan approval.**

Type II Tree Conservation Plan TCPII/63/04 is under consideration for approval together with the subject detailed site plan. The Environmental Planning Section has unconditionally recommended approval of TCPII/63/04.

**9. At time of detailed site plan review, the design of the stormwater management facilities controlling on-site and off-site stormwater will be re-evaluated to determine if more of the stormwater reaching the stream can be pretreated.**

In response to this condition, the applicant submitted a requested statement of justification regarding this condition. The Environmental Planning Section has reviewed the statement of justification and found it sufficient and in compliance with the requirements of this condition.

**10. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, Concept #11637-2003-00, or any approved revisions thereto.**

As stated in comments dated June 7, 2004, received from the Department of Environmental Resources, the site plan for Chesterfield Estates is consistent with approved stormwater concept plan #11637-2003.

The Environmental Planning Section, as a result of its initial review of the application, had required that at least 30 days prior to the Planning Board hearing, the applicant submit a statement of justification for allowing off-site stormwater through the site and depositing it into the stream system untreated. Such statement of justification was submitted by the applicant and the Environmental Planning Section found it acceptable. Please see further discussion on this matter under 11.i. below.

9. ***Landscape Manual:*** The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*. These include Section 4.1, Residential Requirements, Section 4.6, Buffering Residential Development from Streets, and Section 4.7, Buffering Incompatible Uses.
10. **Woodland Conservation Ordinance:** The site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and it has more than 10,000 square feet of woodland. A Forest Stand Delineation showing 28 sample areas, 3 forest stands, and no specimen trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance. A Type II Tree Conservation Plan, TCPII/63/04, has been submitted with this application. The plan proposes clearing 10.66 acres of the existing 16.18 acres of upland woodland, clearing of 0.14 acre of the existing 2.59 acres of floodplain woodland, and 0.23 acre of off-site clearing for the construction of a sanitary sewer. The woodland conservation requirement for this proposal as currently designed is 6.29 acres and not 6.38 acres. The plan proposes to meet the requirement by providing 5.19 acres of on-site preservation and 1.19 acres of off-site conservation, for a total of 6.38 acres. The layout will preserve most of the wooded stream valley and provide a connection to preserved woodland on a homeowners' open space parcel to the south. No lots are planned to be encumbered by woodland conservation. The Environmental Planning Section finds the TCPII acceptable.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—The Historic Preservation and Public Facilities Planning Section, in comments dated May 26, 2004, stated the proposed project would have no effect on historic resources. Additionally, they stated that there are no known cemeteries on the subject property.
  - b. **Community Planning**—The Community Planning Section, in a memorandum dated June 24, 2004, stated that the subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the recommendations of the master plan for Low-Suburban residential use, but is affected by air traffic from Andrews Air Force Base (AAFB). Regarding this last point, the Community Planning Division stated that the subject property is affected by air traffic from AAFB, particularly with respect to noise, and is in the area encompassed by AICUZ studies. Further, they stated that acoustical construction techniques for reduction of interior noise levels and buyer notification of location within the AAFB airport environment on subdivision plats and deeds of sale should be considered.
  - c. **Transportation**—The Transportation Planning Section has stated in comments received June 1, 2004, that Dangerfield Road is a proposed 80-foot right of way, 40 feet measured from center line. Additionally, they noted that the site plan is acceptable, but that the applicant should note that Condition 12 of PGCPB No. 03-226 would be enforced prior to building permit.
  - d. **Subdivision**—The Subdivision Section, in a memorandum dated June 23, 2004, stated that Preliminary Plan 4-03062 was approved by the Planning Board on October 30, 2003. The resolution, PGCPB 03-226, was adopted on December 4, 2003. Final Plats must be accepted by the Subdivision Section no later than December 4, 2005.

The proposed Detailed Site Plan presents a lotting pattern and road configuration substantially in conformance with the approved Preliminary Plan. The Preliminary Plan was approved with 13 conditions; the following apply at the Detailed Site Plan stage.

2. **A detailed site plan shall be approved prior to the approval of final plats.**
4. **A Type II Tree Conservation Plan shall be approved at the time of detailed site plan approval.**
9. **At time of detailed site plan review, the design of the stormwater management facilities controlling on-site and off-site stormwater will be re-evaluated to determine if more of the stormwater reaching the stream can be pretreated.**

**10. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, Concept #11637-2003-00, or any approved revisions thereto.**

The Environmental Planning Section verifies conformance with Conditions 4, 9, and 10 in Finding 11.i below. There are no other subdivision issues.

- e. **Trails**—The trails planner, in a memorandum dated June 21, 2004, stated that there are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan. However, in keeping with adjacent developments, the trails planner suggested, unless modified by the Department of Public Works and Transportation, that standard sidewalks be installed along both sides of all internal roads. In addition, he stated that if road frontage improvements along the subject site's frontage of Dangerfield Road are required, he would recommend a wide asphalt shoulder or a wide curb lane, if agreed to by the Department of Public Works and Transportation.
- f. **Parks**—The Department of Parks and Recreation stated on June 25, 2004, that they had no comments on the proposed project.
- g. **Permits**—The Permit Review Section offered numerous comments in a memorandum dated June 8, 2004. All concerns of the Permit Review Section have either been addressed by revisions to the plans.
- h. **Public Facilities**—In a memorandum dated June 18, 2004, the Historic Preservation and Public Facilities Planning Section stated for informational purposes only (as there are no required findings regarding adequate public facilities for a DSP) that the proposed project would be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services and are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. In addition, they stated that the proposed development will be adequately served by Police District V in Clinton.
- i. **Environmental Planning**—In a memorandum dated June 10, 2004, the Environmental Planning Section offered the following:

**Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject applications. The text in **bold** is the actual text from the previous cases or plans.

**PGCPB No. 03-226, File No. 4-03062, December 4, 2003**

**Condition 2. A detailed site plan shall be approved prior to the approval of final plats.**

Comment: This application serves to fulfill Condition 2.

**Condition 4. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan approval.**

Comment: A Type II Tree Conservation Plan has been submitted with this application. The details are discussed in the Environmental Review section below.

**Condition 9. At time of detailed site plan review, the design of the stormwater management facilities controlling on-site and off-site stormwater will be re-evaluated to determine if more of the stormwater reaching the stream can be pretreated.**

Comment: Stormwater management is discussed in the Environmental Review section below.

**Condition 10. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, Concept #11637-2003-00, or any approved revisions thereto.**

Discussion: The approved Stormwater Management Concept Plan utilizes an on-site stormwater management pond as illustrated on the Preliminary Plan and the Type I Tree Conservation Plan. This design is reevaluated in the Environmental Review section below to determine if the off-site stormwater is being pretreated for water quality.

**Environmental Review**

- (1) This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and it has more than 10,000 square feet of woodland.

A Forest Stand Delineation (FSD) showing 28 sample areas, 3 forest stands, and no specimen trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

Comment: No further action regarding the Forest Stand Delineation is required with regard to this Detailed Site Plan.

- (2) A Type II Tree Conservation Plan, TCPII/63/04, has been submitted with this application. The plan proposes clearing 10.66 acres of the existing 16.18 acres of upland woodland, clearing of 0.14 acre of the existing 2.59 acres of floodplain woodland, and 0.23 acres of off-site clearing for the construction of a sanitary sewer. The woodland conservation requirement for this proposal as currently

designed is 6.29 acres and not 6.38 acres as stated in the worksheet. The plan proposes to meet the requirement by providing 5.19 acres of on-site preservation and 1.19 acres of off-site conservation for a total of 6.38 acres. The layout will preserve most of the wooded stream valley and provide a connection to preserved woodland on a homeowners' open space parcel to the south. No lots will be encumbered by woodland conservation.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/63/04 subject to the following condition:

Prior to certificate approval of the Detailed Site Plan, the Type II Tree Conservation Plan worksheet shall be revised to indicate that the woodland conservation requirement is 6.29 acres and not 6.38 acres. (Please note that since the requested revision has been made to the plans, the condition is no longer necessary.)

- (3) This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands study including a Jurisdiction Determination was submitted. The wetlands, minimum 25-foot wetland buffers, streams, minimum 50-foot stream buffers, all areas with severe slopes, and all areas with steep slopes containing highly erodible soils are shown on the Preliminary Plan and the Type I Tree Conservation Plan. The expanded stream buffer as defined in Section 24-130 of the Subdivision Regulations is correctly shown.

Condition 5 of PGCPB No. 03-226, File No. 4-03062, December 4, 2003, requires that at time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, be reviewed by the Environmental Planning Section prior to certification, and the following note shall be placed on the plat:

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

The plan proposes impacts to stream buffers and wetland buffers. Requests for three individual impacts were approved by PGCPB No. 03-226, File No. 4-03062, December 4, 2003.

Discussion: The submitted Detailed Site Plan shows the proposed impacts in conformance with the location, size and purpose of the approved impacts.

- (4) Based on the most recent Air Installation Compatible Use Zone Study (AICUZ Study) released to the public in August 1998 by Andrews Air Force Base,

aircraft-generated noise is significant. The entire site is affected by noise levels exceeding 65 dBA (Ldn) and the northern portion is affected by noise levels exceeding 70 dBA (Ldn). This noise level is above the state Acceptable Noise Level for residential land uses [65 dBA (Ldn) exterior and 45 dBA (Ldn) interior]. It will not be possible to mitigate noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn). The Preliminary Plan of Subdivision shows the 70 dBA (Ldn) contour established by the AICUZ Study.

Condition 7 of PGCPB No. 03-226, File No. 4-03062, December 4, 2003 requires that the following note shall be placed on the Final Plat:

“This site is subjected to noise levels greater than 65 dBA Ldn from aircraft landing and taking off from Andrews Air Force Base. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”

Condition 8 of PGCPB No. 03-226, File No. 4-03062, December 4, 2003, requires that prior to the issuance of building permits for structures on this site, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells within the noise corridors for Andrews Air Force Base have been designed to attenuate interior noise levels to 45 dBA Ldn or less.

Discussion: The above conditions will be reviewed at the appropriate phase of review.

- (5) The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Bibb, Beltsville, Galestown, Matapeake and Sassafra series.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this Detailed Site Plan review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- (6) A Stormwater Management Concept Plan, CSD #11637-2003000, was approved by the Prince George's County Department of Environmental Resources on April 14, 2003. The approved plan utilizes an on-site stormwater management pond as illustrated on the Preliminary Plan and the Type I Tree Conservation Plan.

Condition 9 of PGCPB No. 03-226, File No. 4-03062, December 4, 2003, requires that at time of Detailed Site Plan review, the design of the stormwater management facilities controlling on-site and off-site stormwater be reevaluated to determine if more of the stormwater reaching the stream can be pretreated.



The stormwater management design includes a bioretention facility for on-site water quality and a stormwater management pond sized to accommodate both on-site and off-site stormwater quantity. The off-site stormwater is collected into a bypass stormdrain and enters the on-site stormwater management pond. A properly sized flowsplitter is used to ensure that the quantity of stormwater generated off-site does not overload the on-site pond. The on-site pond will provide a measure of water quality treatment due to retention time and pollutant settling.

Comment: No further action regarding stormwater management is needed as it relates to this Detailed Site Plan review.

In summary, the Environmental Planning Section recommends approval of the DSP and TCP.

- j. **Department of Environmental Resources**—The Department of Environmental Resources stated in comments dated June 7, 2004, that the site plan for Chesterfield Estates, DSP-04001, is consistent with approved stormwater concept #11637-2003.
  - k. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated June 26, 2004, offered comments regarding required access for fire apparatuses, road design, marking of firelanes, and the location and required performance of fire hydrants.
  - l. **The Department of Public Works and Transportation**—At the time of the writing of this staff report, the Department of Public Works and Transportation has not offered comment on this project.
  - m. **Andrews Air Force Base**—At the time of the writing of this staff report, Andrews Air Force Base has not offered comment on this project.
12. As required by Section 27-285(b) of the Zoning Ordinance, the Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/63/04) and further APPROVED Detailed Site Plan DSP-04001 for the above-described land.

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

\* \* \* \* \*

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29<sup>th</sup> day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:meg