

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 [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

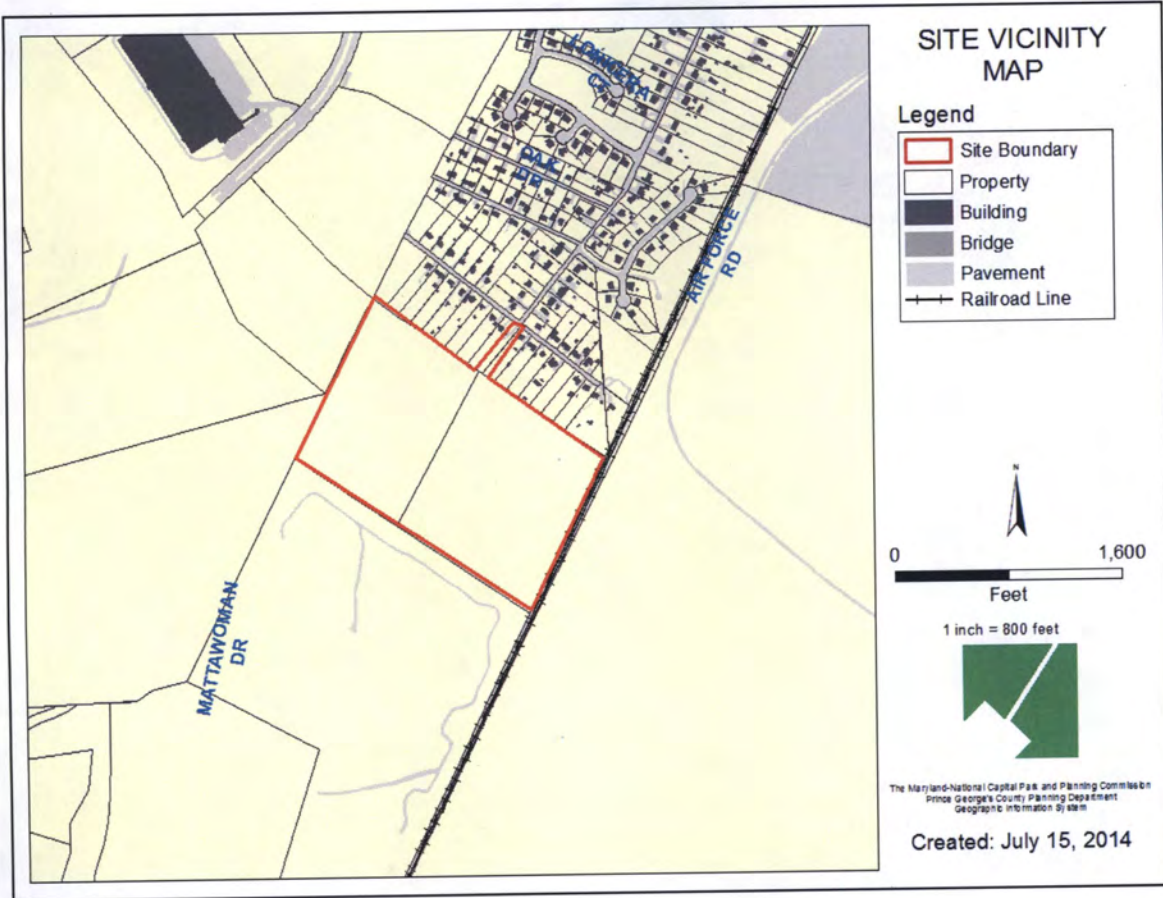
**Conceptual Site Plan**  
**Detailed Site Plan**

**CSP-12002**  
**DSP-12033**

Application	General Data	
<b>Project Name:</b> Mattawoman-Brandywine Commerce Center North  <b>Location:</b> Southwest of the intersection of Timothy Road and Brandywine Heights Road, and west of Consolidated Rail Corporation railroad.  <b>Applicant/Address:</b> Mattawoman Development, LLC c/o Dan Lynch 6411 Ivy Lane Ste. 200 Greenbelt MD 20770	Planning Board Hearing Date:	07/31/14
	Staff Report Date:	07/17/14
	Date Accepted:	05/21/13
	Planning Board Action Limit:	Waived
	Plan Acreage:	56.91
	Zone:	I-3/R-R
	Dwelling Units:	N/A
	Gross Floor Area:	4,750 sq. ft.
	Planning Area:	85A
	Council District:	09
	Election District:	11
	Municipality:	N/A
	200-Scale Base Map:	219SE08

Purpose of Application	Notice Dates	
Installation of Solar Panels (Public Utility Use or Structure)  Variances from Section 27-471(h)(l) due to lack of frontage on and direct vehicular access to a street having a right-of-way width of at least 70 feet; Section 27-474(d) for frontage width of less than 150 feet; and from Section 25-119(d) for the removal of two specimen trees.	Informational Mailings:	08/13/12
	Acceptance Mailings:	05/10/13
	Sign Posting Deadline:	07/01/14

Staff Recommendation		Staff Reviewer: Meika Fields Phone Number: 301-780-2458 E-mail: <a href="mailto:Meika.Fields@ppd.mncppc.org">Meika.Fields@ppd.mncppc.org</a>	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT:     Conceptual Site Plan CSP-12002  
              Detailed Site Plan DSP-12033  
              Type 2 Tree Conservation Plan TCP2-011-13  
              Mattawoman-Brandywine Commerce Center North

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

EVALUATION

The conceptual site plan (CSP) and detailed site plan (DSP) were reviewed and evaluated for conformance with the following criteria:

- a.     The requirements of the Zoning Ordinance in the Planned Industrial/Employment Park (I-3) Zone.
- b.     The requirements of the 2010 *Prince George's County Landscape Manual*.
- c.     The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.
- d.     Referral comments.

FINDINGS

Based upon the analysis of the subject conceptual site plan (CSP) and detailed site plan (DSP), the Urban Design Section recommends the following findings:

1.     **Request:** The subject application is for approval a CSP and DSP for a solar powered electric generating facility.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	I-3/R-R	I-3/R-R
Use(s)	Vacant	Public Utility Use or Structure
Acreage	56.91	56.91
Square Footage/GFA	0	4,750

**Parking Requirements**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Maintenance Building (1 space per 500 sq. ft.)	10	10
of which	1	(1 Van-Accessible)
Handicap Spaces		
Total Loading space	0	0

3. **Location:** The 56.91-acre property is located southwest of the intersection of Timothy Road and Brandywine Heights Road and west of a Consolidated Road Corporation railroad in Brandywine, Maryland. The site is also located in Planning Area 85A, Council District 9.
4. **Surrounding Uses:** The subject property is bounded to the north by single-family homes in the Rural-Residential (R-R) Zone; to the east by a railroad line beyond which is Joint Base Andrews Naval Air Facility Washington Communications Facility; to the south by a recycling plant and undeveloped properties in the Heavy Industrial (I-2) Zone; and to the west by undeveloped properties in the Residential-Medium Development (R-M) Zone with an approved comprehensive design plan known as the Villages of Timothy Branch.
5. **Previous Approvals:** The subject property was rezoned from the R-R Zone to the Planned Industrial/Employment Park (I-3) Zone pursuant to the April 1978 Sectional Map Amendment for the Brandywine, Mattawoman, Pleasant Springs, and Cedarville Communities of Subregion V, Planning Areas 85A and 85B. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the I-3 Zone.
6. **Design Features:** The applicant is proposing to develop the subject property with a solar powered electric generating facility capable of generating 4.4 megawatts. Approximately 1,600 proposed solar panels and two inverter areas are proposed on approximately 26.43 acres of the 56.91-acre site. Each solar panel assembly is approximately 13 feet in width by 36.5 feet in length, and upon installation will have a height of up to 7.6 feet.

The applicant proposes to clear 41.02 acres of existing woodlands, and fill the site, which will elevate the level of the ground surface an additional two to 25 feet. Staff understands that much of the fill for the site will come from the property owner's (Soil Safe) adjacent properties to the south, which operates as a soil recycling business. The site will be graded and grass will be planted. The solar powered electric generating facility, or solar field, will slope down to the southeast, away from the residentially-zoned properties to the north and west. A variable width, 60 to 250-foot-wide buffer of existing trees is proposed to be retained along the northern and western property line, which will offer screening between adjacent residential uses and the

subject use. An eight-foot-tall chain-link fence with barbed wire on top is proposed around the perimeter of the solar field for security purposes.

The applicant is also proposing to construct a 4,750-square-foot maintenance building in the southeast corner of the site. This building will be served by a ten-space surface parking lot.

The subject site has legal access to Timothy Road to the north via a 30-foot right-of-way for ingress and egress; however the applicant proposes to access the use from the south. An access easement has been provided which illustrates this connection to Mattawoman Drive.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the Planned Industrial/Employment Park (I-3) Zone, Rural-Residential (R-R) Zone, the site plan design guidelines, and additional requirements of the Zoning Ordinance. Approval of a CSP and DSP is required for all uses and improvements in the I-3 Zone, in accordance with Part 3, Division 9, of the Zoning Ordinance. The following discussion is provided:

- a. The application is subject to the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in industrial zones. The subject application proposes a public utility use or structure, including electric power facilities or equipment, which is permitted in the I-3 and R-R Zone.
- b. The subject property has 30 feet of frontage on Timothy Road. Section 27-471(h)(1) of the Zoning Ordinance requires that property located in the I-3 Zone have direct vehicular access to a street having a right-of-way width of at least 70 feet. The subject property has access to a street with a right-of-way width of 30 feet. In addition, Section 27-474(d) requires 150 feet of frontage for property located in the I-3 Zone. Therefore, the applicant is requesting a variance of 40 feet from Section 27-471(h)(1) and a variance of 120 feet from Section 27-474(d) as part of the conceptual site plan.
- c. The I-3 Zone contains the following additional regulations:

### **Section 27-471(f). Regulations.**

- (1) **Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

**Comment:** Additional regulations referenced above have been reviewed as applicable and are discussed in this report.

- (2) **Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or**

**interstate highways; and makes better use of existing topography or complements the architectural design of the building.**

**Comment:** The subject application includes a 4,750-square-foot maintenance building with roll up garage door entrances only. This standard does not appear to be applicable to the proposed use.

- (3) **No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

**Comment:** No loading docks are proposed on the site.

**Section 27-471(h). Required access.**

- (1) **Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

**Comment:** The subject property has 30 feet of frontage and legal access to Timothy Road, which is a 30-foot-wide right-of-way. The applicant requests a variance from this section as part of the subject conceptual site plan. For additional discussion see Finding 8.

**Section 27-471(i). Minimum area for the development.**

(i) **Minimum area for the development.**

- (1) **The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.**
- (2) **If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (3) **If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (4) **If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A, or C-O Zone that could be used to comply with the provisions of paragraph (1), (2), or (3), above.**

**Comment:** The subject site is 56.91 acres, which meets the requirements of the above provision.

- d. Section 27-474 (d), Regulations, Table III, Lot Frontage requires 150 feet of frontage for a property located in the I-3 Zone. The applicant is requesting a variance of 120 feet from

Section 27-474(d) as part of the subject conceptual site plan. For additional discussion see Finding 8.

8. **Required Findings for Approval of a Variance:** The applicant has submitted variance requests from 27-471(h)(l) due to lack of frontage on and direct vehicular access to a street having a right-of-way width of at least 70 feet; and from Section 27-474(d) for frontage width of less than 150 feet. The applicant provides the following summarized justification for the variance request:

The subject property has access to and frontage on Timothy Road, which has a right-of-way width of 30 feet. There are no other streets proposed that will provide access to the subject property. The 2013 Master Plan for Subregion 5 proposes the alignment of A-55 to the south of the subject property. However, as part of the proposed development of the solar facility, the applicant is proposing to access the subject property through the property to the south via a private easement.

Section 27-230(a) of the Zoning Ordinance outlines the findings that must be made in order to approve a variance application. The variance application satisfies the requisite findings outlined in Section 27-230(a) as follows:

1. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Applicant's Justification:**

The applicant is proposing to develop the subject property with a solar facility. Once the facility is constructed, the operation will generate a de minimus amount of vehicular traffic. The 70 foot right-of-way requirement and 150 foot frontage requirement anticipate development of an industrial/employment park that would generate a significant amount of daily vehicular traffic. The subject property was rezoned to the I-3 Zone over 20 years ago and was to be developed as part an overall employment area in Brandywine and referenced in the 1993 Subregion V Master Plan and Sectional Map Amendment. The subject property was designated in the Subregion V Plan as being located in Employment Area C, Brandywine Mattawoman Industrial Area. The Master Plan shows that the access to Employment Area C would be via A-55 (the 80 foot wide Brandywine Spine Road) which was proposed and aligned to connect the industrial properties in the Employment Area to the regional highway network. However, that alignment does not touch the subject property. It was anticipated that the subject property would access A-55 through the Mattawoman Industrial Park via an internal road network or easement. The 2013 Subregion 5 Master Plan adjusted the alignment of A-55, but it still does not touch the subject property. Therefore, the applicant cannot comply with the requirement since there are no streets with a right-of-way width of 70 feet that are adjacent to the property.

**Comment:** The above statements were reviewed by the Community Planning Division and were determined to accurately represent the site history. The subject site was rezoned from the R-55 Zone to the I-3 Zone by the 1978 Sectional Map Amendment for the Brandywine, Mattawoman, Pleasant Springs, and Cedarville Communities of Subregion V, Planning Areas 85A and 85B. Staff concurs with the above statement and believes that the circumstances outlined, in which a property was zoned, I-3 but lacked access to a

public road which would permit it to be developed, constitute an extraordinary situation which justifies approval of the requested variance.

2. **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

**Applicant's Justification:**

As indicated above, unless the variance is approved, the applicant will not be able to develop the property with a permitted use. The only access to the property is via a 30 foot right-of-way. It has been anticipated since the approval of the 1993 Master Plan for Subregion V that the property would be accessed from the south and at no time since the rezoning has a public street with a 70 foot right-of-way been proposed in the Master Plan or in the Master Plan of Transportation. The strict application of this Subtitle would result in practical difficulties, as it is impossible to develop the subject property without relief from these sections of the Zoning Ordinance.

**Comment:** Without approval of the proposed variances, the subject property will not be able to be developed with permitted uses. Staff concurs with the above statement and recommends that the Planning Board adopt the statement as a finding.

3. **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**Applicant's Justification:**

The 2013 Approved Master Plan and Sectional Map Amendment for Subregion 5 recommends Industrial Land Uses for the subject property and retained the property in the I-3 Zone. However, the Master Plan does not propose a future right-of-way that would service the property. Mattawoman Drive is located to the south of the subject property and it was anticipated that the subject property as well as the property located to the south would be accessed via easements to Mattawoman Drive. Granting the variance in anticipation that the property will be accessed from the south therefore conforms to the Master Plan.

**Comment:** Community Planning staff has reviewed the above statement and concurs that the subject proposal conforms to the land use recommendations in the master plan; therefore, approval of the variance will not impair the integrity of the *Plan Prince George's 2035 Approved General Plan* or the *2013 Approved Subregion 5 Master Plan and Sectional Map Amendment*.

9. **2010 Prince George's County Landscape Manual:** The proposal for the installation of solar panels and a 4,750-square-foot maintenance building on Parcels 6 and 7 is subject to Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* Landscape Manual). The subject application also includes part of Lot 21, which will not be the subject of any building or grading permit and is not subject to any requirements of the Landscape Manual at this time.

The following additional information is provided:

- a. **Section 4.2—Requirements for Landscaped Strips along Streets** specifies that, for all nonresidential uses in any zone and for all parking lots, a landscaped strip shall be



provided on the property abutting all public and private streets. Parcels 6 and 7 do not have frontage on a public street, and are not subject to this section.

- b. **Section 4.3**—Parking Lot Requirements does not apply because the proposed ten-space parking lot is less than 7,000 square feet.
- c. **Section 4.4**—Screening Requirements require that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The property will be adequately screened from adjacent residential uses to the north.
- d. **Section 4.7**—The site is subject to Section 4.7, Buffering Incompatible Uses. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.

Whereas a minimum 40-foot-wide landscape buffer is required between the proposed public utility use on Parcels 6 and 7 and adjacent single-family homes to the north, the application indicates a variable width 120-foot to 320-foot-wide buffer with existing trees and reforestation. Staff supports these wider landscape yards and requests that they be delineated on the landscape plan.

Along the western property line, the development abuts vacant R-M zoned property. A Section 4.7 schedule and bufferyard should also be delineated along this property line to buffer future residential uses from the subject proposal.

- e. **Section 4.9**—Section 4.9, Sustainable Landscaping Requirements, requires a percentage of plants within each plant type, including shade trees, ornamental trees, evergreen trees and shrubs, to be native species or the cultivars of native species. The Section 4.9 schedule shows the retention of existing plant material only. Any new plant material will be subject to this section.

10. **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 (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. Both plans are being concurrently reviewed along with the required Type 2 tree conservation plan. Because of the nature of the application, and the proposed use on the subject property, a TCP2 has been determined to be appropriate to satisfy the woodland conservation requirements of the CSP and DSP.

- a. **Type 2 Tree Conservation Plan TCP2-011-13**—The TCP2 covers two parcels with a gross and net area of 56.91 acres. The site contains 51.82 acres of upland woodlands and no 100-year floodplain. The TCP2 proposes clearing 41.02 acres of the upland woodlands, and 0.14 acres of off-site clearing. The woodland conservation threshold for this property based on the I-3 zone is 15 percent of the net tract, which is equal to 8.49 acres. Based upon the proposed clearing of 41.16 acres, the total woodland conservation requirement including the ¼: 1 replacement for clearing above the threshold, and 1:1 replacement for off-site clearing is 18.96 acres.

The TCP2 proposes to meet the requirement with 10.62 acres of on-site preservation, and 8.34 acres of on-site afforestation/reforestation. This fulfills the numeric woodland

conservation requirement entirely on-site. This is consistent with priorities for woodland conservation established with the state Forest Conservation Act (FCA) and local ordinance, and with guidance provided by the 2005 *Approved Countywide Green Infrastructure Plan* for the Mattawoman Creek Special Conservation Area (SCA).

The top three priorities for woodland conservation are contained in Section 25-121(b) of the County Code and include, in the order listed: land within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*, critical habitat areas, and contiguous wooded areas. Because the entire site is located within a Regulated Area and Evaluation Area of the 2005 *Approved Countywide Green Infrastructure Plan*, and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site and according to the priorities established by the WCO to the fullest extent possible. On-site preservation of existing woodlands in expanded riparian buffer areas which provide potential Forest Interior Dwelling Species (FIDS) habitat is the highest priority.

The applicant has proposed to provide the entire woodland conservation requirement on-site through a combination of woodland preservation and reforestation.

The Type 2 Tree Conservation Plan (TCP2-011-13) has also been reviewed for conformance with the technical requirements of the Woodland and Wildlife Habitat Conservation Ordinance and the Environmental Technical Manual (ETM), effective September 1, 2010.

The TCP2 was found to be in conformance with the ETM except for technical revisions which must be addressed prior to certificate approval. Those modifications are included in the Recommendations Section of this report.

- b. **Woodland Conservation Easement**—Section 25-122(d)(1)(B) of the County Code requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP1 applications approved after September 1, 2010 and are not grandfathered.

The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

- c. **Variance from Section 25-122(b)(1)(G)**—Effective October 1, 2009, the state Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

TCP2 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance.

After careful consideration has been given to the preservation of the specimen trees and there remains a need to remove any of the specimen trees, a variance from Section

25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the COMAR. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance Application and a statement of justification in support of a variance for the removal of specimen trees were received by the Environmental Planning Section (EPS) on January 6, 2014. The specimen tree table on the TCP2 shows two specimen trees. The specimen tree table on the TCP2 and the statement of justification indicate the proposed removal of both specimen trees.

Section 25-119(d) of the WCO contains six required findings in [**bold text**] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the removal of two on-site specimen trees. Specimen Tree-1 (ST-1) is a 34-inch diameter American beech (*Fagus grandifolia*) in poor condition. Specimen Tree-2 (ST-2) is a 39-inch diameter American beech (*Fagus grandifolia*) in fair condition.

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

**Comment:** The two trees proposed to be removed are located within the central area of the site with existing ground elevations of 225 and 229 feet. Extensive fill is proposed on the site to provide a large flat pad site for the proposed use. Retaining the trees would make development of the site difficult because of the requirements to clear and grade the site in preparation for establishing the grades necessary for the installation of solar panels.

The trees proposed for removal are both American beech, in poor to fair condition. Beech trees are known to be intolerant of construction, and sensitive to root zone impacts. Protection of the critical root zone of the two specimen trees, based on their current health and vitality is possible, but would be unlikely to result in the long term retention of the trees. The proposed industrial use of the site, the extensive fill proposed, and changes to on-site hydrology would result in unsatisfactory results and an unwarranted hardship on the applicant who is seeking to develop the site in accordance with the existing zoning and allowed uses.

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

**Comment:** If other properties encounter similar species, in a similar location on a site, and in a similar condition, the same considerations would be provided during the review of the required variance application.

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

**Comment:** If other properties encounter similar species, in similar locations on a site, in similar condition, the same considerations would be provided during the review of the required variance application.

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

**Comment:** The existing conditions or circumstances are not the result of actions by the applicant.

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

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

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

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

Staff believes that the required findings of Section 25-119(d) of the County Code have been adequately addressed for the proposed removal of Specimen Trees 1 and 2.

16. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. All activities that require a grading permit after September 1, 2010 must provide the tree canopy coverage (TCC) percentages required by Section 25-128 of the Prince George's County Code. A TCC schedule has been provided on the landscape plan that demonstrates the site's conformance with the requirement. The site provides 33 percent, or 18.96 acres, of tree canopy with woodland conservation. The required tree canopy for this site is ten percent.
17. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Community Planning Division**—The Community Planning Division provided an analysis of the submission in a memorandum dated July 17, 2014. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the I-3 (Planned Industrial) Zone. The master plan designates industrial land use as the recommended future land use on the subject property. The proposal is consistent with this recommendation. This application should be referred to Joint Base Andrews for comment to ensure the proposed use does not pose a hazard to air navigation:

**Comment:** The subject application was referred to Joint Base Andrews for comment. Those comments are included in this report in Finding 17k.
  - b. **Environmental Planning Section**—In a memorandum dated May 28, 2014, the Environmental Planning Section provided the following comments:
    - (1) The property is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because there are no previously approved

development plans.

The project is also subject to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010, because there are no previous tree conservation plan approvals for the site.

- (2) Site Description: The subject property is a 56.91-acre site located between Timothy Branch and the Consolidated Rail Corporation railroad tracks between Timothy Road and Cedarville Road. A review of the available information indicates that there are intermittent streams and buffers extending onto the property, and associated nontidal wetlands and buffers, but no 100-year floodplain was found to occur on-site. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco, Beltsville, Croom-Marr and Grosstown. The Beltsville soils are in hydrologic group C and identified as hydric. According to PGAtlas.com, Prince George's County GIS database, Marlboro or Christiana clay does not occur on or in the vicinity of this site. The site has access to Timothy Drive, using a 30-foot-wide ingress/egress right-of way extending to the north, and to Mattawoman Drive through an access easement crossing properties to the south of the subject property. The site is not within a Sensitive Species Review Area based on the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources, but does contain a significant block of forest interior dwelling species habitat. The site is located within the Timothy Branch subwatershed, which drains to Mattawoman Creek and the Lower Potomac River. According to PGAtlas.com, this site contains Regulated and Evaluation Areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*, and is located in the Mattawoman Creek Special Conservation Area. Regulated environmental features are located on-site that should be preserved in conformance with the requirements of the woodland and wildlife habitat conservation ordinance.

- (3) An approved Natural Resource Inventory, NRI-039-12, in general conformance with the environmental regulations that became effective September 1, 2010, was submitted with the application, but does not accurately reflect the full extent of Forest Interior Dwelling Species habitat located on the site.

Prior to certification of the CSP and DSP, the NRI should be revised to reflect the full delineation of potential FIDS habitat on-site, linking with the adjacent riparian forest system, based on the definitions of FIDS habitat contained in Subtitle 25, Division 2.

- (4) An approved Stormwater Management Concept plan and approval letter was submitted with the subject application (24467-2012-00). The concept approval is for rough grading only "to prepare for future industrial development" and indicates that the stormwater concept will be superseded once ultimate development is confirmed. No stormwater management facilities are shown on the stormwater management concept plan, TCP2, CSP or DSP for this development.

The current application is for a specific allowed use and development of that allowed industrial use. There is a significant difference in stormwater run-off

quantity between 43.00 acres of existing woodlands in good condition, and 43.00 acres of turf which will occur under the development proposed. The stormwater management concept should be revised to reflect the proposed use of the site for the placement of extensive solar panels on the site assuming the installation will have a life-span of approximately 20 years, and provide for appropriate stormwater management with the current proposal.

**Comment:** The applicant provided a revised Stormwater Management Concept Approval No. 24467-2012-01, which is valid until December 19, 2016. The SWM concept approval is for the installation of solar panels. Micro bioretention areas are proposed for the access road, maintenance building, and parking lot. No further information is requested.

- (5) Prior to grading of the site, the county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan must be submitted prior to CSP certification so that the ultimate limits of disturbance for the project can be verified and correctly shown on the TCP2.

A copy of the final Erosion and Sediment Control Plan must be submitted prior to the issuance of grading permits to the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.

- (6) The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco, Beltsville, Croom-Marr and Grosstown. The Beltsville soils are in *hydrologic group C* and identified as *hydric*.

The application shows a significant amount of fill being placed on the site to create a development pad. At the northern boundary of the site, where the subject property is adjacent to residential development, the elevation is proposed to be raised by 18 feet in elevation in the northeast corner of the site and 25 feet in elevation at the western end of the pad site. This will have a significant visual impact on the adjacent residential dwellings, especially in areas where all trees are proposed to be removed, and a new landscape buffer via reforestation is proposed. The buffering proposed on the plan is 60 feet of existing woodlands and an additional 60 feet of reforestation to provide a transition between the proposed industrial use and existing residential uses to the north.

**Comment:** The Environmental Planning and Urban Design Staff recommends that the reforestation schedule be modified to include evergreen trees in addition to the proposed native deciduous trees in order to provide a more complete year-round buffer around the perimeter of the proposal.

- (7) Section 27-288(a) Effect of an approved Detailed Site Plans states the following:
- (a) **Grading, building, and use and occupancy permits shall be issued only in accordance with the approved Detailed Site Plan, and all development and use shall be as shown on the plan. Any departure**

**from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit, unless the plan is amended in accordance with the procedure set forth in Section 27-289.**

The proposed use of the site as shown on the CSP and DSP is a solar photovoltaic array. This type of use will require approval from the Public Service Commission (PSC), following the appropriate procedures for the size and generating capacity proposed.

Staff is concerned that no grading, specifically clearing of woodlands within the Mattawoman Special Conservation Area, be allowed on the site until there is some assurance that full construction can be implemented in accordance with the use approved by the CSP and DSP. Full implementation of the project cannot occur without PSC approval. In order to prevent extensive clearing and filling from occurring prematurely on the subject property, and the subsequent loss of woodlands and conservation habitat, staff recommends that a grading permit not be issued for this site until PSC approval for implementation of the solar-array is issued.

**Comment:** It is likely that the project will need PSC approval, however, it might qualify for an exemption. Nevertheless, the applicant should provide evidence that an interconnection agreement with a local electric company or public utility provider has been reached prior to M-NCPPC approval of grading permits.

c. **Subdivision Review Section**—In memoranda dated April 25, 2014, and July 1, 2014, the Subdivision Review Section provided the following comments:

- (1) The subject site is known as Parcels 6 and 7 and located on Tax Map 155 in Grid B-1, and part of Lot 21. The site is 56.91 acres and is zoned I-3 (56.61 acres) and R-R (12,825 square feet), and is currently wooded and undeveloped. The applicant submitted a conceptual site plan and detailed site plan for the development of a solar panel farm with 4,750 square feet of gross floor area (GFA) for an office use.
- (2) Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision (PPS) for deed parcels. Specifically, in this instance (including that part of Lot 21 created by deed) the property is subject to Section 24-107(c)(7)(B) which provides:
  - (7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**
    - (B) **The total development proposed for the subdivision on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand (5,000) square feet of gross floor area.**

Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site is exempt from the requirement of filing a PPS because the development proposed (4,750 square feet of GFA) does not exceed five thousand (5,000) square feet of

gross floor area.

- (3) Parcels 6 and 7 (I-3) are legal deed parcels that have never been the subject of a PPS or record plat. Part of Lot 21 (R-R) is a 30-foot-wide strip of land (12,825 square feet) which was created by deed and recorded in Liber 788 at Folio 295 on July 30, 1945, which is a legal division of land. In discussions with the applicant after the original acceptance of this application, staff was advised that the site in fact does have frontage along Part of Lot 21. The applicant then revised the DSP (dated March 14, 2014) to include part of Lot 21 (R-R) into the CSP and DSP. Therefore, the property is not landlocked and in fact does have frontage on a dedicated public street known as Timothy Road to the north which is a 30-foot-wide non-standard residential street within the Brandywine Heights residential neighborhood.
- (4) The applicant is proposing to access the site via a private easement extending south across Parcels 8 and 10 to Mattawoman Drive, a dedicated public street (VJ 173-92) with a 120-foot-wide right-of-way (ROW), which stubs into the south property line of Parcel 10. Parcels 8 and 10 are zoned I-2 and are also owned by the applicant, Soil Safe. A revised Ingress/Egress Easement Exhibit dated May 21, 2014, was submitted and referred to the Subdivision Section for comment on June 2, 2014. The exhibit contains sufficient information to determine adequate access for the site. In discussions with Washington Gas regarding the co-location of the access easement within a Washington Gas 50-foot-wide right-of-way, Washington Gas indicated that the application can move forward with the location of the access easement as proposed, but the applicant will need to coordinate with Washington Gas at the time of grading or construction.

- d. **Transportation Planning Section**—In a memorandum dated January 2, 2014, the Transportation Planning Section provided a review of the CSP and DSP. The conceptual and detailed site plans are requirements of the I-3 Zone. The plans must address general conceptual and detailed site plan requirements. The transportation-related findings related to both application types are extremely limited, and are related to issues of access. It appears that the single building is less than 5,000 square feet, and therefore a preliminary plan of subdivision will not be required. Due to the limited requirements of the site plans coupled with the limited trip-generating development being proposed, there is no means of reviewing off-site traffic issues. There are no prior approvals to which these plans must conform.

The site encompasses two unrecorded parcels. The applicant proposes a solar farm with two inverters and an operations building of 4,750 square feet. The development is estimated to generate 4 AM and 4 PM peak-hour vehicle trips; therefore, even if a subdivision were to be processed the traffic impact would be deemed to be *de minimus*. Access is proposed using a driveway across an adjacent property to Mattawoman Drive, a public street. While this is acceptable given the limited trip generation of the site, a right of access across the adjacent property is required prior to permit issuance.

Circulation is acceptable. The transportation staff has no comment regarding the layout of the fixtures proposed for this property.

The site is not within or adjacent to any transportation master plan facilities.



- e. **Historic Preservation Section**—In memoranda dated October 24, 2013 and November 14, 2013, the following analysis was provided:

A Phase I archeology survey was conducted on the subject property from August 2013 to September 2013. Two archeological sites, 18PR1061 and 18PR1062, were identified on the Mattawoman-Brandywine Commerce Center Property. Site 18PR1061 is a mid-twentieth century dwelling site with a ruined fireplace, chimney stack and brick-lined well located in the north central part of the property. Site 18PR1062 is an early nineteenth-century dwelling site located in the northwest portion of the property. Neither site retained sufficient integrity to warrant further investigations. No further work was recommended on sites 18PR1061 and 18PR1062.

Historic Preservation staff concurs with the conclusion and recommendation of the Phase I archeological study that no further archeological work is necessary on the Mattawoman-Brandywine Commerce Center North property. The solar power electric generating facility will also have no effect on identified Historic Sites, Resources, or Districts.

- f. **Special Projects Section**—In a memorandum dated October 30, 2013, the Special Projects Section provided no comment on the proposal, and indicated that it would have no impact on existing public facilities.

- g. **Prince George's County Department of Public Works and Transportation (DPW&T)**—During the review process the grading plan for the site was revised. In a memorandum dated June 10, 2013, DPW&T indicated that the site has an approved Stormwater Management Concept Plan No. 24467-2012. The grading is not consistent with the approved concept plan and the concept plan should be revised.

**Comment:** The applicant has obtained a revised Stormwater Management Concept Plan. This approved SWM concept plan reflects the solar installation proposal, and is valid until December 19, 2016.

- h. **Prince George's County Health Department**—In a memorandum dated November 7, 2013, the Health Department indicated that they completed a desktop health impact assessment review of Conceptual Site Plan CSP-12002 and Detailed Site Plan DSP-12033, Mattawoman-Brandywine Commerce Center North and have no comments.

- i. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 28, 2014 (Zellmer to Fields), PEPCO indicated that the subject site is outside Pepco's distribution service territory.

- j. **Southern Maryland Electric Cooperative (SMECO)**—In a memorandum dated February 14, 2014, SMECO provided summarized comments on the CSP and DSP, as follows:

- (1) SMECO has no pending interconnection request for the referenced solar farm project and has not granted conditional approval to interconnect to the local electric distribution system. As such, SMECO respectfully requests Prince George's County withhold plan approval at this time.
- (2) SMECO's electric service territory is non-Federal Energy Regulatory

Commission (FERC) jurisdictional and as such does not facilitate system interconnections for the purpose of participating directly with the Pennsylvania-New Jersey-Maryland Interconnection (PJM) marketplace at this time. Any such interconnection needs to occur through a negotiated purchase power agreement (PPA) directly with SMECO.

**Comment:** In response to the referral, the applicant indicated that connection with SMECO is not the only means of providing the proposed public utility service. Evidence of an interconnection agreement should be provided prior to grading permits.

- k. **Department of the Air Force**—In a memorandum dated May 28, 2014, the following information was provided by the Department of the Air Force:
- (1) The proposed Mattawoman Solar Power Facility property is located adjacent to the Joint Base Andrews- Naval Air Facility Washington Brandywine Communications Facility. This communications facility is critical to Joint Base Andrews operations and could be affected by any radio frequency noise generated by the proposed solar plant equipment. Additionally, there is potential glare resulting from the solar arrays that require additional analysis to determine impacts to flight operations.
  - (2) Joint Base Andrews leadership met with the applicant on April 21, 2014, to discuss the concept. In order to address the existing and ongoing Joint Base Andrews technical concerns discussed above, a second meeting was held on May 20, 2014 with technical experts from Energy Ventures and Joint Base Andrews.
  - (3) During our May 20, 2014 meeting with the applicant, the Air Force outlined the potential encroachment concerns that could result from the construction of the proposed solar facility. The primary concern is radio frequency interference from the facility could result in a change to the existing radio interference noise floor which could impact operations at the communications facilities. As a result of separate Mattawoman and Keys Natural Gas Generation Plant proposals, also in the vicinity of Brandywine Communications Facility, the Department of Defense Joint Spectrum Center is currently undertaking a study to evaluate the current level of radio frequency interference in the Brandywine area and the effect of the two proposed natural gas generation facilities on the communications facilities. We expect this study and our subsequent review, to be completed by July 31, 2014. However, this study will only evaluate the impacts of two proposed natural gas generation facilities and additional study will be needed to understand the cumulative impacts of the proposed solar facility.
  - (4) The Air Force and Energy Ventures discussed the potential of obtaining data on existing solar facilities which could provide comparable technical comparisons to the proposed facility. Because the solar facility's investors may present the primary impact to the noise floor, the inverter manufacturer may have existing data that could also benefit the Air Force's technical analysis. Energy Ventures provided the requested information to Joint Base Andrews on May 23, 2014. Their input includes the specifications for a the solar array modules, solar invertors, the latitude and longitude of the proposed facility, and four potential comparable test locations where radio frequency emissions could be evaluated.

Using this information, the Air Force will continue to work with Energy Ventures to determine any potential impact and mitigation techniques to ensure the proposed solar facility does not negatively impact Joint Base Andrews operations.

**Comment:** Joint Base Andrews raised a number of topics regarding the proposal, but did not specifically discuss the applicant's proposal to supply Joint Base Andrews with electricity generated by the subject solar facility.

1. **Prince George's County Police Department**—No Crime Prevention Through Environmental Design (CPTED)-related issues were raised with the subject application.
18. Based upon the foregoing analysis and as required by Section 27-276(b)(1) of the Zoning Ordinance, the subject conceptual 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.

In addition, as required by Section 27-276(b)(4) of the Zoning Ordinance, staff recommends that the Planning Board find that the regulated environmental features on the site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. Non-tidal wetlands and wetland buffers, streams and associated buffers are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property. The site also contains an isolated wetland along the northern property line. The regulated environmental features delineated on the CSP are outside of the development envelope on the subject property and have been preserved and/or restored to the fullest extent possible based on the information provided. No PMA impacts are approved with the current application.

19. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject 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.

In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, staff recommends that the Planning Board find that the regulated environmental features on the site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. Non-tidal wetlands and wetland buffers, streams and associated buffers are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property. The site also contains an isolated wetland along the northern property line. The regulated environmental features delineated on the DSP are outside of the development envelope on the subject property and have been preserved and/or restored to the fullest extent possible based on the information provided. No PMA impacts are approved with the current application.

## RECOMMENDATION FOR CONCEPTUAL SITE PLAN CSP-12002

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-12002, and

variances to Sections 27-471(h)(1) and 27-474(d), for Mattawoman-Brandywine Commerce Center, subject to the following conditions:

1. Prior to certification of the conceptual site plan, the following revisions shall be made, or information shall be provided:
  - a. Clearly label the extent of Parcels 6 and 7, and part of Lot 21 providing acreage and zoning.
  - b. Label the denial of access to Timothy Road pursuant to Section 24-128(b)(9).
  - c. Add the following note:  
"Vehicular access for the site is via an easement through the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24-128(b)(9)). The access easement is reflected on the Applicant's Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval."
  - d. Correct the acreage of the land that is the subject of the DSP to include part of Lot 21.
2. Prior to certification of the CSP, the natural resource inventory (NRI) shall be revised to reflect the full delineation of potential forest interior dwelling species (FIDS) habitat on-site, linking with the adjacent riparian forest system, based on the definitions of FIDS habitat contained in Subtitle 25, Division 2.
3. Prior to CSP certification, a copy of the approved Erosion and Sediment Control Concept Plan shall be submitted to the Environmental Planning Section to confirm the ultimate limit of disturbance (LOD) and conformance with the limit of disturbance shown on the TCP.

#### RECOMMENDATION FOR DETAILED SITE PLAN DSP-12033 AND TYPE 2 TREE CONSERVATION PLAN TCP2-011-13

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-12033, Type 2 Tree Conservation Plan TCP2-011-13, and a variance to Section 25-119(d), for Mattawoman-Brandywine Commerce Center, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
  - a. Delineate the right-of-way width for Timothy Road.
  - b. Provide new MNCPPC approval blocks on the plan.
  - c. Revise the Ingress/Egress Easement Exhibit as follows:
    - (1) Provide the proposed bearings and distances and square footage of the proposed vehicular access easement.
    - (2) Provide numbering which will include this as a sheet in the DSP site plan.

- d. Clearly label the extent of Parcels 6 and 7, and part of Lot 21 providing acreage and zoning.
  - e. Label the denial of access to Timothy Road pursuant to Section 24-128(b)(9).
  - f. Add the following note:  
 "Vehicular access for the site is via an easement through the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24-128(b)(9)). The access easement is reflected on the Applicant's Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval."
  - g. Correct the acreage of the land that is the subject of the DSP to include part of Lot 21.
  - h. Indicate conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual* along the western property line.
  - i. Indicate that a grass surface will be provided for the solar field.
  - j. Indicate an asphalt or paved surface for the parking area.
2. Prior to certification of the detailed site plan, the Type 2 tree conservation plan shall be revised as follows:
- a. Note 1 shall be revised to remove the second sentence.
  - b. A permanent tree protection device shall be shown on the TCP2 plan along the vulnerable edges of any afforestation/reforestation area.
  - c. The approval block shall be revised to include the TCP2 number in the correct hyphenated format and the associated site plan number shall be listed by the approval
  - d. The revised plan shall be signed and dated by the Qualified Professional who prepared it.
  - e. Add the following note:  
 "NOTE: This plan is in accordance with the following: A variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Add Date of Approval) for the removal of two specimen trees (Section 25-122(b)(1)(G)), ST-1 and ST-2."
  - f. Include conifer planting within the reforestation planting schedule.
3. Prior to the signature of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement."

4. Prior to Maryland-National Capital Park and Planning Commission (M-NCPPC) approval of building permits, the applicant, their heirs, successors, and assignees shall submit to M-NCPPC for approval a draft vehicular access easement benefitting Parcels 6 and 7 which extends across Parcels 8 and 10 to Mattawoman Drive, as reflected on the approved DSP-12033. The final plats shall include the benefitted and encumbered properties (Parcels 6, 7, 8, and 10) and shall be approved by the Planning Board authorizing the access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - a. The final plat shall delineate the alignment of the easement with bearings and distances.
  - b. The easement document shall set forth the rights, responsibilities and liabilities of the parties and the liber/folio of the easement, shall include the rights of M-NCPPC, and will be reflected on the plat prior to recordation.
5. Prior to M-NCPPC approval of any permits for this site, technical stormwater management plans for the subject property shall be submitted to the Environmental Planning Section which address appropriate stormwater management elements for the approved use of the site.
6. Prior to M-NCPPC approval of grading permits, a copy of the final Erosion and Sediment Control Plan shall be submitted to the Environmental Planning Section so the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.
7. Prior to M-NCPPC approval of grading permits, the applicant shall provide evidence of an interconnection agreement between the proposed electric generating station and a local electric company or public utility provider.

**ITEM:**

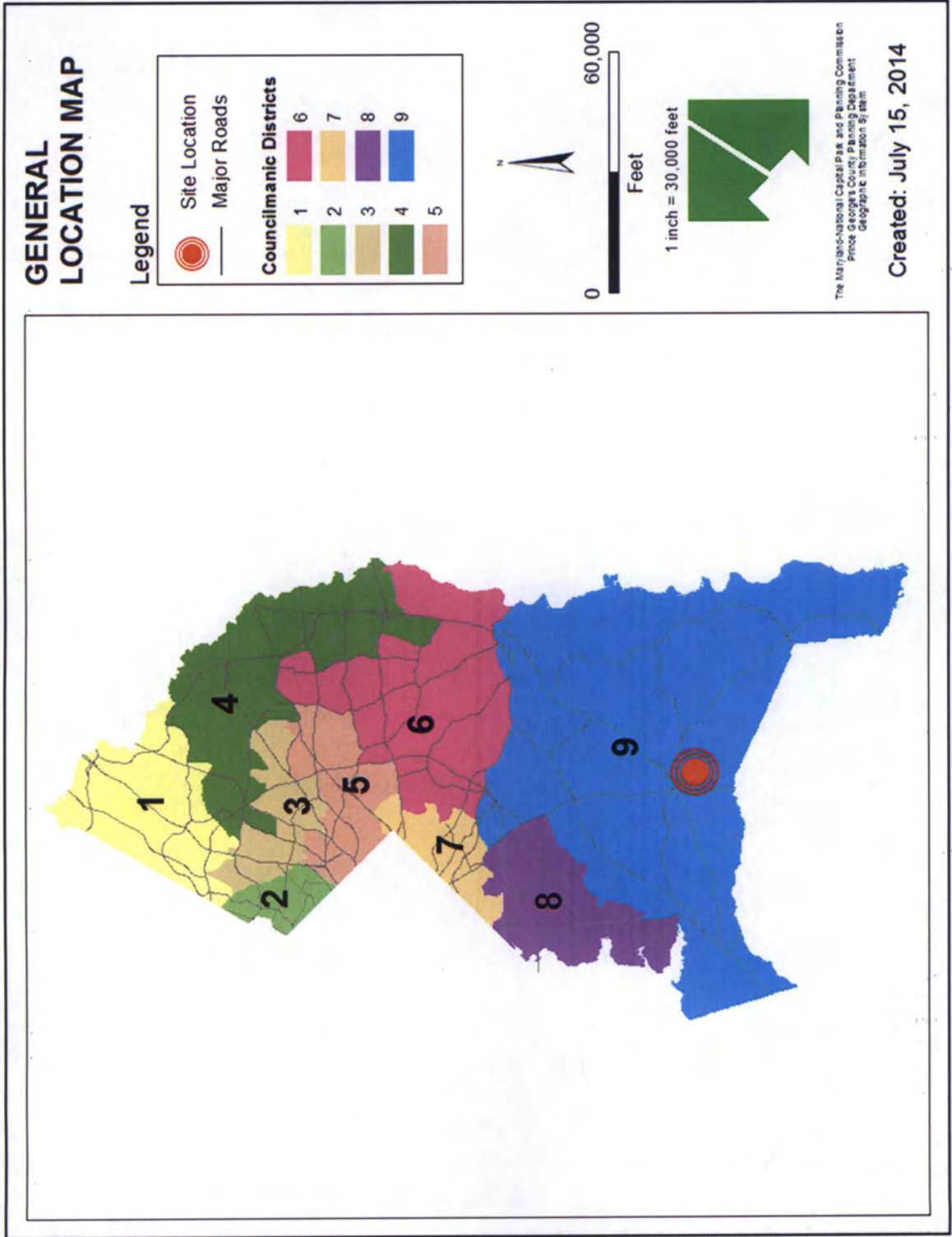
**CASE: DSP-12033 & CSP-12002**

**MATTAWOMAN-BRANDYWINE  
COMMERCE CENTER NORTH**

**THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT**

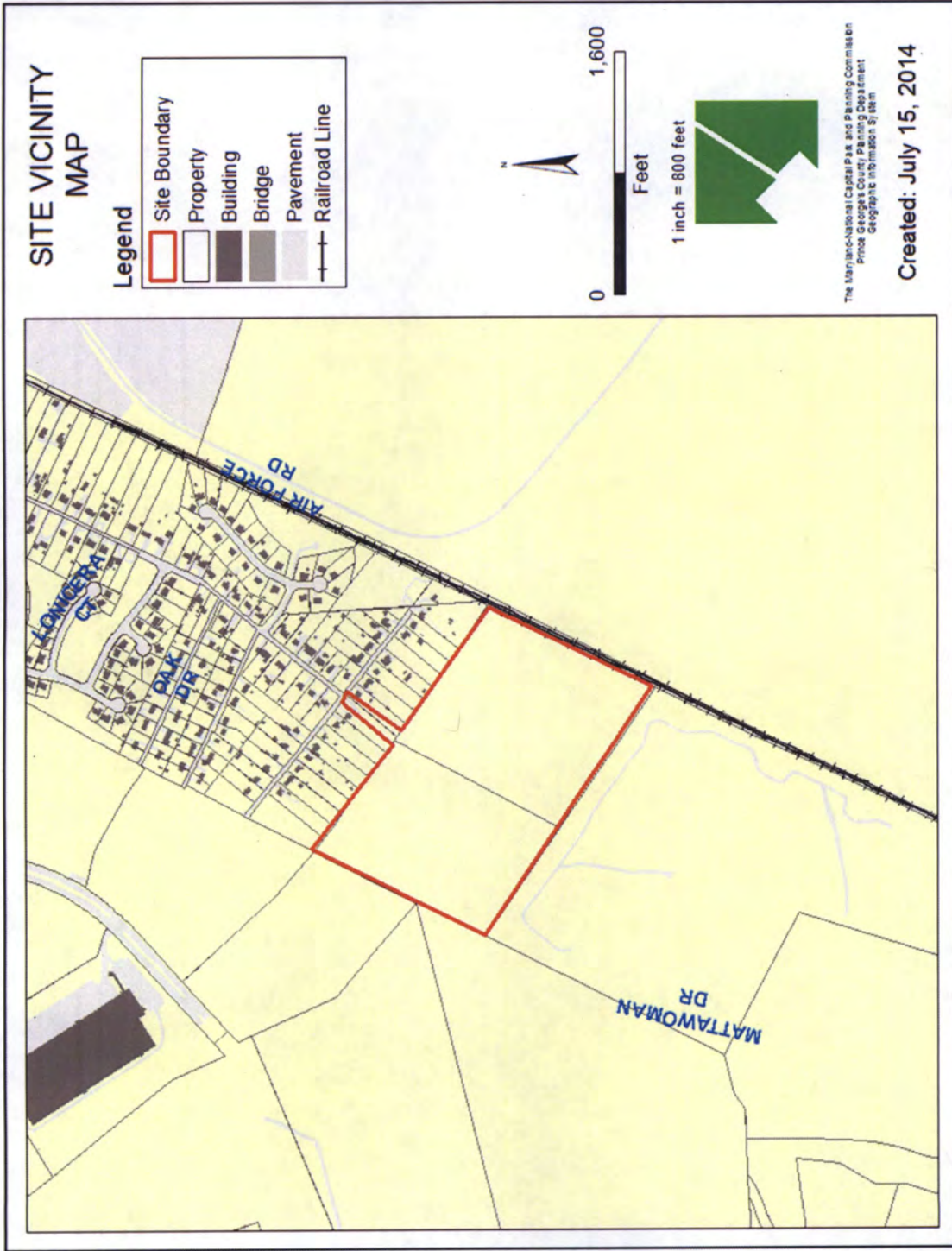


# GENERAL LOCATION MAP

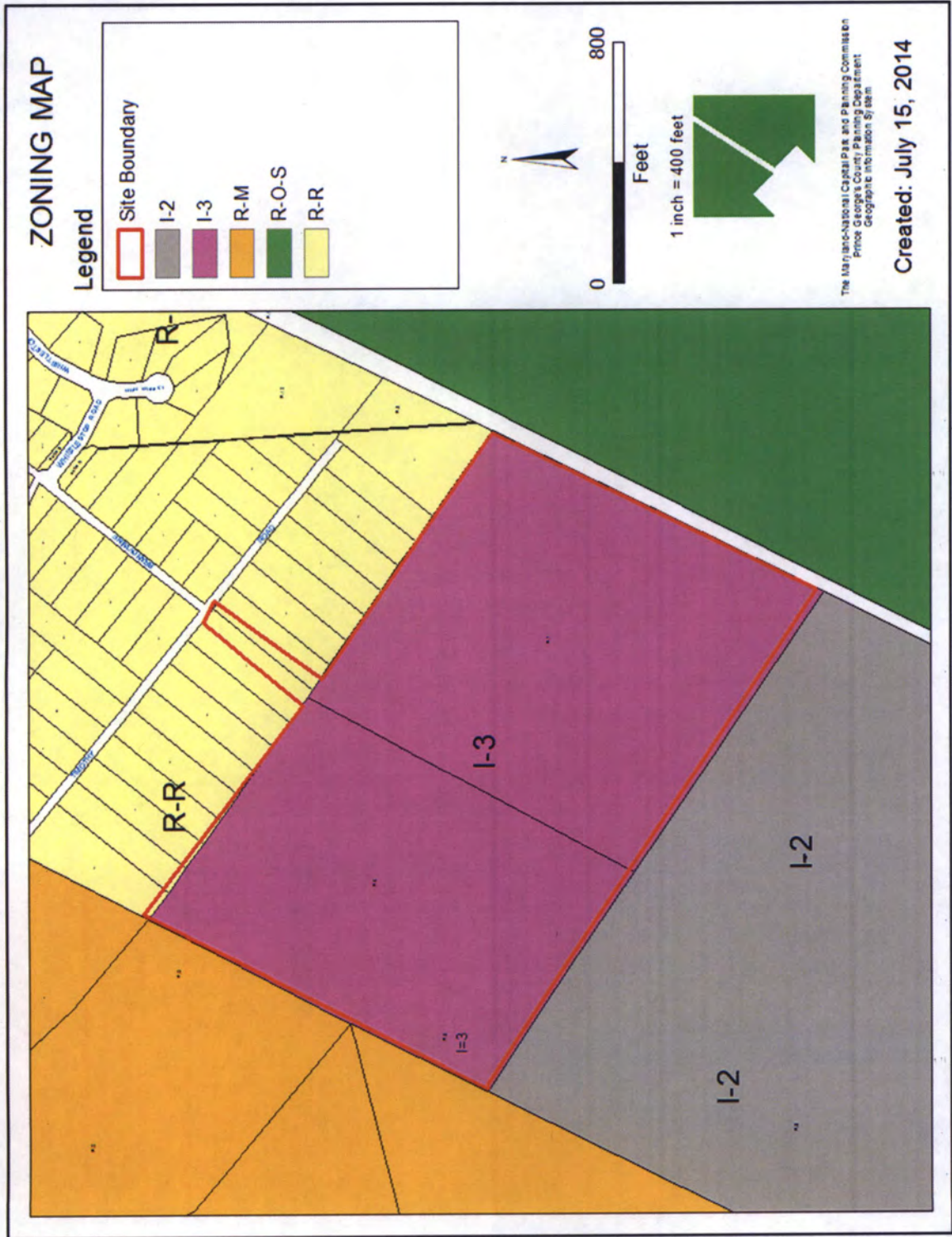




# SITE VICINITY



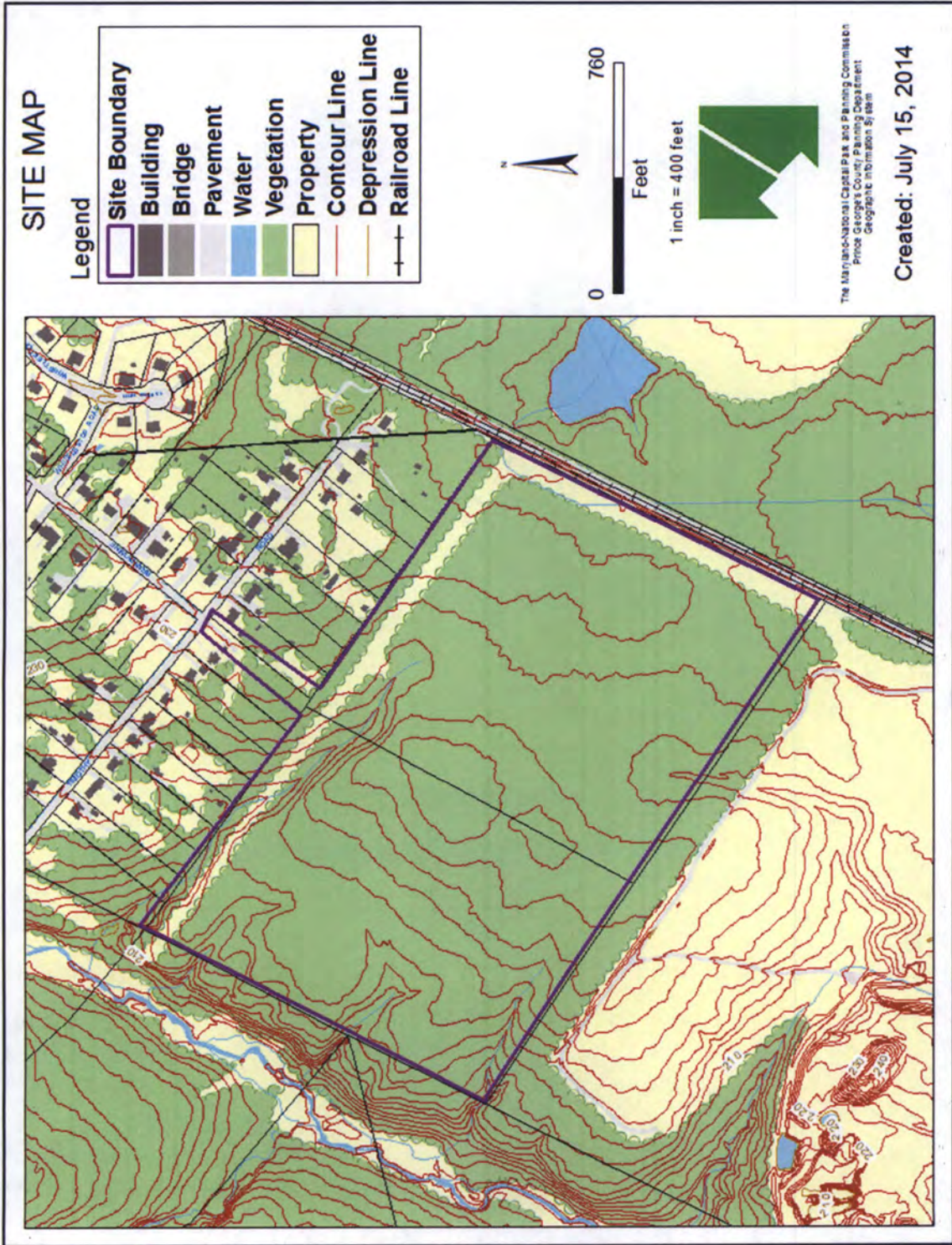
# ZONING MAP



# AERIAL MAP



# SITE MAP



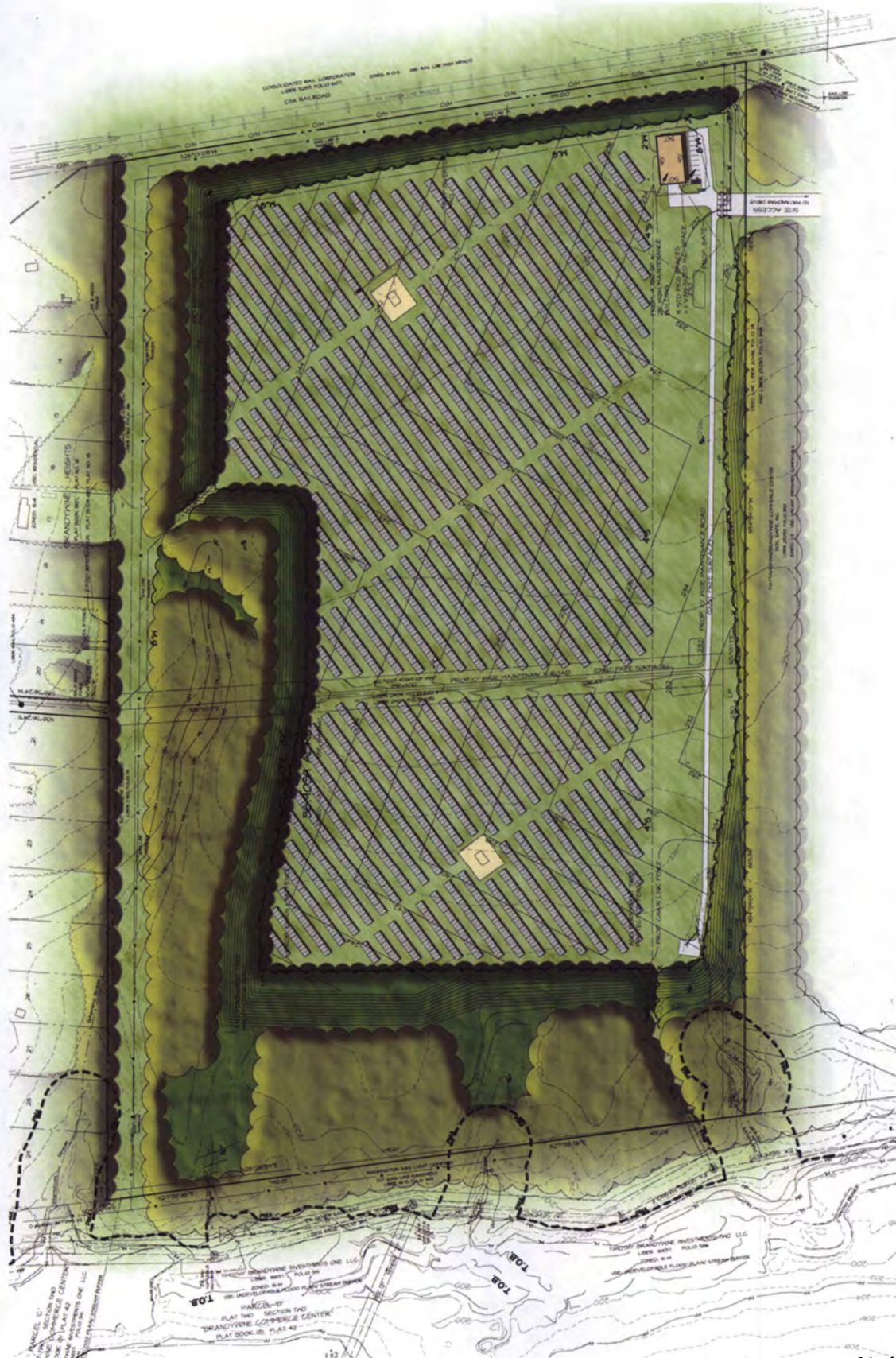
# MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW TO THE NORTH



# RENDERED LANDSCAPE PLAN



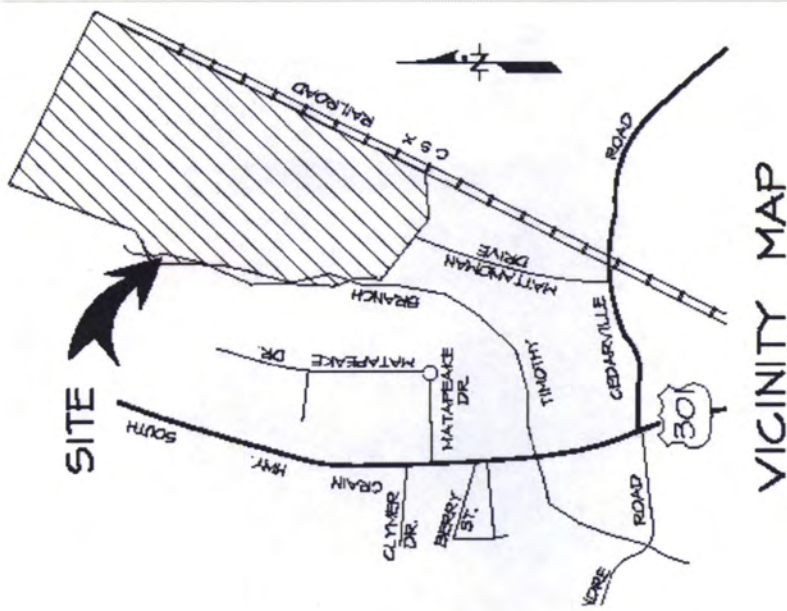








# INGRESS/ EGRESS EXHIBIT



BIRD'S-EYE VIEW TO THE SOUTH



**AMENDED STATEMENT OF JUSTIFICATION  
CSP-12002 and DSP-12033  
Mattawoman/Brandywine Commerce Center North**

APPLICANT: Mattawoman Development, LLC  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770

CORRESPONDENT: Daniel F. Lynch  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770  
301-441-2420 (P)  
301-982-9450 (F)  
[dlynch@mhlawyers.com](mailto:dlynch@mhlawyers.com)

REQUEST: Conceptual and Detailed Site Plan for Public Utility Use; Variance  
from Sections 27-471(h)(1) and 27-474(d)

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**I. DESCRIPTION OF PROPERTY**

1. Location – Located on the south side of Timothy Road, east of Timothy Branch and west of Consolidate Rail Corporation railroad in Brandywine
2. Proposed Use – Public Utility Use or Structure (solar powered electric generating facility)
3. Incorporated Area - None
4. Councilmanic District – 9
5. Parcel – 6 & 7
6. Subdivision – Mattawoman/Brandywine Commerce Center North
7. Total Area – Approximately 56.61 Acres
9. Tax Map – 155, Grid C1
10. Zoned – I-3

11. Zoning Map – 219SE08

12. Address – 16001 Mattwoman Drive, Brandywine, Maryland 20613

## II. APPLICANT'S PROPOSAL

The applicant is proposing to develop the subject property with a solar powered electric generating facility capable of generating 4.4 megawatts. The solar panels and inverter areas will be located on approximately 26.43 acres of the 56.61 acre site. The applicant is also proposing to construct a 4,750 square foot maintenance building in the southeast corner of the site. The site will be graded so that the solar field will slope down to the southeast and therefore not visible to the single-family homes located to the north of the subject property. The applicant is retaining an existing wooded buffer along a portion of the northern property line and installing a 4.7 bufferyard along the balance of that property line. The applicant is proposing to install an 8 foot chain-link fence around the parameter of the solar field for security purposes. The subject property has 30 feet of frontage on Timothy Road. Section 471(h)(1) of the Zoning Ordinance requires access that property located in the I-3 Zone have direct vehicular access to a street having a right-of-way width of at least 70-feet. The subject property has access to a street with a right-of-way width of 30 feet. In addition, Section 27-474(d) requires 150 feet of frontage for property located in the I-3 Zone. Therefore, the applicant is requesting a variance of 40 feet from Section 27-471(h)(1) and a variance of 120 feet from Section 27-474(d) as part of the Detailed and Conceptual Site Plans.

## III. COMMUNITY

The subject property is located in the Brandywine neighborhood. Its boundaries are as follows:

East: Popes Creek/Conrail Railroad line

North: Pepco power lines/Piscataway Creek

West: Piscataway Creek/Burch Branch

South: Burch Branch/Mattawoman Creek

The subject property is surrounded by the following zones and uses:

East: Popes Creek Railroad line

North: Single-family homes in the R-R Zone

West: Undeveloped property in the R-M Zone

South: Recycling plant in the I-2 Zone

#### **IV. DETAILED SITE PLAN**

##### **A. Criteria for Approval**

The applicant wishes to develop the subject property with a solar powered electric generating facility. Since the property is located in the I-3 Zone, Section 27-471(d) requires the approval of a conceptual and detailed site plan. Section 27-471(d) states:

A Conceptual Site Plan and Detailed Site Plan shall be approved for all uses and improvements in accordance with Part 3, Division 9, of this Subtitle.

Part 3, Division 9 contains the Planning Board procedure and design guidelines for Conceptual and Detailed Site Plans which state:

##### **Sections 27-276 and 27-285. Planning Board Procedures.**

###### **(b) Required findings.**

- (1) The Planning Board may approve a Conceptual Site Plan and a Detailed Site Plan if it finds that the plans 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;

COMMENT: The plans do represent a reasonable alternative for satisfying the site design guidelines. The site design guidelines are found in Section 27-274 of the Zoning Ordinance.

##### **Section 27-274. Design Guidelines.**

###### **(1) General.**

- (A) The Plan should promote the purposes of the Conceptual and [Detailed] Site Plan.

COMMENT: The purposes of the Conceptual Site Plans are found in Section 27-272(b) & (c) and the Detailed Site Plans are found in Section 27-281(b) & (c).

**Section 27-272. Purpose of Conceptual Site Plans.**

(b) General purposes.

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

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

(B) To help fulfill the purposes of the zone in which the land is located;

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

(D) To provide approval procedures that are easy to understand and consistent for all types of Conceptual Site Plans.

(c) Specific purposes.

(1) The specific purposes of Conceptual Site Plans are:

(A) To explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses;

(B) To illustrate approximate locations where buildings, parking lots, streets, green areas, and other similar physical features may be placed in the final design for the site;

(C) To illustrate general grading, woodland conservation areas, preservation of sensitive environmental features, planting, sediment control, and storm water management concepts to be employed in any final design for the site; and

(D) To describe, generally, the recreational facilities, architectural form of buildings, and street furniture (such as lamps, signs, and benches) to be used on the final plan.

**Section 27-281. Purpose of Detailed Site Plans.**

(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 economical development contained in the General Plan, Master Plan, or other approved plan;

(B) To help fulfill the purposes of the zone in which the land is located;

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

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

(c) Specific purposes.



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

(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;

(B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;

(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; and

(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: These Conceptual and Detailed Site Plans promote the purposes found in Section 27-281. Specifically, this plan helps to fulfill the purposes of the I-3 Zone in which the subject land is located. The applicant is proposing to develop the subject property with a solar powered electric generating facility. The plan gives an illustration as to the location and delineation of the solar panels, inverter pad and maintenance building proposed for this use.

In addition to the purposes set forth in Sections 27-272 and 27-281. Section 27-274 further requires the Applicant demonstrate the following:

(2) Parking, loading, and circulation

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.

COMMENT: The proposed use requires 10 spaces and the applicant is proposing 10 spaces.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.

COMMENT: There will be limited access to the site once it is operational. The applicant is proposing limited exterior lighting in the parking area.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

COMMENT: As indicated above, the applicant has designed the site to buffer this use from the adjoining residential property. The site will be graded so that it slopes away from the adjoining residential development and the applicant will preserve an existing wooded buffer along the northern property line. In that area of the northern property line that does not contain an existing wooded buffer, the applicant will screen the use through the installation of a 4.7 bufferyard.

(5) Green Area.

(A) On site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.

COMMENT: The minimum green area required for the subject property is 25%. The applicant is proposing a 937,174 green area or 30% of the net lot area.

(6) Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

COMMENT: Given the industrial nature of this use, the applicant is not proposing any site or streetscape amenities.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

COMMENT: The proposed grading on the site will be performed to accommodate the proposed solar electric field. In addition, the proposed grading has been designed so that the field will slope away from the residential community located to the north of the subject property. This design will help screen this use from that community. There will be no encroachment on the Primary Management Area. Two specimen trees (i.e. over 30" dbh) will be removed, which will require a variance from Section 25, the Woodland and Wildlife Habitat Conservation ordinance, and the applicant is proposing approximately 6.8 acres of off-site reforestation.

(8) Service Areas.

(A) Service areas should be accessible, but unobtrusive.

(9) Public Spaces.

(A) A public space system should be provided to enhance a large-scale

commercial, mixed use, or multifamily development.

COMMENT: The applicant is not proposing any service areas or public spaces.

(10) Architecture.

(A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with section 27-277.

COMMENT: The applicant is proposing to construct a 4,750 square foot building that is 25 feet in height. The proposed elevation for this building are shown on the detail sheet.

In addition to the requirements outlined in Section 27-274, Section 27-285 further requires that the Applicant demonstrate the following:

- (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: The Conceptual and Detailed Site Plans are identical.

- (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: Not applicable.

**V. VARIANCE**

As indicated above, the applicant requests variances from 27-471(h)(1) and 27-474(d) of the Zoning Ordinance. In support of these requests the applicant states:

**Section 27-230(a)**

The subject property has access to and frontage on a street with a right-of-way width of 30 feet. There are no other streets proposed that will provide access to the subject property. The 2013 Master Plan for Subregion 5 proposes the alignment of A-55 to the south of the subject property. However, as part of the proposed development of the solar facility, the applicant is proposing to access the subject property through the property to the south via a private easement. The criteria for the approval of a variance from Sections 27-471(h)(1) and 27-474(d) are set forth in Section 27-230(a) of the Zoning Ordinance which states:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;

COMMENT: The applicant is proposing to develop the subject property with a solar facility. Once the facility is constructed, the operation will generate a diminimus amount of vehicular traffic. The 70 foot right-of-way requirement and 150 foot frontage requirement anticipate development of an industrial/employment park that would generate a significant amount of daily vehicular traffic. The subject property was rezoned to the I-3 Zone over 20 years ago and was to be developed as part an overall employment area in Brandywine and referenced in the 1993 Subregion V Master Plan and Sectional Map Amendment. The subject property was designated in the Subregion V Plan as being located in Employment Area C, Brandywine-Mattawoman Industrial Area. The Master Plan shows that the access to Employment Area C would be via A-55 (the 80 foot wide Brandywine Spine Road) which was proposed and aligned to connect the industrial properties in the Employment Area to the regional highway network. However, that alignment does not touch the subject property. It was anticipated that the subject property would access A-55 through the Mattawoman Industrial Park via an internal road network or easement. The 2009 Subregion 5 Master Plan adjusted the alignment of A-55, but it still does not touch the subject property. Therefore, the applicant cannot comply with the requirement since there are no streets with a right-of- way width of 70 feet that are adjacent to the property.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

COMMENT: As indicated above, unless the variance is approved, the applicant will not be able to develop the property with a permitted use. The only access to the property is via a 30 foot right-of-way. It has been anticipated since the approval of the 1993 Master Plan for Subregion V that the property would be accessed from the south and at no time in the last 20 years has a public street with a 70 foot right-of-way been proposed in the Master Plan or in the Mater Plan of Transportation. The strict application of this Subtitle would result in practical difficulties, as it is impossible to develop the subject property without relief from these sections of the Zoning Ordinance.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

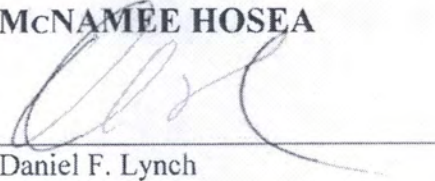
COMMENT: The 2013 *Approved Master Plan & Sectional Map Amendment for Subregion 5* recommends Industrial Land Uses for the subject property and retained the property in the I-3 Zone. However, the Master Plan does not propose a future right-of-way that would service the property. Mattawoman Drive is located to the south of the subject property and it was anticipated that the subject property as well as the property located to the south would be accessed via easements to Mattawoman Drive. Granting the variance in anticipation that the property will be accessed from the south therefore conforms to the Master Plan.

**VI. CONCLUSION**

Mattawoman Development, LLC is proposing to develop that property located at 16001 Mattawoman Drive with a solar power electric generating facility. The Applicant believes that these Conceptual and Detailed Site Plans comply with the criteria for approval contained in Sections 27-276 and 27-285 of the Zoning Ordinance and that the variances requested comply with Section 27-230(a) and respectfully requests approval of these applications.

Respectfully submitted,

**McNAMEE HOSEA**



A handwritten signature in blue ink, appearing to read 'D. Lynch', is written over a horizontal line.

Daniel F. Lynch



Daniel F. Lynch, Esquire  
Admitted in Maryland

McNamee, Hosea, Jernigan, Kim,  
Greenan & Lynch, P.A.

Email: [DLynch@mhlawyers.com](mailto:DLynch@mhlawyers.com)  
Direct Dial: Extension 250

September 12, 2013

**VIA HAND DELIVERY**

Meika Fields  
Urban Design Section  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
County Administration Building  
Upper Marlboro, MD 20772



*Re. Mattawoman Brandywine Commerce Center North  
CSP-12002 and DSP-12033*

Dear Meika:

Pursuant to our meeting on August 1, 2013, transmitted herewith please find two (2) Conceptual Site Plan sets and two (2) Detailed Site Plan sets for Mattawoman Brandywine Commerce Center North. Please let me know whether you need additional copies of each set.

As you will note, these revised sets reflect the use of the property as a solar powered electric generating facility. As I stated during our meeting, this use is permitted in the I-3 Zone as a "Public Utility Use or Structure".

This project is being proposed in response to the Air Force Infrastructure Energy Plan – 2010. That plan calls for the Air Force meeting the following annual goals for the use of electricity generated by renewable sources:

- 3% in FY07 – FY09
- 5% in FY10 – FY12
- 7.5% in FY13 – thereafter
- 25% by 2025

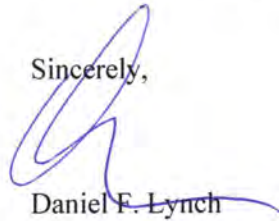
In addition, pursuant to Executive Order 13423, 50% of the statutorily required renewable energy must be from sources placed into service after January 1, 1999. These requirements have generated a significant demand for the development of renewable energy facilities to service not only the demands of the Air Force, but every other military installation in the Washington Metropolitan area.

Although the Air Force's primary goal is develop renewable energy facilities on Air Force bases, current projections indicate that the Air Force will only be able to meet up to 11% of its future energy needs. It is therefore turning to the private sector to develop facilities to help meet the 25% goal by 2025. The location of this property adjacent to the Air Force's communication facility makes it one of the most viable sites in the Washington Metropolitan Area to help address the Air Force's needs at Andrews Air Force Base.

Meika Fields  
September 12, 2013  
Page Two

Hopefully, the above summary gives you a little background on the underlying goal of this project. Should you have any questions or comments, please do not hesitate to contact me.

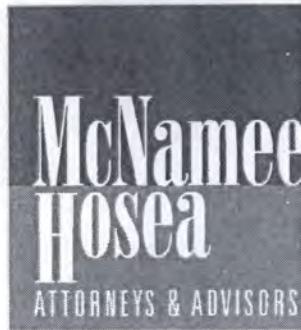
Sincerely,



Daniel F. Lynch

Enclosures

cc. Mark Smith  
Paul Woodburn



Daniel F. Lynch, Esquire  
Admitted in Maryland

McNamee, Hosea, Jernigan, Kim,  
Greenan & Lynch, P.A.

Email: [DLynch@mhlawyers.com](mailto:DLynch@mhlawyers.com)  
Direct Dial: Extension 250

May 7, 2014

Meika Fields  
Urban Design Section  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
County Administration Building  
Upper Marlboro, MD 20772

*Re. Mattawoman Brandywine Commerce Center North  
CSP-12002 and DSP-12033*

Dear Meika:

The purpose of this letter is to address the comments submitted by SMECO on February 14, 2014 relative to the above referenced conceptual and detailed site plans.

As you know, the subject property is located off of Timothy Road in Brandywine. It is located within the PJM Interconnection, LLC ("PJM") control area (the "PJM Control Area"), the PEPCO transmission zone that is located within and managed by the PJM Control Area (the "PEPCO Transmission Zone"), and the Southern Maryland Electric Cooperative ("SMECO") service territory ("SMECO Service Territory").

PJM is a regional transmission organization ("RTO") that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia (the "PJM Region"). Acting as a neutral, independent party, PJM operates a competitive wholesale electricity market and manages the high-voltage electricity transmission grid within its control area in order to ensure reliability for more than 61 million people. It is responsible for granting transmission zones to market participants within the PJM Control Area, and for approving, coordinating and managing the interconnection to and transmission of electricity through those zones to the end user.

PEPCO is a regulated investor-owned utility that generates, transmits and distributes electricity to its customers and other users of the grid within its transmission zone and service areas. It has been granted an exclusive transmission zone within the PJM Control Area, and, among other requirements, is required to transmit power produced by non-utility generators located therein to their customers. The PEPCO Transmission Zone includes Montgomery County, Maryland, Washington, D.C. and portions of Prince George's County, Maryland.



Meika Fields  
May 7, 2014  
Page Two

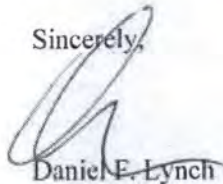
SMECO is a rural electric cooperative that provides electric power distribution to more than 154,000 residential, industrial and commercial customers in their exclusive service territory, which includes Charles County, St. Mary's County, the southern portion of Prince George's County, and most of Calvert County, Maryland. SMECO's distribution network is supplied from six separately metered interconnection nexus points within the PEPCO Transmission Zone of the PJM Control Area. It has the exclusive right to sell at the retail level and distribute electricity to customers located within its boundaries.

Because the subject property and proposed facility is located in the PJM Control Area, it will be subject to and benefit from PJM Control Area policies and procedures regarding the transmission of electricity through the PJM Control Area grid. These policies include the requirement that PEPCO, via its exclusive transmission zone and transmission lines, provide to the Project access to the transmission grid. Because electricity from the Project will not be sold to customers who reside within the SMECO Service Territory, no coordination with or approvals from SMECO regarding power generation or transmission is required.

The subject property will be developed with a solar power facility by Energy Ventures, LLC. As you may recall from our meeting, Energy Ventures is a generator of electricity produced from renewable energy fuel sources. It is anticipated that the purchasers of power from this facility will be federal, state and local government agencies, commercial, industrial and institutional entities, and regulated investor-owned utilities. Energy Ventures chose the subject property for this facility because there are a number of interconnection options available within the immediate vicinity. My client, Mattawoman Development, LLC has entered into an agreement with Energy Ventures that calls for the development of the subject property as proposed in the CSP and DSP. That agreement also calls 22 year ground lease with multiple renewal options.

I believe the above addresses the objection raised by SMECO and hopefully any outstanding concerns you may have with this proposal. If you have any additional questions, please feel free to contact me.

Sincerely,



Daniel E. Lynch

Enclosures

cc. Mark Smith  
Paul Woodburn  
Matt Mills

### COMPANY PROFILE

**Energy Ventures, LLC** ("EnVen"), a Delaware for-profit limited liability company based in Rockville, Maryland, is a non-utility generator of electricity that develops, owns and operates community and commercial-scale Power Generation Facilities fueled by renewable energy power sources ("REn Power Generation Facilities") in order to provide REn Power to Federal, State and Local governments, commercial and industrial firms, and regulated investor-owned utilities. Established in July, 2012, EnVen is a U.S. Department of Veterans Affairs ("DoVA") certified veteran-owned small business ("VOSB") and service-disabled veteran-owned small business ("SDVOSB"), and a U.S. Small Business Administration ("SBA") self-certified small disadvantaged business ("SDB"). Utilizing rigorous real estate development analysis to identify optimal consumer markets and development sites; employing the latest REn Power generation technology and a comprehensive engineering design, procurement and construction management process to ensure quality project construction; and creating viable project financial structures comprised of public and private equity and debt, and public development and operating subsidies, EnVen will provide reliable power to its customers and attractive financial returns to its investors.

### DEVELOPMENT TEAM

EnVen's development team consists of "best in class" technical contracting and professional advisors that possess ample, significant, and relevant experience regarding the development, financing and operations of Solar Facilities. Team Members have been involved in over 1,400 Solar Facility projects, located world-wide. This experience will be utilized by EnVen to execute successfully each Solar Facility development opportunity.



**A. Engineer – Arup, Inc.** The Engineer is responsible for oversight and supervision of the design, construction, certification and commissioning of all REn Power Generation Facilities developed by EnVen. Arup, Inc., (“Arup”) a Massachusetts corporation, will serve as the Development Team Engineer. Founded in 1946, Arup was ranked number 4 of the “Top 100 Green Design Firms” in the United States in 2013 by Engineering News Record. Presently comprised of over 10,000 staff members located in 90 offices in more than 30 countries, Arup has developed an international reputation for technical ingenuity during the planning and execution phases of some of the largest and most complex power generation and related infrastructure projects in the world. Active in the renewable and alternative energy space for over 30 years, Arup’s capabilities include: (i) feasibility assessment; (ii) design, (iii) development; (iv) construction, (v) commissioning, and (v) sale and acquisitions due diligence of power generation facilities.

Arup has provided due diligence advisory services to investors for solar photovoltaic projects in Europe producing over 140MW of power, and feasibility and design services for solar projects producing 300MW of power worldwide. It also has extensive experience providing engineering support to projects that utilize other REn Power Sources.

<b>Arup</b>			
<b>SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE</b>			
<b>No.</b>	<b>NAME</b>	<b>LOCATION</b>	<b>MWp</b>
1.	Project Due Diligence	South Africa	740MW
2.	Project EPC	South Africa	40MW
3.	Project Owner’s Engineer	South Africa	75MW
4.	Portfolio Due Diligence	Italy	5MW
5.	Project Due Diligence	Italy & Czech Rep.	32MW
6.	Portfolio Due Diligence	Italy	120MW
7.	Project Performance Specs	Saudi Arabia	50MW
8.	Language Project Design Services	UK	5MW
9.	Feasibility Study for Campus Iberdrola	Spain	500kWp
10.	Feasibility Study, Centro Tecnológico Palmas Altas, Sevilla	Spain	100kWp
11.	Feasibility Study for Macairena Masterplan, Granada	Spain	3MW

**B. EPC General Contractor – Standard Solar.** The EPC General Contractor is responsible for the systems engineering, equipment procurement and construction of REn Power Generation Facilities developed by EnVen. Standard Solar, Inc. (“SSI”), a Delaware corporation, will serve as the Development Team EPC General Contractor for all Solar PV Power projects developed by EnVen. Founded in 2004, SSI was ranked number 29 of the “Top 100 Solar Contracting Firms” in the U.S. (2013) by Solar Power World, and was recognized in 2010, 2011 and 2012 by INC. Magazine as one of the fastest growing REn companies in the United States. SSI’s capabilities include: (i) engineering design, procurement and construction; (ii) financial structuring, (iii) construction management; and (iv) operations and maintenance.

SSI has been intimately involved in the development of over 1,400 RE Power Generation Facilities utilizing solar photovoltaic technology ranging from 200 KW to 3.3MW, and producing approximately 20 MW of power, both as a developer and as an EPC General Contractor. Awarded a GSA Schedule, SSI has substantial government contracting experience, and was awarded an ID/IQ contract for Solar Power pursuant to the Army RAE RFP MATOC Solicitation.

<b>STANDARD SOLAR</b>			
<b>SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE</b>			
<b>No.</b>	<b>NAME</b>	<b>LOCATION</b>	<b>MWp</b>
1.	Perdue Farms	Delaware	2.70
2.	WSSC Seneca	Maryland	2.40
3.	WSSC Western Branch	Maryland	2.40
4.	Adelphi Labs ARMY	Maryland	2.10
5.	Kit Carson Electric Coop	New Mexico	1.50
6.	Kent County DPW III	Maryland	1.20
7.	Town of Rock Hall	Maryland	1.20
8.	Kent County DPW II	Maryland	1.10
9.	DTCC	Delaware	0.80
10.	Kent County DPW	Maryland	0.80
11.	Knorr Brake	Maryland	0.80
12.	University of Delaware	Delaware	0.80
13.	Anne Arundel Comm. College	Maryland	0.75
14.	Rockville Blades	Maryland	0.70
15.	GSA	North Carolina	0.65
16.	University of Maryland	Maryland	0.63
17.	City of Atlantic City	New Jersey	0.60
18.	American University	WDC	0.50
19.	JPMC	Delaware	0.50
20.	Konterra Microgrid	Maryland	0.40

**C. O&M Contractor – ESA Renewables.** The O&M Contractor is responsible for the operations and maintenance of RE Power Generation Facilities developed by EnVen. ESA Renewables, LLC (“ESA”), a Florida limited liability company and U.S. subsidiary of Energia Solar Aplicada, S.L., a Spanish corporation, will serve as the Development Team O&M Contractor for all Solar PV projects developed by EnVen. Founded in 2009, ESA was ranked number 25 of the “Top 100 Solar Contracting Firms” in the U.S. (2013) by Solar Power World. ESA’s capabilities include: (i) engineering design, procurement and construction; (ii) financial structuring; (iii) construction management; and (iv) operations and maintenance. ESA has provided O&M services to over forty (40) Solar Facilities ranging from 200KW to 28M.

ESA RENEWABLES			
SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE			
No.	NAME	LOCATION	MWp
1.	Roswell	New Mexico	2.9
2.	Martin	North Carolina	1.0
3.	Hindsman	North Carolina	1.0
4.	Daughter	North Carolina	1.0
5.	Blue Wing	Texas	14.0
6.	Paradise Park	Florida	24.0
7.	Plymouth	North Carolina	20.0
8.	New Bern	North Carolina	1.3
9.	Holiness	North Carolina	1.0
10.	Wingate	North Carolina	1.0
11.	Culberson	North Carolina	1.0
12.	Castel Giorgio	Italy	2.0
13.	Onda	Spain	1.5
14.	Castellon	Spain	5.0
15.	Castellon	Spain	3.3
16.	Montalto	Spain	4.0
17.	Ribarroja	Spain	2.0
18.	Barceloneta	Puerto Rico	20.0
19.	Martins Creek	North Carolina	1.0
20.	Claysville	Pennsylvania	20.0

**D. Financial Consultant.** The Financial Consultant is responsible for the review and validation of all accounting and financial analysis and projections for REn Power Generation Facilities developed by EnVen. Cohn Reznick, PLLC (“Cohn”), a Maryland professional limited liability company, will serve as the Development Team Financial. Formed via a merger of Reznick PLLC and Cohn PLLC in 2012, Cohn is ranked number 11 of the “Top 100 Accounting Firms” (2012) in the U.S. by Accounting Today. It is presently comprised of over 2,000 staff members located in offices nationwide, Cohn is a full service accounting and financial consulting firm with significant experience and expertise in the energy industry. Its capabilities include: (i) financial feasibility analysis; (ii) capital structuring; (iii) tax analysis and compliance; (iv) PPA negotiation assistance; and (v) investment entity financial and tax structuring. Cohn has provided transaction advisory services on over one hundred (100) Solar Facilities ranging from 200KW to 20MW. It also has extensive experience providing financial consulting support to projects that utilize other REn Power Sources.

<b>COHN REZNICK</b>			
<b>SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE</b>			
<b>No.</b>	<b>NAME</b>	<b>LOCATION</b>	<b>MWp</b>
1.	Confidential	Confidential	75.0
2.	Confidential	Nebraska	60.0
3.	Confidential	Minnesota	25.0
4.	Confidential	Oregon	150.0
5.	Confidential	California	12.0
6.	Confidential	Puerto Rico	20.0
7.	Confidential	New Jersey	7.0
8.	Portfolio	2 States	8.0
9.	Portfolio	3 States	15.0
10.	Confidential	Confidential	9.0
11.	Confidential	Minnesota	30.8
12.	Confidential	Maryland	50.0
13.	Confidential	Illinois	211.0

**E. Legal Counsel.** The Legal Counsel is responsible for providing legal counsel and services for all REn Power Generation Facilities developed by EnVen.

1. **Legal Counsel - Energy.** **VanNess Feldman, PLLC** (“VanNess”), a District of Columbia professional liability company, will serve as the energy legal counsel for all REn projects developed by EnVen. Founded in 1977, VanNess was ranked as a “Top Tier Best Law Firm” in Energy Law (2012) by U.S. News and World Report and Best Lawyers Magazine. It is and presently comprised of over one hundred (100) professionals in Washington, D.C. and Seattle, WA, VanNess is a full service legal firm with significant experience and expertise in the energy industry. Its capabilities include: (i) Renewable Energy; (ii) Energy Project Development and Finance; (iii) Energy Regulation and Compliance; (iv) Government Relations and Public Policy; (v) and Litigation. VanNess has been described by legal professional periodicals as one of the best energy boutiques in the nation.

<b>VANNESS FELDMAN</b>			
<b>SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE</b>			
<b>No.</b>	<b>NAME</b>	<b>LOCATION</b>	<b>MWp</b>
1.	Everpower Renewables/Coyote Crest	Doty, WA	120MW
2.	Southern CA Public Power Authority/Linden Wind Energy Project	WA	50MW
3.	Southern CA Public Power Authority/Milford Wind Project	UT	306MW
4.	Southern CA Public Power Authority/Windy Point Project	Goldendale, WA	262MW
5.	Northwestern Energy/Spion Kop Wind Project	MT	40MW
6.	Southern CA Public Power Authority	WA	
7.	Block Island Wind Farm	MA	30MW
8.	North Star Solar	CA	60MW

VANNESS FELDMAN			
SOLAR POWER PROJECT EXPERIENCE: REPRESENTATIVE SAMPLE			
No.	NAME	LOCATION	MWp
9.	Promus Energy	WA	
10.	Southern CA Public Power Authority/Tieton Hydro	WA	-
11.	Cape Fox Corp./Mahoney Lake Hydro	AK	-
12.	EDP Renewables North America LLC	Various states	-
13.	Shell WindEnergy Inc.	Various states	-
14.	Cogentrix Energy Power Management LLC	Various states	-
15.	ArcLight Capital Partners, LLC	Various states	-
16.	Cosmos Specialty Fibers (Gores Group)	WA	-
17.	USTDA Kenya Geothermal	Kenya, Africa	-
18.	Snohomish County PUD/ Admiralty Inlet Pilot Tidal Project	WA	-
19.	Ocean Renewable Power	ME	-

2. **Legal Counsel - Government Procurement. Fluet, Huber & Hoang, PLLC** (“Fluet”), a Commonwealth of Virginia professional liability company, will serve as the government procurement legal counsel for all projects developed by EnVen. Founded in 2009, Fluet was ranked as the fastest growing law firm in the U.S. (2012) by INC. Magazine. Fluet is a multi-disciplinary law firm that specializes in government contracting. Its capabilities include: (i) FAR compliance; (ii) SDVOSB Certification and compliance; (iii) bid protest litigation; and (iv) contract award negotiation and compliance. Fluet has provided transaction legal services to clients on numerous Federal government contracts.

3. **Legal Counsel - Real Estate Development & Finance. Reno & Cavanaugh, PLLC** (“Reno”), a District of Columbia professional limited liability company, will serve as the real estate legal counsel for all projects developed by EnVen. Founded in 2009, Reno’s capabilities include: (i) real estate development Law; (ii) real estate finance law; (iii) energy development law; and (iv) energy finance law. Reno has provided transaction legal services on numerous real estate and energy projects.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

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

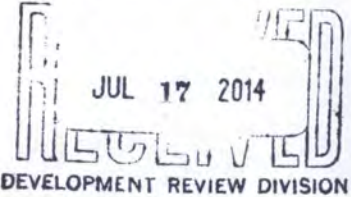
Prince George's County Planning Department  
Community Planning Division

301-952-3972

M-NCPPC

P.G. PLANNING DEPARTMENT

July 17, 2014



**MEMORANDUM**

TO: Meika Fields, Planner Coordinator, Urban Design, Development Review Division  
VIA: Steve Kaii-Ziegler, Planning Supervisor, Community Planning Division  
FROM: Wendy Irminger, Planner Coordinator, Community Planning Division  
SUBJECT: CSP-12002, DSP-12033 (Mattawoman Brandywine Commerce Center North)

**DETERMINATIONS**

- The proposed use conforms to the future industrial land use recommended for the subject property in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.
- The proposal is within the Joint Base Andrews Interim Land Use Control (ILUC) impact area and no noise attenuation is required.

**BACKGROUND**

Location: South of the Brandywine Heights neighborhood, north of industrially used property, west of the CSX railroad tracks, and east of Timothy Branch.  
Size: 56.61 acres  
Existing Uses: Woodland  
Proposal: Solar powered electric generating facility

**GENERAL PLAN, MASTER PLAN AND SMA**

**General Plan:** *Plan Prince George's 2035 Approved General Plan (May 6, 2014)*

**Master Plan:** *2013 Approved Subregion 5 Master Plan (the approved master plan currently consists of the following documents: the 2009 Preliminary Subregion 5 Master Plan and Sectional Map Amendment; attachments, the Planning Board Resolution of Adoption PGCPB No.13-75; and the District Council Resolutions of Approval CR-80-2013, CR-81-2013, dated July 24, 2013)*

Planning Area/  
Community: Planning Area 85A/Brandywine



Land Use                      The master plan recommends industrial development.

Environmental:              Refer to the Environmental Planning Section referral for conformance with the 2005 Countywide Green Infrastructure Plan.

Historic Resources:        None identified in the master plan on the subject property.

Transportation:            The site has access from the industrial property to the south.

Public Facilities:          None identified on the subject property.

Parks & Trails:             None identified on the subject property.

Aviation:                    This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. This property is not within the 65 and above dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are required. This information should be noted on the CSP and DSP site plans.

**SMA/Zoning:**            2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the I-3 (Planned Industrial/Employment Park) Zone.

**PLANNING ISSUES**

The master plan designates industrial land use as the recommended future land use on the subject property. The proposal is consistent with this recommendation. This application should be referred to Joint Base Andrews for comment to ensure the proposed use does not pose a hazard to air navigation:

David K. Humphreys, AICP  
Community Planner, 11 CES/CENPP  
3710 Fetchet Ave, Room 119  
Joint Base Andrews, MD 20762-4803  
Phone: 301-981-1168 or 858-1168 (DSN)  
Fax: 301-981-6776  
E-Mail: [david.humphreys@afncr.af.mil](mailto:david.humphreys@afncr.af.mil)

cc:

Ivy A. Lewis, Chief, Community Planning Division  
Long-range Agenda Notebook

ABSTRACT

Proposed Zoning Change #14 is shown in error. Only 3.5 acres of C-2 Zoning is proposed for the C-S-C Zone. The proposed R-R to C-2 rezoning for 4.0 acres should be deleted. All tables, figures and maps should be revised accordingly.

**TITLE:** Sectional Map Amendment for the Brandywine, Mattawoman, Pleasant Springs, and Cedarville Communities of Subregion V, Planning Areas 85A and B.

**AUTHOR:** The Maryland-National Capital Park and Planning Commission

**SUBJECT:** Sectional Map Amendment for Planning Areas 85A and B to the Zoning Maps of Prince George's County, Maryland

**DATE:** April 1978

**PLANNING AGENCY:** The Maryland-National Capital Park and Planning Commission

**SOURCE OF COPIES:** The Maryland-National Capital Park and Planning Commission  
Prince George's County Administration Building  
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20870

**SERIES NUMBER:** 5307781529

**NUMBER OF PAGES:** 112

**ABSTRACT:** This publication presents the map and supporting text of the Sectional Map Amendment for the Brandywine, Mattawoman, Pleasant Springs, and Cedarville Communities of Subregion V, Planning Areas 85A and B, Prince George's County, Maryland. The Sectional Map Amendment is a proposed amendment to the Zoning Maps for Prince George's County adopted by the Maryland-National Capital Park and Planning Commission on November 27, 1962 for the area west of Branch Avenue/Route 301 and on December 2, 1966 for the area east of Branch Avenue/Route 301. Sectional map amendments were developed by the Commission as an implementation process to follow adoption and approval of area master plans. The guidelines and recommendations contained in the subject area's adopted and approved Master Plan are translated into appropriate zones by the sectional map amendment proposals. In the preparation of a sectional map amendment the Commission considers the area Master Plan, the General Plan, legal constraints, pending zoning actions, existing land uses, considerations submitted by citizens, and community citizen organizations. The proposal and background data are presented verbally, quantitatively, and graphically in the Technical Summary Report and accompanying map.

Change Number	Zone Change	Area of Change	Approved ZAPS No.	Approved Date	Use & Location	Discussion	Pending ZAP/CN	200' Scale Index Map
27D	R-R to I-2	266.9	Original	1966	One single-family dwelling, remainder undeveloped between Pope's Creek Branch Penn. Railroad and Timothy Branch, north of Cedarville Road. (Gemery property, TM 155, par. 8, 10; Jasper property, TM 155, par. 20; Townsen Terrace subdivision, Plat 3-75, lots 31-32)	Area is proposed for employment (heavy industrial) land use by the Master Plan; I-2 will allow for heavy industrial development of sites with good rail access.	CN 18	219 SE 7R 219 SE 8L 220 SE 7R 220 SE 8L 221 SE 7R
27E	R-R to I-3	95.2	Original Original	1962 1966	Cultivated fields located east of U.S. 301 approximately 500 feet south of proposed Accokeek Road. (Wentz property, TM 155, par. 4)	Area is proposed for employment use by Master Plan; I-3 will permit industrial park development in conjunction with E-I-A Comprehensive Design Zone proposals adjoining on north and south.	CN 18	219 SE 7L 219 SE 8R 220 SE 7L 220 SE 8R
27F	R-R to I-3	55.0	Original	1966	Wooded, undeveloped tracts west of Pope's Creek Railroad approximately 5000 feet south of its intersection with Brandywine Road. (TM 155, par. 6,7)	Area is proposed for employment use park with buffers for adjoining residential subdivision by Master Plan; I-3 will permit industrial park development & site plan review.	CN 18	219 SE 7R 8L
27G	R-R to I-3	178.3	Original	1966	Undeveloped land at southeast corner of Brandywine Road and Short Cut Road. (Mays property, TM 145, par. 88)	Area is proposed for employment park use with buffers for adjoining residential subdivisions by Master Plan; I-3 will permit industrial park development with site plan reviews.	CN 18	218 SE 7R 8L 219 SE 7R 8L
28	C-2 to C-M	0.6	A-7053	5-03-67	Gas Station on east side of U.S. 301 2500+ feet south of Short Cut Road. (TM 155, p/o par. 1)	In accord with developed commercial zoning conversion policy.	CN 18	219 SE 7R
29	C-2 to I-3 I-1 to I-3 R-R to I-3	1.9 3.6 0.5	Original A-7053	1966 5-03-67	Vacant tract on east side U.S. 301 2500+ feet south of Short Cut Road. (TM 155, par. 13)	Area is proposed for industrial land use by the Master Plan; the I-3 Zone is proposed to encourage large lot, light industrial development with site plan review to ensure compatibility with land uses proposed by the adjoining E-I-A Zone (Abrams Tract).	CN 18	219 SE 7R
30	C-2 to I-1	10.0	Original A-7053	1966 5-03-67	Vacant, undeveloped tract on east side U.S. Rte. 301 1000+ feet south of Short Cut Road. (TM 155, par. 14)	Area is proposed for industrial land use by the Master Plan; I-1 Zone permits light industrial development.	CN 18	219 SE 7R



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Countywide Planning Division  
 Environmental Planning Section  
 301-952-3650

May 28, 2014

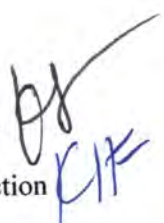
**MEMORANDUM**

TO: Meika Fields, Senior Planner, Urban Design Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section

FROM: Kim Finch, Planner Coordinator, Environmental Planning Section

SUBJECT: **Mattawoman-Brandywine Commerce Center North**  
**Conceptual Site Plan CSP-12002**  
**Detailed Site Plan DSP-12033**  
**Type 2 Tree Conservation Plan TCP2-011-13**



The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan, Detailed Site Plan and a revised Type 2 Tree Conservation Plan most recently received by the Countywide Planning Section on May 15, 2014. The Environmental Planning Section recommends approval of Conceptual Site Plan CSP-12002, Detailed Site Plan DSP-12033 and TCP2-011-13 subject to the conditions listed at the end of this memorandum.

**Background**

The subject property was reviewed by the Environmental Planning Section as part of Natural Resources Inventory NRI-039-12 approved on August 24, 2012. No other environmental applications have been previously reviewed. The current application proposes development of a 56.61-acre site in the I-3 zone as a solar photo-voltaic electric generating facility.

Development within the I-3 zone requires the approval of both a Conceptual Site Plan and Detailed Site Plan. Both plans are being concurrently reviewed along with the required Type 2 Tree Conservation Plan. Because of the nature of the application, and the proposed use on the subject property, a TCP2 has been determined as appropriate to satisfy the woodland conservation requirements of the CSP and DSP.

**Grandfathering**

The property is subject to the environmental regulations of Subdivisions 27 that came into effect on September 1, 2010 because there are no previously approved development plans.

The project is also subject to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010, because there are no previous tree conservation plan approvals for the site.

### **Site Description**

The subject property is a 56.61-acre site located between Timothy Branch and the CSX tracks between Timothy Road and Cedarville Road. A review of the available information indicates that there are intermittent streams and buffers extending onto the property, and associated nontidal wetlands and buffers, but no 100-year floodplain was found to occur on-site. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco, Beltsville, Croom-Marr and Grosstown. The Beltsville soils are in hydrologic group C and identified as hydric. According to PGAtlas.com, Prince George's County GIS database, Marlboro or Christiana clay does not occur on or in the vicinity of this site. The site has access to Timothy Drive, using a 30 foot-wide ingress/egress right-of way extending to the north, and to Mattawoman Drive through an access easement crossing properties to the south of the subject property. The site is not within a Sensitive Species Review Area based on the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources, but does contain a significant block of forest interior dwelling species habitat. The site is located within the Timothy Branch subwatershed, which drains to Mattawoman Creek and the Lower Potomac River. According to PGAtlas.com, this site contains Regulated and Evaluation Areas within the designated network of the Approved Countywide Green Infrastructure Plan, and is located in the Mattawoman Creek Special Conservation Area. Regulated environmental features located on-site that should be preserved in conformance with the requirements of the woodland and wildlife habitat conservation ordinance. The subject property is located in the Developing Tier as reflected in the adopted General Plan.

### **Environmental Review**

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. An approved Natural Resource Inventory, NRI-039-12, in general conformance with the environmental regulations that became effective September 1, 2010 was submitted with the application, but does not accurately reflect the full extent of Forest Interior Dwelling Species habitat located on the site.

Certain animals, called Forest Interior Dwelling Species (FIDS), are known to require habitat conditions in the interior of large forests for optimal reproduction and survival. Potential FIDS Habitat has been defined by the Maryland Department of Natural Resources as a forest tract that meets either of the following conditions:

- a. Greater than fifty (50) acres in size and containing at least ten (10) acres of forest interior habitat (forest greater than 300 feet from the nearest forest edge); or
- b. Riparian forests that are, on average, at least 300 feet in total width and greater than 50 acres in total forest area. The stream within the riparian forest must be perennial, as indicated on the most recent U.S. Geological Survey 7.5 minute topographic maps or as determined by a site visit.

These criteria are consistent with the definitions contained within the Woodland and Wildlife Habitat Conservation Ordinance, and applied to model where FIDS habitat might occur. Existing

woodlands located on this site meet both criteria for FIDS habitat. The block of woodlands on-site is 51.82 acres in size and contains approximately 22 acres of interior woodlands. The site is also part of a riparian forest under definition ' b.' because of the stream system running adjacent to the western boundary of the site, with a width greater than 300 linear-feet, and a contiguous forest area larger than 50 acres.

A referral contained in the NRI documentation from the Wildlife and Heritage Service, Maryland Department of Natural Resources states that their analysis suggests that the forested area on the project site contains FIDS habitat, and that the conservation of FIDS habitat is strongly encouraged. Guidelines are provided in the referral letter for site design to minimize the project's impacts on FIDS and other native forest plants and wildlife.

The correct delineation of potential FIDS habitat on the site would extend the FIDS buffer line to the western property boundary, linking the interior woodlands on the site to the riparian forest system adjacent to Timothy Branch, and the Mattawoman Creek.

There is 0.75 acres of Primary Management Area (PMA) located on the western portion of the site comprised of streams and wetlands, and associated buffers. The Forest Stand Delineation (FSD) indicates the presence of one forest stand totaling 51.82 acres and 2 specimen trees. Stand A is identified as an intermediate aged mixed hardwood forest with a predominant size class of 18.0 to 29.9 inches dbh, which is considered pole size, with canopy coverage of 85 percent. These stand characteristics are consistent with potential FIDS habitat. Invasives comprise 1 percent or less of the herbaceous/woody layer, and are "open" which is also characteristic of FIDS habitat.

The dominant tree in the stand is white oak. The oak family (*Quercus*) is a native tree known for a high wildlife food value for birds (Tallamy, 2013). Two specimen beech trees (*Fagus grandifolia*), 34 and 39 inches diameter breast height (dbh) in size, are located on the site

The PMA as shown on the approved NRI is correct and is correctly shown on the CSP, DSP and TCP2 submitted. No further information is required regarding the delineated PMA or the FSD for the site.

**Recommended Condition:** Prior to certification of the CSP and DSP, the NRI shall be revised to reflect the full delineation of potential FIDS habitat on-site, linking with the adjacent riparian forest system, based on the definitions of FIDS habitat contained in Subtitle 25, Division 2.

2. This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance effective September 10, 2013.

The TCP2 stamped as received by the Countywide Planning Division on May 15, 2014 covers two parcels with a gross and net area of 56.91 acres. The site contains 51.82 acres of upland woodlands and no floodplain. The TCP2 proposes clearing 41.02 acres of the upland woodlands, and 0.14 acres of off-site clearing. The woodland conservation threshold for this property based on the I-3 zone is 15 percent of the net tract, which is equal to 8.49 acres. Based upon the proposed clearing of 41.16 acres, the total woodland conservation requirement including the 1/4:1 replacement for clearing above the threshold, and 1:1 replacement for off-site clearing is 18.96 acres.

The TCP2 proposes to meet the requirement with 10.62 acres of on-site preservation, and 8.34 acres of on-site afforestation/reforestation. This fulfills the numeric woodland conservation requirement entirely on-site. This is consistent with priorities for woodland conservation established with the FCA and local ordinance, and with guidance provided by the Countywide Green Infrastructure Plan for the Mattawoman Creek Special Conservation Area (SCA).

The priorities for woodland conservation are contained in Section 25-121(b) and include, in the order listed: land within the designated network of the Green Infrastructure Plan, critical habitat areas, and contiguous wooded areas as the top three priorities. Because the entire site is located within a Regulated Area and Evaluation Area of the Countywide Green Infrastructure Plan, and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site and according to the priorities established by the WCO to the fullest extent possible. On-site preservation of existing woodlands in expanded riparian buffer areas which provide potential FIDS habitat is the highest priority.

The applicant has proposed to provide the entire woodland conservation requirement on-site through a combination of woodland preservation and reforestation.

The Type 2 tree conservation plan (TCP2-011-13) has also been reviewed for conformance with the technical requirements of the Woodland and Wildlife Habitat Conservation Ordinance and the Environmental Technical Manual, effective September 1, 2010.

The TCP 2 was found to be in conformance with the ETM except for the following technical revisions which must be addressed prior to certificate approval:

- a. Note 1 shall be revised to remove the second sentence.
- b. A permanent tree protection device shall be shown on the TCP2 plan along the vulnerable edges of any afforestation/reforestation area.
- c. The approval block shall be revised to include the TCP2 number in the correct hyphenated format and the associate site plan number shall be listed by the approval
- d. The revised plan shall be signed and dated by the Qualified Professional who prepared it.

**Recommended Condition:** Prior to certification approval of the CSP and DSP, the TCP 2 shall be revised as follows:

- a. Note 1 shall be revised to remove the second sentence.
- b. A permanent tree protection device shall be shown on the TCP2 plan along the vulnerable edges of any afforestation/reforestation area.
- c. The approval block shall be revised to include the TCP2 number in the correct hyphenated format and the associate site plan number shall be listed by the approval
- d. The revised plan shall be signed and dated by the Qualified Professional who prepared it.

4. Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

TCP2 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

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

A Subtitle 25 Variance Application and a statement of justification in support of a variance for the removal of specimen trees were received by EPS on January 6, 2014. The specimen tree table on the TCP2 shows two specimen trees. The specimen tree table on the TCP2 and the statement of justification indicate the proposed removal of both specimen trees.

Section 25-119(d) of the WCO contains six required findings [text in bold] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the removal of two on-site specimen trees. Specimen Tree-1 (ST-1) is a 34 inch diameter American beech (*Fagus grandifolia*) in poor condition. Specimen Tree-2 (ST-2) is a 39 inch diameter American beech (*Fagus grandifolia*) in fair condition.

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

The two trees proposed to be removed are located within the central area of the site with existing ground elevations of 225 and 229 feet. Extensive fill is proposed on the site to provide a large flat pad site for the proposed use. Retaining the trees would make development of the site difficult because of the requirements to clear and grade the site in preparation for establishing the grades necessary for the installation of solar panels.

The trees proposed for removal are both American beech, in poor to fair condition. Beech trees are known to be intolerant of construction, and sensitive to root zone impacts. Protection of the critical root zone of the two specimen trees, based on their current health and vitality is possible, but would be unlikely to result in the long term retention of the trees. The proposed industrial use of the site, the extensive fill proposed, and changes to on-site hydrology would result in unsatisfactory results and an unwarranted hardship on the applicant who is seeking to develop the site in accordance with the existing zoning and allowed uses.

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

If other properties encounter similar species, in a similar location on a site, and in a similar condition, the same considerations would be provided during the review of the required variance application.

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

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



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

The existing conditions or circumstances are not the result of actions by the applicant.

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

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

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

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

**Recommended Finding:** The required findings of Section 25-119(d) have been adequately addressed for the proposed removal of Specimen Trees 1 and 2.

**Recommended Condition:** Prior to certification approval of the CSP and DSP, the TCP 2 shall be revised to add the following:

“NOTE: This plan is in accordance with the following a variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Add Date of Approval) for the removal of two specimen trees (Section 25-122(b)(1)(G)), ST-1 and ST-2.”

- 5.. Section 25-122(d)(1)(B) requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP1 applications approved after September 1, 2010 and are not grandfathered.

The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

**Recommended Condition:** Prior to the signature of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

6. Non-tidal wetlands and wetland buffers, streams and associated buffers are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property. The site also contains an isolated wetland along the northern property line.

**Conceptual Site Plan Requirements and Findings**

Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.”

Section 27-274(a)(5)(B) of the Zoning Ordinance states that for all CSP applications: “The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

Section 24-130(b)(5) of the Subdivision Ordinance states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

#### **Detailed Site Plan Requirements and Findings**

Section 27-282(e)(10) of the Zoning Ordinance requires that all DSP applications include:  
“A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.”

Section 27-285(b) of the Zoning Ordinance states the following required findings:

“(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.”

“(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).”

Section 24-130(b)(5) of the Subdivision Ordinance states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

The Conceptual Site Plan and Detailed Site Plan show no impacts to the delineated PMA, and a statement of justification is not required.

**Recommended Finding:** The regulated environmental features delineated on the CSP and DSP are outside of the development envelope on the subject property and have been preserved and/or

restored to the fullest extent possible based on the information provided. No PMA impacts are approved with the current application.

7. An approved Stormwater Management Concept plan and approval letter was submitted with the subject application (Concept approval #24467-2012-00. The concept approval is for rough grading only "to prepare for future industrial development" and indicates that the stormwater concept will be superseded once ultimate development is confirmed. No stormwater management facilities are shown on the stormwater management concept plan, TCP2, CSP or DSP for this development.

The current application is for a specific allowed use and development of that allowed industrial use. There is a significant difference in stormwater run-off quantity between 43.00 acres of existing woodlands in good condition, and 43.00 acres of turf which will occur under the development proposed. The stormwater management concept should be revised to reflect the proposed use of the site for the placement of extensive solar panels on the site assuming the installation will have a life-span of approximately 20 year, and provide for appropriate stormwater management with the current proposal.

**Recommended Condition:** Prior to the issuance of any permits for this site, final stormwater management plans for the subject property shall be submitted which addresses appropriate stormwater management elements for the approved use of the site.

8. Prior to grading of the site, the county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan must be submitted prior to CSP certification so that the ultimate limits of disturbance for the project can be verified and correctly shown on the TCP2.

At copy of the final Erosion and Sediment Control Plan must be submitted prior to the issuance of grading permits to the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.

**Recommended Condition:** Prior to CSP certification, a copy of the approved Erosion and Sediment Control Concept Plan shall be submitted to confirm the ultimate limit of disturbance and conformance with the limit of disturbance shown on the TCP.

**Recommended Condition:** Prior to the issuance of grading permits, a copy of the final Erosion and Sediment Control Plan must be submitted so the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.

9. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco, Beltsville, Croom-Marr and Grosstown. The Beltsville soils are in hydrologic group C and identified as hydric.

The application shows a significant amount of fill being placed on the site to create a development pad. At the northern boundary of the site, where the subject property is adjacent to residential development, the elevation is proposed to be raised by 18 feet in elevation in the northeast corner of the site and 36 feet in elevation at the western end of pad site. This will have a significant visual impact on the adjacent residential dwellings, especially in areas where all

trees are proposed to be removed, and new landscape buffer is proposed. The buffering proposed on the plan is 60 feet of existing woodlands and an additional 60 feet of reforestation to provide a transition between the proposed industrial use and existing residential uses to the north.

**Comment:** Staff recommends that a buffer of existing trees and reforestation with a minimum width of 100 feet-wide be maintained along the northern boundary of this site, exclusive of the Washington Gas Light Easement or other utility easements, in order to provide an appropriate transition between uses.

10. Sec. 27-288 (a) Effect of an approved Detailed Site Plans states the following:
  - “(a) Grading, building, and use and occupancy permits shall be issued only in accordance with the approved Detailed Site Plan, and all development and use shall be as shown on the plan. Any departure from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit, unless the plan is amended in accordance with the procedure set forth in Section 27-289.

The proposed use of the site as shown on the CSP and DSP is a solar photo-voltaic array. This type of use will require approval from the Public Service Commission (PSC), following the appropriate procedures for the size and generating capacity proposed.

**Comment:** Staff is concerned that no grading, specifically clearing of woodlands within the Mattawoman Special Conservation Area, be allowed on the site until there is some assurance that full construction can be implemented in accordance with the use approved by the CSP and DSP. Full implementation of the project cannot occur without PSC approval. In order to prevent extensive clearing and filling from occurring prematurely on the subject property, and the subsequent loss of woodlands and conservation habitat, staff recommends that a grading permit not be issued for this site until PSC approval for implementation of the solar –array is issued.

### **Summary of Recommended Findings and Conditions**

The Environmental Planning Section recommends approval of Conceptual Site Plan CSP-12002, DSP-12033 and Type 2 Tree Conservation Plan TCP2-011-13 subject to the following findings information and conditions:

#### **Recommended Findings:**

1. The required findings of Section 25-119(d) have been adequately addressed for the proposed removal of Specimen Trees 1 and 2.
2. The regulated environmental features delineated on the CSP and DSP are outside of the development envelope on the subject property and have been preserved and/or restored to the fullest extent possible based on the information provided. No PMA impacts are approved with the current application.

#### **Recommended Conditions:**

1. Prior to certification of the CSP and DSP, the NRI shall be revised to reflect the full delineation of potential FIDS habitat on-site, linking with the adjacent riparian forest system, based on the definitions of FIDS habitat contained in Subtitle 25, Division 2.

2. Prior to certification approval of the CSP and DSP, the TCP 2 shall be revised as follows:
  - a. Note 1 shall be revised to remove the second sentence.
  - b. A permanent tree protection device shall be shown on the TCP2 plan along the vulnerable edges of any afforestation/reforestation area.
  - c. The approval block shall be revised to include the TCP2 number in the correct hyphenated format and the associate site plan number shall be listed by the approval
  - d. The revised plan shall be signed and dated by the Qualified Professional who prepared it.
3. Prior to certification approval of the CSP and DSP, the TCP 2 shall be revised to add the following:

“NOTE: This plan is in accordance with the following a variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Add Date of Approval) for the removal of two specimen trees (Section 25-122(b)(1)(G)), ST-1 and ST-2.”
4. Prior to the signature of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
5. Prior to the issuance of any permits for this site, technical stormwater management plans for the subject property shall be submitted which addresses appropriate stormwater management elements for the approved use of the site.
6. Prior to CSP certification, a copy of the approved Erosion and Sediment Control Concept Plan shall be submitted to confirm the ultimate limit of disturbance and conformance with the limit of disturbance shown on the TCP.
7. Prior to the issuance of grading permits, a copy of the final Erosion and Sediment Control Plan must be submitted so the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.

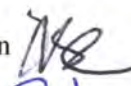
If you have any questions concerning these comments, please contact me at 301-952-3650 or by e-mail at [kim.finch@ppd.mncppc.org](mailto:kim.finch@ppd.mncppc.org).


KIF: kif

July 1, 2014

MEMORANDUM

TO: Meika Fields, Urban Design Section

VIA: Whitney Chellis, Subdivision Section 

FROM: Quynn Nguyen, Subdivision Section 

SUBJECT: **Supplemental** Referral for Mattawoman-Brandywine Center, CSP-12002 & DSP-12033

The Subdivision Section completed the review of Mattawoman-Brandywine Commerce Center, CSP-12002 and DSP-12033 and submitted a final memorandum to Urban Design Section on May 1, 2014 (Nguyen to Fields). The Subdivision memorandum found that the Applicant's easement exhibit was not sufficient to determine that the access for the site is adequate. Subdivision Staff recommended the following condition to address Ingress/Egress Easement Exhibit:

1. **Prior to approval of the DSP the applicant shall submit a revised "Ingress/Egress Easement Exhibit" that shall include:**
  - a. **The proposed bearings and distances including square-footage of the proposed vehicular access easement.**
  - b. **The dimensions including the distance from the east property line to the center line of the easement along the north property line of Parcel 8**
  - c. **Label Parcels 8 and 10 including the acreage.**
  - d. **Provide the zoning.**
  - e. **Relocate the easement outside of the Washington Gas line easement (Liber 11760 Folio 151) or provide evidence that the co-location of the easement is acceptable to Washington Gas.**
  - f. **Label the ROW of Mattawoman Drive and provide and insert on the exhibit clarifying where the easement will connect to that dedicated public ROW.**
  - g. **Show existing improvements and grades, including the existing tree line.**
  - h. **Show limits of clearing and grading necessary for implementation of the easement.**
  - i. **Update the revision box on the exhibit.**
  - j. **Provide numbering which will include this as a sheet in the DSP site plan.**

A revised Ingress/Egress Easement Exhibit dated May 21, 2014, was submitted and referred to the Subdivision Section for comment on June 2, 2014. The revised easement exhibit has addressed the issues raised in Condition 1 above and the exhibit contains sufficient information to determine adequate access for the site. In discussions with Washington Gas regarding the co-location of the access easement

within Washington Gas 50-foot-wide right-of-way, Washington Gas indicated that the application can move forward with the location of the access easement as proposed, but the applicant will need to coordinate with Washington Gas at the time of grading or construction. Based on the revised Ingress/Egress Easement Exhibit, Subdivision recommends a revised Condition 1 as follows:

1. Prior to approval of the DSP the applicant shall submit a revised "Ingress/Egress Easement Exhibit" that shall include:
  - a. The proposed bearings and distances including square-footage of the proposed vehicular access easement.
  - b. Provide numbering which will include this as a sheet in the DSP site plan.

Subdivision recommends no changes to Condition 2 and 3 as shown below:

2. Prior to certificate approval, the CSP/DSP shall be revised as follows:
  - a. Clearly label the extent of Parcels 6 and 7, and part of Lot 21 providing acreage and zoning.
  - b. Label the denial of access to Timothy Road pursuant to Section 24-128(b)(9).
  - c. Add the following note:

"Vehicular access for the site is via an easement thru the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24-128(b)(9)). The access easement is reflected on the Applicant's Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval."
  - d. Correct the DSP approval block on the site and landscape plan to indicate the right DSP number.
  - e. Correct the acreage of the land that is the subject of the DSP to include part of Lot 21.
3. Prior to the approval of building permits the applicant, their heirs, successors, and assigns shall submit to M-NCPPC for approval a draft vehicular access easement benefitting Parcels 6 and 7 which extends across Parcels 8 and 10 to Mattawoman Drive, as reflected on the approved DSP-12033. The final plats shall include the benefitted and encumbered properties (Parcels 6, 7, 8, and 10) and shall be approved by the Planning Board authorizing the access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - a. The final plat shall delineate the alignment of easement with bearings and distances.
  - b. The easement document shall set forth the rights, responsibilities and liabilities of the parties and liber/folio of the easement, shall include the rights of M-NCPPC and will be reflected on the plat prior to recordation.

The issue raised in this memorandum are supplemental to the original memorandum dated May 1, 2014 (Nguyen to Fields). Failure of the site plan and record plats to match, including bearings, distances, lot sizes, and the extent and location of the access easement will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

May 1, 2014

**MEMORANDUM**

**TO:** Meika Fields, Urban Design  
**VIA:** Whitney Chellis, Subdivision Section  
**FROM:** Quynn Nguyen, Subdivision Section  
**SUBJECT:** Mattawoman-Brandywine Commerce Center, CSP-12002 & DSP-12033

The subject site is known as Parcels 6 and 7 and located on Tax Map 155 in Grid B-1, and part of Lot 21. The site is 56.9 acres and is zoned I-3 (56.61 acres) and R-R (12,825 square feet), and currently wooded and undeveloped. The applicant submitted a conceptual site plan and detailed site plan for the development of a solar panel farm with 4,750-square-feet of gross floor area for an office use.

Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision (PPS) for deed parcels. Specifically, in this instance (including that part of Lot 21 created by deed) the property is subject to Section 24-107(c)(7)(B) which provides:

- (7) Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**  
**(B) The total development proposed for the subdivision on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand (5,000) square feet of gross floor area.**

Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site is exempt from the requirement of filing a PPS because the development proposed (4,750 square feet of GFA) does not exceed five thousand (5,000) square feet of gross floor area.

The Parcels 6 and 7 (I-3) are legal deed parcels that have never been the subject of a PPS or record plat. Part of Lot 21 (R-R) is a 30-foot-wide strip of land (12,825 square feet) which was created by deed and recorded in Liber 788 at Folio 295 on July 30 1945, which is a legal division of land. Originally the detailed site plan (DSP) did not include part of Lot 21, which extends from the northern property line of Parcels 6 and 7 to Timothy Road. Without this part of Lot 21 Parcels 6 and 7 are landlocked with no frontage or the ability for direct access onto a dedicated public street.

In discussions with the applicant after the original acceptance of this application, staff was advised that the site in fact does have frontage along Part of Lot 21. The applicant then revised the DSP (dated March 14, 2014) to include part of Lot 21 (R-R) into the CSP and DSP. Therefore, the property is not landlocked and in fact does have frontage on a dedicated public street known as Timothy Road to the north which is a 30-foot-wide non-standard residential street within the Brandywine Heights residential



neighborhood. A new zoning sketch map should be required and a comparison of the mailing list should be submitted to ensure that correct notice was provided for the DSP which now includes part of Lot 21. Posting of public notice signs for public hearing will also be required along this added street frontage.

The CSP and DSP do not reflect that the access to the site is via the frontage along Timothy Road. The applicant is proposing to access the site via a private easement extending south across Parcels 8 and 10 to Mattawoman Drive, a dedicated public street (VJ 173-92) with a 120-foot-wide ROW, which stubs into the south property line of Parcel 10. Parcels 8 and 10 are zoned I-2 and are also owned by the applicant, Soil Safe.

Section 27-466.01 of the Zoning Ordinance requires that in all industrial zones that each lot shall have frontage on and direct access to a dedicated public street unless authorized by the Subdivision Regulations, specifically:

**Section 27-466.01. Frontage.**

**Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

More specifically in the I-3 Zone Section 27-471(h) requires that development have frontage on and direct access to street having a right-of-way (ROW) width of 70 feet:

**(h) Required access.**

**(1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

As stated in Section 27-466.01 above, the Planning Board may authorize the use of an access easement for development in limited circumstances. This authority is not exercised thru the review of a zoning application (DSP) but thru a subdivision process. The Subdivision Regulations in Section 24-128 state that:

**(a) No subdivision plan or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.**

The applicant discussed with staff possible opportunities for other access to the site in lieu of using the frontage along Timothy Drive to the north, a 30-foot wide public street, which serves the abutting residential neighborhood. As a result of those discussions the applicant is proposing the vehicular access easement to the south. Staff believes that directing traffic from the site via an easement to the south through other industrial zoned land (I-2) may provide a more suitable access than traffic connecting through the abutting residential neighborhood to the north. Direct access to Timothy Road for the proposed industrial use may result in potential conflicts in traffic with the residential land use. In addition, Timothy Road has a non-standard right-of-way width (30 feet), less than a local residential street. Therefore, staff would support the alternative access as reflected on the CSP and DSP.

Section 24-128 of the Subdivision Regulations states that:

**(9) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.**

Staff would recommend thru a subdivision process that the frontage along Timothy Drive be denied and the Planning Board authorize the use of an easement pursuant to Section 24-128(b)(9), if that easement is reviewed thru this DSP.

In order to determine that the access easement proposed is adequate, and to make appropriate findings and recommendations to the Planning Board staff requested, and the applicant has submitted, an exhibit showing a 22-foot-wide access easement from the site extending south through Parcels 8 and 10 to Mattawoman Drive. The easement exhibit however, is not sufficient to determine that the access is adequate. The easement width and location are not consistent on the DSP and the exhibit, proposed bearings and distances and the existing grades are not provided, nor are the existing improvements on Parcels 8 and 10 including the existing driveway shown. The exhibit delineates the access easement on part of the Washington Gas 50-foot-wide easement (Liber 11760 Folio 151). The alignment of the easement should be relocated outside of the Washington Gas easement or authorization from Washington Gas provided. The easement exhibit should be reviewed further for adequate access and circulation. The applicant should be aware that the access issue is not ancillary to the development of this property but is an essential element and the exhibit must reflect the level of detail necessary to determine that it can serve the development, and will then be the sole access for this site as a part of the DSP. The access easement will then need to be approved and authorized by the Planning Board thru a subdivision process, as discussed further.

The authorization for the development of the property via an access easement pursuant to Section 24-128(b)(9) can be accommodated thru the final plat process in this case. Therefore, the final plat will need to be heard and approved by the Planning Board and the plat should include the subject property, Parcels 6 and 7, and the abutting properties to the south, Parcels 8 and 10, to delineate the alignment of easement with bearings and distances. An easement document, in addition to being delineated geographically on the final plat, will set forth the rights, responsibilities, and liabilities of the parties and the liber and folio of the easement should be reflected on the plat(s) prior to recordation. The plats will delineate the extent of the easement, an easement which would be a condition of the Planning Board for access. While the M-NCPPC would not be a party to the easement, the easement document will reserve the rights of the Commission so that no action which would substantially alter the easement could occur without the agreement of M-NCPPC, actions such as the abandonment, reduction, or restriction of the right of access on which the DSP approval would be predicated.

Staff's analysis of the 22-foot-wide vehicular access easement is based on the proposed 4,750-square-foot office. Any additional development will required a re-evaluation of access for the site. The access easement is suitable for limited development. Additional development that will result in a cumulate total of more than 5,000 square feet of gross floor area on Parcels 6 thru 10 will require the approval of a preliminary plan of subdivision and will be evaluated further at that time for adequate access and transportation facilities pursuant to Subtitle 24.

Parcels 8 and 10 (to the south) were the subject of approved PPS 4-90027 which expired on January 31, 2003 and was never platted. That previous PPS contained findings and conditions regarding a the extension of Mattawoman Drive (120-foot ROW) thru Parcels 8 and 10 to serve the subject site, which was previously described as landlocked. The applicant should anticipate the need for this extension of Mattawoman Drive to serve additional development on Parcels 6 and 7 should that occur.

**Subdivision Section recommends the following conditions for this DSP:**

1. Prior to approval of the DSP the applicant shall submit a revised "Ingress/Egress Easement Exhibit" that shall include:
  - a. The proposed bearings and distances including square-footage of the proposed vehicular access easement.
  - b. The dimensions including the distance from the east property line to the center line of the easement along the north property line of Parcel 8
  - c. Label Parcels 8 and 10 including the acreage.
  - d. Provide the zoning.
  - e. Relocate the easement outside of the Washington Gas line easement (Liber 11760 Folio 151) or provide evidence that the co-location of the easement is acceptable to Washington Gas.
  - f. Label the ROW of Mattawoman Drive and provide and insert on the exhibit clarifying where the easement will connect to that dedicated public ROW.
  - g. Show existing improvements and grades, including the existing tree line.
  - h. Show limits of clearing and grading necessary for implementation of the easement.
  - i. Update the revision box on the exhibit.
  - j. Provide numbering which will include this as a sheet in the DSP site plan.
  
2. Prior to certificate approval, the CSP/DSP shall be revised as follows:
  - a. Clearly label the extent of Parcels 6 and 7, and part of Lot 21 providing acreage and zoning.
  - b. Label the denial of access to Timothy Road pursuant to Section 24-128(b)(9).
  - c. Add the following note:

"Vehicular access for the site is via an easement thru the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24-128(b)(9)). The access easement is reflected on the Applicant's Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval."
  - d. Correct the DSP approval block on the site and landscape plan to indicate the right DSP number.
  - e. Correct the acreage of the land that is the subject of the DSP to include part of Lot 21.
  
3. Prior to the approval of building permits the applicant, their heirs, successors, and assigns shall submit to M-NCPPC for approval a draft vehicular access easement benefitting Parcels 6 and 7 which extends across Parcels 8 and 10 to Mattawoman Drive, as reflected on the approved DSP-12033. The final plats shall include the benefitted and encumbered properties (Parcels 6, 7, 8, and 10) and shall be approved by the Planning Board authorizing the access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - a. The final plat shall delineate the alignment of easement with bearings and distances.
  - b. The easement document shall set forth the rights, responsibilities and liabilities of the parties and liber/folio of the easement, shall include the rights of M-NCPPC and will be reflected on the plat prior to recordation.

Failure of the site plan and record plats to match, including bearings, distances, lot sizes, and the extent and location of the access easement will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

January 2, 2014

**MEMORANDUM**

TO: Meika Fields, Urban Design Section, Development Review Division

FROM:  Tom Masog, Supervisor, Transportation Planning Section, Countywide Planning Division

SUBJECT: CSP-12002 & DSP-12033, Mattawoman-Brandywine Commerce Center North

The Transportation Planning Section has reviewed the site plans noted above. The subject property consists of approximately 56.61 acres of land in the I-3 Zone. The site is located south of Timothy Road, east of the Timothy Branch, and west of the side of CSX/Consolidated Rail Corporation tracks. The current site plan proposes structures associated with a public utility, including a related building of 4,750 square feet.

***Review Comments***

The conceptual and detailed site plans are requirements of the I-3 Zone. The plans must address general conceptual and detailed site plan requirements. The transportation-related findings related to both application types are extremely limited, and are related to issues of access. It appears that the single building is less than 5,000 square feet, and therefore a preliminary plan of subdivision will not be required. Due to the limited requirements of the site plans coupled with the limited trip-generating development being proposed, there is no means of reviewing off-site traffic issues. There are no prior approvals to which these plans must conform.

The site encompasses two unrecorded parcels. The applicant proposes a solar farm with two inverters and an operations building of 4,750 square feet. The development is estimated to generate 4 AM and 4 PM peak-hour vehicle trips; therefore, even if a subdivision were to be processed the traffic impact would be deemed to be de minimus. Access is proposed using a driveway across an adjacent property to Mattawoman Drive, a public street. While this is acceptable given the limited trip generation of the site, a right of access across the adjacent property is required prior to permit issuance.

Circulation is acceptable. The transportation staff has no comment regarding the layout of the fixtures proposed for this property.

The site is not within or adjacent to any transportation master plan facilities.

As noted above, no traffic-related findings are required under this review. Therefore, the Transportation Planning Section finds that the subject conceptual and detailed site plans generally conform to the transportation-related requirements of Subtitle 27, with one condition:

1. Prior to permit issuance, the applicant shall demonstrate that permission has been granted for a right of access to cross the adjacent property, known as the Soil Safe, Inc. property, to gain access to a public street.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Historic Preservation and Public Facilities Section

(301) 952-3680  
www.mncppc.org

November 14, 2013

MEMORANDUM

TO: Meika Fields, Senior Planner  
Urban Design Section  
Development Review Division

FROM: Jennifer Stabler, Archeology Planner Coordinator *JAS*  
Historic Preservation Section  
Countywide Planning Division

SUBJECT: CSP-12002 & DSP-12033, Mattawoman-Brandywine Commerce Center North

**Background**

The subject property comprises 56.61 acres located south of Timothy Road, east of Timothy Branch and west of the CSX Railroad tracks in Brandywine, Maryland. The subject application proposes a solar powered electric generating facility to serve Joint Base Andrews.

**Findings**

A Phase I archeology survey was conducted on the subject property from August to September 2013. Two archeological sites, 18PR1061 and 18PR1062, were identified on the Mattawoman-Brandywine Commerce Center Property. Site 18PR1061 is a mid-twentieth century dwelling site with a ruined fireplace, chimney stack and brick-lined well located in the north central part of the property. Site 18PR1062 is an early nineteenth-century dwelling site located in the northwest portion of the property. Neither site retained sufficient integrity to warrant further investigations. No further work was recommended on sites 18PR1061 and 18PR1062.

**Conclusion**

Historic Preservation staff concurs with the conclusion and recommendation of the Phase I archeological study that no further archeological work is necessary on the Mattawoman-Brandywine Commerce Center North property.

**Recommendation**

Historic Preservation staff recommends that the Planning Board approve CSP-12002 and DSP-12033, Mattawoman-Brandywine Commerce Center North, with no conditions.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

October 30, 2013

**MEMORANDUM**

TO: Meika Fields, Senior Planner, Urban Design Section, Development Review Division

VIA: Christine Osei, Planner Coordinator, Special Projects Section, Countywide Planning Division *CO*

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division *JM*

SUBJECT: DSP-12033; Mattawoman-Brandywine Commerce Center North

Mattawoman-Brandywine Commerce Center North property is located south of Timothy Road, east of Timothy Branch and west of consolidated rail corporation. The Special Projects Section, Countywide Planning Division has reviewed this Detailed Site Plan application for public facility adequacy. The proposed development will have no impact on existing public facilities.



Rushern L. Baker, III  
County Executive

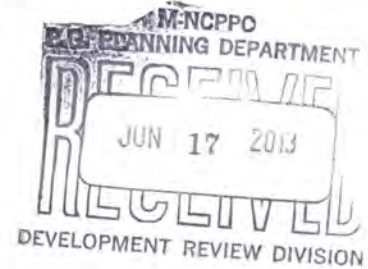
# PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Public Works and Transportation  
Office of Engineering

## MEMORANDUM

June 10, 2013



**TO:** Meika Fields, Urban Design  
Development Review Division, M-NCPPC

**FROM:** *For [Signature]* Dawit Abraham, P.E., Associate Director  
Office of Engineering, DPW&T

**RE:** Mattawoman- Brandywine Commerce Center North  
Conceptual Site Plan No. CSP-12002  
Detailed Site Plan No. DSP-12033

**CR:** Mattawoman Drive, 4-6197-B

In response to the Conceptual Site Plan No. CSP-12002 and Detailed Site Plan No. DSP-12033 referrals regarding infrastructure and rough grading for a future industrial use, the Department of Public Works and Transportation (DPW&T) offers the following:

- The property is located on the south side of Timothy Road, east of Timothy Branch and west of Consolidate Rail Corporation railroad in Brandywine. Coordination with Conrail Railroad Corporation is recommended.
- The subject property consists of Parcels 6 and 7 that has access from Mattawoman Drive to the south.
- All improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- Any proposed and/or existing Master-Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T and may involve rights-of-way reservation, dedication and/or construction in accordance with DPW&T's Specifications and Standards.

Meika Fields  
June 10, 2013  
Page 2

- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- All storm drainage systems and facilities are to be in accordance with DPW&T's Specifications and Standards.
- The proposed development has an approved DPW&T Stormwater Management Plan Number 24467-2012, dated September 11, 2012. The grading shown on the Detailed Site Plan and the Conceptual Site Plan is not consistent with the grading shown on the Stormwater Concept Plan. The concept plan should be revised.

If you have any questions or need additional information, please contact Mr. Mansukh Senjalia, P.E., District Engineer for the area, at (301) 883-5710.

DA:NF:dar

cc: Mansukh Senjalia, P.E., District Engineer, EISD, OE, DPW&T  
Nanji Formukong, Engineer, EISD, OE, DPW&T  
Ikem Nwolisa, Engineer, EISD, OE, DPW&T  
Robin Jones, Engineering Technician, EISD, OE, DPW&T  
Mattawoman Development, LLC 6411 Ivy Lane, Suite 200,  
Greenbelt, Maryland 20770  
McNamee & Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, MD 20770



# THE PRINCE GEORGE'S COUNTY GOVERNMENT



## Department of Permitting, Inspections and Enforcement

### Site/Road Plan Review Division

9400 Peppercorn Place, Suite 420

Largo, Maryland 20774

(301) 883-5710



## STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: MATTAWOMAN / BRANDYWINE COMMERCE CENTER CASE #: 24467-2012-01  
NORTH\_TIMOTHY ROAD  
APPLICANT'S NAME: SOIL SAFE, INC  
ENGINEER : BEN DYER ASSOCIATES, INC J-B02060 8.051-Z

### REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is PRIVATE.

These additional approvals are required: None.

These fees apply: REVIEW, FEE-IN-LIEU.

These bonds apply: None.

Required water quality controls: SEE CONDITION 1.

Required water quantity controls: None.

A maintenance agreement is required.

No special conditions apply.

Required easements: FLOOD PLAIN.

Storm Water Management fee payment of \$4,693.33 in lieu of providing on-site attenuation/quality control measures.  
(Fee-In-Lieu subject to change during technical review. )

### CONDITIONS OF APPROVAL:

1. WATER QUALITY CONTROL REQUIREMENTS: MICRO-BIORETENTIONS AND NON ROOFTOP DISCONNECTIONS.
2. PROOF OF OFF-SITE VALID GRADING PERMISSION IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.
3. THIS CONCEPT IS FOR FINE GRADING PERMIT FOR INSTALLATION OF SOLAR PANELS IN THE EXISTING FIELD. THE WATER QUALITY IS PROVIDED MEEING ESD TO THE MEP TO TREAT 1 INCH OF RAINFALL FOR SOLAR FILED AND MICRO-BIORETENTIONS FOR ACCESS ROAD, MAINTENANCE BUILDING AND PARKING LOT.
4. ACCESS TO THE SITE IS PROVIDED FROM PARCELS 8 AND 10, PERMIT NO.4460-2011, OWNED BY THE SAME OWNER (SOIL SAFE INC).
5. SEDIMENT CONTROL PLANS SHALL BE APPROVED FOR CONTROLLING SEDIMENTS LEAVING THE SITE.
6. A FLOODPLAIN STUDY IS REQUIRED FOR AREAS WITH GREATER THAN 50 ACRES OF DRAINAGE.

12-19-2013 REVISION SUPERSEDES PREVIOUS APPROVAL DATED 9-11-2012.  
REVIEWED BY MS.

CASE NAME:

MATTAWOMAN / BRANDYWINE COMMERCE CENTER  
NORTH\_TIMOTHY ROAD

CASE #: 24467-2012-01

APPROVED BY:



Rey De Guzman

APPROVAL DATE: December 19, 2013  
EXPIRATION DATE: December 19, 2016

CC: APPLICANT, SCD, PERMITS  
P.G.C. FORM #3693 (REV 04/93)

**FOR OFFICE USE ONLY**

ADC MAP:	5999 C-1	200' SHEET:	219SE08
STREET NAME:	TIMOTHY RD		
WATERSHED:	48-Timothy Branch		
NUMBER OF DU'S:	0	COST PER DWELLING:	0







*Division of Environmental Health*

Date: November 7, 2013

To: Meika Fields, Urban Design, M-NCPPC

From: Sion Jung, Environmental Health Specialist, Environmental Engineering Program

Re: CSP-12002, DSP-12033, Mattawoman-Brandywine Commerce Center North

The Environmental Engineering Program of the Prince George's County Health Department has completed a desktop health impact assessment review of CSP-12002, DSP-12033, Mattawoman-Brandywine Commerce Center North and has no comments.

If you have any questions or need additional information, please contact Lane Dillon at 301-883-7655 or [ljdillon@co.pg.md.us](mailto:ljdillon@co.pg.md.us).



Roquem L. Baker, III  
County Executive

Environmental Engineering Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/Health](http://www.princegeorgescountymd.gov/Health)

## Fields, Meika

---

**From:** bjzellmer@pepco.com  
**Sent:** Tuesday, January 28, 2014 1:58 PM  
**To:** Fields, Meika  
**Subject:** CSP - 12002 and DSP - 12033, Mattawoman/Brandywine Commerce Center North

Hi Meika,

I know this is about a week late, our apologies. The subject site is outside Pepco's distribution service territory. Please contact SMECO.

Thanks!

---

Brad Zellmer, Sr. Supervising Engineer, Distribution Engineering, Maryland Division, PEPCO  
8300 Old Marlboro Pike, Upper Marlboro, MD 20772  
☎1(301) 967-5354 📠1(301) 967-5820 ✉[bjzellmer@pepco.com](mailto:bjzellmer@pepco.com) 🌐 [www.pepco.com](http://www.pepco.com)

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## MEMORANDUM

Date: 2-14-2014

To: Meika Fields  
Urban design development review  
Phone Number: 301-952-3530 (fax) 301-952-3749

From: Southern Maryland Electric Cooperative, Inc.  
MNCPPC PG County Review

Subject: Case File Number: CSP-12002/DSP-12033  
Project Name: Mattawoman/Brandywine Commerce

Name: Herb Reigel Date: 2-14-2014 Phone: 301-274-9299 X4004

### Comments:

SMECO has no pending interconnection request for the referenced solar farm project and has not granted conditional approval to interconnect to the local electric distribution system. As such, SMECO respectfully requests Prince George's County to withhold preliminary plan approval at this time.

SMECO's electric service territory is non-FERC jurisdictional and as such does not facilitate system interconnections for the purpose of participating directly with the PJM marketplace at this time. Any such interconnection needs to occur through a negotiated PPA directly with SMECO.

Please contact SMECO's System Planning and Reliability Director Herb Reigel at the above contact information for additional clarification as needed.

Thank you.



**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 11TH WING (AFDW)  
JOINT BASE ANDREWS, MARYLAND 20762**

MEMORANDUM FOR: M-NCPPC, Urban Design Division  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
ATTN: Meika Fields – Urban Design

28 May 2014

FROM: Col Dean Hartman  
11 MSG/CC  
1500 Perimeter Road, Suite 2520  
Joint Base Andrews, Maryland 20762

SUBJECT: CSP-12002, DSP-12003 – Mattawoman Brandywine Commerce Center North

1. The proposed Mattawoman Solar Power Facility property is located adjacent to the Joint Base Andrews - Naval Air Facility Washington Brandywine Communications Facility. This communications facility is critical to Joint Base Andrews operations and could be affected by any radio frequency noise generated by the proposed solar plant equipment. Additionally, there is potential glare resulting from the solar arrays that require additional analysis to determine impacts to flight operations.
2. Joint Base Andrews leadership met with the applicant on 21 April 2014 to discuss the Preliminary concept. In order to address the existing and ongoing Joint Base Andrews technical concerns discussed above, a second meeting was held on 20 May 2014 with technical experts from Energy Ventures and Joint Base Andrews.
3. During our 20 May 2014 meeting with the applicant, the Air Force outlined the potential encroachment concerns that could result from the construction of the proposed solar facility. The primary concern is radio frequency interference from the facility could result in a change to the existing radio interference noise floor which could impact operations at the communications facilities. As a result of separate Mattawoman and Keys Natural Gas Generation Plant proposals, also in the vicinity of Brandywine Communications Facility, the Department of Defense Joint Spectrum Center is currently undertaking a study to evaluate the current level of radio frequency interference in the Brandywine area and the effect of the two proposed natural gas generation facilities on the communications facilities. We expect this study and our subsequent review, to be completed by 31 July 2014. However, this study will only evaluate the impacts of two proposed natural gas generation facilities and additional study will be needed to understand the cumulative impacts of the proposed solar facility.
4. The Air Force and Energy Ventures discussed the potential of obtaining data on existing solar facilities which could provide comparable technical comparisons to the proposed facility. Because the solar facility's invertors may present the primary impact to the noise floor, the inverter manufacturer may have existing data that could also benefit the Air Force's technical analysis. Energy Ventures provided the requested information to Joint Base Andrews on 23 May



2014. Their input includes the specifications for a SMA Solar Invertor, the latitude and longitude of the proposed facility, and four potential comparable test locations where radio frequency emissions could be evaluated. Using this information, the Air Force will continue to work with Energy Ventures to determine any potential impact and mitigation techniques to ensure the proposed solar facility does not negatively impact Joint Base Andrews operations.

5. Thank you for the opportunity to review and comment on this application. If your staff has any questions please have them contact Mr. Paul Holland, the Community Plans and Liaison Subject Matter Expert, at (240) 612-0500, [paul.a.holland12.ctr@mail.mil](mailto:paul.a.holland12.ctr@mail.mil).



DEAN H. HARTMAN, Colonel, USAF  
Commander, 11th Mission Support Group  
Joint Base Andrews

## APPLICANT'S PROPOSED CONDITIONS CSP- 12002 and DSP-12033

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
  - a. Delineate the right-of-way width for Timothy Road.
  - b. Provide new MNCPPC approval blocks on the plan.
  - c. Revise the Ingress/Egress Easement Exhibit as follows:
    - (1) Provide the proposed bearings and distances and square footage of the proposed vehicular access easement.
    - (2) Provide numbering which will include this as a sheet in the DSP site plan.
  - d. Clearly label the extent of Parcels 6 and 7, and part of Lot 21 providing acreage and zoning.
  - e. Label the denial of access to Timothy Road pursuant to Section 24-128(b)(9).
  - f. Add the following note:

“Vehicular access for the site is via an easement through the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24-128(b)(9)). The access easement is reflected on the Applicant’s Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval.”
  - g. Correct the acreage of the land that is the subject of the DSP to include part of Lot 21.
  - h. Indicate conformance to Section 4.7 of the 2010 *Prince George’s County Landscape Manual* along the western property line.
  - i. Indicate that a grass surface will be provided for the solar field.
  - j. Indicate ~~an asphalt~~ asphalt or paved surface for the parking area and maintenance roads.
2. Prior to certification of the detailed site plan, the Type 2 tree conservation plan shall be revised as follows:
  - a. Note 1 shall be revised to remove the second sentence.
  - b. A permanent tree protection device shall be shown on the TCP2 plan along the vulnerable edges of any afforestation/reforestation area.
  - c. The approval block shall be revised to include the TCP2 number in the correct hyphenated format and the associated site plan number shall be listed by the approval

- d. The revised plan shall be signed and dated by the Qualified Professional who prepared it.
  - e. Add the following note:
    - “NOTE: This plan is in accordance with the following: A variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Add Date of Approval) for the removal of two specimen trees (Section 25-122(b)(1)(G)), ST-1 and ST-2.”
  - f. Include conifer planting within the reforestation planting schedule.
3. Prior to the signature of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
4. Prior to Maryland-National Capital Park and Planning Commission (M-NCPPC) approval of building permits, the applicant, their heirs, successors, and assignees shall submit to M-NCPPC for approval a draft vehicular access easement benefitting Parcels 6 and 7 which extends across Parcels 8 and 10 to Mattawoman Drive, as reflected on the approved DSP-12033. The final plats shall include the benefitted and encumbered properties (Parcels 6, 7, 8, and 10) and shall be approved by the Planning Board authorizing the access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
- a. The final plat shall delineate the alignment of the easement with bearings and distances.
  - b. The easement document shall set forth the rights, responsibilities and liabilities of the parties and the liber/folio of the easement, shall include the rights of M-NCPPC, and will be reflected on the plat prior to recordation.
5. Prior to M-NCPPC approval of any building permits for this site, technical stormwater management plans for the subject property shall be submitted to the Environmental Planning Section which address appropriate stormwater management elements for the approved use of the site.
6. Prior to M-NCPPC approval of grading permits, a copy of the final Erosion and Sediment Control Plan shall be submitted to the Environmental Planning Section so the ultimate limits of disturbance for the project can be verified, and consistency between the limit of disturbance on all plans can be confirmed.
- ~~7. Prior to M-NCPPC approval of grading permits, the applicant shall provide evidence of an interconnection agreement between the proposed electric generating station and a local electric company or public utility provider.~~