



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Detailed Site Plan Yaman's Estates

DSP-22032

REQUEST	STAFF RECOMMENDATION
Development of one single-family detached dwelling.	With the conditions recommended herein: <ul style="list-style-type: none"> • Approval of Detailed Site Plan DSP-22032 • Approval of Type 2 Tree Conservation Plan TCP2-011-2023

Location: Approximately 1,400 feet east of its intersection with Farmington Road.	
Gross Acreage:	0.46
Zone:	RR
Prior Zone:	R-R
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	1
Gross Floor Area:	N/A
Planning Area:	83
Council District:	09
Municipality:	N/A



Planning Board Date:	05/25/2023
Planning Board Action Limit:	05/31/2023
Staff Report Date:	05/11/2023
Date Accepted:	03/22/2023
Informational Mailing:	10/06/2022
Acceptance Mailing:	03/17/2023
Sign Posting Deadline:	04/25/2023

Applicant/Address: Lynette Garcia 399 North Broadway, Unit 20 Yonkers, New York 10701
Staff Reviewer: Todd Price Phone Number: 301-952-3994 Email: Todd.Price@ppd.mncppc.org

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-22032
Type 2 Tree Conservation Plan TCP2-011-2023
Yaman's Estates

The Urban Design staff has completed the review of the detailed site plan and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

This property is within the Residential, Rural (RR) Zone; however, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance, which allows an application for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, to be reviewed and approved under the prior Zoning Ordinance. This detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance, specifically for the Rural Residential (R-R) Zone.
- b. The requirements of Preliminary Plan of Subdivision 4-06017.
- c. The requirements of the 2010 *Prince George's County Landscape Manual*.
- d. The requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject detailed site plan, the Urban Design staff recommend the following findings:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) for one single-family detached dwelling unit.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	RR	Prior R-R
Use(s)	Vacant/wooded	Residential
Acreage	0.46	0.46
Net tract area	0.46	0.46
Area within existing 100-year floodplain	0	0
Number of lots	1	1
Minimum lot area (square feet)	NA	20,000 sq. ft.

3. **Location:** The site is located at 490 Bryan Point Road, in Accokeek, on the south side of Bryan Point Road, approximately 1,400 feet east of its intersection with Farmington Road, and is within Planning Area 83 and Council District 9.

4. **Surrounding Uses:** The subject site is bound to the north by Bryan Point Road and an existing church; to the east and west by vacant property in the Residential, Rural (RR) Zone; and to the south by Dyer Drive.

5. **Previous Approvals:** Preliminary Plan of Subdivision (PPS) 4-06017 was approved by the Prince George’s County Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI-79-04. The site also has an approved Stormwater Management (SWM) Concept Plan, 23544-2004-00, which expired on August 9, 2010. DSP-06091 and companion TCPII-057-07 were approved by the Planning Board on October 11, 2007. DSP-06091 has expired due to inaction.

6. **Design Features:** The subject site is a rectangular lot with frontage on and accessed from Bryan Point Road. The subject property consists of 0.46 acre of land in the Rural Residential (R-R) Zone. This proposed development consists of one 2-story, single-family detached dwelling, located on the southwest side of Bryan Point Road. Architectural elevations are not subject to review in this limited DSP.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* designated Bryan Point Road, which is adjacent to the subject property, as a scenic road in 1993. There is an existing 40-foot scenic easement along the front of the proposed single-family dwelling which will provide a substantial buffer from the road. No road widening is proposed with the development. The applicant provides access to the lot in a manner that best preserves mature trees and the road’s scenic characteristics, particularly the arching leaf tunnel formed by mature trees on either side of the existing road.

Architecture

The applicant submitted architecture for reference with this DSP, for a 2,000+-square-foot single-family detached dwelling. The architecture is from Caruso Homes and is their Emory II model.

THE EMORY II

Elevation 2



Figure 1. The Emory II

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the prior R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441(b) of the prior Zoning Ordinance, which governs permitted uses in residential zones. The proposed single-family attached dwelling is a permitted use in the prior R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, of the prior Zoning Ordinance, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.

8. **Preliminary Plan of Subdivision 4-21017:** PPS 4-06017 was approved and adopted by the Planning Board (PGCPB Resolution No. 06-250) on November 9, 2006. The following conditions of approval apply to the review of the subject DSP. The conditions are listed in **BOLD** text below, followed by staff's comments in plain text.

2. **A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.**

A Type 2 Tree Conservation Plan, TCP2-011-2023, has been reviewed and recommended for approval by the Environmental Planning Section for the subject site.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan.**

The subject site had an approved SWM Concept Plan (23544-2004-00) which expired on August 9, 2010. The site has a new updated SWM Concept Plan, 17336-2022-00, which is in conformance with the submitted DSP and expires February 14, 2026. The concept plan shows the site using three dry wells and non-rooftop disconnection to meet the on-site SWM requirement.

7. **Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:**

a. **The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.**

The Bryan Point Road corridor is characterized as predominantly woodland with some agricultural fields flanked by forests, hedgerows, fencing, and with glimpses of Piscataway Creek and its tributaries. The proposed single-family dwelling unit will have a 40-foot scenic easement in the front, which will provide a significant buffer from the street. The applicant proposes one entrance point for the subject site, which will result in minimal removal of trees on-site and preserve the scenic character of Bryan Point Road. No specimen trees are proposed for removal with this application.

b. **The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads."**

On November 10, 1992, the Prince George's County Council approved Council Resolution CR-113-1992, designating Bryan Point Road as a scenic road, pursuant to Section 23-192(b)(17)(H) of the Prince George's County Code. This section states "a scenic road, as defined therein, is a public or private road which provides scenic views along a substantial part of its length through natural or manmade features such as forest or extensive woodland, cropland, pasturage, or meadows; distinctive topography, including outcroppings, streambeds, or wetlands; traditional building types;

historic sites; or roadway features such as curving, rolling roadway alignment and leaf tunnels.” Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the entryway image. The proposed single-family dwelling is set back from the existing 40-foot scenic easement fronting Bryan Point Road. Also, the location of the proposed driveway will ensure the preservation of the scenic road by removing the least number of mature trees and preserving the arching leaf tunnel along this segment of Bryan Point Road.

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

No road widening is proposed or will be required for this development.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

The individual house connects to the existing sanitary sewer, and water lines shown on the DSP will not create a disturbance to the scenic right-of-way of Bryan Point Road.

e. The completed Phase I archaeological investigation.

A Phase I archeology survey was completed, and an archeological report was submitted for review. No archeological sites were identified on the property, and no further work was recommended. However, local residents have raised concerns about potential Native American burials within the Yaman’s Estates subdivision. It is recommended that the applicant contact Historic Preservation staff one week in advance of any grading to arrange for monitoring for the potential presence of human burials on the site.

9. 2010 Prince George’s County Landscape Manual: The proposed development is subject to Section 4.1, Residential Requirements, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Section 4.1 requires single-family detached lots of 20,000 to 39,000 square feet to plant four shade trees and three ornamental or evergreen trees. The applicant proposes four shade trees and three ornamental trees, which is in conformance with the requirements of the Landscape Manual. Staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the Landscape Manual.

10. 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance: This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP2-011-2023 was submitted with the DSP application. The subject lot is part of a 1.99-acre, 3-lot, single-family residential subdivision.

Based on the TCP2 submitted with this application, the site's gross tract and net tract areas are 0.46-acre and contain 0.46-acre of woodlands. The woodland conservation worksheet proposes the removal of 0.28 acre of the net tract area, for a woodland conservation requirement of 0.09-acre. The applicant proposes to use 0.09-acre of the on-site wooded scenic easement area, along Bryan Point Road, to meet this requirement. The remaining on-site woodlands, 0.09-acre, are within an area of woodlands preserved, not credited. This lot fronts on Bryan Point Road and backs onto future (not constructed) Dyer Drive. A 10-foot public utility easement is proposed off both roadways and is shown as retained woodlands assumed cleared.

Currently, the TCP2 shows the proposed development of a single house, a driveway, a parking pad, three dry wells (stormwater structures), and woodland preservation.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties in the prior R-R Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. According to the TCC schedule, the site is 0.46 acre, resulting in a TCC requirement of 2,999 square feet. The schedule shows that the requirement will be met on-site through a combination of woodland preservation and proposed landscaping.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—In a memorandum dated April 3, 2023, the Historic Preservation Section stated the subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources. Historic Preservation Section staff recommend approval of DSP-22032, with the following conditions:
 - i. Prior to the approval of a grading permit, the applicant shall submit a grading plan to Historic Preservation staff for review.
 - ii. One week prior to the commencement of grading, the applicant shall contact Historic Preservation staff to arrange for monitoring of the grading of the site for the potential presence of human burials. If human burials are encountered, all grading shall cease, and the applicant shall contact the State's Attorney's Office to report the presence of human burials on the site.
 - b. **Community Planning**—In a memorandum dated April 19, 2023, the Community Planning Division found that, pursuant to Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application and the proposed single-family detached property is consistent with the recommended land use.
 - c. **Transportation Planning**—In a memorandum dated May 1, 2023, the Transportation Planning Section found that the subject property is in general conformance with Section 27 of the prior zoning ordinance and recommends approval with no conditions of approval.

- d. **Subdivision**—In a memorandum dated April 24, 2023, the Subdivision Section stated that the DSP has been found to be in conformance with the approved PPS. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. Subdivision staff recommended the following conditions:
 - i. Add a general note to list PPS 4-06017 as the prior approval applicable to the subject property.
 - ii. Label Lot 2 with the recording plat reference.
 - e. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated April 14, 2023, DPR stated they had no comments.
 - f. **Environmental Planning**—In a memorandum dated April 25, 2023, the Environmental Planning Section recommended approval of DSP-22032 and TCP2-011-2023, subject to the following findings:
 - i. No specimen trees are proposed for removal with this application.
 - ii. No regulated environmental features (REF) are located on the subject property.
 - g. **Prince George’s County Fire/EMS Department**—As of the writing of this technical staff report, the Fire/EMS Department did not provide comments.
 - h. **Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE)**—In a memorandum dated March 23, 2023, DPIE offered the following:
 - i. The 2018 Water and Sewer Plan designates Lot 2 in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. The property appears undeveloped in the aerial views.
 - ii. A water line in Bryan Point Road abuts the property. A sewer line in Bryan Point Road is within 225 feet of Lot 2.
 - i. **Prince George’s County Police Department**—As of the writing of this technical staff report, the Police Department did not provide comments.
 - j. **Prince George’s County Health Department**—As of the writing of this technical staff report, the Health Department did not provide comments.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this technical staff report, WSSC did not provide comments.
13. Based on the foregoing analysis, and as required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design

guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

14. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The REFs on this property have been preserved and/or restored to the fullest extent possible, consistent with conservation easements approved at the time of final plat.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-22032, and Type 2 Tree Conservation Plan TCP2-011-2023, for Yaman's Estates, subject to the following condition:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
 - a. Provide the following note on the Detailed Site Plan

“The house type/template shall be constructed as shown on the approved plan. The house type may not be modified at the time of building permit unless a revision to this DSP is approved by the Prince George's County Planning Board or its designee.”

YAMAN'S ESTATES

Detailed Site Plan

DSP-22032 / TCP2-011-2023

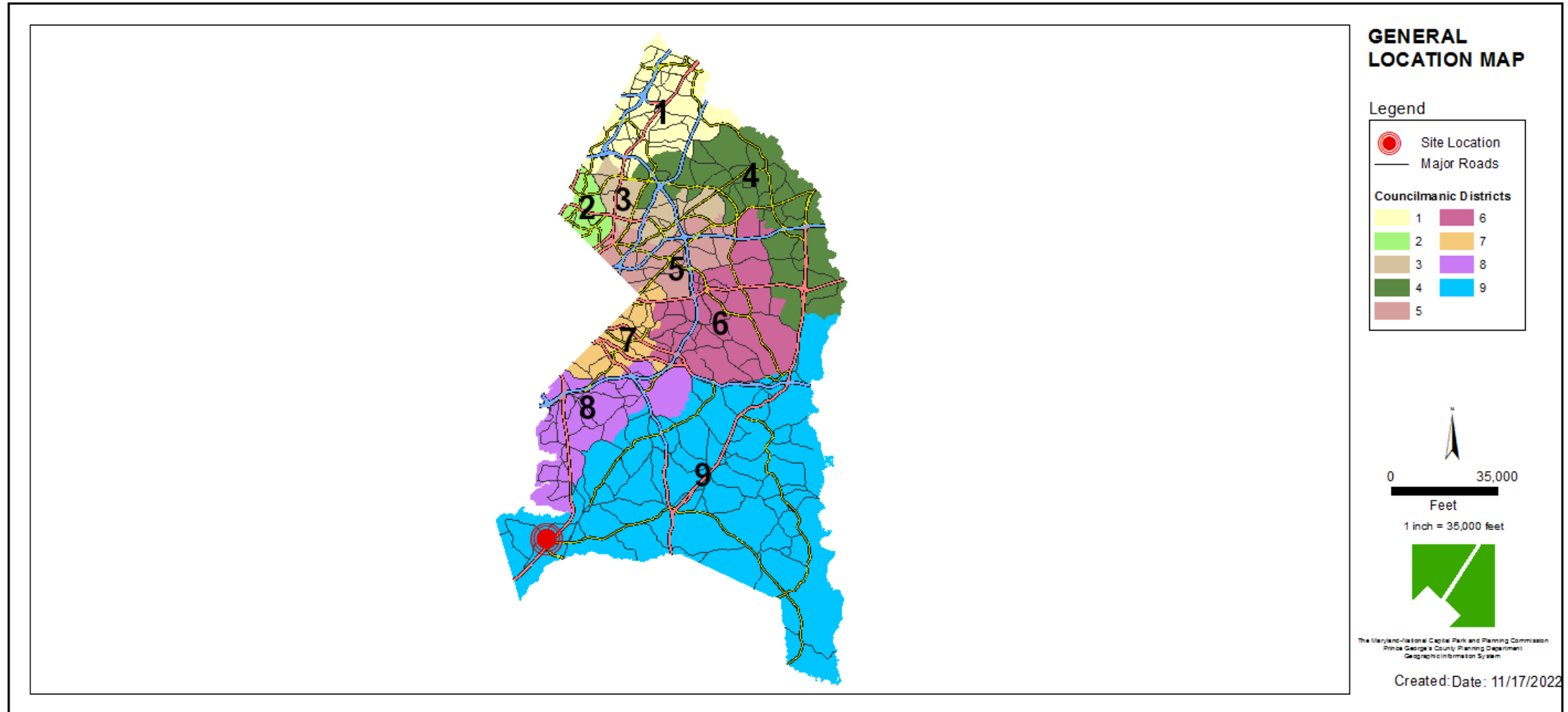
Staff Recommendation: APPROVAL with conditions



GENERAL LOCATION MAP

Council District: 09

Planning Area: 83



SITE VICINITY MAP



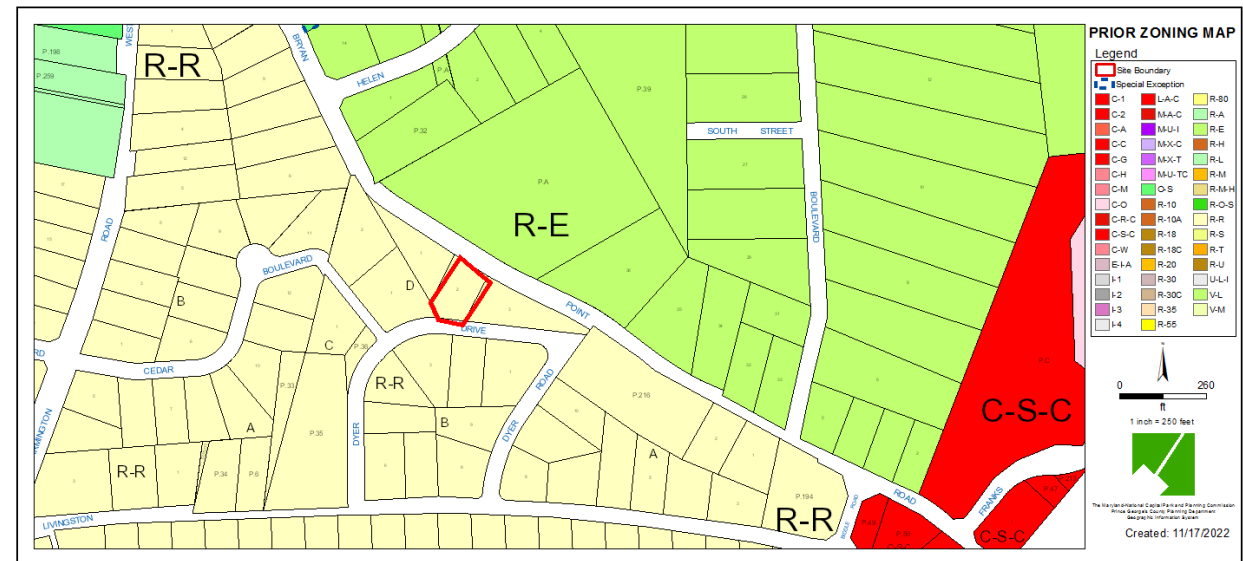
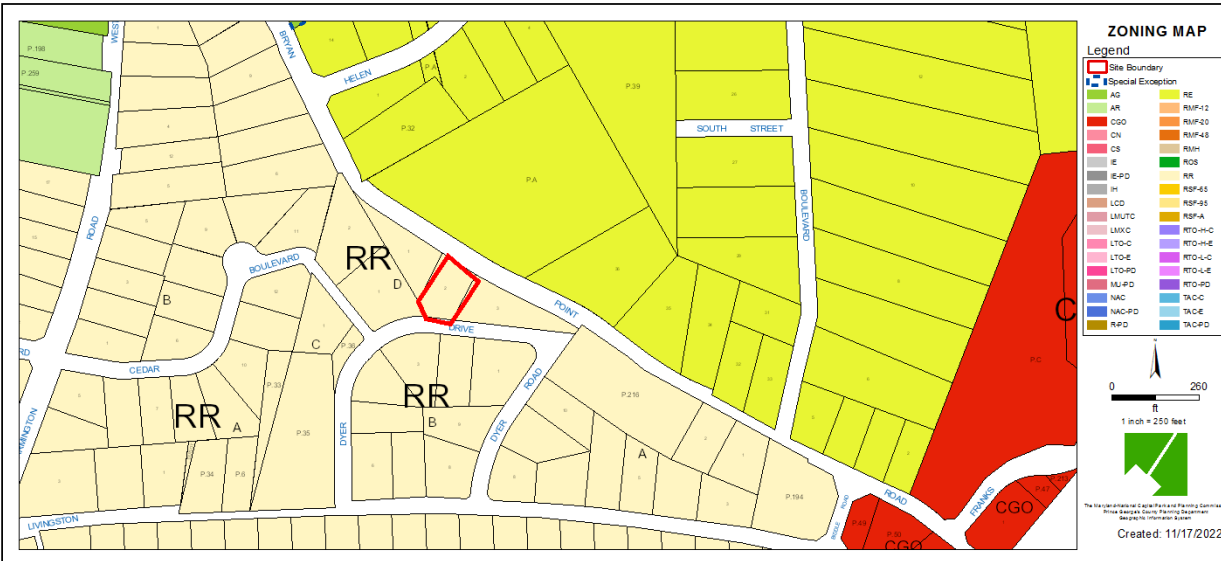
ZONING MAP (CURRENT & PRIOR)

Current Property Zone: RR

Prior Property Zone: R-R

CURRENT ZONING MAP

PRIOR ZONING MAP



OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

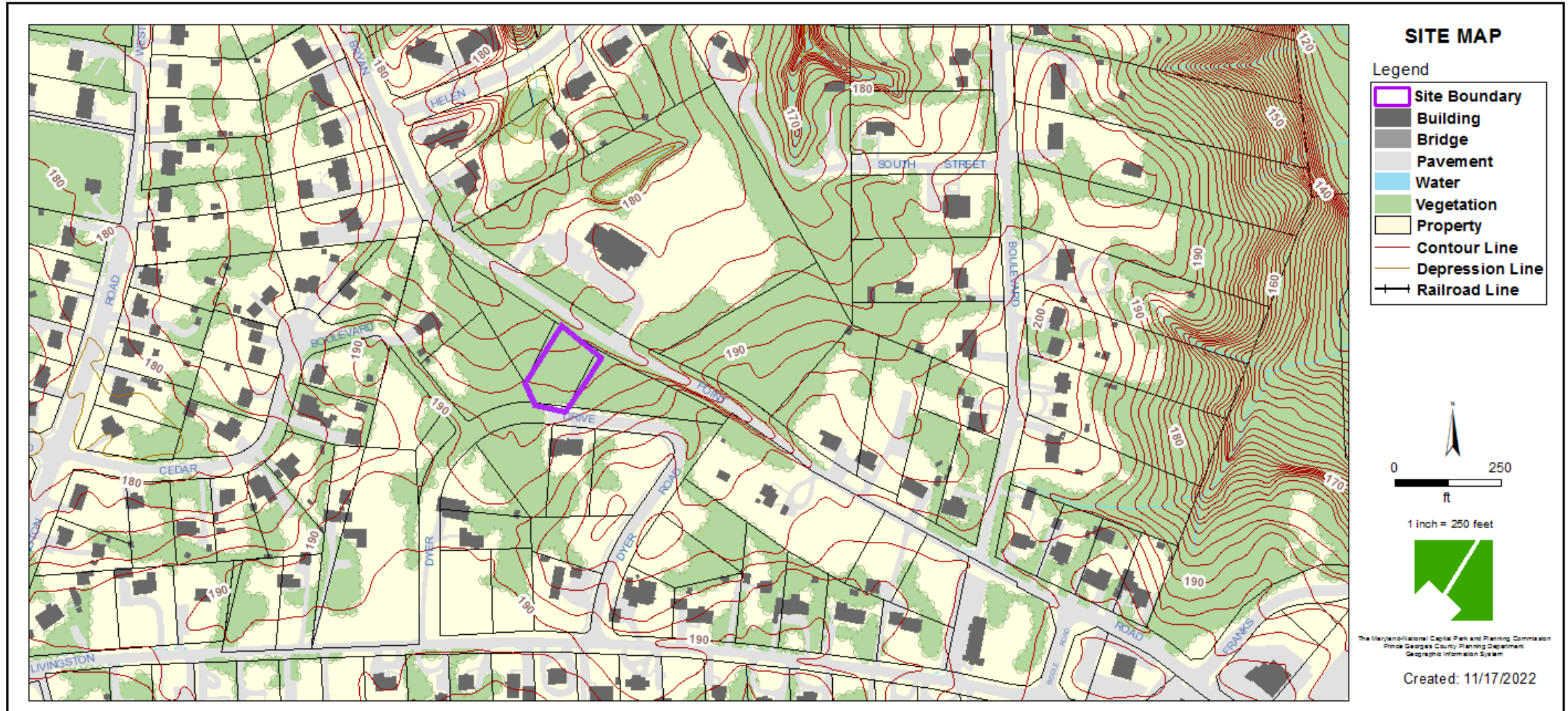
PRIOR OVERLAY MAP



AERIAL MAP



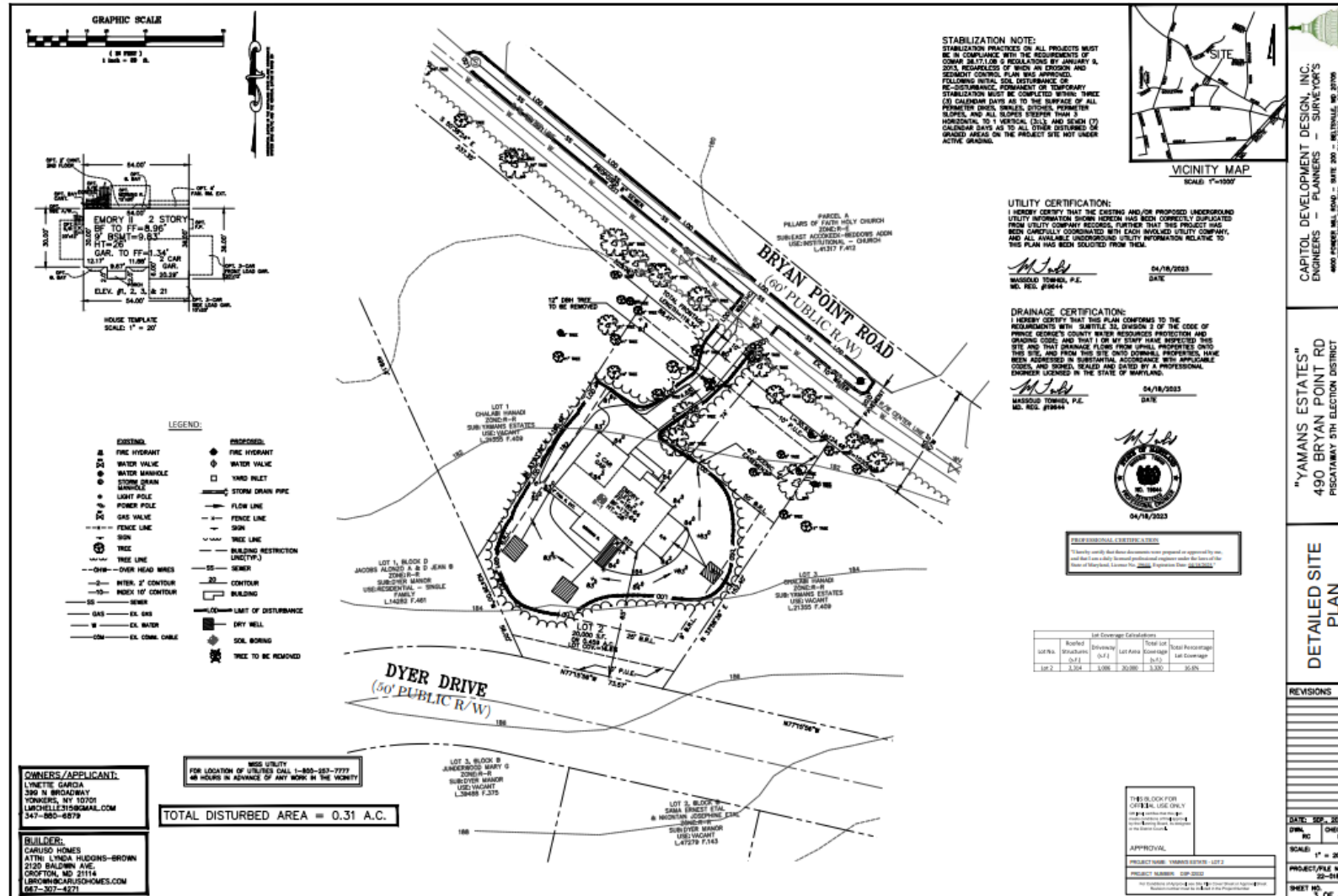
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



DETAILED SITE PLAN



LANDSCAPE PLAN

LEGEND

GENERAL

- PROPOSED
- EXISTING
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED CURB
- EXISTING CURB
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED SIDEWALK
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ONLY FOR LANDSCAPE USE

PARCEL A
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 ZONE-B-1
 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
 L-1813 F-412

PARCEL B
 PHILIP OF PATRI HOLY CHURCH
 ZONE-B-1
 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
 L-1813 F-412

PARCEL C
 PHILIP OF PATRI HOLY CHURCH
 ZONE-B-1
 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
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PARCEL D
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 SUB-ESTABLISHMENT-RESIDUAL ADJ
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PARCEL E
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PARCEL F
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PARCEL G
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PARCEL H
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PARCEL I
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PARCEL K
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PARCEL T
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PARCEL V
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PARCEL W
 PHILIP OF PATRI HOLY CHURCH
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 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
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PARCEL X
 PHILIP OF PATRI HOLY CHURCH
 ZONE-B-1
 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
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PARCEL Y
 PHILIP OF PATRI HOLY CHURCH
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 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
 L-1813 F-412

PARCEL Z
 PHILIP OF PATRI HOLY CHURCH
 ZONE-B-1
 SUB-ESTABLISHMENT-RESIDUAL ADJ
 USE: INSTITUTIONAL - CHURCH
 L-1813 F-412

SHADE TREES

NO.	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	CONDITION	SPACING
1	2	Acer rubrum	Red Maple	1 1/2" - 2" DBH	SHAD	PER PLAN
2	2	Quercus canadensis	White Oak	1 1/2" - 2" DBH	SHAD	PER PLAN
3	1	Pinus strobus	White Pine	6" - 8" HT	SHAD	PER PLAN

Table 1
 Residential Requirements for One Family Residential Lots
 Section 4-101-01(b)

For Lots 2:

1) Lot size range	30,000 - 200,000 sq ft or larger	1 shade tree
2) Number of lots	1-4	1 shade tree
3) Total number of trees required per lot	1 shade tree	1 shade tree
4) Total number of trees provided	1 shade tree	1 shade tree
5) Number of shade trees required per lot to be located on the North or South side of the residential structure	1 shade tree	1 shade tree
6) Total number of shade trees provided on the North or South side of residential structure	1 shade tree	1 shade tree
7) Number of trees required per lot to be located in the front yard	1 shade tree	1 shade tree
8) Total number of trees provided in front yard	1 shade tree	1 shade tree

Table 2
 Sustainable Landscape Requirements

APPLICABLE SIDE OF STREET PLANT MATERIAL REQUIRED IN EACH CATEGORY:

CATEGORY	TOTAL #	% REQUIRED	TOTAL NUMBER REQUIRED
SHADE TREES	4	100%	4
ENVIRONMENTAL TREES	3	100%	3
EVERGREEN TREES	3	100%	3
SARLES	3	100%	3

Table 3
 Tree Canopy Coverage Schedule for Sec. 25-118

PLANTING	TYPE	MIN. CANOPY	MAX. CANOPY
RESIDENTIAL	SHADE	10%	20%
RESIDENTIAL	ENVIRONMENTAL	10%	20%
RESIDENTIAL	EVERGREEN	10%	20%

Table 4
 Credit Categories for Landscape Trees

CATEGORY	MIN. CANOPY	MAX. CANOPY
SHADE TREES	10%	20%
ENVIRONMENTAL TREES	10%	20%
EVERGREEN TREES	10%	20%

GENERAL PLANTING NOTES

- THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
- THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON ALL DRAWINGS.
- ALL MATERIALS SHALL COMPLY TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- NO PLANT SHALL BE PUT INTO THE GROUND BEFORE ROUGH GRADING HAS BEEN FINISHED AND APPROVED BY THE PROJECT ARCHITECT OR OWNER.
- ALL PLANTS SHALL BE PLANTED AT THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANTS ORIGINAL GRADE BEFORE DIGGING.
- ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN AS SPECIFIED. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS ROOT BOUND. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT THE TIME OF PLANTING.
- ALL PLANTS SHALL BE THOROUGHLY WATERED TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL BE THEN WATERED DAILY, IF NECESSARY, DURING THE FIRST GROWING SEASON.
- TREES SHOULD BE STAKED & WIRED ONLY WHERE EXTREME WIND OR UNUSUAL SOILS REQUIRE SUCH SUPPORT NECESSARY. IF STAKING IS NECESSARY, TREES SHALL BE SECURED WITH 3 GUY WIRES SPACED 120 DEGREES APART. TREE SHALL STAND PLUMB. GUY WIRES SHALL BE REMOVED AFTER THE SECOND GROWING SEASON.
- NO SOIL AMENITIES ARE TO BE ADDED TO BACKFILL MATERIAL.
- SOIL BACKFILL SHOULD BE THOROUGHLY WATERED AS IT IS BACKFILLED INTO THE HOLE TO REMOVE ANY AIR POCKETS.

OWNERS/APPLICANT:
 LYNETTE GARCIA
 530 W BROADWAY
 YONKERS, NY 10705
 LYNETTEGARCIA@GMAIL.COM
 914-960-6979

BUILDER:
 CARUSO HOMES
 ATTN: LINDA HEDGONS-BROWN
 2120 BALDWIN AVE.
 CROFTON, MD 21114
 LBROWN@CARUSOHOMES.COM
 443-307-4271

LANDSCAPE PLAN CERTIFIED BY:

DATE: SEP 2022
 DWG: RC
 CHECKED: MT
 SCALE: 1" = 30'
 PROJECT/FILE NO: 22-018
 SHEET NO: 4 OF 4

GRAPHIC SCALE

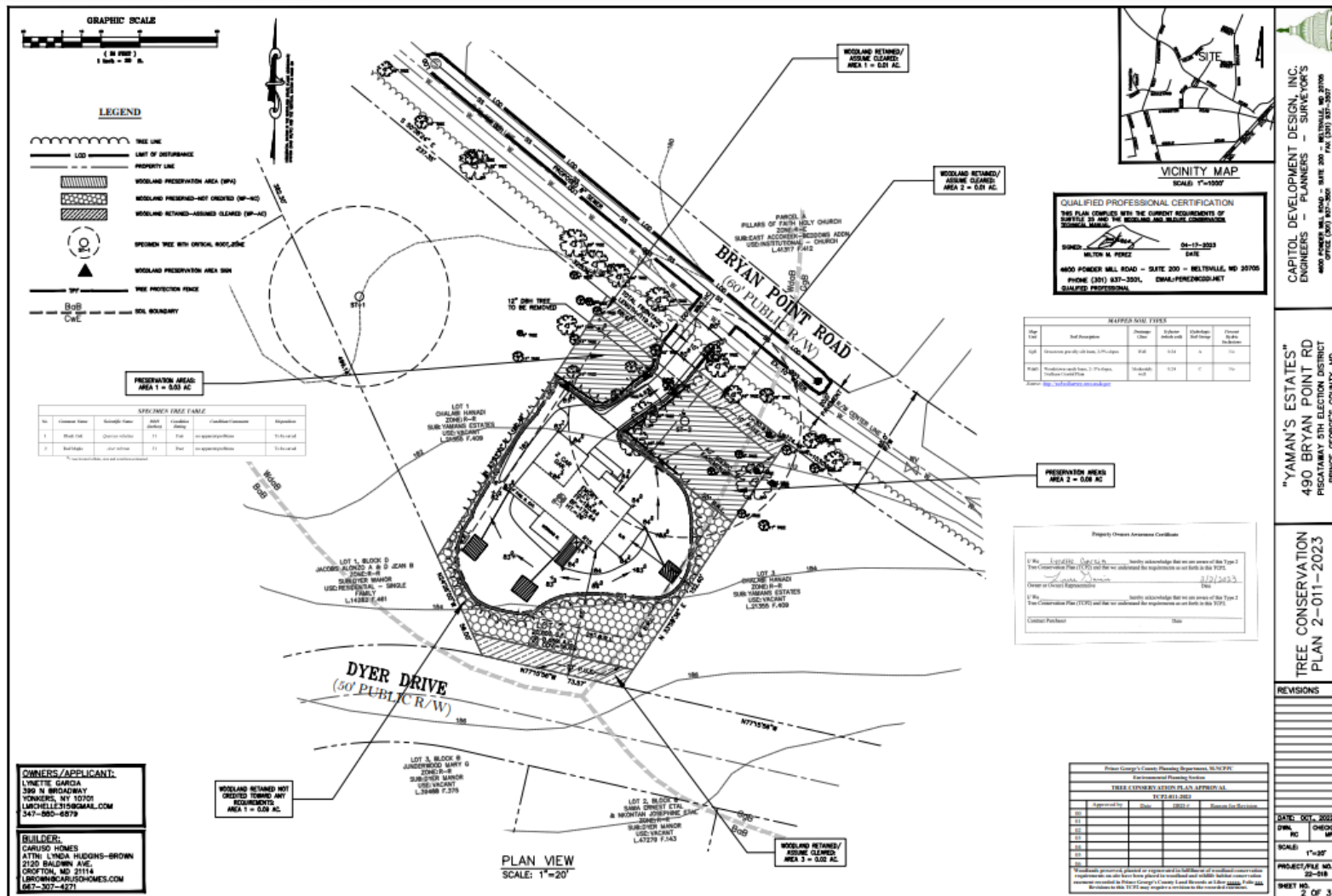
1" = 30'

APPROVAL

PROJECT NUMBER: DSP 2202

DATE: SEP 2022

TYPE II TREE CONSERVATION PLAN



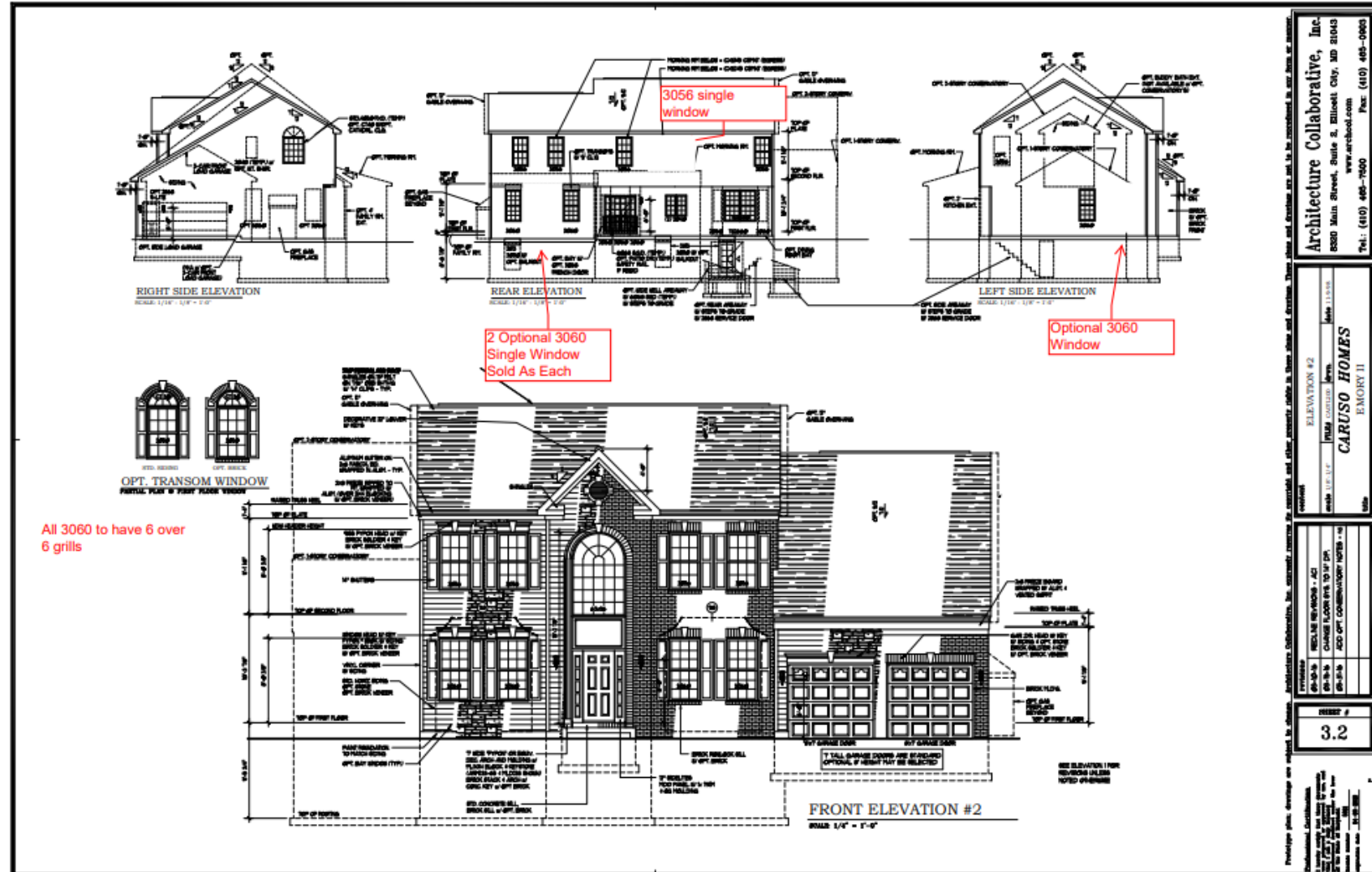
THE EMORY II ELEVATION 2

THE EMORY II
Elevation 2



Brick or Stone

ELEVATIONS – EMORY II



STAFF RECOMMENDATION

APPROVAL with conditions

Detailed Site Plan DSP-22032

Type 2 Tree Conservation Plan TCP2-011-2023

Major Issues:

N/A

Applicant Required Mailings:

- Informational Mailing 10/06/2022
- Acceptance Mailing 03/17/2023



CAPITOL DEVELOPMENT DESIGN, INC.
ENGINEERS PLANNERS SURVEYORS

4600 Powder Mill Road, Suite 200, Beltsville, Maryland 20705 Tel:(301) 937-3501 Fax:(301) 937-3507

STATEMENT OF JUSTIFICATION

YAMAN' S ESTATES

LOT 2

DSP-22032

January 12th, 2023

Applicant

Lynette Garcia
399 North Broadway
20 Unit
Yonkers New York, 10701
Email: lmichelle315@gmail.com

Engineer

Capitol Development Design, Inc.
4600 Powder mill Road
Suite 200
Beltsville, Maryland 20705
Contact: Milton Perez
301-937-3501

1.0 INTRODUCTION/OVERVIEW

The owner of the property forming the subject matter of this application is Lynette Garcia ("Owner"). The property which is the subject of this application consists of 0.459 acres of land which was conveyed to the Owner by deed dated January 26, 2022 and recorded among the Land Records of Prince George's County at Book 47152 Page 65 (the "Property"). The Property is located 2,000 feet west from the intersection of Bryan Point Road and Indian Head Highway (Route 210) and is more particularly described as Yaman's Estate, Lot 2, Tax Map 151.

The Property is currently zoned Prior Zone R-R. The Property was subdivided in accordance with Preliminary Plan of Subdivision 4-06017 to create 3 lots. A Detailed Site Plan was required and approved based on Condition 7 of the Preliminary Plan. Condition 7 states the following:

7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:

a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.

b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-19 92, and the "Design Guidelines and Standards for Scenic and Historic Roads".

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

e. The completed Phase I-Archaeological investigation.

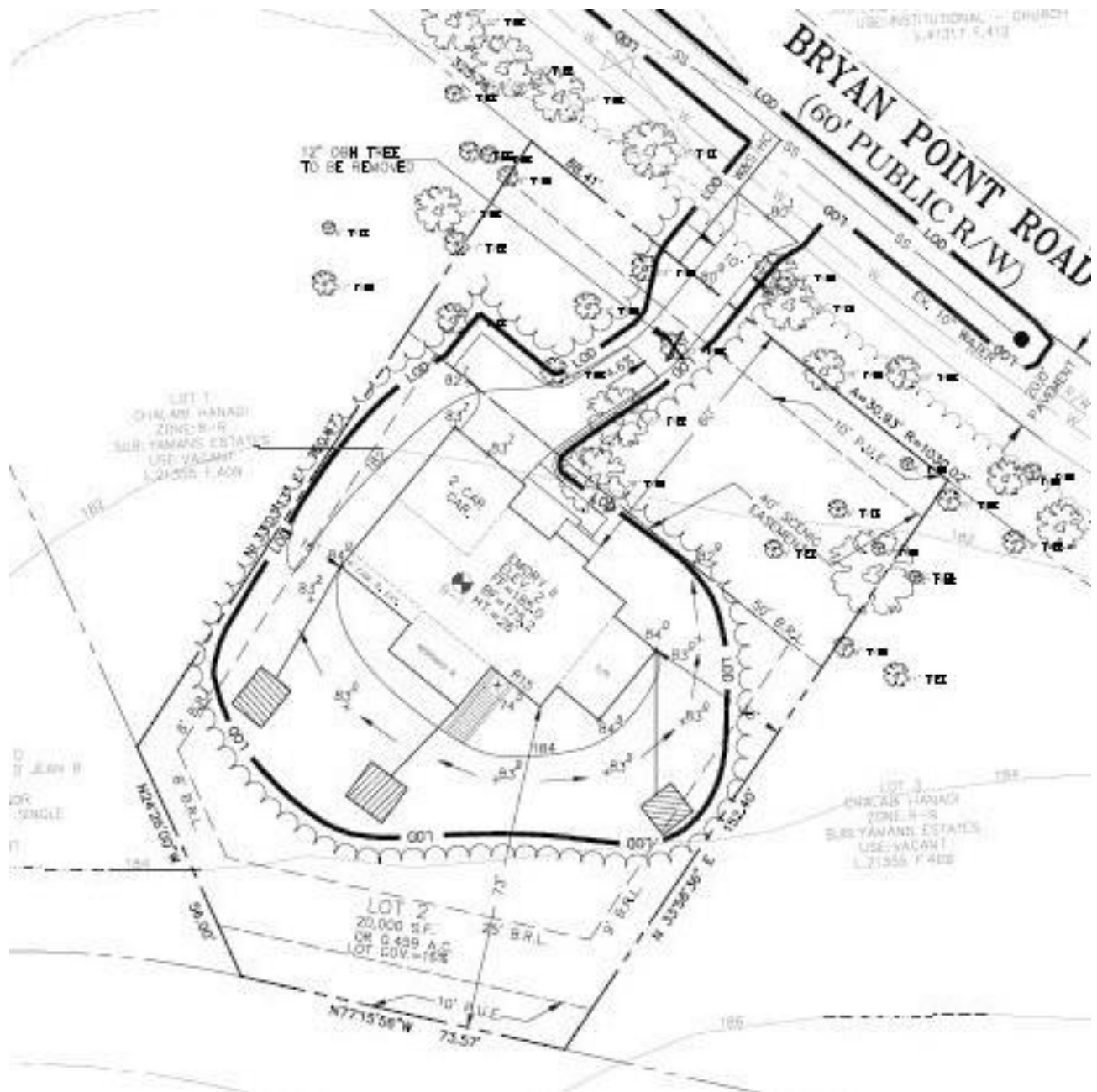
This Limited Detailed Site Plan is filed in accordance with the above condition; however, a Detailed Site Plan #06091, which addressed the above comments, was approved on October 11th, 2007. Since the approval date, this Detailed Site Plan has expired; therefore, CDDI is submitting a new DSP for only Lot 2. The remaining lots will have their own detailed site plan.

2.0 RECENT DEVELOPMENT HISTORY OF THE SUBJECT PROPERTY AND SUMMARY OF DEVELOPMENT PROPOSAL

As noted above, the Property is zoned-Prior Zone R-R. The Property is vacant and bears a street address of 490 Bryan Point Road, Accokeek, MD. 20607. The Subject Property is

surrounded on the west and east by vacant single family residential lots, which are zoned R-R. To the north the property faces Bryan Point Road and to the south Dyer Road. The plat of subdivision for Yaman's Estates- Lot 2 is recorded among the Land Records at Plat Book PM 224 Plat No. 87, and deed L.17452-F. 0065. Road access is through Bryan Point Road.

The subject site is a triangular property consisting of three lots with frontage on and accessed from Bryan Point Road. This DSP# 22032 will only propose lot 2 and will exclude lot 1 and 3. Lot 2 consists of 20,000 square feet of land in the Prior Zone R-R. The proposed development consists of one proposed 2-story, single-family detached dwelling located on the southwest side of Bryan Point Road. Architectural elevations are not subject to review in this detailed site plan.



Previous Approvals:

The Preliminary Plan of Subdivision 4-06017 was approved by the Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/79/04. The site also has a Stormwater Management Concept Plan Approval 23544-2004-00, which expires on August 9, 2010, and an approved WSSC sewer extension DA7424A22.

A Detailed Site Plan# #06091 and companion TCP2/057/07 were approved by the Planning Board on October 11th, 2007. The site has a new Storm Water Management Concept Plan number 17336-2022-0m, which is still under review, and most likely will have a new tree conservation plan number.

3.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF PRELIMINARY PLAN OF SUBDIVISION 4-06017

Preliminary Plan of Subdivision Application 4-06017 was heard by the Planning Board on November 9th, 2006. On November 30th, 2006, the Prince George's County Planning Board adopted Resolution No. 4-06017 approving the subdivision, subject to 8 conditions. A copy of the Resolution is included with the application. The conditions of approval which are relevant to the approval of the Detailed Site Plan are listed and addressed below.

7. ***Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:***

- a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.***

COMMENT: This Detailed Site Plan provides 40-foot-wide landscape buffers/scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Bryan's Point Road to retain views along the historic road and the arching leaf tunnel formed by the mature trees. In addition, it does not deviate from the previous approved access point driveway stipulated under the previous approved DSP #06091.

The single entrance proposed for lot 2 will only remove 1 mature tree with a DBH ranging from 10" to 12", for this reason a single access driveway was chosen to access the property. If the driveway aprons would be combined for lots 2 and 3, it will create a greater discontinuity along the frontage of the property and will cause a removal of more trees that are contributing to give the arching leaf tunnel along Bryan Point Road.

Furthermore, the single driveway access is combined with the water and sewer (see WSSC contract # DA7424A22) connection to minimize the removal of more existing trees. In the previous DSP# 06091, the single access driveway was the recommended option by the MNCPPC staff.

b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-19 92, and the "Design Guidelines and Standards for Scenic and Historic Roads".

COMMENT: As stated in the previous approved DSP#06091, *On November 10, 1992, the County Council approved Council Resolution CR-113-1992 designating the Bryan Point Road as a scenic road pursuant to Subtitle 23, Section 23-192(b)(17)(H). This section states: "a scenic road, as defined therein, is a public or private road which provides scenic views along a substantial part of its length through natural or manmade features such as forest or extensive woodland, cropland, pasturage, or meadows; distinctive topography, including outcroppings, streambeds, or wetlands; traditional building types; historic sites; or roadway features such as curving, rolling roadway alignment and leaf tunnels."* Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the entryway image.

The proposed DSP shows the location of all the mature trees within the scenic easement to minimize and help with the disturbance along the access area. As previously mentioned, the location of a single-entry way will ensure the preservation of the scenic road by removing the least number of mature trees and preserve the arching tunnel along this portion of Bryan Point Road. The access road and utility connection will only disturb one mature tree.

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

COMMENT: On page 9 of the previous approved DSP#06091 states:

The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements. This portion of roadway was previously reviewed by staff of the Department of Public Works and Transportation and M-NCPPC as part of 4-96092, the property on the north side of Bryan Point Road directly opposite the subject property. The determination was made that a 40-foot-wide scenic easement was appropriate to retain the historic quality of Bryan Point Road and screen the new development from the roadway. The 40-foot-wide woodland conservation area is reflected on TCPI/51/96 and TCPII/42/98.

This Detailed Site Plan does not deviate from the original approved DSP-06091; therefore, it is still in compliance with this condition.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

COMMENT: On page 9 of the previous approved DSP#06091 states:

Three layouts for proposed driveways have been analyzed. Staff concurs that the three individual entrances provide the best alternative because the individual accesses will remove fewer of the mature trees that create the arching leaf tunnel along this segment of Bryan Point Road.

This Detailed Site Plan does not deviate from the original approved DSP-06091; therefore, it is still in compliance with this condition. The placement of utilities will follow the approved limits of disturbance under DSP #06091 and WSSC contract # DA7424A22.

e. The completed Phase I-Archaeological investigation.

COMMENT:

Phase I-A Archaeological study was completed in November 2006.

4.0 CONFORMANCE WITH THE GENERAL PURPOSES OF DSP'S

The general purposes of Detailed Site Plan (DSP) are contained in §27-281(b) of the Zoning Ordinance, and are expressed as follows:

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economic development contained in the General Plan, Master Plan or other approved plans;**

COMMENT: The Subject Property is located in the 2013 Approved Sub region 5 Master Plan and Sectional Map Amendment. According to the Sub region 5 Master Plan and Sectional Map Amendment, the vision of the development is described by the following vision statement:

“Accokeek retains a predominantly rural community character with community-oriented commercial development. Large forested areas are interspersed with residential development, scattered small farms, and agricultural enterprises (nurseries, produce stands). New residential developments blend seamlessly into the Accokeek community fabric with woodlands retained between newer and older developments. Livingston Road, which is the linear, traditional heart of the Accokeek community, functions as the hub of community activity with the library, churches, small local businesses, the Fire House, the post office, and other gathering places situated along a two-mile stretch. Attractive village scale commercial shopping areas are thriving in Accokeek, including a small, locally serving commercial and office development on the south side of Livingston Road. Children and adults from Accokeek and throughout the region regard Accokeek as their destination for environmental education programs at the Hard Bargain and National Colonial farms.

The proposed development on lot 2 will retain the wooded scenic views of the Bryan Point Road and the proposed single family dwelling unit will blend with the existing residential community. Approval of this Detailed Site Plan will ensure that the single-family home is constructed in accordance with the applicable guidelines and the conditions of approval of the preliminary plan.

- (B) To help fulfill the purposes of the zone in which the land is located.**

COMMENT: The specific purposes of the Prior Zone R-R are set forth in Section 27-430(a)(1) of the Zoning Ordinance. Those purposes are as follows:

- (1) The purposes of the R-R Zone are:**
 - (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;**
 - (B) To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;**
 - (C) To encourage the preservation of trees and open spaces; and**
 - (D) To prevent soil erosion and stream valley flooding.**

COMMENT: The proposed development advances many of the specific purposes set forth above. Lot 2 will provide residential single-family house which will the need for additional housing options in the County. The Single-family house will be evaluated to ensure that issues related to land disturbance and stream valley flooding are not exacerbated. The proposed single-family house will fulfill the purpose of the R-R zone.

In view of the above, the Applicant submits that the purposes of the R-R Zone (Prior Zone) are met and satisfied.

- (C) To provide for development in accordance with the site design guidelines established in this Division; and**

COMMENT: The Site Design Guidelines, contained in Section 27-274, are addressed in detail below.

- (D) To provide approval procedures that is easy to understand and consistent for all types of Detailed Site Plans.**

COMMENT: The Subject Property is Prior Zone R-R and it is for single family home.

5.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN

Sec. 27-281 (c) lists the specific purposes of a detailed site plan. There are four specific purposes listed, each of which is addressed below:

Sec. 27-281 (c) (1)(A): To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site.

COMMENT: The submitted Detailed Site Plan demonstrates the location of the 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement and parallel to the land to be dedicated for Bryan's Point Road to retain views along the historic road and the arching leaf

tunnel formed by the mature trees.

Sec. 27-281 (c)(1)(B): To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site.

COMMENT: The submitted DSP included in this application shows the specific grading and landscape planting areas proposed for the site. There is also a stormwater management concept plan #17336-2022-0 under review.

Sec. 27-281 (c) (1) (C): To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site.

COMMENT: Not applicable.

Sec. 27-281 (b)(1)(D): To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

COMMENT: The single-family home will have private storm water management agreement and conservation easement that will be established through the recordation of community will have a homeowners association which will ensure the maintenance of covenants which will be recorded among the Land of Records.

6.0 CONFORMANCE WITH CRITERIA OF APPROVAL-DETAILED SITE PLANS

The Planning Board must find that the Detailed Site Plan satisfies the criteria of approval set forth in Section 27-285(b) of the Zoning Ordinance. These criteria are set forth below.

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

Comment:

The Applicant submits that the proposed DSP for Lot 2 represents a reasonable alternative for satisfying the site design guidelines. The single-family home proposed is consistent with those conceptually approved with the preliminary plan of subdivision and the previous approved DSP# 06091.

The design guidelines are set forth in Sections 27-283 and 27-274 of the Zoning Ordinance. Section 27-283 applies to Detailed Site Plans, and states that the site design guidelines are the same as those required for a Conceptual Site Plan. However, the guidelines shall only be used in keeping with the character and purpose of the proposed type of development. The design guidelines themselves, set forth in Section 27-274, address parking, loading and circulation, lighting, views from public areas, green area, site and streetscape amenities, grading, service areas, public spaces and architecture **are not applicable to this single-family development.**

Section 27-274(a) (1) General. The proposed plan should promote the purposes of the Conceptual Site Plan.

COMMENT: The purposes of Conceptual Site Plans are listed in Section 27-272. The General Purposes include providing for development in accordance with the Master Plan and helping fulfill the purposes of the zone in which the land is located. As noted above, the property is Prior Zone R-R and the proposed residential development is consistent with recommendations of the Master Plan and General Plan.

The Specific Purposes of Conceptual Site Plans include explaining the relationships between the proposed uses and illustrating approximate locations of building and parking.

Parking, Loading and circulation

Pursuant to Section 27-568 Schedule (number) of spaces required, generally, the proposed single-family home will provide two parking spaces within the house 2-car garage.

Lighting

No lighting will be provided outside the proposed building.

Views

It is not applicable since it is a single-family dwelling unit.

Green Area

It is not applicable since it is a single-family dwelling unit.

Site and Streetscape amenities

It is not applicable since it is a single-family dwelling unit.

Grading

The single-family dwelling unit will be graded in accordance with the detailed site plan and an approved erosion and sediment control plan at the time of development.

Service Areas

It is not applicable since it is a single-family dwelling unit.

Public Spaces

It is not applicable since it is a single-family dwelling unit.

Architecture

Pursuant to Preliminary Plan' 4-06017 condition of approval 7 and expired Site Plan # 06091 the most important conditions for this DSP are:

a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.

b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-19 92, and the "Design Guidelines and Standards for Scenic and Historic Roads".

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

and as such, the architectural first floor plan and elevations are for informational purposes only and have been included as part of the DSP.

Townhouses

Section 27-274(a) (11) addresses townhouses and three family dwellings. This site design guideline is not applicable to the proposed development since there are no townhouses proposed and the Detailed Site Plan review is limited to the preservation of scenic Bryan Point Road, arching leaf tunnel formed by mature trees located on both sides of Bryan Point Road, and the location of utilities and their method of placement.

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

COMMENT: This criterion is not applicable as no conceptual site plan was required for the Subject Property.

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

COMMENT: The proposed Detailed Site Plan is not an infrastructure site plan and therefore

this criterion is not applicable to the subject Detailed Site Plan.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

COMMENT: In addition to this specific finding, Section 27-282(e) (10) requires that a Statement of Justification be submitted describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.

For the Subject Property, there were no regulated environmental feature identified on the property during the Preliminary Plan of Subdivision and the previous approved Detailed Site Plan; however, a TCPI/79/04 and TCPII/057/07 were approved. These two plans show the location of the scenic easement, access to the property, the location of the water and sewer connection. Furthermore, the TCPII/05/07 shows to the fullest extent possible the preservation of the scenic views of Bryan Point Road. The new TCP2 will preserve the wooded conservation area within the scenic easement approved under the TCCPII/057/07.

7.0. CONCLUSION

In conclusion, the Applicant submits that the proposed DSP represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. In addition, the Planning Board can find that preservation of the scenic Bryan Point Road, access point to the property, road improvements within the right-of-way and location of utilities have been maintained to the fullest extent possible as previously approved under DSP-06091. For these reasons, the Applicant respectfully requests approval of the DSP for lot 2 at Yaman's Estate subdivision.

Respectfully submitted,



Sincerely,
Milton Perez, 301-937-3501, Ext: 1104
perez@cddi.net



CAPITOL DEVELOPMENT DESIGN, INC.
ENGINEERS PLANNERS SURVEYORS

4600 Powder Mill Road, Suite 200, Beltsville, Maryland 20705 Tel:(301) 937-3501 Fax:(301) 937-3507

January 12, 2023
Maryland National Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
Urban Design Section

Report:

**Statement of Justification to request the use of the Prior Prince George's
County Zoning Ordinance.**

To whom it may concern.

Introduction:

On behalf of our client, Lynette Garcia (“Applicant”), Capitol Development Design Inc., and pursuant to Prince George’s County Zoning Ordinance Section 27-1904 (b) hereby submits this explanation/justification for utilizing the prior Prince George’s County Zoning Ordinance (please see the statement of DSP justification for full introduction).

Previous Approvals:

The Preliminary Plan of Subdivision 4-06017 was approved by the Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/79/04, and a NRI Equivalency Letter # 004-2023. The site also has a Stormwater Management Concept Plan Approval 23544-2004-00, which expires on August 9, 2010, and WSSC sewer extension (contract #DA7424A22).

A Detailed Site Plan# #06091 and companion TCP2/057/07 were approved by the Planning Board on October 11th, 2007. The site has a new Storm Water Management Concept Plan number 17336-2022-0, which is still under review and most likely will have a new tree conservation plan number.

Justification Statement

A Preliminary Plan of Subdivision Application 4-06017 was heard by the Planning Board on November 9th, 2006. On November 30th, 2006, the Prince George’s County Planning Board adopted Resolution No. 4-06017 approving the subdivision, subject to 8 conditions. A copy of the Resolution is included with the application

Similarly, a Detailed Site Plan #06091 was approved on October 11th, but since the project was dormant for a long time, the Detailed Site Plan expired. For this reason, CDDI is submitting a new DSP for only Lot 2. The remaining lots will have their own detailed site plan.

The Environmental Department approved TCCPII/057/07 and TCPI/79/04 which contain all the information regarding the preservation of the 40’ required scenic easement along Bryan

Point Road. Because of Bill CB-27-210, and Section 25-119 (g) this TCP1 and TCP2 are grandfathered, and they shall be subject to the regulations in place at the time of approval.

In addition, WSSC has finalized their review and has approved the sewer connection under contract # DA7424A22. The approval process started under SEP1 in 2021.

All the above documents have been prepared utilizing the Prior-Zoning Ordinance's information, if we were to change and update all the references and supporting documents to comply with the current zoning ordinance, it would create an extraordinary hardship to our client.

We believe that since MNCPPC is offering the option to use the Prior- Zoning Ordinance, our client will benefit by saving time and resources if the Prior Zoning Ordinance regulations were followed.

Conclusion:

In light of the above information, we respectfully request that the DSP#22032 process for review and approval can continue using the prior Zoning Ordinance regulation. Your favorable consideration is greatly appreciated.

Respectfully submitted,



Sincerely,
Milton Perez, 301-937-3501, Ext: 1104
perez@cddi.net

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on September 20, 2007 regarding Detailed Site Plan DSP-06091 for Yaman's Estates, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for three single-family detached dwelling units in accordance with the requirements of Condition 7 of the approval of Preliminary Plan 4-06017 as reflected in PGCPB Resolution No. 06-250. The site consists of 3.05 acres in the R-R Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	1.98	1.98
Number of lots	3	3
Parcel	0	0
Dwelling Units	0	3

3. **Location:** This site is in Planning Area 83, Council District 9. More specifically it is located on the south side of Bryan Point Road, approximately 1,000 feet east of Farmington Road.
4. **Surrounding and Uses:** The subject site is bounded to the north by Bryan Point Road and an existing private school beyond, and bounded to the east and west by property in the R-R Zone and to the south by Dyer Drive.
5. **Previous Approvals:** The Preliminary Plan of Subdivision 4-06017 was approved by the Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/79/04. The site also has a Stormwater Management Concept Plan Approval 23544-2004-00, which expires on August 9, 2010.
6. **Design Features:** The subject site is a triangular property consisting of three lots with frontage on and accessed from Bryan Point Road. The subject property consists of 1.98 acres of land in the R-R Zone. This proposed development consists of three 2-story, single-family detached dwellings located on the southwest side of Bryan Point Road. Total base finished area of the proposed single-family houses is between 1,445 and 2,366 square feet. Architectural elevations are not subject to review in this limited detailed site plan. The Planning Board would have to approve any required variances on Lots 1-3 of the subject property.

The Subregion V Master Plan designated Bryan Point Road adjacent to the subject property as a scenic road in 1993. The applicant provided photos of existing trees on site. The applicant provided three access options to the lots in an effort to preserve the road's scenic characteristics, particularly the arching leaf tunnel formed by mature trees on either side of the existing road. Preserving the wooded roadway segment helps in retaining the character of Accokeek's rural areas at the eastern end of Bryan Point Road. There is an existing 40-foot scenic easement along the front of the proposed single-family dwelling units which will provide a substantial buffer from the road. In an e-mail dated August 14, 2007, DPW&T stated their review of the site indicates "that Bryan Point Road is a rural 2-lane road and DPW&T will keep the width of roadway paving as is and only require the subject property developer to mill and overlay the existing paving along the frontage of the development, where necessary. No road widening is proposed with the development."

The applicant proposed three entry-way layout options for the site. Option "A" layout proposes to combine the driveway aprons of Lots 2 and 3 with Lot 1 having a single entrance way. Option "B" layout proposes to combine the driveways of Lot 1 and 2 with Lot 3 having a single driveway. Combining entrance driveways will create a greater discontinuity along the frontage of the street and will cause the removal of a cluster of trees that are contributing to the arching leaf tunnel along Bryan Point Road. Option "C" layout proposes to have single access points for each individual lot. This option appears to be the least intrusive on the wooded area along the road and is the best option for preserving the mature trees on site. The applicant provided photos of the site along each proposed access point with a photo layout plan indicating the existing trees on site. The proposed driveways for option "C" are placed in such a way as to remove the least number of mature trees on site. This is the option recommended for approval by the staff.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-428(b), which governs permitted uses in the R-R Zone. The proposed single-family detached units are a permitted use in the R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-428(c), Regulations, regarding additional regulations for development in the R-R Zone.
8. **Preliminary Plan of Subdivision, 4-06017:** Preliminary Plan 4-06017 with PGCPB Resolution No. 06-250 was approved and adopted by the Planning Board on November 9, 2006. The following conditions of approval apply to the review of the subject detailed site plan. The condition is included in bold type with staff's comments following each subsection of the condition in regular type.

2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.

Comment: A Type II Tree Conservation Plan, TCPII/057/07, has been reviewed and recommended for approval by the Environmental Planning Section for the subject site.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan.

Comment: The subject site has an approved Stormwater Management Concept Plan 23544-2004-00, which expires on August 9, 2010. In a memorandum dated August 2, 2007, the Environmental Planning Section stated the Type II tree conservation plan shows the use of individual drywells for each proposed structure in conformance with the Stormwater Management Concept Plan 2354-2004-00.

7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:

a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.

Comment: The Bryan Point Road corridor is characterized as predominantly woodland with some agricultural fields flanked by forests, hedgerows and fencing, and with glimpses of Piscataway Creek and its tributaries. The applicant provided photos of the site that show the existing mature trees on site. The applicant proposes three entrance points for the subject site (one for each lot), which will result in minimal removal of mature trees on site and preserve the scenic character of Bryan Point Road. The existing mature trees, which will most likely be removed by the proposed access driveways, consist of a 12-inch diameter pine tree and a 6-inch diameter oak tree (which is dead) on Lot 2 and two oak trees, 4 and 10 inches in diameter, on Lot 3. The proposed single-family dwelling units will have 40-foot scenic easement in the front, which will provide a significant buffer from the street.

b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads."

Comment: On November 10, 1992, the County Council approved Council Resolution CR-113-1992 designating the Bryan Point Road as a scenic road pursuant to Subtitle 23, Section 23-192(b)(17)(H). This section states: "a scenic road, as defined therein, is a public or private road which provides scenic views along a substantial part of its length through natural or manmade features such as forest or extensive woodland, cropland,

pasturage, or meadows; distinctive topography, including outcroppings, streambeds, or wetlands; traditional building types; historic sites; or roadway features such as curving, rolling roadway alignment and leaf tunnels.” Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the entryway image. The applicant completed a site feature inventory of existing trees on site including 17 photographs for the proposed entrance points. The single-family dwellings on each lot are setback as far as possible from the roadway in addition to the existing 40-foot scenic easement fronting Bryan Point Road. Also, the location of three proposed entry ways will ensure the preservation of the scenic road by removing the least number of mature trees and preserving the arching leaf tunnel along this segment of Bryan Point Road.

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

Comment: In a memorandum dated June 18, 2007, DPW&T stated that right-of-way dedication and roadway improvements for Bryan Point Road along the frontage of the property in accordance with DPW&T’s standards for a scenic and historic rural residential road are required. Also, refacing of the entire width of Bryan Point Road along the frontage of the property will be required. In an e-mail dated August 14, 2007, DPW&T stated that they will keep the width of the roadway paving as is and only require the applicant to mill and overlay the existing paving along the frontage of the development. No road widening is proposed or will be required along this development.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

Comment: The individual house connects to the existing sanitary sewer and water lines shown on the detailed site plan will not create a disturbance to the scenic right-of-way of Bryan Point Road. A copy of the site plan was sent to Verizon and PEPCO. However, at the time of the writing of this report no comment was received from these public utility companies.

e. The completed Phase I archaeological investigation.

Comment: In a memorandum dated June 19, 2007, the Historic Preservation and Public Facilities Section stated the Phase I archeological report, “A Phase I Intensive Archeological Survey of the Yaman’s Estate Subdivision, Bryan’s Point Road, Accokeek, Prince George’s County, Maryland, Preliminary Plan #4-06017,” was received on November 30, 2006. No archeological sites were identified on the property.

9. **Landscape Manual:** The proposed development is subject to Section 4.1, Residential Requirements of the *Landscape Manual*.
- a. Section 4.1, Residential Requirements, requires that Lots 1-3 shall be planted with a minimum of three shade trees and two ornamental or evergreen trees per lot. The subject site consists of three lots. The area of Lots 1-3 ranges from 24,821 square feet to 29,801 square feet, which is less than 40,000 square feet. The site plan for Lots 1-3 is in conformance with the requirements of the *Landscape Manual*.

Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has an approved Type I Tree Conservation Plan. A Type I Tree Conservation Plan (TCPI/079/04) was approved with the preliminary plan of subdivision 4-06017 by PGCBP Resolution No. 06-250. A Type II Tree Conservation Plan, TCPII/057/07, was submitted with the detailed site plan application and was recommended for approval by Environmental Planning Section.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation: In a memorandum dated June 1, 2007, the Historic Preservation and Public Facilities Planning Section stated the subject detailed site plan has no effect on any Historic Resources.

Archeological Review: In a memorandum dated June 19, 2007, the Historic Preservation and Public Facilities Planning Section stated the Phase I archeological report, "A Phase Intensive Archeological Survey of the Yaman's Estate Subdivision, Bryan's Point Road, Accokeek, Prince George's County, Maryland" was submitted for its review. No archeological sites were identified on the property. Condition 8 of the preliminary plan of approval has been fulfilled. No further archeological investigations are required on the Yaman's Estates.

Community Planning: In a memorandum dated July 5, 2007, the Community Planning South Division offered the following:

- This application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier.
- This application is located along a master plan designated scenic road. Subdivision design, access and house placement should conform to the scenic and historic road guidelines to ensure preservation of the scenic road characteristics along Bryan Point Road.

- This application is in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission should be listed as a party of record at the address below.

Planning Issues

The scenic road designation for Bryan Point Road was granted by the County Council in 1992 via CR-113-1992. This resolution directed that scenic road guidelines, prepared by the Department of Public Works and Transportation (DPW&T), be used to preserve specific roadway characteristics. On the opposite side of Bryan Point Road from the subject property is an example of successful implementation of the scenic road guidelines where the preservation of the road's scenic characteristics was achieved along with the development of the school. The eastward expansion of the master plan's scenic road designation, encompassing the frontage of the subject property, was in response to citizen testimony about this particular section of Bryant Point Road and resulted in identification of an arching leaf tunnel formed by mature trees on either side of the existing road. Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park. Preservation of existing trees and rural road characteristics along the Bryant Point Road frontage of the subject property is vital to maintaining this archway and entryway image. The strategy to preserve this wooded roadway segment also helps to retain the character of Accokeek's rural areas at the eastern end of Bryan Point Road, where some smaller lot subdivision development has occurred.

The intent of the scenic road guidelines is to preserve the scenic characteristics of such roads when development occurs. Homes that use Bryan Point Road for their access should be set back as far as possible from the roadway and the design of access drives should follow the DPW&T's scenic road guidelines. These guidelines provide a practical strategy for preserving the scenic character of Bryan Point Road.

Comment: The access to the proposed single-family detached dwellings is setback as far as possible from Bryan Point Road and the design of the three access drives will remove the least number of existing mature trees along the road. Also the 40-foot scenic easement along Bryan Point Road frontage will ensure preservation of the scenic character of the road.

Transportation: In a memorandum dated June 8, 2007, the Transportation Planning Section stated the proposed site plan is acceptable. The site is not within or adjacent to any master plan transportation right-of-way.

Subdivision: At the time of the writing of this report, no comment was received from the Subdivision Section.

Trails: In a memorandum dated July 5, 2007, the Transportation Planning Section stated that no master plan trails issues identified in the Approved Subregion V Master Plan or the 1985 Equestrian Addendum to the Approved Countywide Trails Plan impact the subject site. Roads in the vicinity of the subject site (including Bryan's Point Road) are open section with no sidewalks.

There are no master plan trail recommendations.

Parks: In a memorandum dated June 21, 2007, the Department of Parks and Recreation offered no comments.

Permits: In a memorandum dated June 21, 2007, the Permits Section offered the following comment:

1. The house on Lot 1 appears to be located within the required side yard. A variance will be required for the five feet in which the house extends into the side yard.

Comment: The applicant revised the house template on the site plan and is shown to be located within the required setback. Thus a variance from the required side yard is not necessary.

Environmental Planning: In a memorandum dated August 2, 2007, the Environmental Planning Section offered the following comments:

The Environmental Planning Section previously reviewed Preliminary Plan 4-04148 and TCPI/79/04 for the subject property. Those applications were withdrawn before being heard by the Planning Board. Preliminary Plan 4-06017 and TCPI/079/04 were approved by PGCPB Resolution No. 06-250. The proposal is for three lots in the R-R Zone. This detailed site plan is required by Condition 7 of PGCPB Resolution No. 06-250 to specifically address the preservation of the character of Bryan Point Road.

Site Description

The 1.98-acre property in the R-R Zone is located on the south side of Bryan Point Road approximately 1,000 feet east of its intersection with Farmington Road. The entire site is forested. There are no streams, wetlands, or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. There are no areas of steep slopes with highly erodible soils and severe slopes on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Beltsville and Mattapex series. Marlboro clay is not found to occur in the vicinity of this property. 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 in the vicinity of this property. Bryan's Point Road is a designated historic road. The site is in the Developing Tier according to the 2002 General Plan.

Environmental Issues Addressed in the Subregion V Master Plan

The master plan does not indicate any environmental issues for this property.

Conformance with the *Countywide Green Infrastructure Plan*

According to the *Countywide Green Infrastructure Plan*, the property is not within the designated network.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

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2. **A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.**

Comment: A Type II tree conservation plan has been submitted with this application and is discussed in detail in the environmental review section below.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.**

Comment: The Type II tree conservation plan shows the use of individual drywells for each proposed structure in conformance with Stormwater Management Concept Plan 23544-2004-00.

7. **Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:**

- a. **The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.**

Comment: This condition is discussed in the Environmental Review Section below.

- b. **The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads."**

Comment: This condition is discussed in the Environmental Review Section below.

- d. **The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.**

Comment: The individual house connects to the existing sanitary sewer and water lines shown on the DSP will create no new disturbance to the scenic right-of-way of Bryan Point Road.

Environmental Review

1. The Subregion V Master Plan designated Bryan Point Road adjacent to this property as a scenic road in 1993. The master plan's scenic road designation for this part of Bryan Point Road was a slight expansion of an earlier designation for the western part of Bryan Point Road granted by Council in 1992 via CR-112-1992. The eastward expansion encompassing the frontage of the subject property was made to preserve the arching leaf tunnel formed by mature trees on either side of the existing road.

Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park just to the west. These woods also help to retain some of the character of Accokeek's rural areas at this eastern end of Bryan Point Road where some smaller lot subdivision development has occurred. Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the archway and entryway image. This approach was used for development of the private school located across Bryan Point Road from the subject property, where preservation of road character was successfully achieved and development was accommodated. The subdivision design, access, and house location should be carefully evaluated to ensure preservation of the scenic road character.

The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements. This portion of roadway was previously reviewed by staff of the Department of Public Works and Transportation and M-NCPPC as part of 4-96092, the property on the north side of Bryan Point Road directly opposite the subject property. The determination was made that a 40-foot-wide scenic easement was appropriate to retain the historic quality of Bryan Point Road and screen the new development from the roadway. The 40-foot-wide woodland conservation area is reflected on TCPI/51/96 and TCPII/42/98. A site features inventory including 17 photographs was submitted with this application. Three layouts for proposed driveways have been analyzed. Staff concurs that the three individual entrances provide the best alternative because the individual accesses will remove fewer of the mature trees that create the arching leaf tunnel along this segment of Bryan Point Road.

Comment: The plan provides 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Bryan's Point Road to retain views along the historic road and the arching leaf tunnel formed by the mature trees.

2. The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property has an approved Type I tree conservation plan.

Type II Tree Conservation Plan TCPII/057/07 has been reviewed. The plan proposes clearing 1.43 acres of the existing 1.99 acres of woodland. The woodland conservation threshold is 0.40 acre and the woodland conservation requirement has been correctly calculated as 0.76 acre based on the clearing currently proposed. The plan proposes to meet the requirement by providing on-site woodland conservation of 0.56 acre and the use of a fee-in-lieu for 0.20 acre.

All of the woodland conservation is situated to ensure preservation of the scenic road character of Bryan Point Road and satisfies Conditions 7.a. and 7.b. of PGCPB Resolution No. 06-250.

Comment: The Environmental Planning Section recommends approval of TCPII/057/07.

3. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Beltsville and Mattapex series. Beltsville soils are in hydrologic soils Group C and have a K factor of 0.43, indicating a potential for impeded drainage and high erodibility on steep slopes. Mattapex soils are in hydrologic soils Group C, are highly erodible, have impeded drainage, and have perched water tables.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this pre-preliminary plan of subdivision review. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

SUMMARY

The Environmental Planning Section recommends approval of DSP-06091 and TCPII/057/07.

Fire Department: In a memorandum dated July 7, 2007, the Prince George's County Fire/EMS Department stated no objection to the proposed development.

Department of Public Works and Transportation (DPW&T): In a memorandum dated June 18, 2007, the DPW&T offered the following:

- The property is located along the south side of Bryan Point Road, approximately 1,000 feet east of its intersection with Farmington Road.
- Bryan Point Road is a scenic roadway. Right-of-way dedication and roadway improvements for Bryan Point Road along the frontage of the property in accordance with DPW&T's standards for a scenic and historic rural residential road are required.

Resurfacing of the entire width of Bryan Point Road along the frontage of the property will be required.

- Full width, two-inch mill and overlay for all county roadway frontages are required.
- Conformance with street tree and street lighting standards is required.
- All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- The proposed site development has an approved concept plan number, 23544-2004, approved July 19, 2004.
- Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established DPW&T's policy and specifications for utility installation and maintenance permits are required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- All improvements within the public right-of-way as dedicated to the county are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the American with Disabilities Act.

Comment: In an e-mail dated August 14, 2007, DPW&T stated their review of site indicates that "Bryan Point Road is a rural two-lane road and DPW&T will keep the width of roadway paving as is and only require the subject property developer to mill and overlay the existing paving along the frontage of development where necessary. No road widening is proposed with the development."

Washington Suburban Sanitary Commission (WSSC): In a memorandum dated June 15, 2007, WSSC provided these comments:

Water and sewer extension will be required for the proposed development and Project DA4095Z05 is an approved project within the limits of this proposed site. Also, on-site pumping will be required for basement service.

Maryland State Highway Administration (SHA): In a memorandum dated June 20, 2007, SHA stated no objection to the proposed site plan.

Verizon: At the time of the writing of this report no comment was received from Verizon.

PEPCO: At the time of the writing of this report no comment was received from PEPCO.

Accokeek Development Review District Commission (ADRDC): In a letter dated July 31, 2007, ADRDC stated no objection to the proposed development on the subject site.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/57/07) and further APPROVED Detailed Site Plan DSP-06091 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the plan shall be revised to include notes as follows:
 - a. Owners of Lots 1-3 shall be notified prior to execution of the sales contract that addition of decks, sunrooms, etc., to the rear yard may require a variance.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, September 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:NR:bjs



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

PGCPB No. 06-250

File No. 4-06017

RESOLUTION

WHEREAS, a 1.99-acre parcel of land known as Parcel 40, Tax Map 151 in Grid D-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 15, 2006, Lina Talab filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06017 for Yaman's Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 9, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 9, 2006, 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 the Type I Tree Conservation Plan (TCPI/79/04), and further APPROVED Preliminary Plan of Subdivision 4-06017, Yaman's Estates for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Delineate a 20-foot, rear yard setback within the southeast corner (triangle portion) of Lot 1. The rear setback/building restriction line should run parallel with Bryan Point Road.
 - b. Revise general notes no. 7 and 8 to reflect water category W-4 and sewer category S-4.
 - c. Revise general note no.15 to clearly indicate that the mandatory dedication of parkland requirement will be addressed by a fee-in-lieu.
 - d. Revise general note no.25 to further add that Bryan Point Road is a designated scenic road pursuant to CR-113-1992.
2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.

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3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.
4. The 40-foot landscape buffer along Bryan Point Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”
5. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/79/04), or as modified by the Type II 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/Tree Preservation Policy.”
6. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:
 - a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.
 - b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the “Design Guidelines and Standards for Scenic and Historic Roads”.
 - c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.
 - d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.
 - e. The completed Phase I-Archaeological investigation.
8. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I

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investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of the detailed site plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Bryan Point Road, approximately 1,000 feet east of its intersection with Farmington Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Single-Family Dwellings
Acreage	1.99	1.99
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Yaman's Estates, 4-06017, and the revised Type I Tree Conservation Plan, TCPI/79/04, stamped as received by the Environmental Planning Section on September 22, 2006. The Environmental Planning Section recommends approval of 4-06017 and TCPI/79/04 subject to conditions.

The Environmental Planning Section previously reviewed Preliminary Plan 4-04148 and TCPI/79/04 for the subject property. Those applications were withdrawn before being heard by the Planning Board. The proposal is for three lots in the R-R Zone.

The entire site is forested. There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. There are no

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areas of steep slopes with highly erodible soils or severe slopes associated with the property. According to the Green Infrastructure Plan, none of the property contains any regulated areas, evaluation areas or network Gaps. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Mattapex series. Marlboro clay is not found to occur in the vicinity of this property. 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 in the vicinity of this property. Bryan's Point Road is a designated scenic road. The site is in the Developing Tier according to the 2002 General Plan.

A signed natural resources inventory, NRI/035/05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. A forest stand delineation (FSD) based upon four sample points indicates two forest stands with a total of 1.99 acres and two specimen trees. There are no priority woodlands, as defined by the "Prince George's County Woodland Conservation and Tree Preservation Policy Document" located on the property. According to the Green Infrastructure Plan, the property is not located within the green infrastructure network. No further action regarding sensitive environmental features is required.

The Subregion V Master Plan designated Bryan Point Road adjacent to this property as a scenic road in 1993. The master plan's scenic road designation for this part of Bryan Point Road was a slight expansion of an earlier designation for the western parts of Bryan Point Road granted by the County Council in 1992 via CR-113-1992. The eastward expansion encompassing the frontage of the subject property was made to preserve the arching leaf tunnel formed by mature trees on either side of the existing road.

Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park just to the west. These woods also help to retain some of the character of Accokeek's rural areas at this eastern end of Bryan Point Road where some smaller lot subdivision development has occurred. Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the archway and entryway image. This approach was used for development of the private school located across Bryan Point Road from the subject property, where preservation of road character was successfully achieved and development was accommodated. The subdivision design, access and house location should be carefully evaluated to ensure preservation of the scenic road character.

The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements. A site features inventory was not submitted with this application. This portion of roadway was previously reviewed by staff of the Department of Public Works and Transportation and M-NCPPC as part of 4-96092, the property on the north side of Bryan Point Road directly opposite the subject property. The determination was made that a 40-foot-wide scenic easement was appropriate to retain the historic quality of Bryan Point Road and screen the new development from the roadway. The 40-

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foot-wide woodland conservation area is reflected on TCPI/51/96 and TCPII/42/98. At a minimum, the plan should provide 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement and parallel to the land to be dedicated, for Bryan Point Road to retain views along the historic road.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/79/04, has been reviewed. The plan proposes clearing 1.26 acres of the existing 1.99 acres of woodland. The woodland conservation threshold is 0.40 acre and the woodland conservation requirement has been correctly calculated as 0.71 acre based on the clearing currently proposed. The plan proposes to meet the requirement by providing on-site woodland conservation of 0.73 acres.

All of the woodland conservation is situated to ensure preservation of the scenic road character of Bryan Point Road.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Mattapex series. Beltsville soils are in hydrologic soils group C and have a K factor of 0.43, indicating a potential for impeded drainage and high erodibility on steep slopes. Mattapex soils are in hydrologic soils group C, are highly erodible, have impeded drainage and have perched water tables. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004, during the permit process review.

The Prince George's County Department of Environmental Resources approved Stormwater Management Concept, CSD #23544-2004-00, on July 19, 2004. The plan shows the use of individual drywells for each proposed structure. No further action regarding stormwater management is required for this preliminary plan of subdivision review.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will, therefore, be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 83 within the Accokeek Community. The property is within the limits of the 1993 Subregion V Master Plan. The master plan recommendation is for Low-Suburban residential land use at up to 2.6 dwelling units per acre. This application conforms to the Low-Suburban residential land use recommendation within the 1993 Subregion V Master Plan.

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The 2002 General Plan locates the subject property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application proposes a low- to moderate-density suburban residential community and is therefore consistent with the 2002 *General Plan* Development Pattern policies for the Developing Tier.

This application is located along a designated scenic road. Subdivision design, access and house placement should conform to the Scenic and Historic Road Guidelines to ensure preservation of the scenic road characteristics along Bryan Point Road. A detailed site plan should be required to evaluate conformance to these guidelines.

Planning Issues

The scenic road designation for Bryan Point Road was granted by the County Council in 1992 via CR-113-1992. This resolution directed that scenic road guidelines, prepared by the Department of Public Works and Transportation (DPW&T), be used to preserve specific roadway characteristics. The eastward expansion of the master plan's scenic road designation, encompassing the frontage of the subject property, responded to citizen testimony about this particular section of Bryan Point Road and the identification of an arching leaf tunnel formed by mature trees on either side of the existing road. Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park. Preservation of existing trees and rural road characteristics along the Bryan Point Road frontage of the subject property is vital to maintaining this archway and entryway image. The strategy to preserve this wooded roadway segment also helps to retain the character of Accokeek's rural areas at the eastern end of Bryan Point Road, where some smaller lot subdivision development has occurred. An example of successful implementation of the scenic road guidelines is across Bryan Point Road from the subject property where the preservation of the road's scenic character was achieved as development of a private school was accommodated.

Two of the proposed three lots potentially have double-frontages, with access to both Bryan Point Road and Dyer Drive, an unconstructed paper street. The intent of the scenic road guidelines is not necessarily to preclude access onto designated scenic roads but to preserve the scenic characteristics of such roads when development occurs. Homes that use Bryan Point Road for their access should be set back as far as possible from the roadway and the design of access drives should follow the DPW&T scenic road guidelines. These guidelines provide a practical strategy for preserving the scenic character of Bryan Point Road, as the land bordering this road is developed over time. To evaluate whether the proposed development of the three houses in this subdivision conforms to the Scenic and Historic Road Guidelines, approval of a detailed site plan should be required prior to the issuance of permits.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of

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parkland dedication because the land available for dedication is unsuitable due to its size and location.

- 7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan or the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan that impact the subject site. Roads in the vicinity of the subject site (including Bryan Point Road) are open section with no sidewalks. There are no master plan trail recommendations.
- 8. **Transportation**—The following are the Transportation Planning Section’s comments concerning the site access, geometric design and traffic impact of the subject application. These comments are final.

The subject application involves three proposed lots that would have a minimal impact on adjacent roadways. All three lots have direct driveway access to Bryan Point Road. This is acceptable. The site is not within or adjacent to any master plan transportation facilities.

The application is a preliminary plan of subdivision for a residential development consisting of three single-family lots to be created within an existing parcel. The proposed development of three residences would generate 2 AM and 3 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Therefore, a traffic study was not required.

The site is within the Developing Tier, as defined in the 2002 General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 and MD 373/Livingston Road. This intersection is signalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

Recent counts at the critical intersection of MD 210 and MD 373/Livingston Road indicate that the intersection operates unacceptably as a signalized intersection when approved development is considered. Due to the limited trip generation of the site, the Prince George's County Planning

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Board could deem the site's impact at this location to be de minimus. The Transportation Planning Section would therefore recommend that the Planning Board find that 2 AM and 3 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 210 and MD 373/Livingston Road intersection.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. No transportation-related conditions are warranted at this time.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	3,946	5,489	9,164
Completion Enrollment	121	64	127
Cumulative Enrollment	16.80	108.78	217.56
Total Enrollment	4,084.52	5,661.96	9,508.92
State Rated Capacity	4,033	6,114	7,792
Percent Capacity	101.28%	92.61%	122.03%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- 10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Accokeek, Company 24, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

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

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

- 11. **Police Facilities**—The subject property is located in Police District IV. The response standard for emergency calls is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on August 15, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-07/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on July 5, 2006.

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

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

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12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Yaman's Estates and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #23544-2004-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—The subject property is located on the south side of Bryan Point Road approximately 1,000 feet east of its intersection with Farmington Road.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites was conducted.

There are ten currently known archeological sites identified within a one-mile radius of the property, all prehistoric. One National Register property (Bellevue, an 1840 plantation house), one historic site (Christ Church, originally established in 1748), and numerous prehistoric archeological sites are located within a two-mile radius of the subject property.

The residence of John Clagett is shown on the 1861 Martenet map as very close to the location of the subject property. The Clagett Family Cemetery is located about 280 feet southwest of the subject property. The Clagett family home was supposedly located about 100 feet northwest of the cemetery. John H. Clagett owned about 22 slaves in 1860. Examination of aerial photographs dating from 1938 to 2005 show that this property remained undeveloped throughout most of the 20th century.

Piscataway Creek is located about 1 ½ miles north of the subject property, with many of its tributaries originating very close by. There are numerous large prehistoric sites along the Potomac River, Piscataway Creek, and their tributaries. Therefore, the subject property also has a high to moderate probability of containing significant prehistoric archeological sites.

Conclusions

In accordance with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

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Recommendations

Prior to signature approval of this preliminary plan of subdivision, Phase I (Identification) archeological investigations are recommended on the above-referenced property because the subject property has a moderate to high probability of containing significant prehistoric and historic archeological sites.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations should be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archaeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The design of a Phase I archaeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant should provide a plan for:

- a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
15. **Accokeek Development Review District (ADRDC)**—This application was referred to the Accokeek Development Review District Commission for review and comment on August 25, 2006. Although the Subdivision Section has had telephone and e-mail interactions with a member of the ADRDC, no formal comments have been submitted by the Commission for this application.

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The Subdivision Section was also contacted by the United States Department of the Interior (National Park Service) who operates Piscataway National Park, and has a public-private partnership with the Alice Ferguson Foundation and the Accokeek Foundation. The park contains over 1,500 acres of federally owned shoreline, including the lands of the Accokeek Foundation's National Colonial Farm, and federal scenic easements protecting over 2,700 acres of privately owned woodlands. Further input was also received from the President of the Moyaone Reserve Homeowners Association.

The primary concern that all parties shared was the preservation of scenic Bryan Point Road, which serves as the primary gateway into Piscataway Park and the Moyaone Reserve. Those concerns included keeping Bryan Point Road within its current 22-foot wide, no-shoulder configuration, restricting access points to Bryan Point Road, and the preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road. As a result of these concerns, and upon the recommendation from the Community Planning Division, the Subdivision Section has included a condition that requires the approval of a detailed site plan by the Planning Board. The language within this condition regarding what specifically shall be included within the detailed site plan review is consistent with the detailed site plan condition established for Preliminary Plan 4-96092, for the Beddow School located across Bryan Point Road from the subject property.

16. **At The Public Hearing** –At the November 9, 2006, Public Hearing for this case, The Planning Board had requested that the results of the Phase-I Archaeological Study be forwarded to the Planning Board for review, or the results of the Phase I study be included within the Detailed Site Plan application required for the subject property. As a result, Condition No. 7, which requires the Detailed Site Plan review for the property, was revised to further include the results of the completed Phase-I Archaeological Study as part of the Detailed Site Plan review.

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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 adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Parker voting in favor of the motion, and with Commissioner Clark abstaining at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2006.

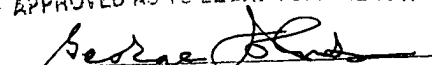
Trudye Morgan Johnson
Executive Director



By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JF:bjs

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPA Legal Department

Date 11/20/06



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3680

April 3, 2023

MEMORANDUM

TO: Todd Price, Urban Design Section, Development Review Division

VIA: Tom Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

SUBJECT: DSP-22032, Yaman's Estates

The subject property comprises 0.46 acres and is located on the south side of Bryan Point Road, approximately 575 feet south of its intersection with Helen Drive. The subject property is zoned RR and located within the 2013 *Approved Subregion 5 Master Plan* area. The subject application proposes the development of one single-family detached dwelling.

The 2013 *Approved Subregion 5 Master Plan* area contains goals and policies related to historic preservation (pages 155-159). However, these are not specific to the subject site or applicable to the proposed development.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property was high. A Phase I archeology survey was completed and an archeological report, *A Phase I Intensive Archeological Survey of the Yaman's Estate Subdivision, Bryan's Point Road, Accokeek, Prince George's County, Maryland*, was submitted for review. No archeological sites were identified on the property and no further work was recommended.

Local residents have raised concerns about potential Native American burials within the Yaman's Estates subdivision, which is located near Piscataway Park. Burials are difficult to detect in a Phase I shovel test pit survey. Historic Preservation staff recommends that the applicant contact Historic Preservation staff one week in advance of any grading to arrange for monitoring for the potential presence of human burials on the site.

The subject property does not contain, and is not adjacent to, any designated Prince George's County Historic Sites or resources. Historic Preservation Section staff recommends approval of DSP-22032, Yaman's Estates, with the following conditions:

1. Prior to the approval of a grading permit, the applicant shall submit a grading plan to Historic Preservation staff for review.
2. One week prior to the commencement of grading, the applicant shall contact Historic Preservation staff to arrange for monitoring of the grading of the site for the potential presence of human burials. If human burials are encountered, all grading shall cease, and the applicant shall contact the State's Attorney's Office to report the presence of human burials on the site.

04/19/2023

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long Range Planning Section, Community Planning Division *DG*

FROM: Connor Klein, Planner II, Neighborhood Revitalization Section, Community Planning Division *CK*

SUBJECT: **DSP-22032, YAMANS ESTATES (PB)**

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan for property located outside of an overlay zone.

Location: 490 Bryan Point Road, Accokeek, MD. 20607

Size: 0.459 acres

Existing Uses: Vacant

Proposal: To construct a single-family detached house

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (p. 20).

Master Plan: The *2013 Subregion 5 Master Plan* recommends Residential Low future land use on the subject property. Residential Low land use is described as: Residential areas up to 3.5 dwelling units per acre (p.31).

The proposed single-family detached property is consistent with the recommended land use.

In addition, the Master Plan recommends the following strategies to help advance the intent and purpose of the plan for the Residential Segment surrounding Livingston Road.

- Respect existing, predominantly deep, setbacks with large front yards by providing similar setbacks in new development (p. 37).
- Give consideration to similarity in density, style, bulk, materials, and site layout to adjoining lots. Locate new structures to maintain existing rhythms of building width and spacing (p. 37).

Planning Area: 83

Community: Accokeek

Aviation/MIOZ: This application is not located within the Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The Subregion 5 Sectional Map Amendment retained the subject property Rural Residential zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment ("CMA") which reclassified the subject property from R-R (Rural Residential) to RR (Residential, Rural) effective April 1, 2022.

ADDITIONAL INFORMATION

None.

cc: Long-range Agenda Notebook

Fred Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

May 1, 2023

MEMORANDUM

TO: Todd Price, Zoning Review Section, Development Review Division

FROM: Jun (Jim) Yang, Transportation Planning Section, Countywide Planning Division

VIA: *CH* Crystal Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSP-22032, Yamans Estates**

Proposal

The subject Detailed Site Plan (DSP) application proposes the development of one single-family residence located at 490 Bryan Point Road in Accokeek, MD. The Transportation Planning Section's review of the DSP was evaluated under Section 27 of the prior zoning ordinance.

Prior Conditions of Approval

The site is subject to the approved Preliminary Plan of Subdivision (PPS) application, 4-06017. No transportation-related conditions were included in that project.

Master Plan Compliance

Master Plan Right of Way

The subject site is located along Bryan Point Road, which does not have a right-of-way established in the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*.

Master Plan Pedestrian and Bike Facilities

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, which includes a planned shared use lane along the Bryan Point Road frontage.

This development is also subject to 2013 *Approved Subregion 5 Master Plan and SMA*, which does not have any planned pedestrian or bicycle facilities along the Bryan Point Road frontage.

Comment: The planned shared use lane does not have to be included in this plan. Staff does not have comments on the latest DSP submission.

Zoning Ordinance Compliance

Section 27-283 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for detailed site plans. The section references the following design guidelines described in Section 27-274. This single-family residential facility adheres to the design guidelines outlined in the section.

Comment: Staff agrees with this observation, and determined that this plan is acceptable.

Conclusion

In consideration of the scope of this application, the transportation planning staff can make a finding that the subject property is in general conformance with Section 27 of the prior zoning ordinance and recommends approval with no additional conditions of approval.

April 24, 2023

MEMORANDUM

TO: Todd Price, Planner II, Urban Design Section
VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*
FROM: Antoine Heath, Planner II, Subdivision Section *AH*
SUBJECT: DSP-22032; Yaman's Estates

The subject property is located on Tax Map 151 in Grid D4. It consists of one lot known as Lot 2 recorded in the Prince George's County Land Records in Plat Book PM 224 page 87 titled Lots 1-3 Yaman's Estates. The property is 20,000 square feet in area and is located in the Residential, Rural (RR) Zone. However, this detailed site plan (DSP) was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Rural Residential (R-R) zoning of the subject property and pursuant to the prior Zoning Ordinance and Subdivision Regulations. DSP-22032 proposes one single-family detached dwelling. This DSP is required as a condition of approval, pursuant to preliminary plan of subdivision (PPS) 4-06017, which is further discussed in this referral.

The property is subject to the PPS 4-06017 titled "Yaman's Estates" which was approved by the Prince George's Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250). PPS 4-06017 approved three lots for the development of three single-family detached dwellings. The development proposed in this DSP is in conformance with the development evaluated by the PPS. Pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, the site has a certificate of adequacy associated with 4-06017 until April 1, 2034.

The subject property has been platted in accordance with PPS 4-06017. The proposed DSP is in conformance with the PPS and the recorded plat. No new plats will be required.

PPS 4-06017 was approved with 8 conditions. Those that are relevant to the review of this DSP are listed below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.

Conformance to this condition should be reviewed by the Environmental Planning Section.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.**

Stormwater Management (SWM) Concept Plan #23544-2004-00 has since expired. The applicant has provided a copy of another approved SWM Concept Plan #17336-2022-0. The subject DSP and the SWM Concept Plan should be further reviewed by the Environmental Planning Section for conformance to this condition.

7. **Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:**

- a. **The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.**

The subject property has frontage on Bryan Point Road, which is designated as a scenic road. This requires a 40-foot buffer and easement along the road frontage, in order to preserve as many trees as possible to maintain the roadways characteristics. The findings of PGCPB Resolution No. 06-250 and the approved Tree Conservation Plan (TCPI) reference a shared driveway between Lots 1 and 2 in order to minimize the number of access points on Bryan Point Road. The intent of this DSP is to review conformance to the Scenic and Historic Road Guidelines. The site plan and location of the driveway should be reviewed by the Urban Design and Transportation Planning Sections, for conformance with this condition.

- b. **The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads".**

Conformance to this condition should be reviewed by the Urban Design and Environmental Planning sections.

- c. **Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.**

Conformance to this condition should be reviewed by the Transportation Planning Section.

- d. **The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.**

- e. **The completed Phase I-Archaeological investigation.**

Conformance to these conditions should be reviewed by the Historic Preservation, Urban Design and Environmental Planning sections.

8. **Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property**

history and archaeological literature) for those lands determined to be subject. Prior to approval of the detailed site plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.

The applicant submitted a Phase I archeological investigation prior to signature approval of the PPS. The Historic Preservation Section should determine whether a Phase II and Phase III investigations are required, in conformance to this condition.

Additional Comments

1. The general notes should be updated to reference PPS 4-06017 as prior approval applicable to the subject property.
2. The site plan should be updated to provide the legal description of the property, including the recording plat reference.

Recommended Conditions:

1. Prior to signature approval, the detailed site plan (DSP) should revised as follows:
 - a. Add a general note to list preliminary plan of subdivision (PPS) 4-06017 as prior approval applicable to the subject property.
 - b. Label Lot 2 with the recording plat reference.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The DSP has been found to be in conformance with the approved preliminary plan of subdivision. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

From: [Thompson, Ivy](#)
To: [Lockhart, Dominique](#); [Price, Todd](#)
Subject: SDRC
Date: Friday, April 14, 2023 8:09:12 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Good morning,

I am not available to participate at SDRC this morning. I have reviewed both cases and Parks has no major issues for either case.

Linda Lane – DPR will review parkland dedication requirements at the time of PPS. Outdoor recreation space should be prioritized.

Yaman’s Estates – DPR has no comments.

Have a great day!

-Ivy

Ivy R. Thompson, AICP

Development Review Coordinator | Land Acquisition/Management & Development Review Section

Park Planning & Development Division

M-NCPPC, Prince George’s County, Department of Parks and Recreation
6600 Kenilworth Avenue, Riverdale, MD 20737

Direct: 301-699-2540 | Mobile: 202-430-2106 | TEAMS: 240-573-2719

Ivy.Thompson@pgparks.org

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April 25, 2023

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section

VIA: Thomas Burke, Supervisor, Environmental Planning Section *TB*

FROM: Chuck Schneider, Planner III, Environmental Planning Section CS

SUBJECT: **Yaman’s Estates; DSP-22032 and TCP2-011-2023**

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP-22032) and a Type 2 Tree Conservation Plan (TCP2-011-2023) accepted on March 22, 2023. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on April 14, 2023. Revised information was submitted on April 19, 2023. The EPS recommends approval of DSP-22032 and TCP2-011-2023, subject to recommended findings listed at the end of this memorandum.

BACKGROUND

Review Case #	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-035-05	N/A	Staff	Approved	7/27/2005	N/A
NRI-004-2023(EL)	N/A	Staff	Approved	1/9/2023	N/A
4-04148	N/A	N/A	Withdrawn	10/28/2004	
4-06017	TCP1-079-04	Planning Board	Approved	11/9/2006	06-250
DSP-22032	TCP2-011-2023	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

This DSP proposes development of a single-family detached dwelling on one lot of a three-lot subdivision. The current zoning for the site is Residential, Rural (RR); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Rural Residential (R-R) Zone.

GRANDFATHERING

The project is subject to the environmental regulations of Subtitle 25, and prior Subtitles 24 and 27 because the application has an approved Preliminary Plan of Subdivision (PPS 4-06017).

SITE DESCRIPTION

The subject property is located at 940 Bryan Point Road, on the south side of Bryan Point Road, approximately 575 feet south of the Helen Drive intersection, in Accokeek. Bryan Point Road is identified as a historic road and is classified as a collector road. Located adjacent off-site in the rear of the lot is future Dyer Drive. The previously approved Natural Resources Inventory (NRI-035-05)

does not identify any streams or floodplain on-site. This site has also been mapped by the Department of Natural Resources (DNR) as within a Stronghold watershed, but not listed as a Tier II catchment area. The property is in the Piscataway Creek watershed of the Potomac River basin. This property is not within the Sensitive Species Project Review Area (SSPRA), according to PGAtlas.com. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*. According to the *Countywide Green Infrastructure Plan* and the *Approved Prince George's County Resource Conservation Plan* (May 2017), the entire project area is identified as Evaluation Area.

REVIEW OF PREVIOUSLY APPROVED CONDITIONS

The following text addresses previously approved environmental conditions to be considered with this application.

The Planning Board approved PPS 4-06017 on November 9, 2006. The conditions of approval can be found in PGCPB No. 06-250. The approved conditions that are environmental in nature for 4-06017 are listed below in bold text.

- 2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.**

The submitted TCP2 will be reviewed with the subject DSP.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.**

As part of this DSP, an updated Stormwater Management (SWM) Concept Plan (#17336-2022-00) was submitted. This updated plan is in conformance with the submitted DSP and expires February 14, 2026. The concept plan shows the site using three dry wells and disconnection of non-rooftop to meet the on-site SWM requirement.

- 5. The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/79/04), or as modified by the Type II 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/Tree Preservation Policy.”

This condition was met at the time of final plat.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

A Natural Resource Inventory plan (NRI-035-05) for the entire three-lot subdivision was approved on July 27, 2005, and was provided with this application. The NRI shows the entire lot as wooded with no regulated environmental features (REF). This NRI is expired, and a NRI Equivalence Letter (EL), NRI-004-2023, was submitted just for the subject application area. The TCP2 and DSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-011-2023) was submitted with the DSP application. The subject lot is part of a 1.99-acre three-lot single-family residential subdivision.

Based on the TCP2 submitted with this application, the site's gross tract and net tract area is 0.46-acre and contains 0.46-acre of woodlands. The Woodland Conservation Worksheet proposes the removal of 0.28 acres of the net tract area for a woodland conservation requirement of 0.09-acre. The applicant proposes to use 0.09-acre of the on-site wooded scenic easement area along Bryan Point Road to meet this requirement. The remaining on-site woodlands, 0.09-acre, are within an area of woodlands preserved, not credited. This lot fronts on Bryan Point Road and backs onto future (not constructed) Dyer Drive. A 10-foot public utility easement (PUE) is proposed off both roadways and is shown as retained woodlands assumed cleared.

Currently, the TCP2 shows the proposed development of a single house, driveway, parking pad, three dry wells (stormwater structures), and woodland preservation.

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 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 site contains one specimen tree (Black oak) in fair condition, which is proposed to be retained within the on-site 40-foot Scenic Easement area.

Specimen Tree Schedule Summary

SPECIMEN TREE	COMMON NAME	Diameter (In inches)	CONDITION	DISPOSITION
1	Red maple	31	Fair	To be saved (Lot 1)
2	Black oak	31	Fair	To be saved (Subject Lot 2)

Stormwater Management (SWM)

The site has an approved SWM Concept Plan (#17336-2022-00) that was submitted with the subject application. The SWM design is required to be reviewed and approved by the Department of Permitting, Inspections, and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This application proposes three dry wells and disconnection of non-rooftop to meet the on-site requirement. A SWM fee-in-lieu of \$250.00 for on-site attenuation/quality control measures is required. No further action regarding SWM is required with this DSP review.

Soils

The soils found to occur on this site, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are Grosstown gravelly silt loam and Woodstown sandy loam soils. Marlboro clays or Christiana complexes are not identified on or in the vicinity of this property.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS recommends approval of DSP-22032 and TCP2-011-2023, subject to the following findings:

Recommended Findings:

1. No specimen trees are proposed for removal with this application.
2. No regulated environmental features are located on the subject property.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



Melinda Bolling
Director

MEMORANDUM

March 23, 2023

TO: Andrew Shelly, Subdivision Review Section
Maryland-National Capital Park & Planning Commission

FROM: Shirley Anthony Branch, Water and Sewer Plan Coordinator *SAB*
Site/Road Plan Review Division, DPIE

RE: SDRC Comments – Yaman’s Estate DSP-22032

Below are my comments on a detailed site plan that is scheduled for review at the **April 14, 2023** SDRC meeting. This is a first response for this project. Should you have any questions regarding the attached information, please feel free to call me at 301.636.2060.

DSP-22032 Yaman’s Estates
Tax ID: 3939410
Tax map: 151, D-4; Lot 2
Acres: .459; Zoned: RR
WSSC Grid: 220SW01

1. The 2018 Water and Sewer Plan designates Lot 2 in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. The property appears undeveloped in the aerial views.
2. A water line in Bryan Point Road abuts the property. A sewer line in Bryan Point Road is within 225’ of Lot 2.

*The Department of Permitting, Inspections and Enforcement (DPIE) determines the validity in category designations of the Prince George’s County Water and Sewer Category Maps. Information reflects the category designated by the 2018 Water and Sewer Plan and its amendments deemed accurate as of **January 5, 2023**. Any dispute of the designated category or comments herein may be addressed to the Site/Road Plan Review Division, Water and Sewer Plan Coordinator, at 301.636.2060.*

cc: Mary C. Giles, P.E., Associate Director, S/RPRD, DPIE
Nanji W. Formukong., South District, S/RPRD, DPIE

Additional Back-up

For

**DSP-22032
Yaman's Estates**

Oppose Development on Bryan Point Rd

Seasonal Wetland = Bioretention

The forest located at 480, 490, 500 Bryan Point Road serves as a much needed bioretention area to a struggling and eroding stream.

This area floods and holds water during heavy rain events and rainy seasons, therefore it appears to be a seasonal wetland.



Piscataway Creek Watershed needs bioretention upstream

Why are wetlands or bioretention areas important?

Wetlands provide critical habitat for hundreds of species of fish, birds, mammals and invertebrates while improving the health of the Bay by collecting and storing flood waters, filtering polluted runoff and weakening storm surges. Wetlands also help protect shorelines and property, as well as provide opportunities for outdoor activities.

Source: Chesapeake Bay Program

Stormwater Management Concept

“The Prince George's County Department of Environmental Resources approved Stormwater Management Concept, CSD #23544-2004-00, on July 19, 2004.”

Development in the surrounding area has increased since 2004.



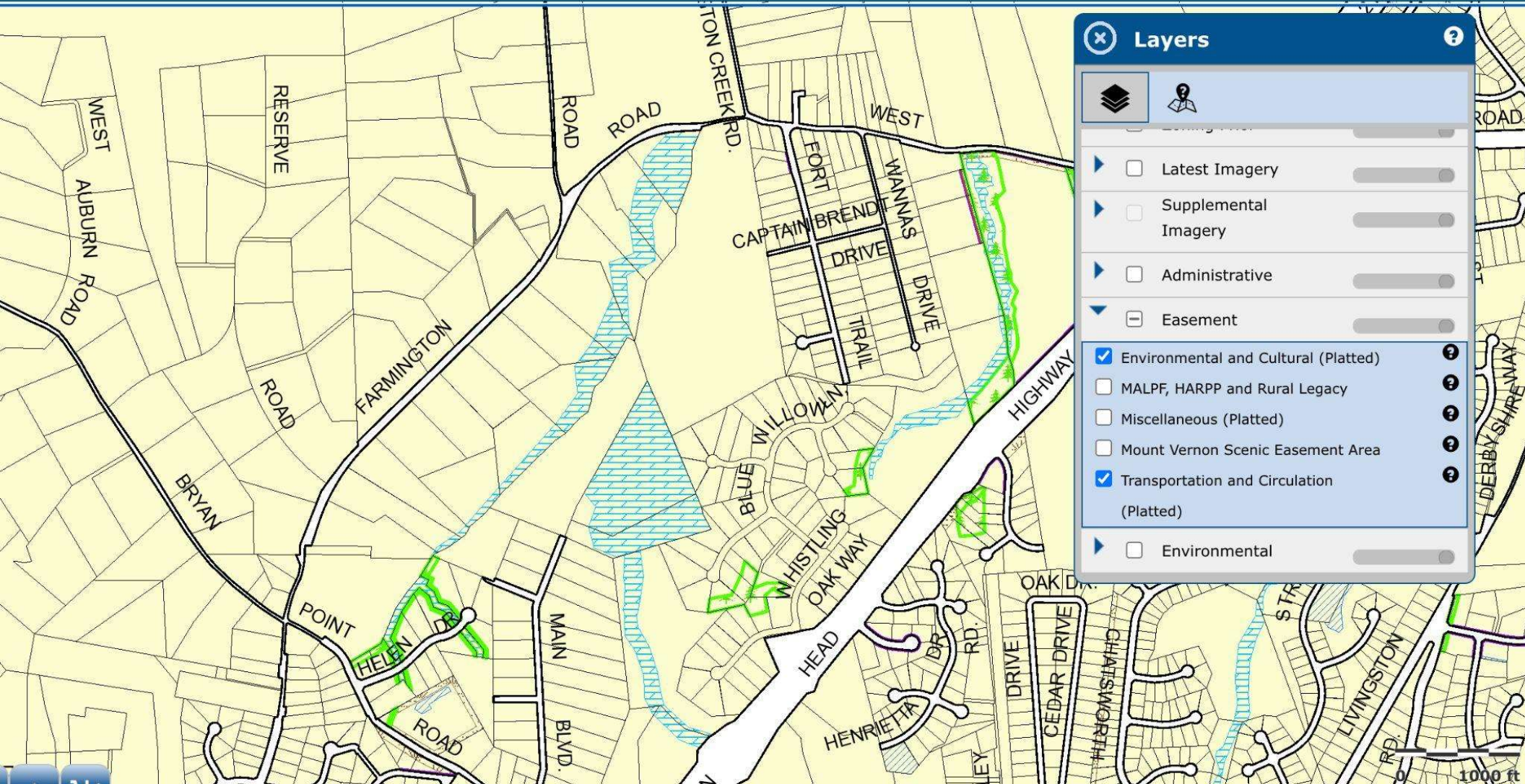
2000



2022

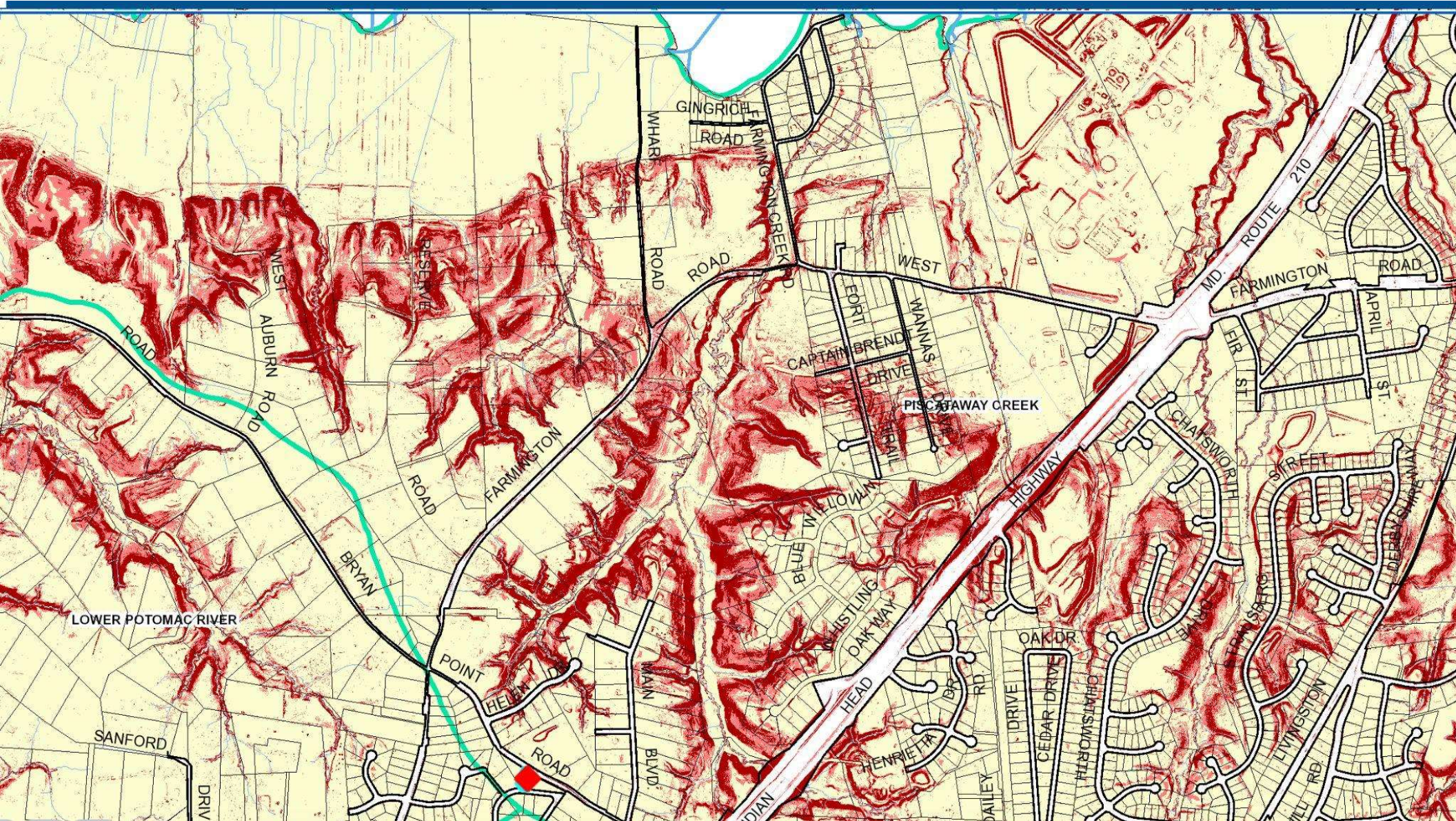
Source: PGAtlas





Layers

- Latest Imagery
- Supplemental Imagery
- Administrative
- Easement
- Environmental and Cultural (Platted)
- MALPF, HARPP and Rural Legacy
- Miscellaneous (Platted)
- Mount Vernon Scenic Easement Area
- Transportation and Circulation (Platted)
- Environmental



NEWS

Mirroring Mother Nature

Hiding in plain sight, plant-filled bioswales filter stormwater naturally

Dylan Darling dylan.darling@registerguard.com

Published 5:00 a.m. PT Aug. 12, 2019 | Updated 1:16 a.m. PT Aug. 12, 2019



Springfield city workers Meghan Murphy, left, and Mary Healy visit a bioswale called Corporate Pond near International Way in Springfield that provides an area of runoff and filtering for a large swath of land in the Gateway area. [Chris Pietsch/The Register-Guard] *Register-Guard*

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“The world has changed,” he said.

“We now have computers, we don't use a typewriter, right? We've gone from putting (stormwater) into pipes and getting it out of here as fast as we can, to also thinking about not flooding the downstream property owner, (to instead) getting the water into the ground and removing the pollutants before it gets into the riverine systems.”

Source: Paul Wirfs, state hydraulic engineer with the agency in Salem- [The Register Guard](#) 2019

2012



2021



2012



2022



2022:
Piping water
directly into the
stream on
each side of
Farmington
Creek Rd





