

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 27, 2016, regarding Specific Design Plan SDP-1601 for Parkside (formerly Smith Home Farm), Section 4, Parcels 120 and 157, the Planning Board finds:

1. **Request:** The subject approval is for an infrastructure specific design plan (SDP) for grading and the installation of three stormwater management ponds for Parkside, Section 4, a part of the larger Parkside development.

**Note:** The originally submitted request was also for stream restoration, historic Melwood Road and legacy trail alignment, and the installation of water and sewer lines. Consideration was subsequently limited by the Planning Board to rough grading for the installation of stormwater management ponds. The portions of the original request not herein considered will be reviewed when a full-scale SDP is submitted for consideration.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
<b>Zone</b>	R-M	R-M
<b>Use</b>	Residential	Residential
<b>Acreage</b>	97.20	97.20
<b>Parcels</b>	2	2
<b>Gross Acreage</b>	96.49	96.49
<b>Flood Plain Acreage</b>	2.49	2.49
<b>Net Acreage</b>	94	94

3. **Location:** The larger Parkside (formerly Smith Home Farm) subdivision is a tract of land consisting of wooded, and partially developed land approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6. Subject Section 4 of the Parkside development is located in the north central portion of the development north of approved Section 3 of the development and the proposed Westphalia Central Park.
4. **Surrounding Uses:** The subject site (SDP-1601) is bounded to the north by vacant land and single-family detached residential units in the Rural Residential (R-R) and Open Space (O-S) Zones; to the east by townhouses and the undeveloped Section 7 of the Parkside development in

the Local Activity Center (L-A-C) and Residential Medium Development (R-M) Zones; to the south by Section 3 of the Parkside development and the proposed Westphalia Central Park in the R-M Zone and to the west by Rock Spring Drive and Melwood Road, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center (C-S-C), Commercial Office (C-O), in the Miscellaneous Commercial (C-M) Zone and the R-R Zones beyond.

The Parkside project, as a whole, is bounded to the north by the existing subdivisions and undeveloped lands in the R-R (Rural Residential), R-A (Residential-Agricultural), C-M (Commercial Miscellaneous), C-O (Commercial Office), and R-T (Residential-Townhouse) Zones; to the east by undeveloped lands in the R-R and the R-A Zones; to the south by existing development such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by the existing development (Mirant Center) in the I-1 Zone, existing residences in the R-R and the R-A Zones, and undeveloped land in the I-1 and M-X-T Zones.

5. **Previous Approvals:** The subject approval is for Section 4 within a larger project currently known as Parkside, which measures 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The Parkside project was rezoned from the R-A Zone through Zoning Map Amendments A-9965 and A-9966 to the R-M (Residential Medium 3.6-5.7) Zone with a mixed-retirement development and the L-A-C (Local Activity Center) Zone with a residential component, for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. On September 29, 2005, the Planning Board approved Zoning Map Amendments A-9965 and A-9966, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner approved Zoning Map Amendments A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. The District Council approved both Zoning Map Amendment applications on February 13, 2006 and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved (through PGCPB Resolution No. 06-56(C)) Comprehensive Design Plan CDP-0501 for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, a revision to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and the size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (through PGCPB Resolution No. 11-112) with four conditions.

On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-64(A)) Preliminary Plan of Subdivision 4-05080 for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-192) infrastructure Specific Design Plan SDP-0506 for portions of roadways

identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This approval also showed a portion of the roadway between MC-631 and the Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* was approved by the District Council on February 6, 2007. In County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range from 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone (Market rate) as 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10–23 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of an SDP for the Central Park following approval of the Westphalia Sector Plan and SMA and not as the second SDP as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program (PFFIP) District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

Specific Design Plan SDP-0506 for road infrastructure was approved by the Planning Board on July 27, 2006 and PGCPB Resolution No. 06-192 was adopted on September 7, 2006 formalizing that approval. A single revision to that SDP (SDP-0506/01) was approved on December 12, 2007 by the Planning Director as designee of the Planning Board to revise A-67 to a 120-foot right-of-way and to add bus stops and a roundabout. Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012 and PGCPB Resolution No. 12-14 was adopted on March 29, 2012.

Specific Design Plan SDP-1002 for stream restoration was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012 formalizing that approval, subject to seven conditions.

Specific Design Plan SDP-1003 for Sections 1A, 1B, 2, and 3 of the Smith Home Farm development was approved by the Planning Board on March 12, 2012, as formalized by the Planning Board's adoption of PGCPB Resolution No. 12-21 on March 29, 2012. On July 24, 2012, the District Council affirmed the Planning Board's decision with two additional conditions of approval.

Specific Design Plan SDP-1003-01, a revision to add townhouse architecture, widen some townhouses to 22 feet, and reorient six groups of townhouses, was approved by the Planning Board on May 30, 2013 and formalized in the adoption of PGCPB Resolution No. 13-62. The District Council approved the revision by an order dated September 23, 2013.

Specific Design Plan SDP-1003-02 was pre-reviewed, but then withdrawn on May 29, 2013.

Specific Design Plan SDP-1003-03, a revision to add the Westphalia model to the approved architecture for Section 1B, was approved by the Planning Board on September 19, 2013 and formalized in the Planning Board's adoption of PGCPB Resolution No. 13-106 on October 10, 2013.

Specific Design Plan SDP-1003-04, a revision to add the Arcadia model to Section 1A, was approved by the Planning Board on January 16, 2014. The Planning Board adopted PGCPB Resolution No. 14-02 on February 6, 2014, formalizing the approval.

Specific Design Plan SDP-1003-05 was approved for the Parkside development to revise the central recreational area included in Section 3 of the SDP. The Planning Board approved the application on September 10, 2015 and adopted PGCPB Resolution No. 15-91 on October 1, 2015, formalizing the approval.

Specific Design Plan SDP-1003-06 to revise Section 3 was approved by the Planning Board on July 21, 2015. The Planning Board subsequently adopted PGCPB Resolution No. 15-36 on May 7, 2015, formalizing that approval. The District Council subsequently reviewed the case and approved it by an order dated July 21, 2015.

The '-06' revision was approved on April 16, 2015 and, before the '-05' revision was approved on September 10, 2015, the name of the project was changed from Smith Home Farm to Parkside. Specific Design Plan SDP-1003-07 was approved by the Planning Board on November 19, 2015. Prince George's County Planning Board Resolution No. 15-121 was adopted on December 10, 2015, formalizing the approval. Specific Design Plan SDP-1003-08 was approved at staff level on December 14, 2015. Specific Design Plan SDP-1003-09 was approved by the Planning Board on September 8, 2016 and PGCPB Resolution No. 16-106 was adopted on September 29, 2016, formalizing the approval.

The project is subject to Stormwater Management Concept Plan 14846-2006-01, which covers Sections 4, 5, and 6 of the Parkside Development, approved on June 15, 2016 and valid until May 4, 2017.

6. **Design Features:** Specific Design Plan SDP-1601 is roughly rectangular in shape, with stormwater management Pond 4A and stormwater management Pond 4B located in the southeastern corner of the site and Pond 4C located along the eastern boundary of Section 4, approaching the northwestern corner of the SDP. Grading and the limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property. Details of layout and site design for this section of the Parkside development will be determined when a full-scale SDP is submitted for review at a future date.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to three conditions, none of which is applicable to the review of this limited infrastructure SDP.
8. **Comprehensive Design Plan CDP-0501 and its revision and reconsideration:** Comprehensive Design Plan CDP-0501 as approved includes a maximum of 3,648 dwelling units, of which 2,124 dwelling units are in the regular R-M Zone, including 319 single-family detached, 552 single-family attached, 361 two-over-two, and 892 multifamily condominium units; 1,224 dwelling units are in the R-M Zone under Mixed Retirement Development (MRD); and 300 condominium dwelling units and 140,000 square feet of commercial/retail in the L-A-C Zone. Comprehensive Design Plan CDP-0501 was approved by the Planning Board with 30 conditions. The District Council approved CDP-0501 on May 22, 2006 with 34 conditions, without approving the accompanying three variances. Of the 34 conditions attached to the CDP approval, Conditions 1, 7, 8, 9, 11, 12, 16, 23, 29, 31, 32 and 34 are SDP-related conditions that will be applicable when the applicant submits a full-scale SDP for consideration.

On December 1, 2011, the Planning Board approved Comprehensive Design Plan CDP-0501-01 and added three new conditions regarding the timing of construction and completion of the second community building and possible additional community buildings. Conformance with these conditions will be evaluated when a full-scale SDP is submitted for consideration.

9. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
  - a. The subject SDP is an infrastructure application for Section 4 and is consistent with Sections 27-507, 27-508, 27-509, and 27-510 of the Zoning Ordinance governing development in the R-M Zone.
  - b. Section 27-528, requires that the Planning Board make the following findings for approval of a specific design plan for infrastructure:

- (b) **Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, 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.**

The subject SDP for rough grading and the installation of stormwater management ponds is for Section 4 of the larger Parkside development. The SDP proposes a grading plan for Section 4 in the north central portion of the larger Parkside project site and stormwater management ponds that are consistent with the previously approved Comprehensive Design Plan CDP-0501. The application has an approved Stormwater Management Concept Plan, 14846-2006-01 (for Sections 4, 5, and 6), and a memorandum dated October 17, 2016 from the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with the approved stormwater concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The Planning Board stated that the subject project is in conformance with TCPII-014-2016, subject to several conditions. The subject approval will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge, consistent with previous approvals.

10. **Preliminary Plan of Subdivision 4-05080:** The Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Parkside (formerly Smith Home Farm) development on March 9, 2006. PGCPB Resolution No 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times including April 6, 2006 (PGCPB Resolution No. 06-64(A) adopted September 7, 2006), July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) adopted on September 7, 2006), and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) adopted June 14, 2012), with 77 conditions. The conditions that are applicable to the review of this SDP are discussed below:

- 2. A Type II Tree Conservation Plan shall be approved with each specific design plan.**

The Planning Board herein approves Type II Tree Conservation Plan TCPII-014-2016 with conditions. Therefore, the project is in conformance with this requirement.

- 3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.**

In a memorandum dated October 17, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with approved Stormwater Management Concept Plans 36059-2005-03 and 14846-2006-01 as required by this condition.

- 14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

The subject SDP proposes no grading of the existing Melwood Road. Conformance with this condition will be evaluated when a full-scale SDP is submitted for consideration.

- 16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

This condition will be evaluated for Section 4 at the time when a full-scale SDP is submitted.

- 19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.**

A revised comprehensive trail plan has been provided by the applicant. However, the alignment of the Melwood Road Legacy Trail through Section 4 will be evaluated when a full-scale SDP is submitted for Section 4.

The original SDP approval for SDP-1003 (PGCPB Resolution No. 12-21) included the following condition of approval related to the timing and construction of trail facilities:

- 8. The recreational facilities to be included in the subject project shall be bonded and constructed in accordance with the following schedule:**

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify the construction sequence due to the exact location of sediment ponds or utilities, or other engineering necessities. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the necessary facilities prior to completion of all the dwelling units.		

Condition 8 of Specific Design Plan SDP-1003 reflects the timing of trail construction for Sections 1, 2 and 3. The Planning Board will look for comparable timing for the trails within Section 4 when a full-scale SDP is submitted for consideration, with bonding prior to the issuance of any building permits and construction prior to issuance of 50 percent of the building permits for Section 4.

**27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.**

The Planning Board hereby finds that, as the final Phase II report for 18PR766 has been submitted, this condition has been satisfied.

11. **Specific Design Plan SDP-0506 and its revision:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions. Condition 2 is related to the review of the subject SDP as follows:

**2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of**



**development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

Since the scope of the SDP has been reduced to exclude the stream restoration work, conformance with the above condition will be evaluated when a full-scale SDP is submitted for Section 4.

Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012. Prince George's County Planning Board Resolution No. 12-14 was adopted on March 29, 2012. Specific Design Plan SDP-0506-03 was approved by the Planning Board on July 17, 2014. PGCPB Resolution No. 14-70 was adopted by the Planning Board on July 31, 2014, formalizing

that approval. No conditions of these approvals are relevant to the review of Specific Design Plan SDP-1601.

12. **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 gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there are previously approved Type I and Type II Tree Conservation Plans TCPI-038-05 and TCPII-057-06.
  - a. Type I Tree Conservation Plan TCPI-038-05 was approved with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm, subject to many conditions. Type I Tree Conservation Plan TCPI-038-05 was approved along with CDP-0501. A revision to previously approved Type I Tree Conservation Plan TCPI-038-05-01 was submitted at the time of Preliminary Plan of Subdivision 4-05080 review and was approved by the Planning Board, along with 4-05080, for the entire Smith Home Farm property.
  - b. Type II Tree Conservation Plan TCPII-014-2016 is herein approved subject to conditions, which bring the project into conformance with the requirements of the WCO. Therefore, the project is in conformance with the requirements of the WCO.
13. **Prince George's County Tree Canopy Coverage Ordinance:** Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP for Section 4 is submitted for consideration.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. Note that due to time constraints, the project was not re-referred after its scope was reduced to include only rough grading for the installation of stormwater ponds. All comments other than those on rough grading for the installation of stormwater management ponds will be addressed when a full-scale SDP is submitted for Section 4. The referral comments are summarized as follows:
  - a. **Transportation Planning**—As the nature of the application is to show proposed rough grading and water and sewer infrastructure layout within Section 4 in order to obtain a rough grading permit, an SDP for the proposed street and lot layout within Section 4 will be filed as a revision to this application.

The 96.49-acre R-M-zoned property shows a proposed master plan road (C-627) along the western periphery of the property. Further, the location of C-627 is consistent with all of the previous approvals for this property, including Preliminary Plan 4-05080. Given the limited scope of this application, there are no other transportation-related comments.
  - b. **Subdivision Review**—The subject property is located within the area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is located on Tax Map 90 in Grids D 1-2, E 1-2, F 1-2. The

property is zoned R-M, (Residential Medium Development) which is a comprehensive design zone. The sector plan identifies this property on the Regional Center Concept Map as low-density residential, and this specific project is mentioned in the sector plan.

Specific Design Plan SDP-1601 covers 96.49 acres. The property was the subject of Preliminary Plan of Subdivision 4-05080 and PGCPB Resolution No. 06-64(A/2)(C), which is valid through June 14, 2018. The applicant must have record plats accepted prior to the expiration of the preliminary plan of subdivision (PPS). The PPS was approved for 759 acres, for a total of 1,506 lots, 355 parcels, and a total of 3,648 dwelling units. The approved dwelling unit breakdown is for 285 detached, 1,577 attached, and 1,786 multifamily dwelling units.

This specific design plan (SDP) proposes grading and infrastructure for Section 4 only. The boundaries of this SDP are in substantial conformance with a development area of the PPS designated for mixed retirement.

The PPS was approved (PGCPB Resolution No. 06-64(A/2)(C)) most recently on June 14, 2012, with 78 conditions. For a discussion of relevant Conditions 2, 3, 14, 27, and 39 of that approval, see Finding 10 of this report.

- (1) It appears that the property boundaries are consistent with the PPS, however, not all bearings and distances have been provided or are not legible. All existing property lines should be shown on the SDP and labeled with bearings and distances that are legible. Proposed lot lines should be shown with distances, at a minimum.
- (2) All adjoining properties should be labeled on the SDP and identified by liber and folio or the applicable record plat.
- (3) There is proposed grading shown outside the limits of this SDP along the eastern property line. The limit of disturbance should be shown within the boundary of this SDP or the boundary limits of this SDP should be revised to include all proposed grading.
- (4) The applicant should, prior to issuance of a grading permit, obtain approval of the road closure process and submit evidence of the abandonment and/or the quit claim deed to the benefit of the applicant, as deemed appropriate by the Department of Public Works and Transportation (DPW&T) for the grading of existing Melwood Road, or revise the SDP to remove the proposed grading within the public right-of-way of historic Melwood Road.

Conditions of this approval address the Planning Board's above subdivision-related concerns.

- c. **Trails**—The Planning Board has reviewed the subject specific design plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

**Review Comments (Master Plan Compliance and Prior Approvals)**

The subject application is an SDP for rough grading and water and sanitary sewer installation for Section 4 of the larger Parkside (formerly Smith Home Farm) development. Bicycle, pedestrian, and trail facilities were required through the multiple prior approvals, including CDP-0501, 4-05080 and SDP-1003. The Melwood Legacy Trail runs through Section 4 and the adjoining Central Park. The area master plan included the following description of this planned trail/bikeway:

**Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trail head at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.**

Conditions of approval addressed issues including the location and timing of trail construction, sidewalk construction, and road cross-section issues. Section 4 will include a segment of the Westphalia Legacy Trail, which will utilize segments of the historic Westphalia Road as a trail corridor. See Finding 7 for a discussion of the Basic Plan A-9965 trails-related condition recognizing the importance of preserving the Melwood Road corridor relevant to the subject project.

The site is subject to previously approved CDP-0501 (PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. See Finding 8 for a discussion of the trails-related conditions of that approval. The site is also subject to the requirements of Preliminary Plan of Subdivision 4-05080 (PGCPB Resolution No.06-64(A)).

**Conclusion**

The subject project would be in conformance with prior approvals provided the project is adopted with the following conditions:

- (1) At the time of the full-scale SDP, the design of the Melwood Legacy Trail shall incorporate resting intervals along the trail consistent with the Americans with Disabilities Act (ADA), Accessibility Standards Table 1017.7.1.
- (2) At the time of the full-scale SDP, the Americans with Disabilities Act (ADA) accessibility of the Melwood Legacy Trail in the vicinity of the stormwater management ponds and Central Park Drive will be evaluated. Rest intervals, switchbacks, and/or shifts in the alignment may be recommended in this area.

The trail issues will be addressed when a full-scale SDP is submitted for Section 4.

- d. **Prince George’s County Department of Parks and Recreation (DPR)**—In a telephone conversation on July 11, 2016, DPR stated that the area of land in the subject Section 4 that is to be dedicated to DPR must be shown on the plan by metes and bounds. A condition of this approval requires that the applicant revise the plans to describe the portion of the site labeled “Future Parkland Dedication” and include it on Sheets 13 and 14 of the SDP plan set by metes and bounds.
- e. **Environmental Planning**—The Planning Board has reviewed the subject specific design plan for infrastructure and the Type II tree conservation plan for Parkside, Section 4. The initially submitted plans showed rough grading for the entire site. The plans were subsequently revised to limit rough grading for three stormwater management ponds only and their limits of disturbance and access.

**Background**

The Planning Board previously reviewed the following applications and associated plans for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9965-C A-9966-C	NA	District Council	Approved	5/22/2006	NA (Final Decision)
NRI-006-05	NA	Planning Director	Signed	8/8/2005	N/A
NRI-006-05-01	NA	Planning Director	Signed	11/14/2006	N/A
NRI-006-05-02	NA	Planning Director	Approved	7/25/2012	N/A
CDP-0501	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	6/12/2006	PGCPB No. 06-56.
CDP-0501 Reconsideration	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	3/28/2016	PGCPB No. 06-56(C)(A)

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	PGCPB No. 11-112
4-05080	TCPI-038-05-01	Planning Board	Approved	10/14/2005	PGCPB No. 06-64(A)
SDP-0506	TCPII-057-06	Planning Board	Approved	7/27/2006	PGCPB No. 06-192
SDP-0506-01	TCPII-057-06-01	Planning Board	Approved	2/23/2012	PGCPB No. 12-14
SDP-0506-02	TCPII-057-06-02	Planning Board	Approved	2/12/2015	PGCPB No. 15-18
SDP-1002	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07

The above chart reflects the history of approval for the overall Smith Home Farm site, currently known as Parkside. The project site for this application is subject to the conditions of approval of A-9965C, A-9966C, CDP-0501, CDP-0501-01 and 4-05080.

In addition to those previous approvals, this approval is also subject to the conditions of Specific Design Plan SDP-1002 for stream restoration. There are six identified stream restoration projects identified in SDP-1002 which covers the overall Smith Home Farm site, and one is located within Section 4 along Reach 6-2.

Because of the limited nature of the current approval, the required stream restoration will be addressed with the approval of an overall rough grading SDP for Section 4.

**Activity Herein Approved**

The current approval is for rough grading limited to access and stormwater management infrastructure only for three stormwater management ponds (Ponds 4A, 4B and 4C).

**Grandfathering**

The subject approval is grandfathered from the requirements in Subtitle 27 that came into effect on September 1, 2010 because the project has a preliminary plan approved prior to that date.

The approval is also grandfathered from the current requirements of Subtitle 25, Division 2 that became effective September 2010 because it has a tree conservation plan for the proposed activity that was approved before that date.

**Site Description**

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The area of Section 4 is of 97.20 gross acres, of the overall 760.93-acre development and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro,

MD. The site is zoned R-M, and includes a Mixed Retirement Development (M-R-D). The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI-038-05 and a revision, TCPII-038-05-01, were previously approved for the site. According to the *Prince George's County Soil Survey* (1967), the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch, but is not found in exposed locations in Section 4. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. Westphalia Road, which is located approximately 250 feet from the northern point of the overall development on the north, is a designated historic road. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. The site is in the Environmental Strategy Area 2 (ESA), formerly known as the Developing Tier, according to Plan Prince George's 2035, the most current comprehensive (General Plan).

#### **Review of Previously Approved Conditions**

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

#### **District Council Final Decision for Zoning Map Amendment A-9965-C**

The basic plan for Zoning Map Amendment A-9965-C was approved by the District Council on March 9, 2006 subject to the following environmental conditions:

2. **The following conditions of approval shall be printed on the face of the Basic Plan:**
  - A. **At time of Comprehensive Design Plan, the Applicant shall:**
    1. **Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**
    2. **Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.**

7. **Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**
  9. **Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**
  11. **Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.**
- H. At the time of the first Specific Design Plan, the Applicant shall:**
2. **Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**
- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**
- N. All Tree Conservation Plans shall have the following note:**
- “Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**



- O. No woodland conservation shall be provided on any residential lots.**
- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**
- Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**  
  
**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

The above conditions of zoning approval were carried forward for implementation at the appropriate juncture.

With the review of all SDPs and their associated TCPs, the overall woodland conservation threshold of 159.09 acres for the development must be met on-site. Review for conformance with the threshold requirement is addressed below.

**District Council Final Decision for Zoning Map Amendment A-9966-C**

The basic plan for Application Zoning Map Amendment A-9966-C was approved by the District Council on May 22, 2006, subject to the following conditions:

- 2. The following conditions of approval shall be printed on the face of the Basic Plan:**
  - A. At time of Comprehensive Design Plan, the Applicant shall:**
    - 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**
    - 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.**
    - 7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall**

be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.

9. **Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**
  11. **Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.**
- H. At the time of the first Specific Design Plan, the Applicant**
2. **Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**
- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**
- N. All Tree Conservation Plans shall have the following note:**
- “Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**
- O. No woodland conservation shall be provided on any residential lots.**
- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of**

**structures have been designed to reduce interior noise level to 45 dBA or less.**

**Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

The above conditions of zoning approval were carried forward for implementation at the appropriate juncture.

With the review of all SDPs and their associated TCPs, the overall woodland conservation threshold of 159.09 acres for the development must be met on-site. Review for conformance with the threshold requirement will be addressed below.

**District Council Final Decision for CDP-0501 and VCDP-0501**

The comprehensive design plan and Type I Tree Conservation Plan, TCPI-038-05, were approved by the District Council on June 12, 2006 subject to the following conditions:

- 1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**
  - b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants that total expenditures related to the stream expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.**

An amended stream corridor assessment dated March 2006 was reviewed with the preliminary plan of subdivision for the development, and was found by the Planning Board to adequately address the existing conditions of the on-site stream system. An estimate of expenditures, dated March 10, 2006, was also submitted with a total estimated cost of \$1,480,000.

A specific design plan (SDP-1002) for stream restoration only was subsequently approved by the Planning Board. The following are the relevant environmental conditions of that approval:

- d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.**
  
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.**
  
- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.**
  
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:**
  - (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**
  
  - (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for “off-site impacts” and the label for the column shall be revised to read “PMA and off-site impacts.”**
  
  - (3) No woodland conservation shall be provided on any residential lots;**
  
  - (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
  
  - (5) Include the following note: “The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features.”**

- (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;**
- (7) Clearly show the limits of each proposed afforestation/ reforestation area by using a different symbol;**
- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;**
- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;**
- (10) Eliminate all woodland conservation areas less than 35 feet wide;**
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;**
- (12) Show all lot lines of all proposed lots;**
- (13) Show clearing only for those areas that are necessary for development;**
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;**
- (15) Revise the TCPI worksheet as necessary;**
- (16) Replace the standard notes with the following:**
  - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application**

- (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.**
  - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.**
  - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.**
  - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.**
- (17) Have the plans signed and dated by the qualified professional who prepared them.**

The revisions required by Conditions 1(d), 1(i), 1(j) and (n)(1) through (17) were addressed prior to CDP certification.

- 4. At time of preliminary plan of subdivision, the applicant shall:**
  - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
  - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**
  - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
  - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**
  - e. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.**
  - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owner's Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.**

These conditions were carried forward to be addressed with the preliminary plan of subdivision.

17. **The following note shall be placed on the final plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**
18. **Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**
19. **Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**
30. **Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.**

The conditions above will be carried forward to be addressed at the appropriate juncture.

**District Council Final Decision for Reconsideration of CDP-0501**

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05, were reconsidered by the Planning Board and District Council. By a letter dated November 20, 2015, SHF Project Owner, LLC, the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The reconsideration was approved by the Planning Board on December 17, 2015 in corrected and amended PGCPB Resolution No. 06-56(C)(A), adopted on January 7, 2016, formalizing that approval. The case was later affirmed by the District Council on March 28, 2016 subject to conditions. The previously approved environmental conditions were not corrected or amended by this reconsideration.

**Conditions of PGCPB 06-64(A) for Preliminary Plan 4-05080**

Prince George’s County Planning Board Resolution No. 06-64(A) for Preliminary Plan of Subdivision 4-05080 and Type I Tree Conservation Plan TCPI-038-05-01 contains the following environmental condition for the subject property.

2. **A Type II Tree Conservation Plan shall be approved with each specific design plan.**

This condition is addressed with each SDP application for the development.



- 10. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.**

This condition will be addressed prior to issuance of building permits for residential structures.

- 21. The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.**

This condition will be addressed with the development of the SDP and Type II Tree Conservation Plan for the central park in coordination with the Department of Parks and Recreation.

- 30. The following note shall be placed on the Final Plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

This condition will be addressed at the time of final plat review.

- 53. Prior to signature approval of the preliminary plan, and the Type I Tree Conservation Plan the following road impacts shall be re-evaluated and revised:**

**Road crossings A and B shall be revised to make crossing A perpendicular to the stream and crossing B shall be relocated to be combined with the stream impact for the sanitary sewer connection and shall also be designed to be perpendicular to the stream.**

- 54. Prior to signature approval of the preliminary plan, all plans shall be revised to identify all proposed stormwater management ponds; show conceptual grading for all proposed stormwater management ponds; and redesign all ponds to eliminate impacts to the PMA associated solely with pond grading.**

These conditions were addressed prior to signature of the preliminary plan.

- 55. All Tree Conservation Plans shall not show woodland conservation on any single-family residential detached or attached lot.**

This condition will be addressed during the review of all tree conservation plans.

- 56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDPs shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects**

**the density increment granted in the M-R-D portion of the project (see Findings 8 and 15 of CDP-0501).**

The required limited specific design plan for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, and subject to conditions contained in PGCPB Resolution No. 12-07 adopted by the Planning Board on February 16, 2012, formalizing that approval. The SDP was certified in August 2012 prior to the SDP for the first phase of development.

The approved SDP-1002 addressed the timing and location of the required stream restoration, and included a cost estimate for recommended segments. The total cost estimates fell significantly short of the required total cost; however, the plan did include a note that the total installation cost shall require \$1,476,600 of stream restoration work.

Section 4, approved herein, is the first SDP application approved that includes one of the stream restoration sites (Reach 6-2) to be implemented.

- 57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1" =300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.**

This condition was addressed prior to signature approval of the preliminary plan.

- 58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources.**

**The final plat shall contain the following note:**

**"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."**

This condition will be addressed with future SDPs for this section when grading for the remainder of the site and/or buildable lots/parcels is proposed.

- 59. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.**

This condition was addressed prior to signature of preliminary plan. The current approval is limited to SWM infrastructure, so the contours as determined by the latest Air Installation Compatibility Zone study are not needed with the SDP and TCPII, but will be required at the time of a full-scale SDP for Section 4.

- 60. Prior to the approval of final plats, the proposed road network shall be evaluated at an interagency meeting attended by the US Army Corps of Engineers, the Maryland Department of the Environment, and the Department of Environmental Resources. The meeting minutes shall reflect the direction provided by these agencies and the road network shall consider the direction provided which is determined at the time of permit applications.**

This condition shall be addressed prior to approval of any final plat.

- 61. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition shall be addressed prior to the issuance of grading permits which require federal or state wetland permits.

- 62. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition shall be addressed prior to building permit, and preferably with the review of SDPs for architecture.

- 63. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.**

- 64. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised as follows:**
- a. Eliminate woodland conservation from residential lots, proposed road corridors, existing road corridors planned for preservation, or areas where woodlands already exist;**
  - b. Show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan that match the lot and parcel numbers on the preliminary plan;**
  - c. Show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown.**
  - d. Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
  - e. Eliminate the background shading on all symbols for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted, and revise the legend accordingly;**
  - f. Eliminate all woodland conservation areas less than 35 feet wide;**
  - g. Identify all off-site clearing areas with a separate label showing the acreage for each;**
  - h. Show clearing only for those areas that are necessary for development;**
  - i. Revise the font of the existing and proposed contours so that they are legible;**
  - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;**
  - k. Eliminate woodland conservation within the Melwood Road right-of-way;**
  - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;**

- m. Revise the worksheet as necessary; and**
- n. Have the plans signed and dated by the qualified professional who prepared the plans.**
- o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.**

Conditions 63 through 64(n) were addressed prior to signature approval. Condition 64(o) does not appear to have been complied with in the approval of the revised TCPI. A revision to the TCPI is not required, as long as all TCPIs approved are in conformance with this condition. Conditions of this and future approvals will bring the project into conformance by removing woodland preservation from land to be dedicated to M-NCPPC.

- 65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.**

A phased worksheet, as well as an individual TCPII worksheet, was provided (see discussion below). The sheet layout of the TCPII matches the layout of the SDP for Section 4.

- 66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI-038-05-01). The following note shall be placed on the Final Plat of Subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-038-05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”**

The required plat note shall be addressed at the time of final plat.

- 67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.**

The current SDP is for limited grading only and does not propose lots.

- 68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:**
- a. Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;**
  - b. Impacts shown for road crossings on exhibits Q, R, T, and U shall be eliminated;**
  - c. Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible; and**
  - d. Impacts for trail construction as reflected on Exhibit 1 shall be revised on the SDP to reduce the impacts to the fullest extent possible.**

This condition was addressed prior to certificate approval of the preliminary plan. Further evaluation for the minimization of environmental impacts will occur with any future SDP and TCP proposing full grading of the site.

- 69. Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.**

No trails are approved herein.

- 70. Prior to signature approval of the preliminary plan, the letter of justification shall be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the “Con-Span” or “Bridge-Tek” bridges”; to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI shall be revised as necessary to show where the bridge structures will be used.**

This condition was addressed prior to certificate approval.

- 71. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

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

This condition shall be addressed at the time of final plat review, and may be amended in some cases to address unique situations related to this site.

- 72. All afforestation/ reforestation and associated fencing shall be installed prior to the issuance of the building permits adjacent to the afforestation/ reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

This condition shall be carried forward and addressed prior to the issuance of building permits adjacent to afforestation/reforestation area in Section 4.

- 73. Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board’s approval.**

This condition was addressed prior to signature approval.

A revised SWM Concept Approval Letter and Plan, 14846-2006-01, was issued for Sections 4, 5, and 6 (identified as phases) on June 21, 2013, which was valid until June 21, 2016. The expiration date of the SWM concept plan was extended on June 15, 2016 to provide an expiration date of May 4, 2017. This approval is separate from the SWM concept approval for stream restoration of Section 6-2.



The original approval of the SWM concept prior to May 2010 resulted in this site being administratively waived from environmental site design standards, relative to the maximum extent practicable requirements. However, the waiver does not eliminate the requirement that the SWM facilities must be constructed before May 4, 2017.

As a result, the applicant has limited the scope of this SDP to what is necessary to move forward to meet the May 4, 2017 deadline, which requires that all stormwater management waived from the current SWM requirements be installed prior to May 4, 2017.

**75. The following note shall be placed on the final plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

This condition shall be addressed at the time of final plat.

**76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.**

This condition was addressed prior to signature approval. This will be further addressed at the time of SDP in compliance with Condition 69 above.

**Conditions of Approval for SDP-0506 for Infrastructure (PGCPB Resolution No. 06-192)**

On July 27, 2006, the Planning Board approved Type II Tree Conservation Plan TCPII-057-06 and Specific Design Plan SDP-0506 for the construction of Central Park Drive and Rock Spring Drive, which provide access and frontage to this section of the Smith Home Farm/Parkside development, subject to the following conditions:

**1. Prior to certificate approval of this SDP, the applicant shall:**

- d. Revise the layout of the entrance road to be in conformance with all previous approvals and revise the limits of disturbance to be limited to only that area of construction proposed.**
- e. Revise the TCPII-057-06 to show the followings:**
  - (1) A phased worksheet.**

- (2) **The noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.**
- (3) **All woodland clearing areas within the limits of disturbance.**
- f. **Remove the following note from the TCPII-057-06:**

**“All reforestation requirements will be provided offsite. The location of the off-site property has yet to be determined.”**
- g. **Revise the SDP to show the same limits of disturbance. The limits of disturbance shall accurately reflect the proposed area of disturbance.**

**For those areas outside the limits of disturbance, the proposed grading shall be removed from the plans.**

These conditions were addressed prior to signature approval of the TCPII and SDP.

- 2. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**

- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Findings 8 and 15 of CDP-0504).**

This condition was carried forward from 4-04080. See Condition 56 of Preliminary Plan 4-04080.

- 3. Prior to issuance of a grading permit, the applicant shall redesign the stormwater management pond and road grading for the segment along the park's frontage, if necessary, in accordance with the approved central park concept plan for review and approval by the Department of Parks and Recreation.**

This condition is not applicable within the limits of the subject approval.

**Conditions of Approval for SDP-1002 Smith Home Farm Stream Restoration (PGCPB Resolution No. 12-07)**

The Prince George's County Planning Board approved SDP-1002 on January 26, 2012, subject to the following conditions:

- 1. Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:**
  - a. Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading, and revise all charts and information as necessary.**

- b. Provide two additional columns in the stream restoration chart that include:**
  - (1) A column for the estimated cost for the restoration of each stream segment, with the cost typed in; and**
  - (2) A column for the actual cost (to be typed in upon completion of each restoration project).**
- c. The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.**
- d. The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.**
- e. The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.**
- f. The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.**
- g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

The approved SDP-1002 addressed the timing and location of the required stream restoration, and included a cost estimate for recommended segments. The total cost estimates previously included in this SDP fell significantly short of the required total cost; however, the plan did indicate that the total installation cost shall require \$1,476,600 of stream restoration work.

Specific Design Plan SDP-1601 for Section 4, herein approved, is the first SDP application submitted that includes one of the stream restoration sites (Reach 6-2) to be implemented. Review of the approved SDP-1002 for stream restoration indicates that most of the above conditions were addressed prior to certification, except for Condition 1(f), which required the limited SDP to be revised to reflect the location of master-planned trails and associated connector trails. A further result of this omission is that the location of boardwalks, bridges, or underpasses have not been identified for design with applicable SDPs and TCPs.

Since this SDP does not include stream restoration, the issue will be reviewed at the time of a full-scale SDP for Section 4.

2. **Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.**

A conceptual stream restoration plan was submitted, but then withdrawn. This issue will be reviewed at the time of a full-scale SDP for Section 4.

3. **Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.**

This condition is applicable to Section 4 prior to issuance of building permits, and requires that stream restoration measures be completed and verified with documentation before the issuance of building permits. A revision to the SDP and TCPII will also be required prior to issuance of building permits because the current SDP is for infrastructure only and limited to the installation of and provision of access to three stormwater management ponds.

4. **Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary so as to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all**

**other requirements of the SDP approval, until such time as the required minimum expenditure is met.**

The identified priority stream restoration projects in SDP-1002 may not fulfill the minimum required stream restoration expenditure. The approved SDP estimates that the cost for the six priority project locations will total \$775, 065, or 52 percent of the required minimum.

Four of the restoration sites are located in Section 7, which is under separate ownership. These four project areas in Section 7 make up the majority of Reach 7, leaving no additional restoration opportunities within Section 7.

Within the remaining sections under the ownership of the current applicant, only two projects areas are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). If additional priority projects need to be identified, they will have to be located within Sections 1 through 6, and cannot occur on property to be dedicated to M-NCPPC.

A cost estimate has been prepared for Reach 6-2 based on conceptual design approval, and conceptual design approval and estimate for Reach 3-4 is anticipated. With current cost estimates for these two projects, a potential gap between the required minimum and actual expenditures can be quantified. It is very likely that revisions to identify the location and cost of additional stream restoration segments will be required, and that a plan and process will need to be determined before approval of any further SDPs for overall grading beyond the limit of grading for SWM infrastructure to ensure that the intent of this condition is met. Bonding of the difference between the estimated cost of currently identified stream restoration projects, and the total required stream restoration expenditures may be appropriate with the issuance of overall grading permits for Sections 4, 5, and/or 6.

The Planning Board requires that a plan to fulfill the required minimum expenditure for stream restoration, as established with SDP-1002, be developed by the applicant and the Planning Board prior to approval of any future SDP beyond applications limited to stormwater management infrastructure.

**5. Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.**

Because each section will have a detailed technical plan, the SDP shall be revised as necessary to conform to that plan.

**6. Prior to acceptance of all specific design plans (SDPs) for each section of development of Smith Home Farm, a separate Type II tree conservation plan for that area of the plan shall be submitted. Both shall conform to the**

**certified stream restoration SDP and contain detailed engineering for the stream restoration for that phase.**

The current approval includes an SDP and TCP, but was accepted without a detailed stream restoration plan due to the limited scope of purpose. A conceptual stormwater management concept approval has already been approved for Reach 6-2, and detailed engineering for the stream restoration shall be provided with any future SDPs and TCPs.

- 7. Prior to approval of each individual specific design plan for the lotting out of the various sections of Smith Home Farm, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified. Should the above-identified items significantly alter the concept plan for stream restoration established through the subject application, as judged by the Environmental Planning Section as designee of the Planning Board, revision of SDP-1002 shall be required.**

This condition will be evaluated with the review of individual SDPs. A revision to SDP-1002 may be required to identify additional stream restoration projects necessary to fulfill the full value of the stream restoration expenditure on-site required by prior conditions.

### **Environmental Review**

#### **Natural Resource Inventory**

During the review of Zoning Map Amendments A-9965 and A-9966, the Planning Board required that an approved natural resources inventory (NRI) be submitted as part of the CDP. Natural Resources Inventory NRI-006-05 was submitted with CDP-0501 and approved on August 29, 2005. The NRI was resubmitted for a '01' revision to revise the area of existing woodland on the site, which was approved by the Planning Board on November 11, 2006. A further revision, NRI-006-05-02, was approved by the Planning Board on July 25, 2012 to revise the extent of wetlands on the site.

The approved NRI-006-05-02 was submitted for the subject project and the information on the NRI is correctly shown on the SDP and the TCPII.

#### **Stream Restoration**

A detailed stream restoration plan for implementation for Reach 6-2 is not required with the current SDP due to the limited scope of the SDP, but will be required with any future SDP that proposes grading of the remainder of the site. An approved SWM Management Concept Letter and Plan (48330-2016) for Reach 6-2 was approved by DPIE on September 20, 2016, as the first step towards final technical approval.

The SWM concept approval letter included ten conditions of approval, two of which were a concern for the Planning Board:

Condition 8 required stream monitoring for a minimum of three years after the construction and the submittal of monitoring information to M-NCPPC. The Planning Board has since determined that the stream restoration work will require permitting from the Maryland Department of the Environment (MDE), which will require monitoring and reporting in accordance with statewide requirements.

Condition 10 indicated that M-NCPPC would maintain the stream restoration improvements. Because the project is not located on park property, M-NCPPC shall not take responsibility for maintenance of the project. Responsibility lies with the underlying property owner, which will be the homeowners association. Both of these conditions shall be revised at the time of technical approval.

The SWM concept approval was found to be acceptable for the current SDP, which is limited to the SWM ponds. Prior to approval of any future SDP for overall grading, the final technical approval must be approved and shown on the SDP and TCPIL.

#### **Protection of Regulated Environmental Features**

Condition 71 of Preliminary Plan of Subdivision 4-05080 requires:

**At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

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

Because there are impacts proposed for the required stream restoration within the PMA, this condition might seem to indicate that the conservation easement should not include the area of the stream restoration project; however, the Planning Board requires that the conservation easement include the areas of the stream restoration in order to protect the project from future disturbance and has included a revision to the standard condition to address this concern, with the caveat that access into the stream restoration areas to perform necessary maintenance is allowed consistent with technical and functional requirements.

#### **Conformance with the CDP**

Prior to approving an SDP for infrastructure, the Planning Board must find that the plan conforms to the approved Comprehensive Design Plan. The current SDP has been limited



to the installation of stormwater management infrastructure only. The placement of stormwater management ponds in Section 4, as herein approved, is in general conformance with the CDP and preliminary plan, as well as the SWM concept and final technical approval for Sections 4, 5 and 6.

### **Woodland Conservation**

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland, and a Type I Tree Conservation Plan, TCPI-38-05-01 was approved for the site.

There have been minor changes to the layout of Section 4 since approval of the preliminary plan, which for the most part do not effect regulated features of the site or the woodland conservation areas proposed under TCPI-038-05-01. The TCPII approved herewith is in general conformance with the approved TCPI. However, there is one area where conformance must be demonstrated. A condition of approval for Type I Tree Conservation Plan TCPI-038-05-01, approved with the preliminary plan of subdivision, has the following requirement:

“Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.”

This condition was intended to address the encumbrance of the dedicated parkland with woodland conservation which would limit its usefulness for park development. In order to find conformance with the approved TCPI, all woodland conservation and reforestation outside of the floodplain needs to be eliminated from the parcels to be dedicated to M-NCPPC.

The TCPII shows boundaries for the area to be dedicated to M-NCPPC, but the boundaries are not described by metes and bounds, and no measure of area is provided. Within the proposed boundaries, an area of woodland preservation is herein approved with acreage measurement.

A Type II Tree Conservation Plan, TCPII-057-06, was the first TCPII approved for the Parkside development, in association with Specific Design Plan SDP-0506 for the construction of roads within Phase 1A, 1B, 2 and 3. With the first TCPII (TCPII-057-06) for the Parkside (Smith Home Farm) development, an overall woodland conservation worksheet for the entire site was approved, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development to confirm that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in A-9965-C and A-9966-A that the woodland conservation threshold be met on-site. Based on the overall site area of 617.94 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet considered in the current approval only provides 148.72 acres of woodland conservation on-site, with a deficit of 10.32 acres of on-site woodland conservation.

The total woodland conservation requirement for the overall development based on a net tract area of 617.94 acres and replacement related to clearing of 103.55 acres of net tract woodlands, 4.24 acres of woodland floodplain, 3.38 acres of wooded primary management area (PMA) and 2.95 acres of off-site woodland clearing results in a total woodland conservation requirement of 251.45 acres, which is distributed over the various development sections.

With the approval of Specific Design Plan SDP-1003, and the associated TCPIIs for Section 1A, 1B, 2 and 3, all sections were evaluated for the provision of on-site woodland conservation, and the significant off-site requirement which could not be satisfied on-site was distributed among all sections of the project, so the woodland conservation requirements would be provided on and off-site in sequence with development, and not be front-end loaded with the early sections, or deferred until the end of development. With the most recent reviews of the overall worksheet, with Section 2 (TCPII-010-02) and Westphalia Park (TCPII-021-2015) the amount of total woodland conservation to be provided in Section 4 was 20.02 acres on-site. The quantity of on-site woodlands provided in Section 4 has been reduced in the current application by 6.62 acres, which contributes significantly to the on-site deficit and delays the provision of woodland conservation requirements.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCP, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required with Section 4 of 20.02 acres, either on-site or off-site, shall not be changed at this time. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance to provided woodland conservation and replacement concurrent with development.

The TCPII also requires various technical revisions to the plan to be in accordance with the WCO and the Environmental Technical Manual. The necessary revisions are included in conditions of this approval.

- (1) The specific design plan and TCPII are found in conformance with Zoning Map Amendments A-9965-C and A-9966-C, as the TCPII shall be revised in accordance with conditions of this approval to meet the woodland conservation threshold on-site.
  - (2) The current limited infrastructure SDP for stormwater management facilities and TCPII are in conformance with CDP-0501 and TCPI-038-05, as they shall be revised in accordance with certain conditions of this approval.
  - (3) The current limited infrastructure SDP for stormwater management facilities and TCPII are in general conformance with Preliminary Plan 4-05080 and TCPI-038-05-01, as they shall be revised in accordance with certain conditions of this approval.
  - (4) The regulated environmental features on the subject property are found to be preserved and/or restored to the fullest extent possible and consistent with previously approved impacts based on the limited scope of site disturbance, as the plans shall be revised in accordance with certain conditions of this approval.
- f. **Public Facilities**—Adequacy of public facilities shall be determined when a full-scale SDP is submitted for the subject Section 4 of the Parkside development.
- g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**— In a memorandum received October 17, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) offered the following regarding the subject project:

The subject property is located on the east side of the future right-of-way for master-planned roadway C-627 (Rock Spring Drive), south of the intersection of Westphalia Road and Melwood Road, which is bisected by the existing/relocated Melwood Road, from Westphalia Road to the future right-of-way for master-planned roadway MC-631 (Central Park Drive). The existing/proposed roadway network that is summarized is to be constructed in accordance with County roadway standards. These roadways are to be consistent with the approved master plan for this area.

Existing Melwood Road is to remain in service from Westphalia Road to the southern property line of Parcel 115. Existing Melwood Road is to be terminated by a cul-de-sac, approximately 1, 533 linear feet south of Westphalia Road, under a separate permit.

Prior to issuance of a grading permit, the developer shall submit a County Executive Order declaring the affected sections of Melwood Road approved for closure.

The proposed site development is consistent with the approved Stormwater Management Concept Plan, 14846-2006-01, originally approved on August 25, 2009 and updated on June 21, 2013.

Due to the approval of conceptual stormwater management prior to May 2010 and approval of final stormwater management and final erosion/sediment prior to May 2013, this site is administratively waived from environmental site design (ESD) requirements. Stormwater management ponds are to be built prior to May 4, 2017, otherwise revision to meet ESD to the maximum extent practical shall be required.

Pond	Permit #	Stormwater Management Plans PGSCD Approval Number	Technical Approval Date	Constructed	Other Comments
4A	25817-2012	Smith Home Farm Phase 4 (P#41/13)	12/20/2012	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4B	27512-2012	Smith Home Farm Phase 4 (P#42/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4C	30907-2012	Smith Home Farm Phase 4 (P#43/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.

Final Erosion and Sediment Control Plan:

Originally approved on January 11, 2013, (Approval No. 74-13-01);  
 Updated to January 11, 2015 (Approval No. 74-13-01);  
 Updated to January 6, 2017 (Approval No. 74-13-02);

All stormwater management facilities/drainage systems, are to be constructed in accordance with the Specifications and Standards of the Department of Permitting, Inspections and Enforcement (DPIE), DPW&T and the Department of the Environment (DoE). Approval of all facilities are required, prior to permit issuance. A 50-foot 5 to 1 slope landscape buffer is required from the proposed right-of-way line to the 100-year water surface elevation.

All disturbances are to be consistent with the approved Specific Design Plan SDP-1601.

United States Army Corp of Engineers (USACOE)/Maryland Department of the Environment (MDE) approval, with respect to the wetland impacts, and waters of United States are required.

The proposed site development has an approved 100-year floodplain FPS 200457 dated October 17, 2005. Floodplain easement is to be dedicated prior to issuance of fine grading permits.

Stormwater management and storm drain easements are to be approved by DPIE, and recorded prior to the technical approval/issuance of permits.

DPIE then stated that their memorandum incorporated their site development plan review pertaining to stormwater management (County Code 32-182(b)). DPIE offered the following comments pertaining to this approval phase:

- Final site layout, exact impervious area locations are not shown on plans.
- Exact acreage of impervious areas has not been provided.
- Proposed grading is not shown on plans.
- Delineated drainage areas at all points of discharge from the site have not been provided.
- Stormwater volume computations have not been provided.
- Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- A narrative in accordance with the code has not been provided.

DPIE then requested that the applicant submit the additional information described above for further review, at the time of final stormwater management permit review.

DPIE's proposed condition regarding provision of an Executive Order regarding the closure of Melwood Road prior to issuance of grading permits has been included as a condition of this approval.

Conformance with DPIE's requirements regarding the technical stormwater management plan will be enforced through their separate approval process.

- h. **Prince George's County Department of Public Works and Transportation (DPW&T)**—DPW&T did not provide comment regarding the subject project.
- i. **Prince George's County Police Department**—The Police Department did not provide comment regarding the subject project.

- j. **Prince George's County Health Department**—In an e-mail dated July 8, 2016, a representative of the Health Department stated that the office had no comment on the subject project.
- k. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated June 2, 2016, WSDRAC stated that they had no comment on Specific Design Plan SDP-1601, Parkside, as indicated by the information provided to the WSDRAC Council from the M-NCPPC Development Review Division. However, the WSDRAC stated that should there be any changes after the staff review, or additional conditions added before the project can move forward, the WSDRAC needs to be informed.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-014-2016), and further APPROVED Specific Design Plan SDP-1601 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
  - a. Applicant shall revise the plans to remove all proposed water and sewer lines, stream restoration measures, future Melwood Road legacy trail alignment, buildings to be removed and future parkland dedication. The SDP shall be limited to the proposed three stormwater management ponds, grading, and the abandonment of Melwood Road as identified on an exhibit submitted on October 13, 2016 by the applicant.
  - b. The SDP and Type II tree conservation plan shall be revised as follows:
    - (1) Land dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly labeled on the plans and the acreage shall be provided;
    - (2) The parcel boundaries for land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly shown and labeled with bearings and distances; and
    - (3) All credited tree conservation and/or reforestation areas on land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be removed.
    - (4) A copy of the approved technical stormwater management plan shall be submitted.
  - c. The applicant shall demonstrate that the woodland conservation threshold requirement of 159.04 acres is met on-site by revising the overall woodland conservation worksheet for the site and any affected Type II tree conservation plans.

- d. A note shall be added under the overall woodland conservation table on all revised Type II tree conservation plans as follow:
- “Per the Final Decision of the District Council on A-9965-C and A-9966-C, the woodland conservation threshold for the Parkside (formerly Smith Home Farm) development shall be met on-site.”
- e. Both the overall and individual woodland conservation worksheets, shall be revised to retain no less than 20.02 acres of woodland conservation being provided with Type II Tree Conservation Plan TCPII-014-2016 for Section 4;
- f. The Type II tree conservation plan (TCPII) shall be revised as follows:
- (1) On all plan sheets the TCPII number in the correct format shall be added to the approval block, and wherever the TCPII number is referenced on the plan, including the cover sheet and match lines within the plan set.
  - (2) On all plan sheets, the key map shall reflect the change in boundaries between Section 6 and the Central Park.
  - (3) On all plan sheets, the DRD case number shall be added to the TCP approval block.
  - (4) Bearings and distances shall be provided on all property lines, along boundaries which abut previously approved SDPs or rights-of way.
  - (5) The coversheet shall be revised to show the revised limits of the Central Park and of Section 6; and the acreages for each shall be confirmed and consistent with the overall woodland conservation worksheet.
  - (6) On all sheets, when afforestation/reforestation is proposed which does not meet the minimum width or size requirement, any adjacent woodland conservation area which supplements the size or width of the area shall be shown as a “ghost” (lighter) graphic image to demonstrate that minimum design guidelines have been met.
  - (7) On all sheets where applicable, make the stormwater management easement line bolder so it can be clearly identified.
  - (8) On sheets that include off-site clearing onto adjacent property which is not owned by the applicant, the off-site clearing shall be labeled, and the following note shall be added:

“Off-site grading proposed with this plan is subject to the submittal of written permission from the property owner prior to the issuance of grading permits.”

- (9) On all plan sheets, show the limit of disturbance associated with the proposed activity. If the critical root zones of specimen trees to be retained are impacted, show the location of temporary tree protection fencing to protect the trees during grading operations.
- (10) On the coversheet, the future park dedication shall be shown with a bolder line weight and the labeling arrow shall point more directly to the parcel.
- (11) Add an “Owner’s Awareness Certificate” on the coversheet for signature at the time of certification.
- (12) On Sheet 3, remove the two elements which appear to be entrance features/signage adjacent to the roundabout.
- (13) On Sheet 12, provide additional information about why the wooded wetland area with specimen trees on the east side of Rock Spring Drive is indicted as retained but not credited. It is a priority area for woodland conservation.
- (14) On Sheet 15 add the “Post-type Signage Mounting’ detail for use on the site as an alternative, subject to approval by the field inspector.
- (15) On the overall woodland conservation worksheet, revise as follows:
  - (a) Revise the project name as “Parkside (formerly Smith Home Farm).
  - (b) Complete the most recent information for Section 2.
  - (c) Complete the information for Section 4.
  - (d) Revise the worksheet to indicate that a minimum of 20.02 acres or more of woodland conservation will be provided with the development of Section 4.
- (16) Revise the Individual Woodland Conservation Worksheet to reflect revisions made to the overall woodland conservation worksheet and to the TCPII plan.
- (17) Revise all tables and summary tables on the plan to reflect all revisions to the plan.
- (18) Have the revised TCPII signed by the qualified professional who prepared it.



2. Prior to issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit valid copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. Prior to approval of any future specific design plan (SDP) and Type II tree conservation plan (TCPII) for Section 4, the SDP and TCPII shall be revised as follows:
  - a. To reflect the location of the master plan trail. The location of the master plan trail shall be confirmed by the trails coordinator.
  - b. The SDP, TCPII, and detailed stream restoration plan shall indicate the removal of the roadbed and culvert crossing the stream at a diagonal and, if a crossing is needed within the primary management area, it shall be provided by a bridge or boardwalk which provides dry passage over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.
4. Prior to issuance of the first building permit for lots located within Section 4, the required stream restoration project for Reach 6-2 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.
5. Prior to approval of any future specific design plans for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.
6. Prior to approval of any future specific design plan (SDP) for grading the remainder of the site, the detailed stream restoration approved as a final technical stormwater management plan by the Prince George's County Department of Permitting, Inspections and Enforcement shall be shown on the SDP and Type II tree conservation plan.
7. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/reforestation except for areas of approved impacts, and also protect the limits of stream restoration projects after implementation. The easement shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”

8. Prior to issuance of a grading permit, the applicant shall obtain approval of the road closure for the segment of Melwood Road within the boundary of this specific design plan and/or submit evidence of the abandonment and/or quit-claim deed to the benefit of the applicant, as determined to be appropriate by the Prince George’s County Department of Public Works and Transportation for the grading of existing Melwood Road, or revise the specific design plan to remove the proposed grading within the public right-of-way of historic Melwood Road.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 27, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 1st day of December 2016.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator