

PGCPB No. 2024-033

File No. PPS-2023-005

R E S O L U T I O N

WHEREAS, A. Decesaris Holding Company, LLC is the owner of a 30.41-acre parcel of land known as Parcel 103 and Lots 26–33, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family–Attached (RSF-A) and Residential, Rural (RR); and

WHEREAS, on February 23, 2024, A. Decesaris Holding Company, LLC filed an application for approval of a Preliminary Plan of Subdivision for 155 lots and 18 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2023-005 for Michael's Retreat 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 May 2, 2024; and

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

WHEREAS, on May 2, 2024, 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 TCP1-006-2024 and APPROVED Preliminary Plan of Subdivision PPS-2023-005 for 155 lots and 18 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be modified as follows:
 - a. Revise the noise contours shown on the PPS to show the locations of the unmitigated daytime 65 dBA/Leq ground-level noise contour, the unmitigated daytime 65 dBA/Leq upper-level noise contour, the unmitigated nighttime 55 dBA/Leq ground-level noise contour, and the unmitigated 55 dBA/Leq upper-level noise contour, under their future conditions as shown in the Phase I noise study, instead of under their existing conditions.
 - b. Revise the label for the 30-foot-wide right-of-way north of the property to remove the "private driveway" designation and instead label it as a 30-foot-wide right-of-way per Plat Book SDH 3 Plat 86.
 - c. If, prior to signature approval, the applicant determines that any parcel(s) will be donated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), revise the Parcels Chart on the PPS to indicate which parcels may be donated to M-NCPPC. Revise the parcel boundaries, as necessary, to delineate the land which may be donated.
 - d. Revise the labels for Lots 1–3 of the KP Brandywine Land Subdivision to remove overlapping labels and clarify the current owners of the properties.

- e. Relocate the proposed sewer line on Lot 1 of the KP Brandywine Land Subdivision so that it is located on-site, or else show a proposed sewer easement on Lot 1 to cover the sewer line.
 - f. Revise General Note 1 to indicate that existing Lots 26–33 are recorded in Plat Book SDH 3 Plat 86.
 - g. Remove General Note 10.
 - h. Revise General Note 15 to indicate a proposed density of 5.76 dwelling units per acre (155 dwelling units / 26.92 acres).
 - i. Revise General Note 28 to include the number of the Type 1 tree conservation plan.
2. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of a public utility easement along the public and private rights-of-way, as delineated on the approved preliminary plan of subdivision, unless a variation is granted as part of the final plat.
 - b. Right-of-way dedication along Brandywine Road and Accokeek Road, in accordance with the approved preliminary plan of subdivision.
 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 13684-2023-SDC, and any subsequent revisions.
 4. Prior to the approval of the first detailed site plan for architecture, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, II, and/or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Prince George's County Planning Department staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
 5. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-006-2024). The following notes shall be placed on the final plat of Subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-006-2024), 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 Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree

Conservation Plans for the subject property, are available in the offices of the Maryland-National Capital Park and Planning Commission.”

6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section of the Prince George’s County Planning Department, 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.”
7. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan (TCP2) 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.”
8. Prior to the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the US, the applicant shall submit copies of all federal and state wetland permits.
9. In accordance with Section 24-4601(b)(4)(C) of the Prince George’s County Subdivision Regulations, the applicant, and the applicant’s heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
10. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George’s County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DET). Timing for construction shall also be determined at the time of DET.
11. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant, and the applicant’s heirs, successors, and/or assignees shall provide an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George’s County Planning Department for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
12. 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 recreational facilities.

13. In conformance with the recommendations of the 2009 *Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and assignees shall provide the following bicycle and pedestrian facilities, and shall show these facilities on the detailed site plan (DET) and a bicycle and pedestrian facilities plan, prior to approval of the DET:
- a. A minimum of three bicycle racks at each proposed recreation area.
 - b. Shared lane markings (sharrows) along the frontage of Brandywine Road and Accokeek Road, unless modified by the operating agency with written correspondence.
 - c. 10-foot-wide side paths along the frontages of Brandywine Road and Accokeek Road, unless modified by the operating agency with written correspondence.
 - d. Marked crosswalks and Americans with Disabilities Act-compliant curb ramps along the access points on Accokeek Road and throughout the site.
 - e. 5-foot-wide sidewalks along both sides of all private roadways and 5-foot-wide trail connecting between Private Roads B and E, to include dimensions on all plan sheets.

This condition shall not be construed to remove the applicant's right to request waivers or departures at the time of the DET, in conformance with Section 27-3614 of the Prince George's County Zoning Ordinance which, if approved, may modify the above requirements.

14. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
15. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. 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 of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

- c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations, which are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
16. Prior to acceptance of the detailed site plan (DET), the applicant shall provide a Phase II noise study which shows the final locations of the dwelling units, and which recommends noise mitigation features to ensure that all outdoor activity areas (at ground and upper levels) will have noise mitigated to below 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime) and below 65 dBA/Leq during the hours of 7:00 a.m. to 10:00 p.m. (daytime). The DET shall show the locations and details of the recommended noise mitigation features. The DET shall delineate the locations of the mitigated daytime 65 dBA/Leq ground-level noise contour, the mitigated daytime 65 dBA/Leq upper-level noise contour, the mitigated nighttime 55 dBA/Leq ground-level noise contour, and the mitigated 55 dBA/Leq upper-level noise contour, under future conditions. The mitigated contours shall be modeled using both the dwellings and the recommended noise mitigation features.
 17. If an off-site sewer line is proposed to serve the development across adjoining Lot 1 of the KP Brandywine Land Subdivision, prior to approval of grading permits, the applicant shall submit evidence that an off-site sewer easement has been recorded on this lot, to support the off-site sewer line shown on the preliminary plan of subdivision. The location of the off-site easement may be modified by the appropriate permitting agency.
 18. Prior to signature approval of the Type 1 tree conservation plan, the plan shall be updated to reflect the correct name of the subdivision (Michael's Retreat).

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 applicable 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 property known as Parcel 103, recorded in the Prince George’s County Land Records in Book 42426 page 148; and Lots 26–33, recorded on a plat of Littleworth Subdivision in Plat Book SDH 3 Plat 86. The property is 30.41 acres and is located in the Residential, Single-Family–Attached (RSF-A) Zone and Residential, Rural (RR) Zone. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan), applicable provisions of Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein. In accordance with Section 24-4503 of the Prince George’s County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by, and subject to, an approved Certificate of Adequacy ADQ-2023-010.

This PPS includes 155 lots and 18 parcels for development of 155 single-family attached dwelling units. A PPS is required for the construction of more than one dwelling unit, pursuant to Section 24-3402(b)(3) of the Subdivision Regulations. The property is currently unimproved. The applicant participated in a pre-application conference for the proposed PPS on March 10, 2023, pursuant to Section 24-3302(b)(1) of the Subdivision Regulations, and held a pre-application neighborhood meeting on May 15, 2023, pursuant to Section 24-3303(b)(1) of the Subdivision Regulations.

3. **Setting**—The subject property is 30.41 acres and is located on the north side of Accokeek Road, approximately 600 feet west of its intersection with MD 5 (Branch Avenue). The property has frontage on Accokeek Road to the south, limited frontage on Brandywine Road to the northeast, and a 30-foot-wide privately used right-of-way (ROW) to the north. Site access is proposed from Accokeek Road, which is classified as a collector roadway with historic designation.

The subject site is located on Tax Map 144 in Grids E-2, E-3, F-2, and F-3 and is within Planning Area 85A. Accokeek Road lies to the south of the site, and the properties beyond consist of single-family dwellings in the RR Zone. Properties to the east, west, and north consist of vacant land and a few single-family detached dwellings in the RR Zone. To the northeast, beyond Brandywine Road, is a medical office building in the Commercial, General and Office (CGO) Zone.

4. **Development Data Summary**—The following information relates to the subject PPS application and the evaluated development.

	EXISTING	EVALUATED
Zone	RSF-A/RR	RSF-A/RR
Use(s)	Vacant	Residential
Acreage	30.41	30.41
Lots	8	155
Parcels	1	18
Dwelling Units	0	155
Gross Floor Area	0	0
Variance	No	No
Variation	No	No

The subject PPS was accepted for review on February 23, 2024. Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on March 15, 2024, where comments were provided to the applicant. Revised plans were received on March 25, 2024, and March 28, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The subject property includes a tax parcel known as Parcel 103, which has never been the subject of a PPS or a final plat. Parcel 103 was created by a deed adjusting common boundary lines, pursuant to Section 24-107(c)(9) of the prior Subdivision Regulations, recorded in Book 27651 page 516 of the Prince George’s County Land Records in 2007. This deed adjusted the boundaries between two properties known as the “KAZ Property” and the “Smith Property,” so as to remove the boundary between the Smith Property (originally located in the southwest corner of the site) and the KAZ Property, and to parcel out a 1.45 acre of land along the KAZ Property’s Brandywine Road frontage. That 1.45-acre parcel of land later (in 2008) became subject to PPS 4-07068, and it was ultimately recorded as Lots 1–3 of the KB Brandywine Land subdivision. Prior to 2007, the KAZ Property and the Smith Property both existed in their initial configurations since before 1981.

The subject property also includes Lots 26–33, which were platted in May 1930, on a plat titled Littleworth Subdivision, recorded in Plat Book SDH 3 Plat 86.

The subject property contains 30.29 acres which were rezoned from the prior Rural Residential (R-R) Zone to the prior Townhouse (R-T) Zone, pursuant to Zoning Map Amendment (ZMA) A-9982-C which was approved by the Prince George’s County District Council in 2008, subject to eight conditions. However, the conditions of approval of this ZMA are no longer applicable, pursuant to Section 27-1704(a) of the Prince George’s County Zoning Ordinance.

6. **Community Planning**—Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, consistency with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan land use recommendations are evaluated, as follows:

Plan 2035

Plan 2035 places this subject site in the Established Communities Growth Policy Area (Map 1. Prince George’s County Growth Policy Map, page 18). Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the regional transit districts and local centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development.

This PPS is consistent with Plan 2035’s Land Use and Growth Management goals because this development proposal is for medium-density residential development.

Master Plan

The master plan recommends residential medium land use on the subject property (page 49). The proposed use conforms with the recommended land use of the master plan.

Zoning

ZMA A-9982 reclassified the subject property from the R-R Zone into the R-T Zone.

The master plan retained the subject property in the R-T Zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from the R-T Zone to the RSF-A Zone, effective April 1, 2022.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a stormwater management (SWM) concept plan has been approved by the Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE).

A SWM Concept Plan (13684-2023-SDC) approved by DPIE was submitted, which shows the use of three micro-bioretenion facilities and four submerged gravel wetlands to manage and treat stormwater. This SWM concept plan was approved on January 18, 2024, and expires on January 18, 2027.

Development of the site in conformance with approved SWM concept plan and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

Nearby park facilities include the Southern Area Aquatics and Recreation Complex, approximately 2.52 miles to the east; the Rose Creek Connector Trail, located 3.5 miles to the south; Accokeek East Park, approximately 4 miles to the west; and, the Cosca Regional Park, located 4.5 miles to the northwest. The subject property is also located slightly east of a 67-acre undeveloped park known as Pleasant Springs Park. The subject site is within the Piscataway Creek watershed, contains valuable natural resources, and has a direct hydrologic connection to Pleasant Valley Park, approximately 1,300 feet downstream of the subject property.

Section 24-4601 of the Subdivision Regulations governs the mandatory dedication of parkland. Unless otherwise exempt, applicants for approval of a PPS are required to dedicate land to The Maryland-National Capital Park and Planning Commission (M-NCPPC), pay a fee-in-lieu of dedication, and/or provide private recreational facilities to meet the park and recreation needs of the residents of the subdivision. Based on the maximum permissible density of development (8.7 dwelling units per acre in the RSF-A Zone), 10 percent of the net residential lot area, 2.7 acres, is the required amount of land for dedication to M-NCPPC for such park and recreation needs. Dedication of park and recreation land is found to be unsuitable or impractical and, therefore, the provision of recreational facilities shall be provided. The PPS identifies Parcel N,

Parcel F, and Parcel G for on-site recreation facility areas, per Section 24-4601(b)(4)(C). Parcel N, recreation area number 1, is the largest at just over an acre and includes a sizable SWM facility. The other two recreation areas are also adjacent to SWM facilities. The applicant provided conceptual recreation facility details and cost estimates, which include a playground and play equipment, benches, and shelter. Proposed Parcel H is a wetland area, which is approximately 2.45 acres, and is shown as a separate open space parcel to be conveyed to the homeowners association (HOA).

The applicant's proposal, to satisfy the requirement of mandatory dedication of parkland with on-site recreation facilities to serve the residents, is found to be acceptable. The details, layout, and cost estimates for the proposed facilities will be further evaluated at the time of detailed site plan (DET) review.

The subject property is within two protected environmental corridors, the Burch Branch (secondary) and the Piscataway Creek (primary), within the green infrastructure network. The Prince George's County Department of Parks and Recreation (DPR) finds the applicable plans support preservation and conservation of proposed Parcel H and surrounding contiguous area (which may also include parts of Parcel G) totaling approximately 4 acres of woodlands and headwater wetlands. The Parcels contain a unique ecosystem and habitat, in alignment with the environmental goals, policies, and strategies contained in the master plan (Chapter V, pages 67 through 75). These lands will be required to be placed in conservation easements, as further evaluated in the Environmental finding. DPR has also expressed interest in accepting donation of this land, in lieu of its conveyance to the HOA, to provide stewardship of this area in furtherance of the environmental preservation goals of the master plan. During coordination with DPR, the applicant also expressed willingness to provide donation of land. DPR supports the placement of woodland conservation easements on the lands for donation to M-NCPPC and will provide a memorandum permitting woodland conservation on the land donated to M-NCPPC.

The provision of on-site recreation facilities will meet the recreational needs of the future residents of this community and is in conformance with the requirements of Subtitle 24, as they pertain to mandatory dedication of parkland.

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

Master Plan Right-of-Way

The subject site has frontage along the master-planned roadways of Accokeek Road, which is identified as a collector (C-527), with a recommended ROW of 80 feet; and Brandywine Road, identified as a collector (C-513), with a recommended ROW of 80 feet. The submitted plans accurately display the master plan ROW and propose road dedication of 0.05 acre along Brandywine Road and 0.53 acre along Accokeek Road, to serve additional traffic that will be generated by the subdivision.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Shared Roadway: Accokeek Road
- Planned Bike Lane: Brandywine Road

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, page 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*.

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

The master plan recommends the following policies that are applicable to the subject property:

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- **Connect a spine network of trails to the most populated areas.**
- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**

The master plan recommends on-road, dual-route, bicycle facilities along Brandywine Road and Accokeek Road as listed in Table VI-6 on page 119. Recommendations for the on-road and off-road components of a dual-route facility can be found on page 115. The applicant shall provide shared lane markings and a side path along the frontage of Brandywine Road and Accokeek Road, unless modified by the operating agency, to meet master plan conformance. The site plan also includes sidewalks along both sides of internal roadways. Crosswalks and ADA-compliant curb ramps shall be provided at each site access point for a continuous pedestrian connection.

Zoning Ordinance Development Standards – Access and Circulation

Section 24-4201(c) of the Subdivision Regulations requires streets proposed for dedication to the public to comply with the standards in Section 27-6200, Roadway Access, Mobility, and Circulation, and other applicable standards in Subtitle 27 and related design regulations.

Section 27-6104 of the Zoning Ordinance provides guidance for the review of PPS development applications. In addition, Section 27-6200 of the Zoning Ordinance provides specific requirements for the current application. The relevant sections are 27-6204, 27-6206, 27-6207, and 27-6208, which detail the requirements for vehicular, pedestrian and bicycle cross-access.

Regarding Section 27-6204, the applicant has submitted a site plan that demonstrates all circulation through the site. There are three full movement access points proposed along Accokeek Road, and a 5-foot-wide sidewalk along both sides of the internal roadways. The submitted site plan meets the requirements for this section.

Regarding Section 27-6206, the subject site is zoned RSF-A and is not required to provide vehicular cross-access.

Regarding Sections 27-6207 and 27-6208, the subject site is adjacent to property zoned RR, to which bicycle, and pedestrian cross-access is not required. The submitted plan includes a sidewalk connecting the eastern and western portion of the site, which has separate entrances from Accokeek Road. This connection allows for community-wide pedestrian circulation and will provide a direct connection to the frontage improvements recommended in the master plan. Section 27-6208(c)(1)(B) requires the off-street bicycle facility be at least 10 feet wide.

Based on the preceding findings, the proposed access and circulation is sufficient to meet the requirements of Section 24-4201. The vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the required findings of Subtitle 24, and conform to the master plan and MPOT.

10. **Site Access and Layout**—The site features three access points to Brandywine Road. Two of these access points serve Lots 1 to 73, while the third serves Lots 74 to 155. Unless exempted, in accordance with Section 24-4204(b), no subdivision shall be approved with a private street, ROW, or easement as the means of vehicular access to any lot, unless the private street, ROW, or easement is built to conform to the standards in Subtitle 23: Roads and Sidewalks, of the County Code. All streets within the development are to be private, pursuant to the exemption in Section 24-4204(b)(1)(C) of the Subdivision Regulations. This section requires that the land proposed to be subdivided may have private streets if it has frontage on and direct vehicular access to a public street, with a ROW of at least 60 feet; that points of access be approved by the Planning Board and the road operating agency; that the roads be improved to not less than the current standards set forth in Subtitle 23 of the County Code; and, that the private streets be conveyed to an HOA. Accokeek Road will attain a ROW width of 80 feet with this application, and the private roads are to have a ROW width of 50 feet, which will allow the private roads to be improved to a standard not less than that contained in Subtitle 23. The roads are to be conveyed to an HOA. The criteria of Section 24-4204(b)(1)(C) will be met, to allow development of private roadways serving the lots.

North of the site is a 30-foot-wide ROW that is labeled on the PPS as a private driveway. The existing plat for Lots 26–33 of the Littleworth Subdivision, recorded in 1930, shows this ROW but does not state whether it is public or private. It may be assumed that the roadway was dedicated with the lots platted with the Littleworth Subdivision; however, at this time, the road operating agency has not confirmed the roadway acceptance into the public road system. Definitive records could not be located stating that the ROW was ever publicly dedicated, nor did the applicant provide any records showing the ROW was in private ownership. According to DPIE, the ROW is not maintained as a public roadway, and it appears to be privately maintained. Aerial imagery shows that the gravel driveway passing Lots 26–33, within the ROW, currently serves only two properties (Lots 76 and 53 of the Littleworth Subdivision); however, there are numerous other properties in the vicinity to which the ROW would be the sole access, if they were to be developed. The applicant does not propose any access to the existing driveway, in part because it is not clear they have right-of-access, and in part because substantial improvements would be needed to the driveway for it to serve as public road access for the townhouse development, including acquisition of additional ROW width from private properties along the ROW.

Section 27-6903(a)(1), within the Multifamily, Townhouse, and Three-Family Form and Design Standards of the Zoning Ordinance, requires that new townhouse development with 20 or more dwelling units shall have at least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible. Lots 1–73 meet this requirement by having two points of access. For Lots 74–155, providing a secondary point of access for emergencies is not feasible. The private road serving these lots extends from Accokeek Road north through the site to the privately maintained driveway north of the site, but for the reasons discussed above, does not connect to the existing driveway to the north. Given the substandard condition of the existing driveway, it would not be appropriate to provide emergency access. The presence of environmental features along Brandywine Road and Accokeek Road also makes it infeasible to add another point of access to serve Lots 74–155 along either of those roadways, without significantly impacting those features.

Section 27-6206(k)(3), within the Vehicular Access and Circulation section of the Zoning Ordinance, requires that in the RSF-A Zone, “where a block face exceeds more than 800 feet, sidewalks or multi-use paths shall be provided through the block, perpendicular to the long block face, to connect parallel sidewalks on either side of the block through the interior of the block.” The development includes a proposed sidewalk that passes near Lot 64 and Lot 89, crossing a wetland area, to meet this requirement. The sidewalk will ensure internal pedestrian connectivity within the development so that residents do not need to walk along Accokeek Road to travel between the two pods of the development.

Section 27-6206(f)(1) requires that major single-family residential subdivisions achieve a minimum street connectivity index score of 1.5. The applicant submitted a street connectivity index exhibit showing that the development will achieve a street connectivity index score of 1.6, which meets the requirement.

Conformance with the above discussed sections will be further evaluated and confirmed at the time of DET.

11. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-4104(b)(1). The master plan contains a Chapter (VII) that establishes the following public facility goals for the planning area:

- **Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.**
- **Schools operate at 100 percent capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED (Leadership in Energy Efficiency and Design) standards or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

The proposed development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2023-010, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the master plan.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405, the 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, “Community Systems”. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

Off-Site Sewer Line

The PPS shows that the proposed sewer line serving the development will pass through Lot 1 of the KP Brandywine Land Subdivision, which is located off-site. The applicant has indicated that they own this property; however, they have not provided any documentation to this effect, and there is currently no easement in place to prevent removal of the sewer line by a future property owner if the property were ever transferred or sold. Prior to signature approval of the PPS, the applicant should consider revising the plan to relocate the sewer line onto the property subject to this PPS. If the sewer line cannot be relocated, an off-site easement on Lot 1 will need to be provided, to ensure the owner of the subject property retains the right to run a sewer line through Lot 1, should Lot 1 ever be transferred.

12. **Public Utility Easement**—In accordance with Section 24-4401 of the Subdivision Regulations, 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 given in Section 24-4205 of the Subdivision Regulations. PUEs must be located outside of the sidewalk and must be contiguous to the ROW. The subject property has frontage on Accokeek Road and Brandywine Road, and the PPS includes internal private streets. Ten-foot-wide PUEs are shown in the required configuration along the public roadways and along at least one side of all the proposed private streets.

The site also abuts a 30-foot-wide ROW to the north. A PUE is not required along this ROW because it is not clear if it is a public ROW, and it is currently privately maintained. A PUE is not required along an off-site private ROW. However, there is a possibility that the ROW may be upgraded in the future to a public ROW in order to provide access to undeveloped lots along the ROW. For this reason, the applicant provided 10 feet of space between Lot 131 and the northern boundary of the site, to allow sufficient space for a PUE to be provided in the future if one is needed. Although this space has been provided; a micro-bioretenion area shown on the plans, MBR-03, appears to encroach on the 10-foot-wide space. At the time of the DET, consideration should be given to the design of this SWM feature and should ensure that sufficient space for the possible future PUE will be provided.

13. **Historic**—The master plan contains goals and policies related to Historic Preservation (pages 155–159) that are relevant to the subject property. Several interpretive clusters have been identified in the master plan based on the presence of archeological resources and their interpretive potential, including the T.B./Brandywine Cluster (page 157), in which this subject property is located:

6. T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during the 19th century. There is a potential for identifying archeological resources associated with the two communities.

A Phase I archeology survey was completed in 2008. Four archeology sites were identified. Phase II archaeological investigations were completed on sites 18PR960 and 18PR961 in March 2023. No subsurface features were identified, and the sites were determined to not be eligible for the National Register of Historic Places. No further work was recommended on sites 18PR960 and 18PR961.

The master plan contains further goals and policies related to Historic Preservation (pages 155-159). One policy (page 157) states that:

Public awareness and appreciation of historic sites and resources is promoted.

Several strategies (page 159) are included in the master plan that support this policy, including:

Encourage interpretive plaques about the history or archeology of areas as part of the development review process;

Promote the area's history to wider audiences; and

Develop interpretive themes, signage, brochures, and tour maps for archeological and historic sites.

Interpretive signage and public outreach measures that explore the indigenous archeological resources identified in the Phase I and Phase II surveys, and further explore the history of T. B., would address the strategies above.

The subject property is reflective of the heritage themes of The Eighteenth Century and the Antebellum Period—Early Crossroads Communities and Transportation—Early Roads, identified in the 2010 *Approved Historic Sites and Districts Plan*.

The 2010 *Approved Historic Sites and Districts Plan* contains goals and policies related to historic preservation that are relevant to the subject property. A goal (page 59) and related policy in planning for archeology is to:

Incorporate archeological resource protection into the local land use and comprehensive planning processes through site identification and preservation.

Policy 1: Ensure that archeological resources are considered and protected through all phases of the development process.

This goal was accomplished through the Phase I/II archeological excavations cited above. A further policy identified in the 2010 *Approved Historic Sites and Districts Plan* (page 61) relevant to the subject property is:

Policy 6: Develop a comprehensive interpretive program that organizes site types by themes to reflect the preservation themes identified in the State of Maryland's Preservation Plan.

Strategy 1. Develop interpretive signage and web sites to convey to the public information collected about archeological sites identified through development projects as well as through parkland development.

Interpretive signage and public outreach measures that explore the indigenous archeological resources identified in the Phase I and Phase II surveys and further explore the history of T. B., reflecting the heritage themes of The Eighteenth Century and the Antebellum Period—Early Crossroads Communities and Transportation—Early Roads, would address the strategies above and shall be provided.

The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

14. **Environmental**—The PPS is in conformance with the environmental regulations of Sections 24-4101(b) and 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, as discussed herein. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-089-06-01	N/A	Staff	Approved	7/30/2007	N/A
A-9982	N/A	District Council	Approved	10/27/2008	N/A
NRI-089-06-02	N/A	Staff	Approved	10/19/2022	N/A
PPS-2023-005	TCP1-006-2024	Planning Board	Approved	05/02/2024	2024-033

Grandfathering

The project is subject to the current environmental regulations and woodland conservation requirements contained in Subtitles 24, 25, and 27 because the application is for a new PPS.

Environmental Site Description

This 30.42-acre site is located between Accokeek Road and Brandywine Road, 500 feet from the Accokeek Road and MD 5 intersection in Brandywine.

A review of the available information indicates that the site contains regulated environmental features (REF), such as streams, non-tidal wetlands, their associated buffers, or 100-year floodplain. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of the application area. The on-site topography drains to the center of the site where a stream and wetland system run in an east-west direction. This intermittent stream is part of the Burch Branch and Piscataway Creek watersheds, which flow into the Potomac River. The site has frontage on Brandywine Road and Accokeek Road, both of which are historic and identified as master plan collector roadways. This section of Brandywine Road is also identified as part of the “John Wilkes Booth Escape Scenic Byway.” The eastern part of Brandywine Road has a small portion, adjacent to MD 5, that is identified as a master plan freeway road.

Prince George’s Plan 2035

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy (Plan 2035).

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Master Plan

The master plan contains policies and strategies in the Natural Environment section. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan's conformance.

A. Green Infrastructure

Policies

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The entire property is within the green infrastructure network. The on-site wetlands and intermittent stream are identified as regulated areas and the remaining lands identified as evaluation areas. Any type of development impact to the site will impact the on-site green infrastructure network. Impacts to the on-site regulated areas will be limited for infrastructure (a road crossing, road impacts, stormwater outfall structures and utility line crossings) for the proposed residential development. A substantial portion of the site's wooded REF are being preserved. The impacts to the adjacent evaluation areas will be limited for residential lot development with woodland preservation.

B. Water Quality, Stormwater Management, and Groundwater

Policies

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The approved SWM concept plan proposes environmental site design to the maximum extent practicable by using micro-bioretenion ponds and submerged gravel wetland facilities.

There is REF, such as streams, floodplain, or associated wetlands, located on-site. These REF will be impacted as part of the development for a road crossing, interior road construction, and outfall structures. The remaining on-site REF will be preserved within the woodland preservation areas.

C. Watersheds

Policies

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This PPS is for construction of a single-family attached subdivision. The development has an on-site unnamed tributary, draining to Burch Branch, which flows into the Piscataway Creek. The site is fully wooded with REF dividing the property into two upland areas. Impacts to the site's REF will be limited towards what is needed and required for the development of infrastructure.

Surface water runoff issues are addressed on the approved SWM concept plan, in accordance with Subtitle 32, Water Quality Resources and Grading Code.

This site is not located within ESA 3, which was formerly the Rural Tier.

D. Chesapeake Bay Critical Area

Policy

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

E. Air Quality and Greenhouse Gas Emissions

Policies

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Metropolitan Washington Council of Governments.

2017 Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved Green Infrastructure Plan, the entire site is within a regulated area or evaluation area within the designated network of the plan, and contains a floodplain, intermittent stream (un-named stream to Burch Branch and Piscataway Creek), wetlands and associated buffers, and adjacent woodlands. Impacts are proposed within both the regulated and evaluation areas for redevelopment of the site. The text in **BOLD** is the text from the Green Infrastructure Plan, and the plain text provides comments on the plan’s conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.

The property is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO). The current General Plan, Plan 2035, designates the site within ESA 2. The proposal preserves woodland, while implementing the desired development pattern of the General Plan, by preserving 7.97 acres of on-site woodland, 2.32 acres of off-site woodland credits, and preserving primary management area (PMA) in conformance with the WCO.

The property contains regulated and evaluation areas within the green infrastructure network. The regulated area is associated with the on-site, non-tidal wetland system and an un-named tributary to the Burch Branch, which runs along the central portion of the property in an east west direction. The evaluation area covers the remaining area of the property, outside the stream and wetland system. The on-site unnamed tributary is part of the Burch Branch, which flows into Piscataway Creek. Birch Branch is identified in the master plan as a secondary corridor and Piscataway Creek is identified as a primary corridor. The master plan states “The primary environmental corridors support stream systems that flow east to west through the subregion towards the Potomac River. The

corridors include the mainstems of the major waterways within the study area and receive most of the depositional runoff from surrounding land uses. The secondary environmental corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and they are critical to preserving the subregion's water quality." The proposed development will not adversely affect water quality, because the project is subject to the Prince George's County Soil Conservation District (PGSCD) related to sediment and erosion control, and approval of stormwater management by DPIE.

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.

Conservation easements will be required for areas within the PMA that are proposed for retention as part of the PPS, at time of final plat. On-site woodland conservation will also be required to be placed in Woodland and Wildlife Habitat Conservation easements prior to the approval of the TCP2.

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

Strategies

- 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 approved SWM concept plan addresses surface water runoff issues. The PMA associated with this application are located from the eastern portion of the site then traversing the central portion of the site to the western property line associated with the on-site floodplain, stream, wetlands, and buffers. There are several necessary impacts to the PMA for site access to accommodate a required roadway crossing, an interior road and outfall locations. The remaining PMA will be preserved as on-site woodland conservation.

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.**

Based on the proposed TCP1, the design will preserve 7.97 acres of existing woodlands and purchase 2.32 acres of off-site woodland credits. The woodland preservation area will retain five specimen trees. At this time, no reforestation is proposed with this project.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

Section 27-6802 requires an approved natural resource inventory (NRI) plan with PPS applications. An approved natural resource inventory (NRI-089-06-02) was submitted with the PPS, which was approved on October 10, 2022. There are five specimen trees or historic trees located on-site. The site contains wetlands, a stream, their associated buffers, 100-year floodplain, and PMA. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI.

Woodland Conservation

The site is subject to the provisions of the WCO, because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

Based on the TCP1, the overall site contains a total of 26.69 acres of net tract woodlands and 3.37 acres of wooded floodplain. The plan shows a proposal to clear 18.44 acres of on-site woodlands and 0.27 acre of wooded floodplain. The woodland conservation requirement is 10.27 acres, and this will be met with 7.97 acres of preservation and 2.32 acres of off-site woodland credits.

The applicant has provided further information in a comment response letter dated February 6, 2024, concerning why the on-site woodland could not be retained on-site. The woodland conservation threshold (20 percent) is 5.41 acres. The submitted TCP1 proposes 7.97 acres of woodland preservation and 3.10 acres of woodland to be preserved within the floodplain. The site is constrained by extensive on-site REF, leaving two developable areas

outside the REF. To gain access to the northern section of the property, the REF area needs to be crossed. The applicant evaluated accessing the northern section of the site from a driveway located to the north; however, access through this driveway was determined to be infeasible based on its substandard width and construction, and its current status of being privately maintained. The on-site wooded REF area will be preserved other than a road crossing, road impacts, utility crossing, and SWM outfalls. Access to the on-site developable areas is needed. The on-site woodland clearing and the request to use off-site woodland mitigation credits is approved.

Technical revisions are required to the TCPI, which are included in the conditions of this resolution

Specimen Trees

Section 25-122(b)(1)(G) 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. 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 [Environmental] Technical Manual.”

The site contains five specimen trees having both poor and fair condition ratings. The current design proposes to retain all five specimen trees.

Preservation of Regulated Environmental Features (REF)

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

The site contains REF and PMA. According to the TCPI, a PMA impact is proposed for an access road crossing into an upland area for the residential subdivision. This proposed road will cross a wetland area at its narrowest location. There is an area on-site where a stream could be crossed for this same upland access. It was requested at the SDRC meeting that the applicant investigate if the stream crossing would cause less REF and PMA impacts than the proposed wetland road crossing. A revised statement of justification (SOJ) and alternatives analysis, dated March 21, 2024, was submitted on March 23, 2024, for proposed impacts to the PMA. This analysis showed that the proposed wetland crossing would have less PMA impacts (9,388 square feet - floodplain, wetlands, and wetland buffer) than the alternative stream crossing (18,712 square feet - floodplain, stream, wetlands, wetland buffer). These greater impacts are due

to the existing topography and the requirements needing a flowing stream crossing. The proposed wetland crossing would be required to be designed differently because the area is fairly flat with no flowing stream within. DPIE's Site Road Division has reviewed and approved the access road location.

Once the proposed wetland road crossing enters the adjacent upland area, there are two isolated wetlands, wetland buffer, and PMA areas that need to be impacted to engineer a roadway within the limited development area. These two isolated wetland systems will still receive stormwater as shown on the approved SWM concept plan. There is one utility crossing impacting floodplain, wetlands and wetland buffer for a sanitary sewer and water line. The application area has an approved SWM plan requiring impact for four stormwater outfall structures.

Statement of Justification

The SOJ includes a request for eight separate PMA impacts totaling 34,214 square feet of impacts proposed to wetland, wetland buffer, stream, stream buffer, and 100-year floodplain.

Analysis of Impacts

Based on the SOJ, the applicant is requesting eight impacts listed, as described below:

Impact 1- PMA impacts totaling 4,446 square feet are requested for construction of a water line and sanitary sewer line crossing. The impact area will disturb 100-year floodplain, wetland, and wetland buffer.

Impact 2- PMA impacts totaling 9,388 square feet are requested for construction for a road crossing. The impact area will disturb wetland and wetland buffer.

Impact 3- PMA impacts totaling 2,522 square feet are requested for road construction. The impact area will disturb wetland and wetland buffer.

Impact 4- PMA impacts totaling 6,946 square feet are requested for road construction. The impact area will disturb wetland and wetland buffer.

Impact 5- PMA impacts totaling 3,335 square feet are requested for construction for a SWM outfall structure. The impact area will disturb 100-year floodplain, stream buffer and wetland buffer.

Impact 6- PMA impacts totaling 760 square feet are requested for construction for a SWM outfall structure. The impact area will disturb stream buffer.

Impact 7- PMA impacts totaling 6,419 square feet are requested for construction for a SWM outfall structure. The impact area will disturb wetland buffer, stream buffer and 100-year floodplain.

Impact 8- PMA impacts totaling 868 square feet are requested for construction for a SWM outfall structure. The impact area will disturb stream buffer.

Analysis of Impacts

The proposed PMA impacts are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required to provide adequate infrastructure for site access, utilities, and stormwater. The plan shows the preservation of the remaining areas of PMA. The PMA impacts are approved, as proposed.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires the approval of a concept grading, erosion, and sediment control plan by the SCD, prior to final approval of the PPS (minor or major), if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. The County does require the approval of an erosion and sediment control plan.

An approved Concept Erosion and Sediment Control Plan (CSC 217-23) was submitted. This plan was approved on January 24, 2024, and expires on January 24, 2027.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board “shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including, but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including, but not limited to, unstable fills or slopes.”

The soil types found on-site, according to the United States Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, are Aquasco silt loam, Beltsville silt loam, Croom-Marr complex, Leonardtown silt loam, and Potobac-Issue complex soils. Marlboro and Christiana clays are not identified on-site.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the master plan and the Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24, 25, and 27.

15. **Urban Design**—Construction of ten or more dwelling units requires DET approval. In this case, the development proposal includes construction of 155 single-family attached dwelling units.

Per Section 27-3605, at the time of DET review, the applicant will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including, but not limited to, the following:

- Section 27-4202(f), requirements for the RSF-A Zone as applicable.
- Section 27-6200, Roadway Access, Mobility, and Circulation.
- Section 27-6300, Off-Street Parking and Loading.

- Section 27-6400, Open Space Set-Asides.
- Section 27-6700, Exterior Lighting.
- Section 27-6800, Environmental Protection and Noise Controls.
- Section 27-6900, Multifamily, Townhouse, and Three-Family Form and Design Standards.
- Section 27-61500, Signage.
- Section 27-61600, Green Building Standards.

2018 Prince George’s County Landscape Manual

The proposed development is subject to the provisions of the 2018 *Prince George’s County Landscape Manual* (“Landscape Manual”). Conformance with the following requirements of the Landscape Manual will be evaluated at the time of DET: Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees for Private Streets.

Accokeek Road and Brandywine Roads are historic roadways. Per Section 4.6, a minimum 20-foot-wide buffer is required to be planted with a minimum of 80 plant units per 100 linear feet of frontage. All plant material required by this section shall be located outside of public utility easements adjacent to the right-of-way.

Conformance with Open Space Set Aside Requirements

The proposed development is required to provide a 20 percent minimum open space set-aside, per Table 27-6403. For a site area of 30.4 acres, a minimum of 6.0 acres is required to be placed in an open space set-aside. An exhibit was submitted by the applicant with the PPS demonstrating that this requirement will be met primarily through the preservation of PMA totaling 18.22 acres. Conformance with open space set-aside requirements will be confirmed at the time of DET.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit or propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned RSF-A are required to provide a minimum of 20 percent of the gross tract area in TCC. The subject site is approximately 30.41 acres and will be required to provide a minimum of 6.082 acres of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DET review.

16. **Noise**—The proposed development is subject to the noise control standards contained in Section 27-6810 of the Zoning Ordinance. Section 27-6810(d) states the following:

Residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less through the submission of a noise study prepared and signed by a professional engineer with competence in acoustical engineering.

The site is in the vicinity of MD 5 (Branch Avenue), a freeway. The applicant submitted a Phase I noise study with the subject application, in order to study the effects of the noise generated by the freeway on the development. Outdoor activity areas within the development include three recreation areas identified on the PPS as Recreation Areas 1, 2, and 3, and the private rear yards of the dwellings. Any upper-level balconies, which may be proposed, would also be outdoor activity areas; at this time, no information has been provided on whether any balconies are proposed.

The noise study evaluated average sound levels separately during the hours of 7:00 a.m. to 10:00 p.m. (daytime) and 10:00 p.m. to 7:00 a.m. (nighttime) for the outdoor activity areas, with the goal of demonstrating that noise will be mitigated in outdoor activity areas to no more than 65 dBA equivalent continuous sound level (Leq) during daytime hours, and no more than 55 dBA Leq during nighttime hours. The noise study also evaluated indoor noise, with the goal of ensuring that interior noise could be mitigated to be no more than 45 dBA/Leq.

For exterior noise, the noise study found that, under future conditions, Recreation Area 3, as well as the rear yards of Lots 74–77 and Lot 90, would be exposed to noise levels above 55 dBA/Leq during nighttime hours. Additional lots, including Lots 78–89 and Lots 91 and 92, may have upper-level balconies exposed to noise levels above 55 dBA/Leq during nighttime hours. At the time of DET, the applicant shall determine whether any balconies are proposed and submit a Phase II noise study in order to show how noise will be mitigated for the affected outdoor activity areas. The DET shall show the details of any noise mitigation proposed.

The PPS shows the locations of the unmitigated daytime 65 dBA/Leq ground-level noise contour, the unmitigated daytime 65 dBA/Leq upper-level noise contour, the unmitigated nighttime 55 dBA/Leq ground-level noise contour, and the unmitigated 55 dBA/Leq upper-level noise contour, all under existing conditions. Prior to signature approval of the PPS, the PPS shall be revised to show these four contours under their future conditions, as shown in the Phase I noise study.

For interior noise, the noise study found that the maximum impact upon the proposed townhouses at the façades would be 62 dBA/Leq under daytime conditions and 58 dBA/Leq under nighttime conditions. Standard building construction methods are able to provide a minimum of 20 decibels (dB) of noise reduction, and so the study found that no dwellings would need noise mitigation in order to achieve interior noise levels of less than 45 dBA.

17. **Citizen Feedback**—Prior to noon on April 30, 2024, the Prince George’s County Planning Department received one exhibit from the applicant, entered into the record as Applicant’s Exhibit 1, proposing revisions to Conditions 1, 2, 8, and 13. The Board reviewed the proposed revisions and, at the conclusion of the hearing, voted to affirm their agreement with the revisions.

Seven exhibits, entered into the record as Opponents Exhibits 1–7, were also received and two opponents signed up to speak at the hearing (a neighboring property owner and their surveyor). The opponents claimed that the subject property contains a 60-foot-wide easement that conflicts with the proposed development and which abuts the opponent’s property. However, there was not conclusive evidence provided in the opponents exhibits demonstrating existence of the 60-foot-wide easement over the subject property. The applicant in this case also affirmed that a title search was conducted and that no evidence of the easement, as introduced by the opponent, was found.

The opponent also requested a fence between his property and the proposed development. The applicant stated they are committed to continuing to work with the neighbor to provide buffering or fencing, whether or not it is required, to mitigate the concerns regarding the impact of the development on the neighbor’s property.


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, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, May 2, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of May 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 14, 2024