

R E S O L U T I O N

WHEREAS, The Atkinson Trust, LLC and Woodside Development, LLC are the owners of a 158.28-acre tract of land known as Parcel 5 and Parcel 19, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD) Zone and the Military Installation Overlay (MIO) Zone; and

WHEREAS, on May 20, 2022, Dream Finders Homes, LLC filed an application for approval of a Preliminary Plan of Subdivision for 610 lots and 58 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21049 for Case Yergat was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 21, 2022; and

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

WHEREAS, pursuant to Section 24-1703(b) of the Subdivision Regulations, a subdivision application submitted under a valid comprehensive design plan approved under the prior Zoning Ordinance must be reviewed and decided, in accordance with the Subdivision Regulations in existence at the time of the approval of the comprehensive design plan; and

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

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

WHEREAS, on July 21, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-006-2022-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21049, for 610 lots and 58 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:

- a. Revise the dedication of master plan rights-of-way to reflect the correct limits of P-616 and P-617. Public Road A shall be identified as P-616, between Westphalia Road and Public Road C, and P-616 shall continue along Public Road C to the southernmost point of the property. Public Road A shall be identified as P-617, between Public Road C and the easternmost point of the property. Revise General Note 10 to reflect the correct square footage for areas of dedication.
- b. Revise the right-of-way of MC-631 within the property to reflect 100 feet of dedication consistent with the 2009 *Approved Countywide Master Plan of Transportation*. Revise General Note 10 to reflect the correct square footage for areas of dedication.
- c. Revise the intersection of P-616 and P-617 to intersect at a “T” design and eliminate the curvature of the intersection, which may require the reconfiguration and/or loss of lots.
- d. Show prior parcel boundary lines in lighter line weight to distinguish from proposed parcel and lot lines.
- e. Label prior parcel numbers (Parcels 5 and Parcels 19).
- f. Revise General Note 1 to add Military Installation Overlay (M-I-O) Zone to both prior and current zoning of the subject property.
- g. Delete General Note 11.
- h. Revise General Note 15 to reference the minimum net lot area required for single-family detached and single-family attached dwelling units, in accordance with Comprehensive Design Plan CDP-0601-02.
- i. Revise General Note 16 to reference the minimum lot widths required for single-family detached and single-family attached dwelling units, in accordance with Comprehensive Design Plan CDP-0601-02.
- j. Revise the Type 1 tree conservation plan number in General Note 27 to TCP1-006-2022-01.
- k. Remove the word ‘Easement’ from the label for the Magruder/McGregor Family Cemetery.
- l. Revise the Parcel Table to correctly identify the parcel to include the Magruder/McGregor Family Cemetery.
- m. Provide the conceptual location for an access path to the Magruder/McGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail.

2. Any nonresidential development shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
3. Development of this site shall be in conformance with the approved stormwater management concept plan (38822-2021-00) and any subsequent revisions.
4. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for on-site private recreational facilities in accordance with the standards outlined in the Prince George's County *Parks and Recreation Facilities Guidelines*.
5. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Prince George's County Planning Department, for adequacy and proper siting in accordance with the *Parks and Recreation Facilities Guidelines*, and establishment of triggers for construction, with the submittal of the specific design plan.
6. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.
7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site recreational facilities recreational facilities listed in the recreational facilities agreement.
8. The applicant shall make a monetary contribution into a "park club". The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
9. Prior to approval of a final plat of subdivision:
 - a. The applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a "park club" account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the land records of Prince George's County, Maryland by the applicant prior to final plat approval.

- b. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation. The draft covenants shall include a plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the HOA.
10. At the time of final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate all public rights-of-way, consistent with the approved preliminary plan of subdivision.
11. Total development within the subject property shall be limited to uses which generate no more than 451 AM peak-hour trips and 538 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
12. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4 (Pennsylvania Avenue)/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a total fee of \$1,703,936.75 or \$2,793.34 (in 2010 dollars) per dwelling unit pursuant to the Memorandum of Understanding required by CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.

If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building (excluding escalation cost) at the time of each specific design plan. Notwithstanding the requirements of this condition above, a determination shall be made at that time as to when the fees shall be provided.
13. Prior to issuance of the first building permit within the subject property, unless modified in accordance with Condition 15, 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:
 - a. Ritchie Marlboro Road, Westphalia Road, and Orion Lane—Conduct a signal warrant study for this intersection and install a signal if it is deemed to be warranted and approved for construction by the operating agency.

- b. Construction of P-616 and P-617 in general conformance to the preliminary plan of subdivision, as further modified to reflect accurate dedication of right-of-way and land area.
14. Prior to approval of the first building permit, unless modified in accordance with Condition 15, the master plan right-of-way, P-616, between MC-631 and Westphalia Road, shall be fully constructed.
15. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each specific design plan, to show the phasing of transportation improvements listed below and as provided in Conditions 13 and 14 to the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.
 - a. Westphalia Road – Frontage improvements per the 2009 *Approved Countywide Master Plan of Transportation*.
 - b. P-616 on-site.
 - c. P-617 on-site.
 - d. Portion of P-616 located off-site between MC-631 and the subject site, if determined necessary by the phasing plan.
16. Prior to acceptance of a specific design plan, and as part of the detail site plan submission, the applicant and the applicant's heirs, successors, and/or assignees shall include the following:
 - a. A minimum 6-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.
 - b. Americans with Disabilities Act curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.
 - c. A minimum 10-foot-wide path along C-626 (Westphalia Road), unless modified by the operating agency, with written correspondence.
 - d. Shared roadway pavement markings and signage along P-616, consistent with the *Guide for the Development of Bicycle Facilities* (American of Association of State Highway and Transportation Officials (AASHTO)), unless modified by the operating agency, with written correspondence.
 - e. A minimum 10-foot-wide path along P-617, unless modified by the operating agency, with written correspondence.

- f. Short-term bicycle parking at all recreation areas, consistent with the *Guide for the Development of Bicycle Facilities* (American of Association of State Highway and Transportation Officials (AASHTO)).
17. Prior to approval of the grading permit for the portion of the development adjacent to the Magruder Family Cemetery, the applicant shall contact Historic Preservation Section staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.
18. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts recovered from Phase I and Phase II investigations conducted on the Case Property, and Phase I investigations on the Yergat Property, are curated to Maryland Historical Trust standards.
19. Prior to acceptance of a specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Prepare a written plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the homeowners association. This plan shall be submitted to Historic Preservation Section staff of the Maryland-National Capital Park and Planning Commission for review.
 - b. Show an access path to the Magruder/McGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail and show the location of the required interpretive signage within the environmental setting on the plans.
 - c. Show the location and submit the design of a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries, and submit proposed text for an interpretive marker to be placed at a location close to or attached to the cemetery fence/wall for review and approval by the Prince George's County Historic Preservation Commission.
20. Prior to approval of the final plat of subdivision for the parcel containing the Magruder/McGregor Family Cemetery, the applicant and the applicant's heirs, successors, and/or assignees shall record a perpetual maintenance easement agreement or covenant in the Prince George's County Land Records for the Magruder/McGregor Family Cemetery, consistent with the approved specific design plan. The easement shall be described by bearings and distances on the final plat. The final plat shall indicate the Liber and folio of the agreement. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee) prior to recordation.

21. Prior to approval of any grading permits or any ground disturbance for the parcel containing the Magruder/McGregor Family Cemetery and adjoining roads, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit an inventory of existing cemetery elements.
 - b. Submit a list of measures to protect the cemetery during development.
22. Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1) shall be revised as follows:
 - a. The legend shall be revised to indicate the wetlands symbology present on the TCP1.
 - b. All easements and impacts associated with the Washington Suburban Sanitary Commission easement shall be shown on the TCP1.
 - c. The TCP1 shall be revised to remove the proposed site-wide recreational trail and associated primary management area impacts and to include these areas as part of the on-site woodland preservation or afforestation, to the extent possible.
 - d. The TCP1 associated with this PPS is TCP1-006-2022-01. Indicate the prior approval information associated with TCP1-006-2022 in the approval block. In the woodland conservation worksheet, identify that this is the -01 revision of TCP1-006-2022.
23. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-2022-01). 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 (TCP1-006-2022-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
24. Prior to issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:

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

25. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

26. Prior to acceptance of the specific design plan, a global stability analysis performed on critical slopes shall be submitted for both unmitigated and mitigated conditions, in compliance with Techno-gram 005-2018.
27. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
28. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision and specific design plan. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.

- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
29. Prior to approval of any final plat of subdivision for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County Land Records and the Liber/folio noted on the final plat.
30. Prior to approval of any building permits, a permanent wall or fence to delineate the cemetery boundaries and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall shall be provided.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site consists of four acreage parcels, two of which are both known as Parcel 5, and two of which are both known as Parcel 19. Parcel 5 is recorded in the Prince George's County Land Records in Liber 45419 at folio 393, while Parcel 19 is recorded in Liber 45939 at folio 532. The property area is 158.28 acres. The subject property is located in the Legacy Comprehensive Design (LCD) Zone and the Military Installation Overlay (MIO) Zone for height and is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan). However, this preliminary plan of subdivision (PPS) is reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(b) of the Subdivision Regulations because the site has a comprehensive design plan (CDP) approved under the old Zoning Ordinance, which is currently valid. The site is subject to Residential Medium Development (R-M) Zone, as well as the Military Installation Overlay (M-I-O) Zone for height under the prior Zoning Ordinance.

This PPS approves 610 lots and 58 parcels for development of 493 single-family detached and 117 single-family attached dwelling units. A trash hauling operation and a sediment and erosion control service exists on the northernmost portion of the property on Parcel 19. The remainder of the property is used for agriculture, and a residential dwelling and accessory structures. All existing structures are proposed to be razed.

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

3. **Setting**— The site is located on Tax Map 82 in Grid F4, Tax Map 83 in Grid A4, Tax Map 90 in Grid F1, and Tax Map 91 in Grids A1 and B1. The subject property is located on the south side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie Marlboro Road, within Planning Area 78. The following development abuts the subject site: Westphalia Road to the north, with single-family residential development in Residential Estate Zone and vacant land in the Agricultural-Residential Zone beyond; vacant land in the LCD Zone to the east and south; and single-family residential development in the Residential, Rural Zone to the west.
1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	LCD/MIO	LCD/MIO (reviewed per R-M/ M-I-O standards)
Use(s)	Industrial/Agricultural/ Residential	Single-family Residential
Acreage	158.28	158.28
Dwelling Units	0	610
Gross Floor Area	0	0
Parcels	0	58
Lots	6	610
Outlots	0	0
Variance	No	Yes, Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on May 27, 2022.

2. **Previous Approvals**—Basic Plan A-9973 and CDP-0601, titled Woodside Village, established the original plan for the overall development of the subject site.

On February 6, 2007, the Prince George’s County District Council approved the sector plan and sectional map amendment (SMA) (Prince George’s County Council Resolution CR-2-2007). A-9973, which requested rezoning from the prior Residential-Agricultural Zone to the prior R-M Zone for approximately 381.95 acres of land, was included within the Council’s approval of the SMA. In 2009, the District Council affirmed the Prince George’s County Planning Board’s approval of CDP-0601 for development of 1,422–1,496 residential units, including approximately

1,276 single-family dwelling units (attached and detached) and 220 multifamily dwelling units. However, no subsequent applications were ever submitted or approved pursuant to these approvals.

On November 15, 2021, the District Council approved A-9973-02, to amend the original Woodside Village basic plan in order to separate approximately 158.28 acres consisting of Parcel 5 (Yergat property) and Parcel 19 (Case property) and establish a new basic plan specific to the property included in this PPS. A-9973-02 approved up to 661 dwelling units on the subject site, with 15 conditions. The conditions relevant to the subject PPS are shown below in **bold** text and analysis of this project’s conformance to the conditions follows each one in plain text. Several remaining conditions of the basic plan, applicable to this PPS, are analyzed in the related findings in this resolution.

- The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved Basic Plan:**

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (158.28 acres less half the floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6–5.7 dwelling units/acre
Base residential density (3.6 du/ac)	566 dwelling units
Maximum residential density (5.7 du/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @ 3.98–4.205 du/ac	626–661 dwelling units
Number of the units above the base density:	60–95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98–4.205 dwelling units/acre
Permanent open space: (23 percent of original site area) (Includes environmental, recreational, and HOA areas)	37 acres

The land use types, quantities, and densities of the subject PPS are within the ranges of the approved basic plan.

- At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:**

- a. **Submit hydraulic planning analysis to the Washington Suburban Sanitary Commission (WSSC) to address access to adequate water storage facilities and water service to be approved by WSSC to support the fire flow demands required to serve all site development.**

The applicant provided correspondence and plans demonstrating that a hydraulic planning analysis for the project has been submitted to the Washington Suburban Sanitary Commission for their review, pursuant to this condition.

On May 19, 2022, the Planning Board adopted a resolution of approval for CDP-0601-01 for Case Yergat (PGCPB Resolution No. 2022-50), to allow 516–531 single-family detached and 110–130 single-family attached residential dwelling units for a maximum of 661 dwelling units, subject to 7 conditions. On June 6, 2022, the District Council waived the election to review this case. CDP-0601-01 approved amendments to CDP-0601 applicable to the subject site only, in accordance with A-9973-02. Condition 3 of PGCPB Resolution No. 2022-50 establishes development standards for both the single-family detached and attached units that have been reflected on the PPS. The conditions of CDP-0601-01 applicable to the review of this PPS are shown below in **bold** text and analysis of the project’s conformance to the conditions follows each one in plain text. The remaining CDP conditions that are applicable to this PPS are reviewed for conformance under the related findings in this resolution.

3. This development is governed by the following design standards:

Single-Family Detached Units

STANDARDS*

Minimum Net Lot Area	4,000 square feet
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet**
Minimum Side Yard Setback	
(one side/combined)	4 feet/8 feet
Minimum Lot Width at Street Line	40 feet
Minimum Lot Width at Front BRL	40 feet
Minimum Lot Width at Street (cul-de-sac)	25 feet
Maximum Height	50 feet
Maximum Lot Coverage	80 percent
Minimum Rear Yard Area	900 square feet

Single-Family Attached (Townhouse) Units

STANDARDS*

Minimum Net Lot Area	
16-foot-wide	1,200 square feet
20-foot-wide	1,400 square feet
22-foot-wide	1,600 square feet
24-foot-wide	1,800 square feet
Minimum Front Yard Setback	10 feet
Minimum Lot Width at Street Line	16 feet***
Minimum Lot Width at Front BRL	16 feet ***
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	50 feet
Minimum Rear Yard Area	300 square feet

Other Design Standards:

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.

Highly visible end units for dwelling units require additional design and finish treatments that will be decided at the time of specific design plan approval.

Notes: *Modification of the standards can be granted by the Prince George’s County Planning Board on a case-by-case basis, with the approval of a specific design plan.

****A deck or patio can encroach into the rear yard by 10 feet. In addition, bay windows can encroach three feet, porches 10 feet, chimneys two feet, stoops four feet, foundations four feet, cantilevers six feet into the setbacks, and sheds are allowed anywhere in the rear yard.**

*****The minimum width is 16 feet for interior units and 22 feet or larger for end units. At least 25 percent of the single-family attached sticks of units shall be a combination of 20, 22, or 24 feet in width to achieve the highest architectural quality and a variety of unit sizes. The Prince George’s County Planning Board and/or the Prince George’s County District Council may allow variations to these standards, in accordance with Section 27-480 of the prior Prince George’s County Zoning Ordinance, during review of the specific design plans.**

The sizes and widths of the single-family detached and attached lots approved in the subject PPS conform to the design standards required by this condition.

There is no previous PPS or final plat of subdivision that applies to this site. A PPS is required for the division of land and the proposed construction of multiple dwelling units, in accordance with Section 24-107 of the Subdivision Regulations. Final plats will be required following approval of this PPS and specific design plan (SDP) before any permits can be approved for the subject site.

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

Plan 2035

The subject property is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan

This PPS conforms to Section 24-121(a)(5) of the Subdivision Regulations.

The sector plan recommends Residential Low land uses on the subject property. However, the sector plan also recognizes, and the associated sectional map amendment applied, the R-M zoning for the subject property approved via A-9973, which set forth the approved development types and quantities for the project. As analyzed above, this PPS conforms to the permitted uses and land use quantities approved with A-9973 and its subsequent amendments. Page 31 of the sector plan also makes the following recommendations applicable to the subject property:

- **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
- **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
- **Design an efficient, safe, and interconnected residential street system.**

The approved PPS incorporates the above design principles.

SMA/Zoning

The 2007 SMA placed the subject property in the R-M Zone. The District Council approved A-9973-02, which allows the proposed uses and densities via Zoning Ordinance No. 8-2021. The 2016 *Approved Military Installation Overlay Zoning Map Amendment* superimposed the M-I-O Zone on the subject property. The 2022 *Approved Countywide Map Amendment* reclassified the subject property in the LCD and MIO zones.

Aviation/Military Installation Overlay Zone

The subject property is located within Height Surface E of the M-I-O Zone. Structures on the subject property should not exceed 474.75 feet in height.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (38822-2021-00) was submitted with this PPS. The SWM concept plan shows the use of several micro-bioretenement facilities, bio-swales, and submerged gravel wetlands across the site. In their meeting with staff, the applicant also proffered stream restoration to obtain stormwater credits, which are not currently reflected on the unapproved SWM concept plan. If this option is used, the plans for stream restoration shall be reviewed by the respective approving agencies, namely, the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) and the Maryland Department of the Environment. Prior to signature approval of the PPS, the most recent draft of the SWM concept plan shall be submitted for review. There are several SWM facilities shown close to, or within the primary management area (PMA). Final locations of proposed SWM features should minimize impacts to the PMA.

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

5. **Parks and Recreation**—This PPS was reviewed and evaluated for conformance with the requirements and recommendations of the sector plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George’s County* (LPPRP), the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, prior approvals, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities.

The subject property is in Prince George’s County Department of Parks and Recreation (DPR) Service Area 6 and adjacent to Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned Westphalia Central Park, a premier park for which portions of the park border the subject property to the south and east. This portion of Westphalia Central Park is currently undeveloped, while Phase I along the southern portion of the overall park is under construction. Once complete, Phase I will provide a playground, a network of trails, tennis and basketball courts, informal fields and lawn areas, a recreational pond, and several other possible amenities for public enjoyment. Two other M-NCPPC parks are in the immediate vicinity of the subject property: Westphalia Park (approximately 0.75 mile to the west), which includes a basketball court, horseshoe pit, picnic area, and picnic shelter; and Westphalia Community Center (approximately 1.25 miles to the west along Westphalia Road), which includes a community lounge, fitness room, multipurpose room, playground, basketball court, tennis court, and a gymnasium.

The LPPRP notes that Park Service Area 6 meets DPR’s guidelines for adequate parkland. The data from the LPPRP shows that there are 79.8 acres of parkland per 1,000 persons, which is more than double DPR’s guideline of 35 acres of parkland per 1,000 persons.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the density of the residential portion of the proposed development, five percent of the net lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 7.81 acres. However, the applicant proposed to provide on-site recreational facilities to meet the mandatory dedication of parkland requirement. The conceptual list of active and passive recreational facilities proposed for this development include a clubhouse and pool, tot lots, and a walking trail with exercise stations situated along the trail.

In accordance with Section 24-135(b) of the Subdivision Regulations, on-site recreational facilities may be approved by the Planning Board provided that the facilities will be superior or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and assignees.

Given the abundance of existing parkland within the local area, the applicant's proposal of on-site recreational facilities is appropriate for this development and consistent with CDP-0601-01. The proposed walking trail, with exercise stations, is located along the stream valley and will cause substantial impacts to the PMA, which are not approved. The proposed list of recreational facilities shall therefore be revised to remove the walking trail and exercise stations. The on-site recreational facilities will still be adequate for the proposed development with the removal of these amenities. The type and details of the on-site recreational facilities shall be reviewed for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the SDP.

The following condition of A-9973-02, related to parks and recreation, is relevant to this PPS:

- 12. The applicant shall make a monetary contribution into a park club. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.**

Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a park club account administered by M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County Land Records by the applicant, prior to final plat approval.

Since the subject property adjoins Westphalia Central Park, the applicant shall make a monetary contribution into a “park club”. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the sector plan. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

The PPS is in conformance with the applicable sector plan and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

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

Prior Conditions of Approval

The subject site is governed by the following prior approvals and their conditions that are applicable to this PPS:

Basic Plan A-9973-02

9. **Provide the below master plan facilities, designed to be consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities, as part of subsequent applications and shown prior to their acceptances, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence:**
 - a. **Minimum 10-foot-wide path along Westphalia Road (C-626)**
 - b. **Shared roadway pavement markings and signage along P-616**
 - c. **Minimum 10-foot-wide path along P-617**
 - d. **Minimum 10-foot-wide path along MC-631**
10. **Internal streets and shared-use paths are to follow the 2009 *Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles* and include traffic calming measures, as well as a bicycle boulevards network. These will be reviewed as part of subsequent applications.**
11. **All sidewalks within the subject site shall be a minimum of six feet in width, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

- 13. The following shall be required as part of the comprehensive design plan submittal package:**
- a. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.**

Conditions 9, 10, and 11 will be evaluated with subsequent SDP applications. Condition 13 was evaluated with CDP-0601-01, but has also been evaluated as part of the traffic impact study submitted with this PPS.

CDP-0601-01

- 2. Total development within the subject property shall be limited to uses which generate no more than 489 AM peak-hour trips and 582 PM peak-hour trips, unless modified by the adequate public facilities test for transportation at the time of preliminary plan of subdivision (PPS).**

The PPS does not exceed the trip cap established in CDP-0601-01.

- 4. Prior to the approval of preliminary plan of subdivision, the applicant shall:**
- a. Label the dedication of all rights-of-way for MC-631, P-617, and P-616, as identified by the Prince George's County Planning Department.**
- b. Work with the Prince George's County Planning Department on contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS.**
- c. Provide a network of pedestrian and bikeway facilities internal to site. The exact location and design of said facilities shall be evaluated with future specific design plan applications.**

The dedication of right-of-way for the master plan roadways required in Condition 4a is labeled incorrectly on the PPS. As a condition of approval, all master plan rights-of-way shall be correctly labeled on the PPS. Condition 4b is carried forward as a condition of approval of this PPS, and is further discussed below. Facilities required by Condition 4c will need to be provided and evaluated with subsequent SDPs, however, the PPS shows sufficient rights-of-way for all internal roadways to accommodate these facilities.

6. **Prior to approval of any building permit 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:**

a. **Ritchie Marlboro Road and Westphalia Road-Orion Lane**

Conduct a signal warrant study for this intersection and install signal if it is deemed to be warranted and approved for construction the Prince George's County Department of Permitting, Inspections and Enforcement.

This condition is discussed in more detail in this finding and will also be further evaluated with subsequent development applications at the time of permit.

7. **At the time of preliminary plan of subdivision, the applicant shall reflect dedication for its portions of Westphalia Road (C-626), P-617, P-616, and MC-631, per the requirements of the 2009 *Approved Countywide Master Plan of Transportation*. Required rights-of-way shall be dedicated at the time of final plat.**

As previously mentioned, the PPS includes the roadway dedications, but is further discussed in more detail below.

Master Plan Compliance

Per the MPOT, the subject site is impacted by various master-planned roadways. The subject site fronts master plan collector roadway C-626 (Westphalia Road), with an 80-foot ultimate right-of-way, which is shown appropriately on the PPS; master-planned primary roadways P-616 and P-617, with 60 feet of right-of-way dedication consistent with MPOT recommendations, shown on the PPS as north/south and east/west facilities, respectively; and master plan collector roadway MC-631, located on the eastern edge of the property and shown with a right-of-way dedication of 80 feet, which is not consistent with the MPOT. As a condition of approval, the applicant shall provide a dedication of 100 feet wide for the portion of MC-631 that is located on the site, consistent with the MPOT recommendation.

As previously mentioned, the PPS shows incorrect labeling for P-616 and P-617. Public Road A shall be identified as P-616, between Westphalia Road and Public Road C, and P-616 shall continue along Public Road C to the southernmost point of the property. Public Road A shall be identified as P-617, between Public Road C and the easternmost point of the property. The appropriate labeling of right-of-way dedications shall be revised on the PPS plan sheet as well as the general notes to reflect the proper amount of dedication areas.

Traffic Analysis

The applicant submitted a full traffic impact analysis which was used as the basis for a determination of adequacy.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Transportation Planning Review

Trip Generation

This application is a PPS for residential uses. The submitted traffic study analyzed a higher density than what is approved with this PPS. However, the reduction in density does not impact the conclusions of the analysis. The table below summarizes trip generation of the total dwelling units and is used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-21049 Case Yergat									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Total	In	Out	Total	
Single Family Detached	493	units	74	296	370	291	153	444	4,437
Single Family Attached	117	units	16	65	81	61	33	94	936
Total Trip Cap			451			538			5,373

The traffic generated by the PPS would impact the following intersections and links in the transportation system:

- Ritchie Marlboro Road/Sansbury Road (signalized)

- Ritchie Marlboro Road/White House Road (signalized)
- MD 4 (Pennsylvania Avenue)/Westphalia Road (signalized)
- Westphalia Road/Darcy Road (unsignalized)
- Westphalia Road/West Site Access (unsignalized)
- Westphalia Road/East Site Access (unsignalized)
- Westphalia Road/Main Site Access (unsignalized)
- Ritchie Marlboro Road/Westphalia Road/Orion Lane (unsignalized)
- MD 4/Suitland Parkway/Presidential Parkway (signalized)
- Darcy Road/Sansbury Road (unsignalized)
- P-616/P-617 (unsignalized)

Existing Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
	Ritchie Marlboro Road / Sansbury Road	1107	1002	B
Ritchie Marlboro Road / White House Road	1034	1003	B	B
MD 4 / Westphalia Road	1174	1312	C	D
Westphalia Road / Darcy Road*	21.4s	24.2s	-	-
Westphalia Road / West Site Access*	-	-	-	-
Westphalia Road / East Site Access*	-	-	-	-
Westphalia Road / Main Site Access*	-	-	-	-
Ritchie Marlboro Road / Westphalia Road / Orion Lane*	21.9s	39.4s	-	-
MD 4 / Suitland Parkway / Presidential Parkway	1563	1644	E	F
Darcy Road / Sansbury Road *	12.1s	12.6s	-	-
P-616 / P-617*	-	-	-	-
*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.				

Background Traffic

The critical intersections of MD 4/Westphalia Road and MD 4/Suitland Parkway are scheduled for a grade separated interchange per Council Resolution CR-66-201 and the Maryland State Highway Administration (SHA) Consolidated Transportation Program (CTP). The traffic conditions for these intersections were analyzed with the future realignments and lane configurations. With these improvements in place, the intersections of MD 4/Westphalia Road and MD 4/Suitland Parkway will operate at an acceptable level.

In addition, once fully built, the master-planned roadway P-616 will serve as a direct route between Presidential Parkway and the development via MC-631, which will consume vehicular trips that would typically travel along Suitland Parkway/MD 4 and Westphalia Road. Due to the study assuming this analysis, P-616 shall be fully constructed prior to the first building permit.

Twenty developments have been identified that could impact the site’s critical intersections. In addition, a growth of 0.5 percent over six years was also applied to all traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
	Ritchie Marlboro Road / Sansbury Road	1046	1325	B
Ritchie Marlboro Road / White House Road	1178	1214	C	C
MD 4 / Westphalia Road	-	-	-	-
**MD SB Ramps / Old Marlboro Pike	600	731	A	A
**MD 4 NB Ramps / Westphalia Road	543	707	A	A
Westphalia Road / Darcy Road*	56.0s	>200s	-	-
*Tier 3	761	873	A	A
Westphalia Road / West Site Access*	-	-	-	-
Westphalia Road / East Site Access*	-	-	-	-
Westphalia Road / Main Site Access*	-	-	-	-
Ritchie Marlboro Road / Westphalia Road/Orion Lane*	120.7s	156.4s	-	-
*Tier 3	1108	1250	B	Fail
MD 4 / Suitland Parkway / Presidential Parkway	-	-	-	-
**MD 4 SB Ramps / Suitland Road	685	559	A	A
**MD 4 NB Ramps Presidential Parkway	578	507	A	A
Darcy Road / Sansbury Road*	44.2s	44.1s	-	-
P-616 / P-617*	-	-	-	-
*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.				
**Future improved intersections per CR-66-201 and the SHA CTP.				

The intersection of Ritchie Marlboro Road/Westphalia Road/Orion Lane did not pass the three-step test for unsignalized intersections. Therefore, a signal warrant study is required, as consistent with Condition 6 of CDP-0601-01.

Total Traffic

The following critical intersections identified above, when analyzed with total future traffic as developed using the “Transportation Review Guidelines, Part 1” (Guidelines) including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
Ritchie Marlboro Road / Sansbury Road	1105	1391	B	D
Ritchie Marlboro Road / White House Road	1178	1238	C	C
MD 4 / Westphalia Road	-	-	-	-
**MD SB Ramps / Old Marlboro Pike	600	845	A	A
**MD 4 NB Ramps / Westphalia Rd	543	707	A	A
Westphalia Road / Darcy Road*	174.6s	>200s	-	-
*Tier 3	937	1089	A	B
Westphalia Road / West Site Access*	13.6s	14.7s	-	-
Westphalia Road / East Site Access*	12.1s	12.5s	-	-
Westphalia Road / Main Site Access*	12.8s	13.5s	-	-
Ritchie Marlboro Road / Westphalia Road / Orion Lane*	>200s	>200s	-	-
*Tier 3	1128	1277	B	C
MD 4 / Suitland Parkway / Presidential Parkway	-	-	-	-
**MD 4 SB Ramps / Suitland Road	728	599	A	A
**MD 4 NB Ramps / Presidential Parkway	585	530	A	A
Darcy Road / Sansbury Road *	78.6s	148.5s	-	-
*Tier 3	802	971	A	A
P-616 / P-617*	11.6s	11.8s	-	A
<p>*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.</p>				
<p>**Future improved intersections per CR-66-201 and the SHA CTP.</p>				

Based on the Guidelines, the proposed residential development will generate 451 AM and 538 PM vehicle trips. In addition, per CDP-0601-01, the realignment of Westphalia Road shall be constructed and is included as a condition of approval. A signal warrant study is also required per CDP-0601-01 at the intersection of Westphalia Road, Ritchie Marlboro Road, and Orion Lane. Based on the traffic analysis above, all critical intersections will operate at acceptable levels to serve the proposed development.

All master plan roadways impacting the proposed development shall be constructed as part of this application, except MC-631. Per DPIE, the operating agency, the applicant shall construct the frontage improvements on Westphalia Road, in accordance with the MPOT and the Prince George’s County Department of Public Works and Transportation design standards. The applicant shall also construct the intersection of P-616 and P-617 to intersect at a “T” design consistent with the county roadway design standards. This design will eliminate the curvature configuration, as shown on the latest PPS submission, and will enhance safe operations along these roadways. DPIE also recommended that the main access driveway along Westphalia Road align with the existing intersection at Matapeake Drive to create a four-way intersection. This

configuration is shown on the PPS. The Planning Board concurs with the recommendations provided by DPIE.

The results of total traffic conditions show that the intersections will all operate adequately. While the construction of the future interchange at MD 4 and Suitland Parkway is fully funded for construction in SHA's current CTP, the funding for the interchange at MD 4 and Westphalia Road will come from contributions from developers within the Westphalia Sector Plan area.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

On October 26, 2010, the Prince George's County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange for a total cost of \$79,990,000.00. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation of the interchange for all the properties within the PFFIP district was determined. The allocation for each development is based on the proportion (percentage) of average daily trips generated by each development passing through the intersection, to the estimated total average daily trips contributed by all the developments in the district passing through the same intersection. The application's future traffic impact (or average daily trips) becomes the basis on which each development's share of the overall cost is calculated.

Analysis of PFFIP Contribution

The analyses show that the development included with this PPS will generate 5,373 daily trips. Given the proximity of the property to the failing intersection, the traffic study recommends a 30 percent trip assignment through that intersection. The proposed development will send a total of 1,612 (5,373 x 0.3) daily trips through the intersection. With these additional daily trips, the total average daily trips for all the PFFIP properties = 75,674 trips. Based on the daily trips from the subject property, the total fee is calculated as: $1612/75,674 * 79,990,000.00 = \$1,703,936.75$. With 610 dwellings being approved, the cost for each unit is computed as $\$1,703,936.75/610$ or \$2,793.34 per dwelling unit.

Analysis of Bicycle and Pedestrian Impacts

This development is subject to the MPOT. Four recommended master plan trail facilities are located on the subject property: a planned side path along Westphalia Road, a planned shared roadway along P-616, a planned hard surface trail along P-617, and a planned side path along MC-631. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

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

This development is also subject to the sector plan, which includes the following recommendations for pedestrian and bicyclist facilities:

- **Sidewalks should be provided throughout the Westphalia community except designated scenic rural roads, highways, bikeways, trails, and lanes.**

The PPS includes sufficient right-of-way to allow the construction of sidewalks along all internal streets and an 8-foot-wide path internal to the subject site. Americans with Disabilities Act compliant curb ramps and crosswalks shall be provided at all intersections and pedestrian crossing points throughout the site. Per the prior approvals, all internal sidewalks shall be a minimum of 6 feet wide unless modified by the operating agency. The master-planned pedestrian facilities shall be constructed along Westphalia Road, P-616, and P-617 to include side paths, shared pavement markings, and bikeway signage, unless modified by the operating agency. Short-term bicycle parking shall be provided at all recreational areas within the site to accommodate and encourage multimodal users to travel along the bicycle facilities.

Based on the preceding findings, adequate transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations.

7. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*. Per Section 24-122.02(a)(2) of the Subdivision Regulations, the PPS is considered adequate when the future student enrollment does not exceed 105 percent of the state rated capacity. The subject property is located within Cluster 4, as identified in the 2021 Update *Pupil Yield Factors and Public-School Clusters*. The results of the analyses are as follows:

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Dwelling Units	610 DU	610 DU	610 DU
Single-Family Attached (SFA) Dwelling Units	117 DU	117 DU	117 DU
Pupil Yield Factor (PYF) – Single-Family Attached (SFA)	0.104	0.072	0.091
SFA x PYF = Future Subdivision Enrollment	12	8	11
Single-Family Detached (SFD) Dwelling Units	493 DU	493 DU	493 DU
Pupil Yield Factor (PYF) – Single-family Detached (SFD)	0.150	0.095	0.125
SFD x PYF = Future Subdivision Enrollment	74	47	62
Total Future Subdivision Enrollment	86	55	73
Adjusted Student Enrollment 9/30/21	12,730	10,182	7,914
Total Future Student Enrollment	12,816	10,237	7,987
State Rated Capacity	17,095	10,737	8,829
Percent Capacity	75%	95%	90%

Per Section 24-114.01, School Planning Capacity Analysis, of the Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; it is not a condition of approval for a subdivision.

Section 10-192.01 School Facilities Surcharge

Section 10-192.01 of the County Code establishes school surcharges and an annual adjustment for inflation unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 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; or \$17,451 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$17,451 per dwelling unit.

This fee is to be paid to DPIE at the time of issuance of each building permit.

- Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated July 5, 2022 (Perry to Gupta), incorporated by reference herein.

Water and Sewer

Section 24-122.01(b)(1) 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 2018 Water and Sewer Plan placed this property in water and sewer Category 4, Adequate for Development Planning. Category 4 comprises “properties inside the envelope eligible for public water and sewer for which the subdivision process is required.” Redesignation of the subject property to Category 3, Community System, through the Administrative Water and Sewer Category Change process will be necessary, prior to final plat approval.

Conformance with Applicable Plans

This PPS was reviewed for conformance to the sector plan in accordance with Section 24-121(a)(5). The sector plan provides goals and policies related to public facilities (pages 48-50). However, these are not specific to the subject site or applicable to the proposed development. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the sector plan. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. This master plan does not identify any location on the subject property for upgrades to existing facilities or construction of new facilities.

9. **Use Conversion**—The total development included in this PPS is for 610 single-family dwelling units in the R-M Zone. Any nonresidential development or a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.
10. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights of way. The subject site fronts on public right-of-way Westphalia Road to the north. To provide access and public street frontage to subdivided lots, a network of public roads, including master plan roads P-616 and P-617, are approved for the subdivision. Master plan road MC-631 shall be dedicated, but not constructed.

Private streets are also approved, which require PUEs. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along at least one side of all private streets. The PPS meets this requirement and provides additional PUEs at appropriate locations to provide for continuity and ease in laying of utilities to service lots adjacent to these private streets.

The required 10-foot-wide PUEs are correctly shown and labeled parallel, contiguous, and adjacent to the rights-of-way lines of all public and private streets. All required PUEs, as shown on the PPS, will be recorded with the final plat.

11. **Historic**—The sector plan includes goals and policies related to historic preservation (pages 66-68). These are applicable to the proposed development on the subject site due to presence of an historic resource, Magruder/McGregor Family Cemetery Historic Site (78-010), on the property.

Policy 2 **Cemeteries: Prepare a cemetery preservation plan to provide guidelines for property owners and developers in cemetery preservation and maintenance.**

Strategies

1. **Develop plans for the protection and interpretation of the following cemetery resources:**

78-010, Dunblane Site and Cemetery—10009 Westphalia Road

Appropriate conditions are included to provide for protection and interpretation of the Dunblane Site and Cemetery (Magruder/McGregor Family Cemetery).

Policy 3 **Archeology: Integrate archeology in all development processes ranging from prehistory to the twentieth century to provide additional context for understanding the archeological record of Prince George’s County’s history.**

Strategies

1. **Strengthen community identity through interpretive markers describing the rich history of individual buildings and communities.**

An interpretive marker is required for the Magruder/McGregor Family Cemetery, located close to, or attached to a permanent wall or fence around the cemetery.

Policy 5 **Resource Inventory: Provide an updated inventory of historic resources in the Westphalia sector plan area.**

Strategies

1. **Continue with survey work, as funding permits, of historical and archeological resources, particularly in the Little Washington community.**

Details of archeological investigations conducted on the property and requirements for further monitoring are discussed below in this finding.

The Prince George’s County Historic Preservation Commission (HPC) reviewed the subject application at its meeting on June 21, 2022, and voted 5-0 to forward the following findings, conclusions, and recommendations to the Planning Board for its review:

1. The Case and Yergat properties were part of the Dunblane land patent that was granted to Alexander Magruder on June 26, 1671. At his death in 1676, Dunblane was devised to his sons James and John Magruder. James Magruder eventually acquired title to the entire Dunblane land patent and later conveyed it to his brother, Samuel Magruder. Samuel Magruder served as High Justice and Captain of the Militia of Prince George's County and Justice of the County Court, and served in the House of Assembly from 1704 to 1707. Samuel Magruder devised 250 acres of Dunblane to his son John at his death in 1711. John Magruder is believed to have constructed the house on Dunblane around 1723, which remained standing until being destroyed in a gas explosion in 1969. John Magruder devised Dunblane to his son, Nathaniel Magruder. Several enslaved people are mentioned in his will, including York, Hercules, David, and Margery. Nathaniel Magruder died in 1786 and his inventory listed 18 enslaved people on his plantation. Four men were described as smiths: Harry (45), Ben (32), Tom (25), and Will (22). The others listed were David (15), Charles (10), Bess (70), Moll (60), Clara (32, with a 3-month-old child), Rose (20), Poll (18), Molly (8), Sook (4), Cupid (4), Tom (3), Sam (3), Toby (2), and Adam (18 months). Dunblane was inherited by Francis Magruder, and it is presumed that the enslaved people listed in Nathaniel Magruder's will continued to reside on the Dunblane plantation. By the time of the 1790 Census, Francis Magruder held nine enslaved people. In 1800, Francis Magruder held 26 enslaved people and in 1810, 27 enslaved people.

The 1798 Federal Direct Tax records described the Dunblane plantation as consisting of 249 acres with a dwelling house, a kitchen, storage related structures, such as a brick store house and meat house and a tenant house that included a kitchen, tobacco sheds, and a slave quarter. Francis Magruder died in 1819 and the 1821 inventory of his estate listed 33 enslaved people: James (70), Biney (50), Pegg (45), Polly (6), Innocence (3), Mary (26), Caroline (5), Barney (3), Henry (3 months), Esther (26), John (7), Richard (5), Davy (3), Judy (25), George (3), Charles (1), Clara (22), Bill (8 months), Alsgery (?) (16), Chrissy (3 months), Kitty (20), Matilda (15), Lavinia (10), Harry (40), John (28), London (25), Aaron (28), Gabriel (21), Thomas (21), Hanson (18), Ben (12), and Nancy (18). Francis Magruder devised Dunblane to his daughters, Louisa, Eleanor W., and Elizabeth Magruder. Louisa Magruder (ages 26–44) is listed in the 1820 Census, along with two other white females aged 16–25, who were presumably her sisters, Eleanor and Elizabeth Magruder. The number of enslaved people listed was 35, 13 of whom were engaged in agriculture and one in manufacture. Louisa Magruder died in 1828 and devised her portion of Dunblane to her sister, Eleanor. In the case of the death of Eleanor without children, her estate was to go to their nephew Francis Magruder Bowie. In her will, Louisa Magruder freed one of her enslaved laborers named Tom. She further willed that all male and female slaves over 20 were to be freed six years after her death, all slaves aged 12–19 to be freed after 12 years, and all slaves under 12 to be freed when they reached the age of 25.

The 1830 Census for Prince George's County is missing, but the 1840 Census enumerates Ellen W. Magruder, age 40–99, as the head of household, with one white male,

age 20-29 and one age 5-9, one other white female, age 20-29, and 26 enslaved people. Eleanor W. Magruder died February 5, 1847, and is buried in the Magruder Family Cemetery. In her will, Eleanor W. Magruder devised to her cousin Eliza Hamilton, wife of Dr. C.B. Hamilton, "all that part of my landed estate which lies on the south side of the public road leading from the long old fields through my plantation to Upper Marlboro on which my dwelling house stands." Dr. C.B. and Eliza Hamilton were probably the people residing with Eleanor W. Magruder as listed in the 1840 Census. Eleanor W. Magruder also directed in her will that "a good and sufficient brick wall resting on a granite foundation should be built around the family burying ground." She bequeathed all her negro slaves, except one, to Dr. C.B. Hamilton, to serve him one year from the time of her decease and then to be free, with the expense of procuring their free papers to be paid out of her estate. Her negro slave called Henny, daughter of Jenny, she bequeathed to Florence Holcomb.

Eleanor W. Magruder's inventory enumerates 24 enslaved persons: Gabriel, Charles Lee, George Lee, Nace, Charles Gray, Moses, Bill, Tom, Mary, Silvey, Easter, Jane, Beck, Rachel, Lucy, Jeney, Milley, Henry, Hopey, Henny, Alfred, Susan, Nancy, and Bob. The Hamiltons likely continued to reside at Dunblane for a time after the death of Eleanor W. Magruder until they moved to the District of Columbia. The Hamiltons sold the Dunblane plantation to a relative, George W. Watterston of Louisiana, on April 11, 1849. Although indicated as the owners of the property on the 1861 Martenet Map, the Watterstons do not appear to have resided on the property and likely operated the plantation with tenants. William T. Bealll acquired the property in 1904 and farmed the land until he sold it in 1930, to Charles Raphael and Margaret Ellen Carrick. The land remained in the Carrick family until it was sold to David Carroll Case and Horace G. Baldwin in 1998.

2. The subject property includes the Magruder/McGregor Family Cemetery (Historic Site 78-010) with interments and tombstones dating from 1810 to 1857. The original eighteenth century Dunblane House was destroyed in 1969. The Dunblane house was a one-and-one-half story, multi-part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. Dunblane was built in 1723 by John Magruder, grandson of Alexander Magruder, a Scottish immigrant. Three walls were constructed of bricks, the fourth was of log construction. The house stood until a gas explosion in 1969. Prior to its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s. The Magruder/MacGregor Family Cemetery was evaluated for historic site designation by the Prince George's County Historic Preservation Commission on April 19, 2022, along with its environmental setting of 0.3393 acres (44,388 square feet) identified on the subject PPS as Parcel HH.
3. Section 24-135.02 of the Subdivision Regulations outlines the procedures to follow when a cemetery is located on property that will be subdivided:

(a) When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

- 1) The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.**

The applicant provided photographs with the PPS application showing the staked corners of the cemetery.

- 2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.**

The applicant has provided an inventory of the Magruder/McGregor Family Cemetery with this application. The inventory includes a map showing the location of the cemetery within the development property, a detailed map showing the current location of all stones, the approximate boundary of the cemetery, a photograph of each stone and a record of the inscriptions on each stone that were readable.

- 3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**

The Magruder/McGregor Family Cemetery Historic Site has been placed on Parcel HH, which will be used as open space and placed under the ownership of the development's homeowners association (HOA). A super-silt fence should be installed around the environmental setting of the cemetery prior to issuance of a grading permit.

- 4) An appropriate fence or wall constructed of stone, brick, metal, or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.**

At the time of SDP, the applicant should provide details of the fencing or wall that will surround the Magruder/McGregor Family Cemetery, along with a construction schedule.

- 5) **If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other arrangements shall include a determination of the following:**
- A) **Current and proposed property ownership.**
 - B) **Responsibility for maintenance.**
 - C) **A maintenance plan and schedule.**
 - D) **Adequate access; and**
 - E) **Any other specifications deemed necessary by the Planning Board.**

The PPS indicates that the development's HOA will retain ownership of the Magruder/McGregor Family Cemetery and that it will be responsible for its maintenance. At the time of SDP, the applicant should provide a maintenance plan and schedule, and a plan for the future care and maintenance of the Magruder/McGregor Family Cemetery. The applicant should also demonstrate that the required funding for perpetual maintenance will be provided to the HOA. While the cemetery has been located in an open space parcel with frontage on a proposed public road for access, the applicant should also provide an access road or path to the cemetery to be shown on the SDP. Some of the stones have been removed from their original positions and should be restored to their original locations.

- (b) **Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.**

A super-silt fence should be installed around the cemetery prior to issuance of a grading permit, leaving a sufficient buffer. Proof of installation of the fence shall be provided to Historic Preservation staff prior to issuance of the grading permit for the area around the Magruder/McGregor Family Cemetery.

Archeology

4. A Phase I archeological survey was conducted on the five parcels comprising the Woodside Village property (Wholey, Suit, Yergat, A. Bean, and Case) from February to

April 2005 and January to May 2007. Twelve archeological sites were identified on the overall property. Six archeological sites (18PR898, 18PR899, 18PR900, 18PR901, 18PR902, and 18PR903) were recorded on the Yergat and Case properties. Site 18PR898 is located on the Yergat Property and is a mid-nineteenth to twentieth century artifact scatter that may represent the remains of two tenant houses. Site 18PR899 is also located on the Yergat Property and is a refuse disposal area dating from the late nineteenth to twentieth centuries. Site 18PR900 is located on the Case Property and is an eighteenth to twentieth century artifact scatter associated with the former Dunblane House. Site 18PR901 is located on the Case Property and consists of a late nineteenth to early twentieth century artifact scatter. Site 18PR902 is located on the Case Property and is a late nineteenth to early twentieth century refuse dump associated with house site 18PR900. Site 18PR903 is located on the Case Property and is another late nineteenth to early twentieth century refuse dump associated with house site 18PR900.

5. Historic Preservation staff concurred with the Phase I report's findings that no further work is necessary on sites 18PR899, 18PR902 and 18PR903. In addition, staff concurred that Phase II investigations were necessary on sites 18PR898, 18PR900, and 18PR901. The previous applicant submitted four copies of the final reports for the Case and Yergat properties. The reports were accepted by Historic Preservation staff on March 28, 2008, and April 8, 2008.
6. Phase II archeological investigations were completed on the Case property by the previous applicant's archeological consultant. However, the draft Phase II report was never submitted to Historic Preservation Staff. The applicant retained another consultant to perform additional Phase II investigations on sites 18PR900 and 18PR901 to determine if intact deposits or features in each site were present. In consultation with Historic Preservation staff, no Phase II investigations were conducted on site 18PR898 on the Yergat property.

Case Property

7. Phase II investigation of sites 18PR900 and 18PR901 on the Case property were completed in October 2021. A metal detector survey was conducted at both sites with the intent of identifying construction hardware, such as nails, that might indicate the presence of buildings and intact archeological features. A diffuse scatter of metal artifacts was identified on the east end of site 18PR900, where the eighteenth century Dunblane house was located before being destroyed in a gas explosion in 1969. An area west of a small drainage channel on the western side of site 18PR900 yielded artifacts dating from the eighteenth through twentieth centuries. These artifacts included handwrought nails, metal buttons and spoons dating to the nineteenth century, as well as a post-1938 Plymouth silver plate. Two early nineteenth century United States Navy buttons, as well as a lead wax seal, were also recovered.

Nine, 3 feet by 3 feet test units were placed in the western portion of the site where a cluster of historic artifacts was encountered. Seven of the units exhibited three or more

strata. Ten aboriginal lithics were recovered, but there was no evidence of a significant long-term prehistoric occupation of the site. This portion of the site likely represents occasional visits to a nearby spring by aboriginal people, but no long-term occupation during the prehistoric period. Most of the historic artifacts were identified in mixed contexts and possibly represents erosion from a historic period site located outside of the boundaries of the subject property. The bulk of the material recovered in the western portion of the site dates from the late eighteenth through the first half of the nineteenth centuries.

Metal detecting was also conducted at site 18PR901 in the southern portion of the Case property. A large portion of the area within the site had been graded or heavily damaged by machine and truck traffic. Work was suspended on 18PR901 when it was determined that a large portion of the surface had been recently disturbed.

Due to the lack of intact deposits or features and extensive twentieth century disturbance, no further work was recommended on sites 18PR900 and 18PR901. Historic Preservation staff concurs that no additional archeological investigations are necessary on either site.

The Magruder family held many enslaved people on the subject property during their occupation of the site. The Magruder family cemetery does not appear to be large enough to have included burials of enslaved people. Therefore, it is possible that a separate burial ground for the enslaved people exists on the larger property. In March 2022, the applicant retained a consultant to use cadaver dogs to search for human remains outside the Magruder/McGregor burial ground to determine whether additional burials were located outside of what was believed to be the limits of the family cemetery.

Yergat Property

8. A Phase I archeology survey was conducted on the Yergat property in February 2005, with additional investigations in April 2007. A total of 613 shovel test pits were excavated across the Yergat property, and 229 locations were investigated by pedestrian survey. Two historic archeological sites, 18PR898—a late nineteenth to twentieth century tenant site, and 18PR899—a late nineteenth to twentieth century artifact scatter, were identified on the property. Due to the large number of artifacts recovered and the large size of the site, Phase II evaluation was recommended for site 18PR898 to determine its eligibility to the National Register of Historic Places. No further work was recommended for site 18PR899 due to its lack of intact deposits, lack of structural debris, and lack of evidence for structures at this location.

Staff concurs with the recommendations of this report that no additional archeological investigations are necessary on site 18PR899 located in the northern portion of the Yergat Property. After a site visit to the area of site 18PR898 on March 15, 2022, staff concluded that the large artifact scatter represented by site 18PR898 was the result of manuring the agricultural fields with refuse brought into the site from the District of Columbia.

Therefore, staff concluded that no additional archeological investigations were necessary on site 18PR898.

9. On November 15, 2021, the District Council approved A-9973-02, to separate the basic plan and approve up to 661 dwelling units on the subject site, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions. Conditions 3, 4, 5, 6, 7, 8, and 15 of A-9973-02 are relevant to historic preservation and archeology concerns:

- 3. Prior to approval of any preliminary plan of subdivision, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards.**

The final reports for the Phase II investigations have not been submitted and this condition applies until satisfied.

- 4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:**

a. Avoiding and preserving the resource in place; or

b. Phase III Data Recovery investigations and interpretation.

None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations are recommended on any of the archeological sites. Therefore, this condition has been satisfied.

- 5. If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the *Guidelines for Archeological Review* before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.**

Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties. Therefore, this condition has been satisfied.

- 6. Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur, prior to issuance of the first building permit for development.**

This condition is still outstanding and should be carried forward until satisfied.

- 7. Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.**

This condition is still outstanding and should be carried forward until satisfied.

- 8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission.**

This condition is still outstanding and should be carried forward until satisfied.

- 15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:**

- a. An inventory of existing cemetery elements.**
- b. Measures to protect the cemetery during development.**
- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.**

- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.**

This condition is still outstanding and should be carried forward until satisfied.

Conclusions

Historic Preservation

1. Based on the historic significance of the Dunblane property, and its association with the Magruder family, the Magruder/McGregor Family Cemetery (Historic Site 78-010) should be protected and maintained throughout the development process. A plan for the long-term maintenance and preservation of the site by the development's HOA should be developed for the cemetery by the applicant and submitted with the SDP.
2. Since the Magruder/McGregor Family Cemetery was designated a Prince George's County historic site, the buffering provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) apply, and careful consideration should be given to the character of fencing, lighting, and landscape features to be introduced at the time of the submission of an SDP that includes these features.

Archeology

3. Phase II archeology investigations conducted on sites 18PR900 and 18PR901 on the Case property indicated that there was a high degree of disturbance to both sites due to agricultural activities and recent grading and dumping on the southern portion of the property. Historic Preservation staff concurs with the findings and conclusions of the Phase II archeological investigations for the Case Property that no further work is necessary on either site. Three hard copies and three digital copies of the final Phase II report for the Case property should be submitted prior to signature approval of the PPS.
4. A Phase II archeological investigation was previously recommended on portions of site 18PR898 on the Yergat property. However, after a site visit to the subject property on March 15, 2022, it was determined that the site represented manuring activities on the agricultural fields and that no further work was necessary on site 18PR898. Phase II archeological investigations are not recommended on site 18PR898.
5. A cadaver dog survey was conducted around the Magruder/McGregor Family Cemetery (Historic Site 78-010) in March 2022. Several areas to the west of the family cemetery were identified as probable burial sites. These areas were marked in the field and were included within the environmental setting of the Magruder/McGregor Family Cemetery. These outlying burials are likely those of some of the people who were enslaved on the

subject property by the Magruder family in the eighteenth and nineteenth centuries. Historic Preservation staff should monitor any grading near the Magruder/McGregor Family Cemetery to ensure that any burials not identified in previous surveys are not disturbed.

6. The artifacts recovered from Phase I and Phase II investigations conducted on the Case Property and Phase I investigations on the Yergat property by Greenhorne & O'Mara Inc. (now Stantec) archeologists under the previous owner, were never curated with the Maryland Archaeological Conservation (MAC) Lab in Calvert County. The applicant should contact Stantec archeologists about curating the artifacts recovered from the previous investigations on the Case and Yergat properties at the MAC Lab.

The Planning Board generally concurs with the findings and recommendations of the HPC, but noted that hard copies of the final Phase II report for the Case property were submitted by the applicant, in accordance with Condition No. 3 of A-9973-02 above. Appropriate conditions are included to address the remaining recommendations of the HPC. Those conditions which are applicable at SDP will be addressed at that time and are not necessary to recondition as part of this PPS.

12. **Environmental**—This PPS was accepted on May 20, 2022. Comments were provided to the applicant at the SDRC meeting on May 27, 2022. Revised plans and documents were received on June 13, 2022. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NRI-158-05	N/A	Staff	Approved	07/10/2006	N/A
A-9973	N/A	District Council	Approved	02/06/2007	CR-2-2007
CDP-0601	TCPI-006-08	District Council	Approved	02/09/2009	PGCPB No. 08-121
N/A	TCPII-223-92	Staff	Approved	11/30/1992	N/A
NRI-158-05-01	N/A	Staff	Approved	10/04/2012	N/A
N/A	TCP2-083-05-14	Staff	Approved	02/12/2020	N/A
A-9973-02	N/A	District Council	Approved	11/15/2021	Z.O. No. 8-2021
A-9973-01	N/A	District Council	Approved	4/11/2022	Z.O. No. 5-2022
NRI-158-05-03	N/A	Staff	Approved	9/16/2021	N/A
CDP-0601-01	TCP1-006-2022	Planning Board	Approved	4/28/2022	PGCPB No. 2022-50
4-21049	TCP1-006-2022-01	Planning Board	Approved	07/21/2022	PGCPB No. 2022-86

Grandfathering

This project is subject to the environmental regulations contained in Subtitle 25, and in prior Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS.

Site Description

The site is located within the Established Community areas of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The subject property is located on the south side of Westphalia Road, just east of its intersection with Valley Forest Drive. This site contains streams and wetlands associated with the Western Branch of the Patuxent River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, and endangered species found to occur on or in the vicinity of this property. Westphalia Road is a designated historic road. Three master-planned roadways are mapped on the site: primary road P-616 runs from north to south on the western portion of the property; primary road P-617 connects to P-616 and crosses from west to east; and major collector road MC-631 proposes a connection with Westphalia Road along the eastern edge of the site. According to the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains both regulated and evaluation areas with the majority of regulated areas associated with the on-site stream network, and the evaluation areas present on the southern portion of the site. The Dunblane Cemetery (Magruder/McGregor Family Cemetery) historic site is present in the northwestern corner of the site.

Previously Approved Conditions

There are no previously associated PPS cases, with conditions for the subject property.

Type 2 Tree Conservation Plan TCPII-223-92 was approved on November 30, 1992, and associated with the Woodside Village project, which included additional adjacent properties. However, the TCPII was never implemented.

Basic Plan A-9973-02

The condition of approval for A-9973-02, which is environmental in nature, is addressed below:

- 14. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:**
 - b. Submit a letter of justification for all proposed primary management area impacts, in the event disturbances are unavoidable.**

A revised statement of justification (SOJ) for all proposed PMA impacts was provided in association with the PPS. This SOJ outlines proposed impacts which are discussed in the Environmental Review section of this finding.

CDP-0601-01 was approved by the Planning Board by PGCPB Resolution No. 2022-50 on April 28, 2022. There are no conditions of approval of CDP-0601-01 which are environmental in nature, and are relevant to the review of this PPS.

Conformance with Applicable Plans.

Sector Plan

In the sector plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the sector plan, and the plain text provides comments on the plan conformance.

Policy 1 **Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.**

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

According to the Green Infrastructure Plan, the site contains regulated areas and no network gaps. The plan shows 15.03 acres of existing woodland which are proposed to be preserved, and 7.32 acres of reforestation to promote retention of the on-site green space. Impacts to the PMA were proposed for a recreational trail totaling 2.12 acres.

The PMA impacts for a recreational trail, in this instance, are not approved where a master-planned trail system is provided within the rights-of-way of the master-planned roads, and sidewalks will be provided throughout the subdivision on both sides of all internal streets. The remainder of the approved impacts to the regulated environmental features for master-planned roadway crossings, sewer connections, and SWM facilities are generally minimized, to the extent practicable.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

Several impacts to the PMA are approved with this application. Partial preservation of the natural buffer along on-site stream is approved. This buffer provides additional protection for the stream system and associated wetlands systems, and helps to maintain a green corridor along the sensitive edge. A site-wide recreational trail was proposed with this application which has the potential to have a significant impact on PMA. This trail is not approved, and the removal of the trail aligns with this strategy.

3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.

The PPS includes development on the most developable portion of the site. The majority of the stream network will remain undisturbed within a green space buffer. A portion of these features were proposed to be impacted by a site-wide recreational trail and for the approved street network within the subdivision. As stated earlier, PMA impacts for a recreational trail are not approved. Regulated features shall be placed within a woodland and wildlife habitat conservation easement and supported by additional afforestation, in the areas vacated by the recreational trail, to further protect the open space network.

4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.

The site is within the Western Branch of the Patuxent River watershed. With the removal of the proposed areas of PMA impact for the recreational trail, the preservation and restoration of the on-site stream system is found in conformance with this strategy.

5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

In regard to strategies 5 through 7, with the exception of one stream crossing, the proposed stream crossings are for master-planned rights-of-way. The PMA impacts for the recreational trail are not approved. With the removal of the proposed areas of impact for the recreational trail, the preservation and restoration of the on-site stream system is found in conformance with this strategy.

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

Strategies:

- 1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

The application does not propose agricultural uses. The existing agricultural use on the subject site will be removed and replaced with residential use.

- 2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

A stream assessment, dated January 2022, was submitted with the PPS. The report indicates that the majority of the stream is significantly impaired. Stream restoration or other SWM techniques, as approved by DPIE, shall be investigated to retain the connectivity of the woodland area, and promote stream health.

- 3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**

The PPS approves limited connections between this development and adjacent sites to the east and the south, to minimize the need for stream crossings and PMA impacts. The remainder of the PMA area of the site will remain undisturbed and be placed into a woodland conservation easement. Three stream crossings are included with this PPS.

- 4. Encourage shared public/private stormwater facilities as site amenities.**
- 5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

In regard to strategies 4 and 5, development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable.

- Policy 3** **Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

The use of green building and energy conservation techniques are encouraged for the residential portion of the development and should be addressed with an application which includes the review of building design.

- 2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of alternative energy sources is encouraged for the residential portion of the development.

Policy 4 Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

Strategies:

- 1. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- 2. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- 3. Evaluate development proposals using Phase I noise studies and noise models.**
- 4. Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- 5. Provide for the use of appropriate attenuation measures when noise issues are identified.**

There are no designated noise corridors on or in immediate proximity of the subject site.

Green Infrastructure Plan

The site is mapped as an evaluation area within the Green Infrastructure Plan. This site is comprised of mostly agricultural area, with an on-site stream system located in the center of the property that flows off-site to the south.

The following policies and strategies are applicable to the PPS. The text in **bold** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

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

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is in the Western Branch of the Patuxent River basin, but is not within a Tier II catchment area, a sensitive species project review area, or a special conservation area. The site contains a stream system and associated minor wetland, which is within an Evaluation Area of the network. The current plan proposes to preserve the system within an area of woodland conservation, with impacts to the PMA area minimized to the extent practicable.

Stream restoration or other SWM techniques, as approved by DPIE, shall be investigated to retain the connectivity of the woodland area and promote stream health. With the removal of the proposed areas of impact for the recreational trail, opportunities for providing additional afforestation areas shall be considered to further support the ecological systems and reduce the off-site woodland conservation credits required.

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

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

With the removal of the recreational trail and PMA impacts for site grading and SWM facilities, the regulated system on-site will be preserved with impacts to the PMA limited to utilities and road crossings. The revised design will adequately preserve a connected wooded stream system. The Type 1 tree conservation plan (TCP1) shows that 22.35 acres of the required woodland conservation requirement will be met on-site as 15.03 acres of preservation and 7.32 acres of afforestation, with the remaining 41.80 acres being met off-site. The removal of the recreational trail provides opportunities to enhance the Regulated Areas with afforestation inside and along the PMA.

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

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

Minor fragmentation of regulated environmental features is included with this PPS at the location of the proposed stream crossing associated with the master plan rights-of-way, sewer connections, SWM outfalls, site grading for lots and

SWM facilities, and a recreational trail. With the removal of the recreational trail and PMA impacts for site grading and SWM facilities, the regulated environmental features will be preserved with the impacts to the PMA limited to utilities and stream crossings.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

A site-wide trail system is proposed with this PPS. However, due to the PMA impacts required to construct the trail, the proposed trail shall be removed and the area afforested to enhance the regulated environmental features.

Policy 4 Provide the necessary tools for implementation of the 2017 GI Plan.

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

On-site woodland conservation comprising areas of preservation and afforestation will be required to be placed in woodland conservation easements, with the approval of the Type 2 Tree Conservation Plan.

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

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

The proposal has not yet received SWM concept approval. The submitted SWM Concept Plan (38822-2021-00) shows use of micro-bioretenion and submerged gravel wetlands, as well as stormdrain outfalls with impacts to the PMA, to meet the current requirements of environmental site design, to the maximum extent practicable. SWM facilities shall not be designed or located in such a way that impact the PMA. The current proposal identifies 10 impacts to PMA, of which seven partly contain impacts for SWM. Impacts for stormdrain outfalls are approved, however, impacts for the placement of submerged gravel wetlands or micro-bioretenion facilities are not supported. The relocation or redesign of on-site SWM features would address this strategy.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/or amendments are used.**

The TCP1 provides 10 percent of the gross tract area in woodland conservation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the Landscape Manual. Tree canopy coverage (TCC) requirements will be evaluated at the time of SDP.

Forest Canopy Strategies

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

Clearing of woodland is included with the subject application. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does contain potential forest interior dwelling species habitat. Green space is encouraged in compact developments to serve multiple eco-services. With the deletion of the proposed recreational trail, grading and SWM facility encroachments, and the addition of afforestation opportunities, this application will maintain and enhance the greenspace associated with the on-site stream system.

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

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

There are no designated noise corridors on or in immediate proximity of the subject site.

Environmental Review

Natural Resources Inventory

The subject site has a Natural Resources Inventory Plan, NRI-158-05-03, approved on September 16, 2021. The PPS shows the required NRI information and is in general conformance with the NRI plan for the overall site. The PPS clearly shows the wetlands areas; however, the symbology is missing from the legend. The site statistics table shown on the TCP1, provided with the PPS, is in conformance with the NRI Plan. TCP1-006-2022-01 shall be revised to indicate the wetlands symbology in the legend. At this time, no other modifications are required to the TCP1 for conformance with the CDP.

Woodland Conservation

A revised TCP1-006-2022-01 was submitted with the PPS, which shows the overall 158.28-acre site with a net tract area of 156.21 acres. The site has 31.52 acres of existing woodland in the net tract area, and 2.07 acres of existing woodlands in the floodplain. The woodland conservation threshold is 31.24 acres (20 percent of the net tract area). The woodland conservation worksheet shows the removal of 16.49 acres of woodland on the net tract area and 0.41 acre of woodlands in the floodplain, resulting in a woodland conservation requirement of 64.15 acres. This requirement is proposed to be met with 15.03 acres of on-site woodland preservation, 7.32 acres of on-site afforestation, and 41.80 acres of off-site woodland conservation credits.

While the site layout is in conformance with prior approvals, it reflects an overall increase in clearing from the TCP1 associated with CDP-0601-01, which proposed 15.15 acres of woodland cleared and a woodland conservation requirement of 61.47 acres. With the CDP, this requirement was proposed to be met with 16.37 acres on-site woodland preservation and 7.66 acres of afforestation, with 37.44 acres of off-site woodland conservation credits. Some discrepancy between the CDP and the PPS is expected as the PPS is further engineered and provides additional details. However, the TCP1 associated with this PPS proposes an increase of 2.68 acres in clearing, and reduction of both on-site woodland conservation and afforestation. To bring the PPS in balance with the prior approvals, the proposed recreational trail shall be removed, and woodland retention and afforestation shall be provided in its place. This will result in an increase of on-site woodland conservation and a reduction of the off-site woodland conservation credits required.

Specimen Trees

Section 25-122(b)(1)(G) of the County Code requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an

appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The Code, however, is not inflexible.

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

An SOJ was provided for the removal of 25 specimen trees. The conditions of these trees rate from very poor to fair condition.

Specimen Tree Number	Common Name	DBH* (in inches)	Condition	Disposition
24	Tulip poplar	36	Fair	Remove
25	Tulip poplar	34	Fair	Remove
26	White oak	35	Fair	Remove
27	Sweet gum	44	Fair	Remove
28	Tulip poplar	46	Fair	Remove
32	Silver maple	46	Fair	Remove
33	Sycamore	45	Fair	Remove
34	Silver maple	31	Fair	Remove
35	Tulip poplar	35	Fair	Remove
36	Tulip poplar	32	Fair	Remove
37	Tulip poplar	33	Poor	Remove
38	Tulip poplar	32	Fair	Remove
39	Tulip poplar	43	Fair	Remove
40	White oak	32	Fair	Remove
45	Red oak	34	Fair	Remove
46	American beech	34	Fair	Remove
49	Tulip poplar	42	Very Poor	Remove
50	Tulip poplar	40	Fair	Remove
51	Tulip poplar	35	Fair	Remove
53	Tulip poplar	36	Fair	Remove
54	Tulip Poplar	32	Fair	Remove
55	American Beech	38	Fair	Remove
56	Tulip Poplar	33	Fair	Remove
57	Sweet Gum	38	Fair	Remove
60	Tulip Poplar	40	Fair	Remove

*Diameter at breast height

Removal of the 25 specimen trees requested by the applicant is approved, based on the findings below.

Evaluation

Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the 25 specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

Specimen trees are located in three areas of the site: the southwest, southcentral, and central. This site features two master-planned rights-of-way: P-616 and P-617. Many of the specimen trees approved for removal are associated with the construction of P-616 and P-617. These rights-of-way serve as the main access and through roads for the site, providing access from Westphalia Road, eventually connecting with sites to the south and east.

The location of these rights-of-way are in conformance with the MPOT. Specimen trees approved for removal, not in association with the master-planned rights-of-way, are identified for removal for construction of a SWM feature. The location of this proposed submerged gravel wetland will be analyzed by DPIE, in association with the SWM concept plan. The submitted variance request identifies 25 specimen trees, of which 15 are Tulip Poplars. Tulip Poplars are known for poor construction tolerance and are prone to damage when isolated. Of the 25 specimen trees approved for removal, the majority are directly associated with the development of the master-planned roadways which bisect the site. The remainder of the trees approved for removal are associated with a SWM feature as described above.

The construction of the master-planned rights-of-way is a reasonable use for the subject site, and it cannot be accomplished elsewhere on the site, as the alignment of the roadways connects to the adjacent properties to the south. Restricting the removal of these trees would result in the modification of the master-planned roadway alignments, to the extent that it would cause the applicant an unwarranted hardship. The master-planned roadways propose crossings over regulated environmental areas, and further adjustment of the road alignment would result in additional PMA impacts. The removal of these trees is supported, and the position of the master-planned roadway is reflective of the MPOT.

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

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

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

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential developments were bisected by two master-planned rights-of-way, with regulated environmental features and specimen trees in similar conditions and locations, it would be given the same considerations 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 site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the 25 specimen trees would be the result of the grading required for the development site. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

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

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed

and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees 24–28, 32–40, 45, 46, 49–51, 53–57, and 60. The requested variance for removal of 25 specimen trees for the development proposed with this PPS is approved.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains streams, wetlands, and wetland buffers within the delineated PMA, which shall be protected by conservation easements to the fullest extent possible, as determined at the time of PPS and SDP reviews. A conceptual proposed PMA impact statement and exhibit was provided at time of CDP to establish areas of potential impact. No impacts to PMA were approved with the CDP. The proposed impact square footage identified at CDP was presented to quantify how much each proposed impact has increased with the PPS. This increase in proposed impacts is due to factors such as the Washington Suburban Sanitary Commission alignments and further engineering detail. The PPS application package included an SOJ for 10 proposed impacts to the PMA, which are shown on the PPS and TCP1. The proposed impacts are partially approved, as detailed below, subject to conditions.

A site-wide recreational trail was proposed with the CDP, which was designed to serve as a recreational amenity for the site. The proposed location of this trail significantly impacts the PMA in several locations throughout the site. In the applicant's revised SOJ for impacts to regulated environmental features, dated June 10, 2022, the total impacts for the trail network were identified as 92,233 square feet, or 2.12 acres. This area is 36 percent of total impacts proposed, and potentially could be further detrimental to the on-site stream system. The recreational trail system is not required under the conditions of the prior approvals for the site, and is not required to support the density included with this PPS. The trail shall be deleted from the development proposal, to eliminate unnecessary PMA impacts and increase the on-site woodland conservation with afforestation areas. The PMA impacts proposed with this PPS total 253,391 square feet, or 5.82 acres. With the recreational trail deleted from the development proposal, the PMA impacts reduce to 161,158 square feet, or 3.70 acres. The removal of this trail significantly reduces avoidable impacts and allows for more on-site woodland conservation to further meet requirements.

Impact 1

Impact 1 proposes 42,990 square feet of PMA and stream buffer disturbance for the construction of a road crossing for master plan road P-616, a sanitary sewer connection, an existing SWM easement, and site grading behind Lots 65 and 66. P-616 has a required right-of-way of 60 feet and the location is set in accordance with the MPOT, and will provide a connection to the development to the south.

This impact also includes a connection to an existing sewer line to support site infrastructure. An existing SWM easement is recorded at Liber 34656 at Folio 201, which needs to allow clearing to maintain the SWM facility. In addition, site grading of 750 square feet, or 0.02 acre, of disturbance is proposed behind Lots 65 and 66, to avoid a retaining wall. In the SOJ, the applicant stated that grading out this area into the PMA would provide an opportunity to reforest the PMA area; however, in review of the TCP1, afforestation is not proposed for this area. This impact has increased from 35,209 square feet, or 0.81 acre, as proposed with the CDP; to 42,990 square feet, or 0.99 acre, with the PPS. Impacts for site grading behind Lots 65 and 66 are not approved and shall be removed. Impact 1 is partially approved. The impacts to construct the master-planned right-of-way P-616, the sewer connection, and for the existing SWM easement area are approved, as it provides primary access to the site to the south and necessary infrastructure. Additional impacts for SWM and grading into the PMA for lot alignment are not approved.

Impact 2

Impact 2 proposes 39,025 square feet, or 0.99 acre, of PMA and stream buffer disturbance for the construction of an internal road crossing, water loop and sewer lateral connection SWM outfall, stormdrain pipes, and recreational trail. The internal road connection crosses a sensitive area directly south of the Dunblane Cemetery site. During CDP review, three direct vehicular connections to Westphalia Road were identified for this project. These connections serve the main sections of the development, making this internal connection redundant and avoidable. Additional discussion with the applicants' engineers occurred during review of the CDP, in which it was identified that the current use on the site has impacted this location. Additional information was requested for further justification on this crossing. In the March 18, 2022, response to SDRC comments submission, additional materials relating to the proposed internal crossing were provided, which detailed impacts to the stream from the existing use. This impact has increased from 35,807 square feet, or 0.82 acre, as proposed with the CDP; to 39,025 square feet, or 0.99 acre, with the PPS. If the trail is not implemented, this impact is further reduced to 21,033 square feet, or 0.48 acre. Impact 2 is partially approved for the internal road crossing for site connectivity, utilities, and SWM outfall structures. Impacts related to the site-wide trail and stormdrain pipe features are not approved.

Impacts 3 and 4

Impact 3 proposes 14,304 square feet, or 0.32 acre, of PMA impacts for the proposed site-wide trail and sewer line connection. This impact has increased from the 9,894 square feet, or 0.23 acre proposed with the CDP to 14,304 square feet, or 0.32 acre, with the PPS. The SOJ for PMA impacts identifies that the trail will follow the existing grading, and additional grading will not be required.

Impact 4 proposes 13,497 square feet, or 0.31 acre, of PMA impacts for the proposed site-wide trail system. As with Impact 3, the SOJ details that the trail will follow the existing contours so, no grading will be required for this section of the trail.

A large portion of the proposed PMA Impacts 3 and 4 are associated with the proposed recreation trail. The recreational trail shall be removed as it is not required to implement the density included with 4-21049. These impacts run parallel to the on-site stream system, and the

associated grading has the potential to further impact the stream system. As noted above, if the proposed trail system is not considered, there is a significant reduction in site-wide PMA impacts. Impact 3 is further reduced to 4,410 square feet, or 0.10 acre, and Impact 4 is completely eliminated by removing the 13,497 square feet, or 0.31 acre, of impact. Utility connections associated with Impact 3 are approved, while the site-wide trail is not. Impact 4 is not approved.

Impact 5

Impact 5 proposes 35,350 square feet, or 0.81 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall, sanitary sewer, and a portion of the site-wide recreational trail. The stormdrain outfall has been placed to minimize PMA disturbance. As discussed with Impacts 3 and 4 above, removal of the proposed trail will reduce Impact 5 to 21,725 square feet, or 0.50 acre. Impacts for utility connections and SWM outfall structures are approved. The impact due to the site-wide trail is not approved.

Impact 6

Impact 6 proposes 48,640 square feet, or 1.12 acres, of PMA and stream buffer disturbance for the construction of master plan road P-617, a stormdrain outfall, and a portion of the site-wide recreational trail. The road impact provides east to west connection through the site and is supported. The outfall is to be placed to minimize impacts to the PMA. As discussed above, with the removal of the on-site trail, this impact will be reduced to 33,390 square feet, or 0.77 acre. This impact is partially approved for the construction of P-617, sewer connection, and stormdrain outfall. The proposed site-wide trail is not approved.

Impact 7

Impact 7 proposes 16,685 square feet, or 0.38 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall and site-wide recreational trail. The stormdrain outfall is to be placed to minimize impacts to the PMA. As discussed above, removal of the trail system reduces this impact to 4,560 square feet, or 0.10 acre. Impact 7 is partially approved for the stormdrain outfall. The proposed site-wide trail is not approved.

Impact 8

Impact 8 proposes 25,050 square feet, or 0.58 acre, of PMA and stream buffer disturbance for the construction of two stormdrain outfalls, a stormdrain pipe with easement, and a portion of the site-wide recreational trail. The outfalls are to be placed to minimize impacts to the PMA. As discussed above, removal of the trail system will reduce this impact to 18,790 square feet, or 0.43 acre.

This impact is partially approved. The impacts for installation of stormdrain outfall and utilities are approved. Environmental site design should be considered to reduce the impact to the PMA from the associated pipe system. Impacts due to the site-wide trail are not approved.

Impact 9

Impact 9 proposes 8,260 square feet, or 0.19 acre, of PMA and stream buffer disturbance for the construction of a sewer connection and a portion of the site-wide recreational trail. The impact associated with the connection for infrastructure is to be minimized to the extent practicable. As

discussed above, removal of the site-wide trail will further reduce this impact to 4,670 square feet, or 0.11 acre. Impact 9 is partially approved for the proposed sewer connection. The proposed site-wide trail is not approved.

Impact 10

Impact 10 proposes 9,950 square feet, or 0.22 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall, and for infrastructure associated with an existing Washington Gas pipeline. Impacts associated with the Washington Gas pipeline account for future disturbances and connections and impacts to PMA for infrastructure are to be minimized to the extent practicable. Impact 10 is approved in its entirety.

Conclusion

Impacts for the three- master-planned rights-of-way are approved with this application. Utility impacts, as currently proposed, are approved with this application. As a SWM concept plan has not yet been approved for this site, the final location of SWM features is undetermined. Impacts to PMA for the installation of SWM features outside of outfall structures are not approved. PMA impacts are proposed for the development of the site-wide trail, which is not required or conditioned by a prior approval. The inclusion of this trail increased the allowed density on-site as approved with the applicable CDP; however, the PPS does not reach the maximum density approved and, therefore, does not require the recreational trail to be provided. A master-planned trail will be incorporated into master-planned roads on-site. As such, the trail as proposed is an avoidable PMA impact, and is not approved. Impact 10 is approved in its entirety; Impacts 1–3 and 5–9 are partially approved; and Impact 4 is not approved.

Section 24-130(b)(5) of the Subdivision Regulations states “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.” Based on the level of design information available at the present time, and the disapproval of impacts provided above, the regulated environmental features on the subject property will be preserved and/or restored to the fullest extent practicable.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are in the Adelphia-Holmdel complex, Croom-Marr complex, Dodon Fine Sandy Loam, Evesboro-Downer complex, Issue Silt Loam, Marr-Dodon complex, Woodstown Sandy Loam, and Widewater and Issue soils. Marlboro clays occur on sites in proximity to the subject site. This information is provided for the applicant’s benefit, and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report in conformance with Prince George’s County Council Bill CB-94-2004 during the permit process review.

Hillis-Carnes Engineering Associates (HCEA) performed the geotechnical explorations and the slope stability analysis and submitted the report, 'Preliminary Slope Stability Study, Yergat

Property-GSS', dated June 1, 2022. In summary, HCEA conducted four sections (section AA through section DD) of the slope stability analysis for unmitigated conditions. The slope sections evaluated at the site appears to be stable having the factor of safety higher than 1.5. Overall, the slope stability analysis report provided the information required by Prince George's County; however, the following are the County's requirements at the time of SDP acceptance:

- a. According to the Techno-Gram 005-2018, engineer shall perform 3-point drained shear test on over-consolidated clay to establish the residual shear strength parameters. However, the soil strength parameters of the Marlboro clay used for the slope stability analysis have been determined, based on the consistencies of cohesive soils and the engineer's previous experiences in the area. A residual shear strength test shall be performed and used in the analysis for further analysis on the mitigated conditions.
- b. As discussed in the report, the global stability analysis is required for mitigated conditions at the time of SDP. The global stability analysis considering the final proposed construction conditions, including the structural loads, shall be performed. If retaining walls taller than 10 feet, or taller than 6 feet with 3H:1V backslope are proposed, global stability analysis shall be performed on the cross-section of the walls in compliance with the Techno-Gram 002-2021.

Special Roadways

Westphalia Road, which borders the site on the north, is designated as a historic roadway. Appropriate buffering for special roadways, consistent with the requirements originally established for the R-M zoned site, should be maintained on future development applications.

13. **Urban Design**—Conformance with the Zoning Ordinance is evaluated, as follows:

The property is subject to the conditions of CDP-0601-01 and will require SDP approval. The development is required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of SDP review including, but not limited to, the following.

- Section 27-507, Section 27-508, and Section 27-509 requirements for the R-M Zone, as applicable,
- Part 10C Military Installation Overlay(M-I-O) Zone,
- Part 11 Off-Street Parking and Loading, and
- Part 12 Signs.

Conformance with the 2010 Prince George's County Landscape Manual

This development in the R-M Zone is subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from

Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with these requirements will be evaluated at the time of SDP.

Conformance with the Prince George’s County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject site is 158.28 acres in size and will be required to provide a minimum of 23.74 acres of the tract area in TCC. Conformance with this requirement will be evaluated at the time of detailed site plan.

14. **Westphalia Sector Plan Implementation Board**—The subject property is located within geographical boundary of the Westphalia Sector Plan and therefore, is under the purview of the Westphalia Sector Plan Implementation Board (WSPIB), pursuant to County Council Resolutions CR-6-2009, CR-80-2009, CR-57-2010, and CR-30-2014. The PPS application was referred to WSPIB for review and comments on May 24, 2022, in accordance with CR-6-2009, which requires that WSPIB be made a party of record to land development proposals which involve property within the Westphalia Sector Plan area before the Zoning Hearing Examiner, the Prince George’s County Planning Board, or the Prince George’s County District Council. At the time of the Planning Board hearing, no referral or correspondence has been received from WSPIB.


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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Geraldo absent at its regular meeting held on Thursday, July 21, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 8/16/22