

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

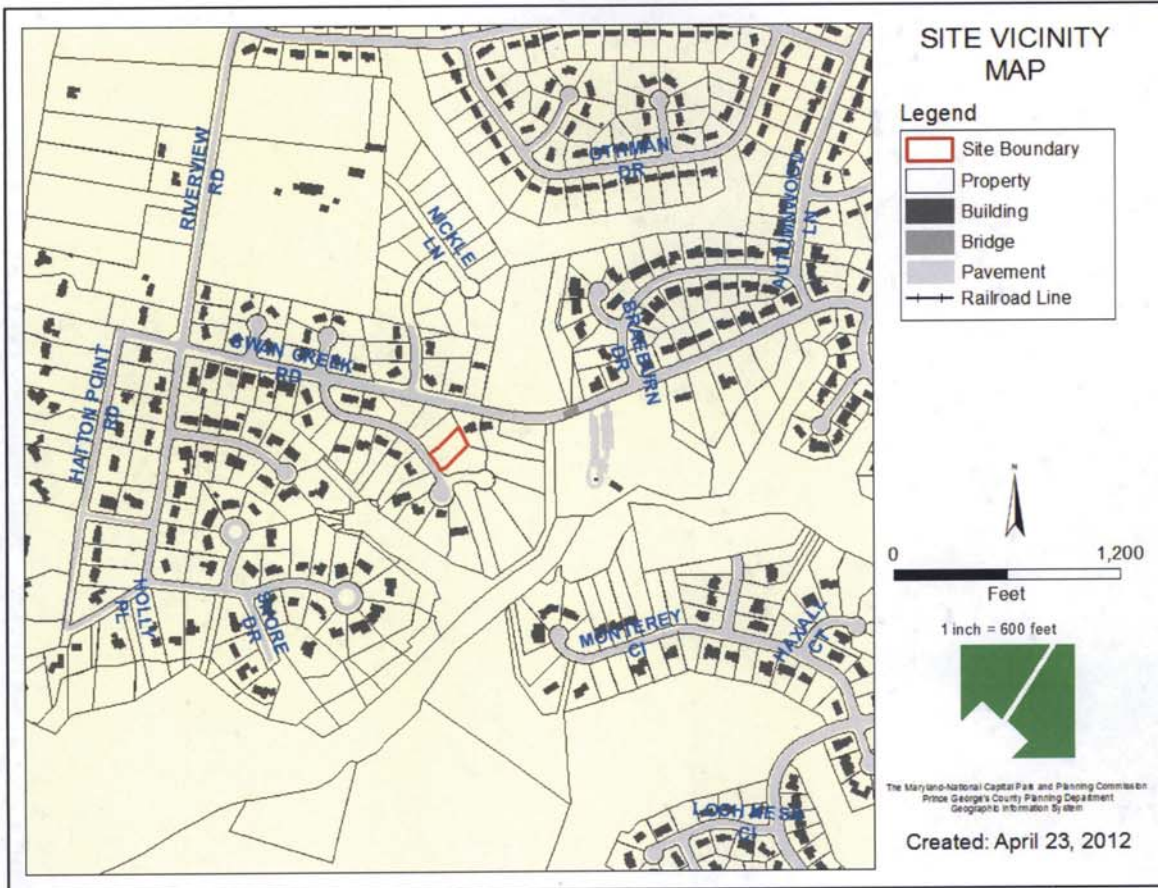
Conservation Plan Detailed Site Plan

**CP-89039-14
DSP-90076-06**

Application	General Data	
Project Name: Tantallon on the Potomac, Lot 6, Block E Location: East side of Firth of Tae Drive, 700 feet south of its intersection with Swan Creek Road. Applicant/Address: Walter T. & Genevive J. During 761 Ayrshire Lane Woodbridge, VA 22191	Planning Board Hearing Date:	06/26/14
	Staff Report Date:	06/12/14
	Date Accepted:	05/03/14
	Planning Board Action Limit:	07/14/14
	Plan Acreage:	0.46
	Zone:	R-R, L-D-O
	Dwelling Units:	1
	Gross Floor Area:	3,308 sq. ft.
	Planning Area:	80
	Council District:	08
	Election District:	05
	Municipality:	N/A
	200-Scale Base Map:	216SE01

Purpose of Application	Notice Dates	
Construction of a 3,308-square-foot single-family detached dwelling on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA).	Informational Mailing:	04/03/14
	Acceptance Mailing:	04/18/14
	Sign Posting Deadline:	05/27/13

Staff Recommendation		Staff Reviewer: Meika Fields Phone Number: 301-780-2458 E-mail: Meika.Fields@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conservation Plan CP-89039-14
Detailed Site Plan DSP-90076-06
Tantallon on the Potomac, Lot 6, Block E

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

EVALUATION CRITERIA

This conservation plan (CP) was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Limited Development Overlay (LDO) Zone of the Chesapeake Bay Critical Area (CBCA).
- b. The requirements of Section 27-230, Criteria for granting appeals involving variances.

This detailed site plan (DSP) was reviewed and evaluated for conformance with the following criteria:

- a. The requirements in the Rural Residential (R-R) Zone and the site plan design guidelines of the Zoning Ordinance.
- b. The requirements of the 2010 *Prince George's County Landscape Manual*.
- c. The requirements of the 2010 Prince George's County Woodland and Wildlife Conservation and Ordinance.
- d. The requirements of the Tree Canopy Coverage Ordinance.
- e. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The proposal is for the construction of a 3,308-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The current application has been submitted for revisions to a previously approved detailed site plan (DSP) and conservation plan (CP) to account for unauthorized clearing; to request approval of an after-the-fact variance from Section 5B-114(e)(5) for clearing in excess of the 55 percent that was previously approved by the Planning Board; and to request approval of a mitigation plan. The approval of a conservation plan by the Planning Board is required prior to the issuance of permits in the Chesapeake Bay Critical Area (CBCA) because the approval of a revised variance from Subtitle 5B of the Prince George's County Code is required.
2. **Location:** The 0.46-acre property is located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road. The property address is 12308 Firth of Tae Drive, Fort Washington, Maryland.

3. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	.46	.46
Total Gross Floor Area (GFA)	0	3,308 sq. ft.
Areas not included in GFA		
3-car garage		(638 sq. ft)
Unfinished Basement		(1,536 sq. ft)

OTHER DEVELOPMENT DATA

	PERMITTED	PROPOSED
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage (per R-R Zone)	25 percent	24.05 percent
Minimum Front Yard Setback	25 ft.	66 ft.
Minimum Side Yard Setbacks	8 ft./17ft.	18 ft./43 ft.

4. **Surrounding Uses:** The subject property is located within the Rural-Residential (R-R) and Limited-Development-Overlay (L-D-O) Zone within the Chesapeake Bay Critical Area (CBCA) and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek Road is located north of the subject property. A tributary of the Potomac River is located south and east of the subject property, beyond which to the east is the

Tantallon Marina. The Potomac River is located approximately 0.4 miles west of the subject property.

5. **Previous Approvals:** The site was previously reviewed as part of Detailed Site Plan, SP-90076 with a Type II Tree Conservation Plan TCPII-183-90. A Chesapeake Bay Critical Area Conservation Plan, CP-89036 (Battersea on the Bay, Lot 17B), was approved by the Planning Board on December 21, 1989, and included approximately 38.6 acres of Parcel 52 of Tax Map 131. The Preliminary Plan of Subdivision 4-89176 was approved by PGCPB Resolution No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89036-01, which was approved the same day. The subject lots were recorded by Final Plat VJ 157-36 on February 25, 1991.

Detailed Site Plan DSP-90076 was vested by the construction of residential structures on Lot 8 and Lot 9. The subject property was included in Conservation Plan CP-89039, but not in any subsequent revisions.

The approved Type II Tree Conservation Plan TCPII-183-90 for the site became invalid with the current regulations when Type II Tree Conservation Plans were no longer required for applications within the Chesapeake Bay Critical Area.

The site is subject to the current Chesapeake Bay Critical Area (CBCA) regulations in Subtitle 5B of the Prince George's County Code. This lot had a previous approval for a single-family dwelling with a driveway to an attached garage in October 1990, which was revised in August 2005. According to Section 5B-116(g), this approval has since expired because the plan validity period is only for three years after approval. No one-year extensions were received after the three year approval time expired.

On June 6, 2013, the Planning Board approved Detailed Site Plan DSP-90076-04 (PGCPB Resolution No. 13-69) and Conservation Plan CP-89039-11 (PGCPB Resolution No. 13-68), Tantallon on the Potomac, Lot 6, Block E, which approved a 3,308-square-foot single-family detached dwelling with a garage and a variance request from Section 5B-114(e)(5) for removal of 55 percent of the existing woodlands on the site.

Subsequent to the Planning Board approval of DSP-90076-04 and CP-89039-11, Violation Notice 1703-2014 was issued by the Department of Permitting, Inspections and Enforcement (DPIE) on January 17, 2014 for failure to fulfill the mandatory pre-construction meeting requirement (Section 5B-116) as well as failure to obtain a grading permit prior to the disturbance/construction activities (Section 32-126). Among other violation citations that are not related to the plan review and approval authority of the M-NCPPC, the violation notice states that unauthorized clearing exceeding the maximum area of clearing allowed through the approved Conservation Plan (CP-89039-11) occurred on-site. Additionally, several trees that were approved on the plan to meet the landscape requirements were not present. At the applicant's request, an on-site meeting was held on March 21, 2014, with the applicant and representatives from EPS and DPIE to inspect the unauthorized activities that occurred on the site. The extent of the violation was confirmed by all parties present and the mitigation requirements were discussed and outlined in a General Inspection Report issued on-site by DPIE.

6. **Design Features:** The 0.46-acre, wooded property is located on the east side of Firth of Tae Drive. The applicant proposes to construct a two-story, brick, 3,308-square-foot, single-family

detached dwelling with a hip roof. A driveway that varies from 18 feet in width to 12 feet in width and includes a wider asphalt area for vehicular turnaround is proposed to lead to an attached three-car-garage on the northwestern corner of the dwelling. The current application shows a proposed revision to the configuration of the driveway (from what was previously approved by the Planning Board), resulting in an increase in impervious lot coverage and a decrease in the area available for mitigation planting.

The revised plan also indicates grading within a developed woodland area. This same area is the subject of the violation for vegetation clearing. The applicant should revise the plan to eliminate grading that is proposed beyond the limits of disturbance (LOD) within the afforestation areas. The plan indicates that one forest stand totaling 0.39 acres (17,291 square feet) existed on the property. The canopy is generally dominated by American Elm, Black Locust, and Virginia Pine trees with an average diameter at breast height (DBH) of four to twelve inches. The applicant's plan also indicated that approximately 4,609 square feet of the existing vegetation is invasive species. The current plan shows an additional ten percent clearing of on-site developed woodland for a total variance clearing area of 65 percent of the on-site developed woodland. This clearing is in addition to the previously approved off-site clearing of 1,026 square feet for an off-site sewer connection.

The approval of a Conservation Plan by the Planning Board for mitigation purposes is required prior to the issuance of permits because the additional clearing associated with the violation exceeds the 55 percent that was previously authorized by the Planning Board, and the 54 percent that was shown on the previously approved conservation plan.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The Chesapeake Bay Critical Area Ordinance:** The site is located within the Limited Development Overlay (L-D-O) Zone; therefore, the site is subject to the Chesapeake Bay Critical Area regulations. The purposes of the L-D-O Zone, as outlined in Section 27-548.14 are to: maintain or, if possible, improve the quality of runoff and groundwater entering the tributaries of the Chesapeake Bay; maintain existing areas of natural habitat; and accommodate additional low- or moderate-intensity development. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the L-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-114, Limited Development Overlay (L-D-O) Zones.

- (e) **Development standards. An applicant for a development activity shall meet all of the following standards of environmental protection in the L-D-O Zone:**
 - (1) **All development sites that are within the designated network of the Countywide Green Infrastructure Plan shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Subtitle. The wildlife corridors shall be included and identified on the Conservation Plan. The maintenance of the wildlife corridors shall be ensured by the establishment of conservation easements.**

Comment: The developed woodlands that were cleared under violation were located on the eastern portion of the site and the area of focus for preservation under the previous approval. The developed woodlands that were approved to be preserved at the rear of the lot remain. During the review and approval process for the previous application, the proposed dwelling was relocated to allow for additional developed woodland preservation on the east. The entire site is located within a Network Gap of the 2005 *Approved Countywide Green Infrastructure Plan*. The woodlands on the subject site are connected to existing tracts of connected woodland on developed lots that consist of a habitat corridor leading to the open waters associated with the main channel of the Potomac River Basin. The submitted plan for the current review now shows landscaping in the cleared area on the eastern portion of the site. It is important to provide woodland planting in this area to reestablish the wildlife corridor that was disrupted by the unauthorized clearing. Planting in this area will meet the intent of 5B-114(e)(1).

Because the mitigation replacement rate for clearing without a permit is 3:1, there is a significant planting requirement. On-site planting must be maximized to the extent practicable. It is recommended that planting be placed at a minimum of ten feet from the house, walkway, and driveway on the eastern portion of the site. The planting shall be located up to the public utility easement (PUE) to maximize the planting area. The developed woodland calculations should be updated to include the clearing that occurred under violation and to account for the on-site planting credits recommended to restore the site in accordance with the previous approval (see attachment to the Environmental Planning Section referral). The developed woodland requirement that cannot be met with on-site planting should be met with fee-in-lieu and/ or off-site credits secured at a mitigation bank.

- (2) **For the cutting or clearing of trees in natural or developed woodland areas in current, planned or future activities in the L-D-O Zone, the following shall be addressed:**
- (A) **Development activities shall be designed and implemented to minimize the destruction of woodland vegetation;**
 - (B) **Provisions for protection for natural and developed woodlands identified shall be provided;**
 - (C) **The total acreage of natural and developed woodlands shall be maintained or preferably increased to the fullest extent practicable; and**
 - (D) **Mitigation for woodland impacts shall be within the Critical Area.**

Comment: Section 5B-114(e)(2) requires development activities to be designed and implemented to minimize clearing, protect the remaining woodland, and mitigate for losses. Based on staff review, the proposed branched driveway and the proposed expansion of driveway width from the previously approved 12 feet to the currently proposed 18 feet, are not designed to minimize the destruction of woodland vegetation or promote areas for mitigation planting. The clearing that has occurred on-site is significantly over the maximum (30 percent) allowed by the code without a variance. Specifically, the previous variance allowed for the clearing of up to 55 percent of the on-

site developed woodland. Under violation, an additional ten percent has been cleared, for a total clearing area of 65 percent of the on-site developed woodland.

- (3) **For the alteration of natural and developed woodlands in the L-D-O Zone, the following requirements shall apply:**
 - (A) **All woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;**
 - (B) **No more than 20 percent of any natural or developed woodland may be removed from forest use, except as provided in paragraph (4) below. The remaining 80 percent shall be maintained through conservation easements; and**
 - (C) **Developed woodlands shall be preserved and/or restored to the greatest extent practicable.**
- (4) **For replacement of natural and developed woodlands, if more than 20 percent is to be removed from forest use, an applicant may clear or develop not more than 30 percent of the total forest area provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.**

Comment: The code requires that woodland be preserved on-site to the greatest extent practicable. As a disincentive and to discourage overdevelopment of a site containing woodlands, the code requires that any on-site clearing in the L-D-O be replaced at a 1:1 ratio for woodland cleared up to 20 percent, and at a 1.5:1 ratio for any woodland cleared over 20 percent. For off-site clearing, the replacement requirement is also 1.5:1, because it is more than 20 percent cumulatively; more than 20 percent of woodland has been cleared for that site (Lot 8). The proposed clearing on the plan not only exceeds the 20 percent threshold, it exceeds the 30 percent threshold, and therefore a variance request is needed to justify the excessive amount of clearing.

Lot 6 - ORIGINAL APPROVAL (CP-89039-11)	
Existing gross lot area (SF)	20,072
Area of existing woodland (SF)	17,291
Percent of existing woodland on-site	86%
Proposed woodland clearing (SF) - ORIGINAL APPROVAL	9,306
Percent of proposed woodland clearing (%) - CP-89039-11 VARIANCE	54%
Mitigation rate required	1.5
Area of required woodland replacement (SF)	13,959
Credit for off-site mitigation (Liber 35437/ Folio 032)	13,959
Area of mitigation requirement not met	0

CBCA Developed Woodland Calculations Lot 6 - REVISED (CP-89039-14)	
Woodland clearing (SF) - VIOLATION 1703-2014	1,982
Percent of proposed woodland clearing (%) VIOLATION	11%
Mitigation rate required	3
Area of required woodland replacement (SF)	5,946
Credit for on-site planting (SF)	1,982
Area of mitigation requirement not met on-site	3,964
Proposed fee-in-lieu (\$1.50/SF) for required mitigation not met on-site OR off-site mitigation	\$5,946.00
Percent of proposed woodland clearing (%) TOTAL SITE VARIANCE	65%

In a meeting with the Department of Permitting, Inspections and Enforcement (DPIE) on June 4, 2014, DPIE noted that the applicant had not applied for nor been issued the appropriate grading permit required to begin clearing the site. The site currently has a building permit (23846-2013) on hold and DPIE determined that the site first requires the issuance of a Site/Road Fine Grading Permit to clear the site. Because this grading permit is required prior to the permit needed to construct the proposed dwelling, and to avoid any further disturbance to the areas that are to be preserved, staff recommends that the required planting and fencing be installed prior to the issuance of the building permit.

If the application is approved with the recommended conditions, staff recommends that the Planning Board find that developed woodlands have been preserved or restored to the greatest extent practicable.

- (5) **Clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance.**

Comment: This site has a gross tract area of 20,072 square feet containing 17,291 square feet of developed woodlands. These developed woodlands were 86 percent of the vegetative coverage on-site subject to the preservation requirements of the code. The applicant proposes to clear 11,288 square feet of woodlands which is 65 percent of the existing woodlands. A variance is required. For discussion of the variance request see Finding 8.

- (6) **In addition, applicants shall adhere to the following criteria for forest and woodland development:**
- (A) **At time of permit issuance, the permittee shall post a bond with DPW&T in an amount equivalent to the cost of completion of the planting requirements for the L-D-O Zone;**
 - (B) **Woodland which have been cleared before obtaining a grading permit or that exceed the maximum area allowed in subsection (3) above shall be replanted at the rate specified in subsection 5B-109(j)(3)(A);**

- (C) **If the areal extent of the site limits the application of the reforestation standards in this section, alternative provisions or reforestation guidelines may be permitted in accordance with Section 5B-119 Woodland Protection and Planting of this Subtitle. Alternative provisions must conserve, enhance, or increase the natural and developed woodland resources of the Critical Area. Alternative provisions may include fees-in-lieu provisions or use of an off-site conservation bank if the provisions are adequate to ensure the restoration or establishment of the required woodland area;**
- (D) **If less than 15% natural or developed woodland exists on the proposed development site, the site shall be planted to provide a natural or developed woodland cover of at least fifteen percent (15%);**
- (E) **All forests designated on a Conservation Plan shall be maintained to the extent practicable, through conservation easements;**
- (F) **The applicant shall designate, subject to the approval of the County, a new forest area on a part of the site not forested; and**
- (G) **All forests designated on a Conservation Plan shall be maintained, and to the extent practicable protected through conservation easements.**

Comment: A Chesapeake Bay Conservation and Planting Agreement is required to be recorded prior to permit approval for development of the site. This is for all the required tree and shrub plantings as part of the approved Conservation Plan. An agreement based on the previously approved Conservation Plan CP-89039-11 was recorded in the land records at Liber 35309 Folio 069. This agreement shall be voided and a new Agreement shall be recorded based on the requirements of the current CP approval.

Review of the Conservation and Planting Agreement falls under the purview of the County (DPIE) prior to the issuance of the first permit.

A Conservation Easement will be required for the natural woodland that is to remain undisturbed on-site per Section 5B-114(e)(3)(B) of the County Code. This Conservation Easement is solely for the subject lot to prevent a loss of on-site woodlands. A metes and bounds description must accompany the easement.

Review of the easement falls under the purview of the County (DPIE) prior to the issuance of the first permit.

- (7) **Applicants shall adhere to the following standards for development on steep slopes. Development on slopes 15 percent or greater, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for L-D-O Zones set forth above and with the provisions below.**

- (A) Consistent with an approved Forest Management Plan, if applicable;
- (B) Consistent with an approved Surface Mining Permit, if applicable;
and
- (C) Consistent with an approved Soil Conservation and Water Quality Plan, if applicable.

Comment: Development on slopes greater than 15 percent is not proposed.

- (8) Critical Area lot coverage shall be limited to 15 percent of the site or as permitted by 27-548.17(c).

Comment: In accordance with Section 5B-114(e)(8) and Section 27-548.17(c)(2) of the County Code, the CBCA lot coverage is limited to no more than 25 percent of the site. A review of the plan and Table B-1 (CBCA Lot Coverage) demonstrate that the proposed development totals 4,828 square feet of lot coverage, which is below the 25 percent requirement.

Due to the unique circumstances of this case, which include a violation and variances for the removal of developed woodland, staff requests that the applicant not increase the environmental impact of the proposal by adding impervious area to the area of the driveway. At the time of the approval of Conservation Plan CP-89039-11, the Planning Board required that the applicant "revise the driveway to remove the branched extension and show only direct access to the garage loading area." The driveway design should be restored to the limits of the previous approval.

- (9) Conservation plans and associated development plans may propose modifications in road standards on a case-by-case basis to reduce potential impacts to the site, reduce total lot coverage in the Critical Area, and limit impacts to Critical Area resources, where the reduced standards do not significantly affect safety.

Comment: The above provision does not apply to the subject proposal. Modification of road standards is not proposed.

- 8. **Required Findings for Approval of a Variance:** The applicant requests approval to clear 11,288 square feet, or 65 percent, of existing woodlands on the site. The Planning Board previously authorized 55 percent of woodland clearing on the subject site, and the conservation plan (CP) was certified indicating 54 percent of woodland clearing. According to Section 5B-114(e)(5), clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance. Section 27-230 of the Zoning Ordinance contains the following required findings to be made before a variance to Subtitle 5B can be granted.

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:
 - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

Comment: The site has no significant topographic constraints or other unique conditions that would prohibit the development of a residential dwelling; however, the unauthorized clearing of the site has resulted in an extraordinary situation and the approval of the variance with conditions is necessary to ensure that the site is restored in accordance with its previous approval by the Planning Board.

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

Comment: The applicant states that “the strict application of this Subtitle will result in exceptional hardship and this lot would not be developed by us or others.” The previous approval of the variance was necessary to allow for reasonable development of the site while meeting the intent of Subtitle 5B.

Staff suggests that at a minimum the additional 11 percent of unauthorized clearing be restored through woodland planting.

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

Comment: This site is within a Network Gap Area of the Countywide Green Infrastructure Plan (GIP), a functional Master Plan. Network Gaps are areas critical to the connection of Regulated and Evaluation areas that are usually associated with a regulated water feature. The site contains woodland connected to a habitat corridor that leads to the Patuxent River Basin. Replanting of the removed woodland will contribute to this connection. Additionally, by preserving the woodlands in the rear of the site the conservation plan will meet the intent of the GIP and the CBCA Code.

The variance will not substantially impair the intent or purpose of the General or Master Plan because the variance is needed to mitigate the unauthorized clearing, to restore and enhance the site, and to reconnect the habitat corridor to meet the intent of the applicable code.

- (b) **Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:**

- (1) **Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Critical Area Program would result in unwarranted hardship which is defined as a circumstance where without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested;**

Comment: The applicant states that “without the requested variance, construction cannot commence and this lot cannot be improved. As such, we will be denied reasonable use of

the lot.” The applicant was granted reasonable development of the lot for the proposed residential use through the approval of Conservation Plan CP-89039-11; however, the approved limit of clearing was violated by commencing construction activities without a permit and clearing beyond the approved limit of woodland clearing.

The applicant has proposed no provisions to minimize the impacts and, in fact, has proposed to increase impervious area by widening the proposed driveway beyond what was approved with the CP, which is not recommended for approval by staff.

Because of the illegal clearing, the site has been rendered in a condition that will need the approval of the variance to mitigate and restore the site.

- (2) **A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;**

Comment: The applicant states that “enforcement of this recently enacted rule would render this lot unbuildable and deprive my family and me of the opportunity to build our family house.”

Planning Board previously found that the 55 percent clearing, which exceeded the maximums of 20 and 30 percent, was sufficient to allow for reasonable development of the site. While the additional clearing was not necessary, a variance is needed to restore the site to the previously approved percentage of clearing.

- (3) **The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area;**

Comment: Granting of the variance would not represent a special privilege that would be denied by the Critical Area Program because the site cannot be mitigated or restored without the approval of a variance.

- (4) **The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;**

Comment: The applicant points to the trash deposited by others with regard to the conditions of the site; however, trash is not justification for removal of developed woodland. The tree removal is a result of the applicant’s choice to proceed with developing the site without a permit and without strict conformance to the approved CP. The applicant did not discuss any alternatives with staff concerning how best to remove the trash without clearing within the area identified as Afforestation Area #3. With regard to the afforestation area adjacent to the proposed sewer line, it is unclear why the woodland was removed in that area.

While the additional 11 percent developed woodland that has been cleared on Lot 6 is a result of actions by the applicant; the proposed mitigation and replanting will achieve a better quality woodland than previously existed. The applicant would not be able to

proceed with the mitigation measures, or any further development on the property, without the subject revision to the CP and approval of a variance by the Planning Board.

- (5) **The granting of a variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;**
- (6) **The development plan would minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands;**
- (7) **All fish, wildlife, and plant habitat in the designated critical areas would be protected by the development and implementation of either on-site or off-site programs;**

Comment: With regard to Findings 5–7, adverse water quality impacts are not anticipated. The site has an approved Stormwater Management Concept Plan and Letter Approval (31182-2005-01) that shows infiltration using drywells and recommends a fee of \$500 in lieu of providing on-site attenuation/quality control measures.

The general spirit and intent of the State Critical Area Law is to allow reasonable use of properties within the Critical Area while preserving, enhancing and/or restoring vegetation of existing areas of natural habitat. The subject lot at its closest point to open water is 414 feet away from tidal waters. This entire 414 feet length is comprised with developed woodlands. The entire project area is within the Network Gap area of the 2005 *Approved Countywide Green Infrastructure Plan*. The on-site developed woodlands as well as the woodlands that were cleared under the violation are part of a riparian wooded corridor around the adjacent tidal waters. The violation has resulted in a disruption of that corridor which should be restored.

- (8) **The number of persons, their movements and activities, specified in the development plan, are in conformity to established land use policies and would not create any adverse environmental impact; and**

Comment: The proposal for a residential use is in conformance with established land use policies. No adverse environmental impacts are anticipated with the land use.

- (9) **The growth allocations for Overlay Zones within the County would not be exceeded by the granting of the variance.**

Comment: No growth allocation is proposed for this property.

- 9. **Prince George's County Zoning Ordinance:** The application conforms to the requirements of the R-R Zone, including Section 27-441, Permitted Uses; Section 27-442; and site design guidelines contained in Sections 27-283 and 27-274.

- a. The proposed single-family detached residence is a permitted use and meets the setback, lot size and lot coverage requirements, as follows:

- (1) Required net lot area is 20,000 square feet. The provided net lot area is 20,072 square feet, which meets this requirement.
- (2) Maximum permitted lot coverage is 25 percent. The proposed lot coverage does not exceed this maximum.
- (3) The required front yard setback is 25 feet. The minimum provided front yard setback is exceeded, and is delineated on the plan.
- (4) The required side yard setbacks are a minimum of eight feet from the property line to the building, and the total of both side yards should be a minimum of 17 feet. The side yard setbacks are demonstrated on the site plan and they meet this requirement.
- (5) The required rear yard setback is 20 feet. The minimum rear yard setback is exceeded, and is delineated on the plan.
- (6) The maximum building height permitted is 35 feet. The site plan indicates that the building will be two stories, and 35 feet in height, which meets this requirement.
- (7) No accessory buildings are indicated on the site plan.

Based on this analysis of the Zoning Ordinance requirements, no variances from the above provisions are required.

- b. The detailed site plan (DSP) is in general conformance with the applicable site design guidelines contained in Sections 27-283 and 27-274. The following discussion is offered:
 - (1) In accordance with Section 27-274(a)(7)(A), Grading, grading should be performed to minimize disruption to existing topography and other natural resources on the site. To the extent practicable, grading should minimize environmental impacts.

Comment: The submitted detailed site plan and conservation plan should be revised to limit the extent of the grading that is proposed. No grading should occur within the Afforestation Area #3 shown on the plan stamped as received on May 27, 2014.

10. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.1 Residential Requirements. The over-20,000-square-foot lot requires four major shade trees and three ornamental or evergreen trees. The conservation plan indicates that the requirement is to be met through existing and proposed plant material. Landscaping provided in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* is required to conform to Section 4.9, Sustainable Landscaping Requirements. Section 4.9 requires that certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The submitted plans indicate conformance to these requirements.

As the site is located within the Chesapeake Bay Critical Area (CBCA), the removal of existing vegetation, including invasive species, is discouraged. For this reason, removal of invasive species in accordance with Section 1.5, Certification of Installation of Plant Materials, is not recommended.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the entire site is within the Chesapeake Bay Critical Area (CBCA); therefore, a Letter of Exemption from the WCO will be issued.
12. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. Since the entire subject property is located within the Chesapeake Bay Critical Area, it is exempt from the TCC Ordinance in accordance with Section 25-127(b)(1)(E).
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Environmental Planning Section**—In a memorandum dated June 11, 2014, the Environmental Planning Section provided comment on the subject conservation plan, as follows:

- (1) **Existing Conditions:** The Conservation Plan is a development plan that also serves as the site's existing conditions plan which was reviewed for verification prior to the acceptance of the previously approved application. The plan accepted for review of the previous application showed that the 20,072-square-foot site was 86 percent wooded and contained no development. The on-site woodlands were assigned a Priority 3 rating because they are not associated with any Waters of the U.S. and also because of the presence of invasive species within the woodlands.

The previously approved CP for this lot showed the limits of developed woodland as delineated by a Qualified Professional and confirmed by staff. A site visit was conducted on April 19, 2013 by the M-NCPPC Environmental Planning Section staff to investigate the on-site woodlands. These woodland areas meet the definition of developed woodland from Section 5B-108(a)(29):

- **Developed woodlands:** Those areas of vegetation that do not meet the definition of woodlands, but which contain trees and other natural vegetation and which also include residential, commercial, or industrial structures and uses.

The 17,291 square feet of on-site developed woodlands were set with the previous approval of Detailed Site Plan DSP-90076-04 and Conservation Plan CP-89039-11.

The applicant states in the variance request that "no trees were removed from the woodland area to remain"; however, staff conducted a site visit with a county inspector on March 21, 2014 and determined that trees within the area to remain preserved were removed. Although the applicant claims otherwise from the site meeting, that statement is not correct.

- (2) **Previous Approvals:** The initial site design that was submitted with the previous application showed a circular driveway which staff recommended be removed due to the excessive woodland clearing above the 30 percent maximum allowed

by Subtitle 5B. Staff also recommended that the proposed dwelling be relocated closer to the front building restriction line so that woodland preservation would be focused in the rear of the lot adjacent to existing woodland.

The applicant then submitted a revised plan with a driveway to the garage loading area of a three car garage, with branched extension of the driveway direction turn around. In discussions with the applicant, he addressed that the circular drive was needed so drivers would not have to back down the driveway onto Firth of Tae Drive. A review of the plans showed that the garage loading area, which contains a hammer head extension, is sufficient for turning around without having to back out on Firth of Tae Drive. The plan also showed the relocation of the proposed dwelling closer to the building restriction line and closer to the west to increase the size of the developed woodlands retained on-site. The revision allowed for more woodland save areas on the east side of the house and in the front and rear of the house. The Planning Board approved the previous application with a condition to remove the branched extension and to show only direct access to the garage loading area.

The site design shown on the plans submitted with the current application show the branched extension that was specifically required to be removed by previous conditions of approval and the width of the driveway has been changed from the previously approved 12-foot width to an 18-foot width. The rationale for not allowing the branched extension of the driveway was less about the amount of allowable impervious lot coverage, and more about the amount of clearing necessary to install, use, and maintain it.

- b. **Permit Review Section**—In a memorandum dated June 6, 2014, the Permit Review Section staff stated that all zoning issues appear to be addressed.
- c. **Critical Area Commission**—At the time of this writing a referral from the State of Maryland Critical Area Commission has not been received.
- d. **The Department of Permitting, Inspections, and Enforcement (DPIE)**—In comments dated June 6, 2014, DPIE provided an evaluation of the subject proposal, summarized as follows:
 - (1) The proposed revision to DSP-90076-06 is to widen the driveway to 18 feet, as well as provide a five-foot connectivity sidewalk consistent with the Department of Public Works and Transportation's (DPW&T) Standard No. 200.09. DPIE has been advised that the CBCA Conservation Plan, as previously approved, reflected a 12-foot-wide driveway and that in general, lots in the L-D-O Zone of the Chesapeake Bay Critical Area are normally approved to allow 20 percent clearing. Since the CBCA Conservation Plan was previously approved with approximately 50 percent clearing, the ability to approve additional clearing is not recommended. DPIE, in consideration of this limitation, recommends reduction of the driveway to match with the previously approved CBCA Conservation Plan.

As an alternate, if the house and driveway is revised to a front loaded garage, to remove the impervious area in the side yard, and trade this impervious area for a modified driveway, consistent with DPW&T Standard 200.09, DPIE will support this alternate configuration, so long as it does not result in impervious area in excess of what was previously approved on the Conservation Plan.

Comment: No additional clearing is proposed in the area of the driveway.

- (2) This lot has been issued a violation due to clearing activity without a Site Development Fine Grading permit issued. Furthermore, the clearing on this lot is in violation of the limits of disturbance (LOD) of the approved CBCA Conservation Plan. To bring this site into compliance, we recommend that the applicant secure a Site Development Fine Grading permit, reforest cleared areas to the satisfaction of the DPIE Inspections Division, and install protective fencing on lot to demark all tree save and reforestation areas to remain protected. All corrective actions specified in Notice of Violation No. 1703-2014 must be implemented.
- (3) No private structure is allowed within the County right-of-way or Public Utility Easement (PUE), except for a mailbox in accordance with DPW&T Standard No 300.34 (attached). Revise plans to move private lamp posts and mailbox out of the public right-of-way and behind ten-foot PUE.

Also, in a memorandum dated May 27, 2014, Inspector Wertz provided a Construction Inspection Report. The violation has not been satisfied. No sediment run-off has been observed. The disturbed areas have been naturally stabilized through the regeneration of vegetation on site. There has been no recent activity on the lot. This violation will be satisfied when the conservation plan is revised and approved by the Planning Board. There are no outstanding or pending fines.

14. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

RECOMMENDATION FOR CONSERVATION PLAN CP-89039-14

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Conservation Plan CP-89039-14, Tantallon on the Potomac, Lot 6, Block E, subject to the following conditions:

1. Prior to certificate of approval of the conservation plan, the following revisions shall be made, or

information shall be provided:

- a. Show the limit of the driveway as it was approved in Conservation Plan CP-89039-11.
 - b. Revise the plan to remove the proposed grading beyond the boundary of the limit of disturbance (LOD), specifically with the Afforestation Area #3, shown on plans dated May 27, 2014.
 - c. Revise the plan to identify the planting schedule for Afforestation Area #1 and the afforestation area adjacent to the on-site sewer right-of-way.
 - d. Revise Afforestation Area #3 to remove the landscaped planting and show maximized woodland planting in that area. At a minimum the woodland planting shall be located ten feet from the house, walkway and driveway, and abut the public utility easement (PUE).
 - e. Revise the afforestation table for Area #3 to meet the required planting density outlined in Section 5B-121(g)(2).
 - f. Revise the developed woodland calculations table as follows:
 - (1) to account for the unauthorized clearing at a mitigation rate of 3:1.
 - (2) to account for the on-site planting credits.
 - (3) calculate the required fee-in-lieu and/ or off-site credits to be secured at a mitigation bank for the portion of the developed woodland requirement that cannot be met with on-site planting.
 - g. A conservation easement for all developed woodland that is approved to remain on-site (as preservation and/ or planting) as shown on Conservation Plan CP-89039-14 shall be recorded in the land records.
 - h. A Chesapeake Bay Conservation and Planting Agreement revised to meet the requirements of Conservation Plan CP-89039-14 shall replace the Chesapeake Bay Conservation and Planting Agreement recorded in the land records at Liber 35309 Folio 069.
2. Prior to the issuance of the building permit, the applicant shall secure a Site Development Fine Grading permit; reforest cleared areas to the satisfaction of the DPIE Inspections Division; install protective fencing on lot to demark all tree save and reforestation areas to remain protected; and submit evidence such as photos to the M-NCPPC Environmental Planning Section.
 3. Prior to the issuance of the building permit, the applicant shall demonstrate to the satisfaction of the Planning Director or Designee that all required woodland planting has been installed. Afforestation Area 3 and the afforestation area adjacent to the sewer right-of-way shall be provided with semi-protective fencing. The fencing shall remain in place for a minimum of five years unless the Planning Director or designee authorizes removal of the fencing sooner through written approval.

RECOMMENDATION FOR DETAILED SITE PLAN DSP-90076-06

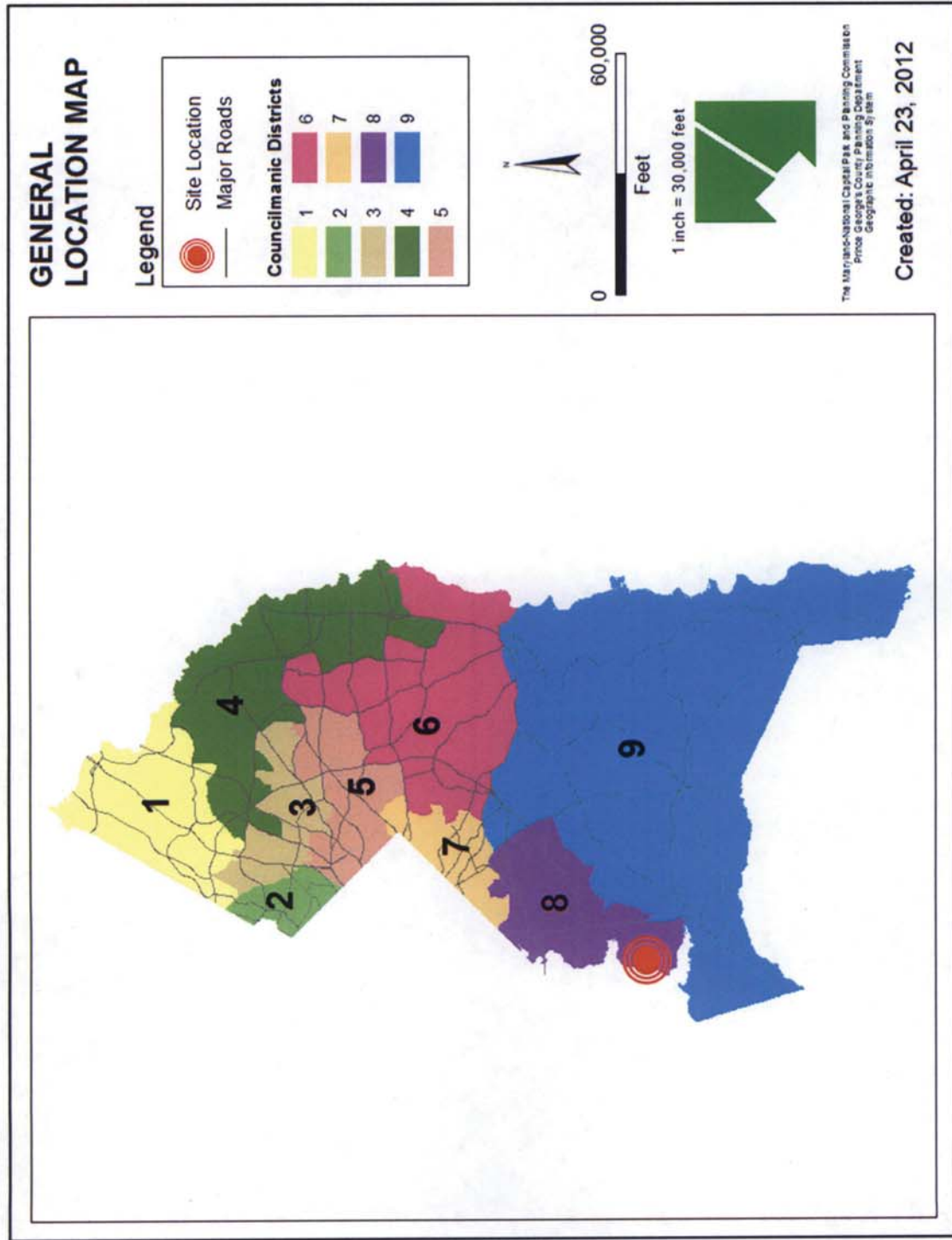
1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made or information shall be provided:
 - a. Show the limit of the driveway as it was approved in Conservation Plan CP-89039-11.
 - b. Provide a detailed site plan (DSP) for certification that is consistent with the requirements of Conservation Plan CP-89039-11.
 - c. Revise plans to move the private lamp posts and enhanced mailbox out of the public right-of-way and behind the ten-foot public utility easement (PUE). Only a standard mailbox is permitted in the public-right-of-way.
 - d. Provide the new M-NCPPC approval block on the detailed site plan.

ITEM: 7 & 8

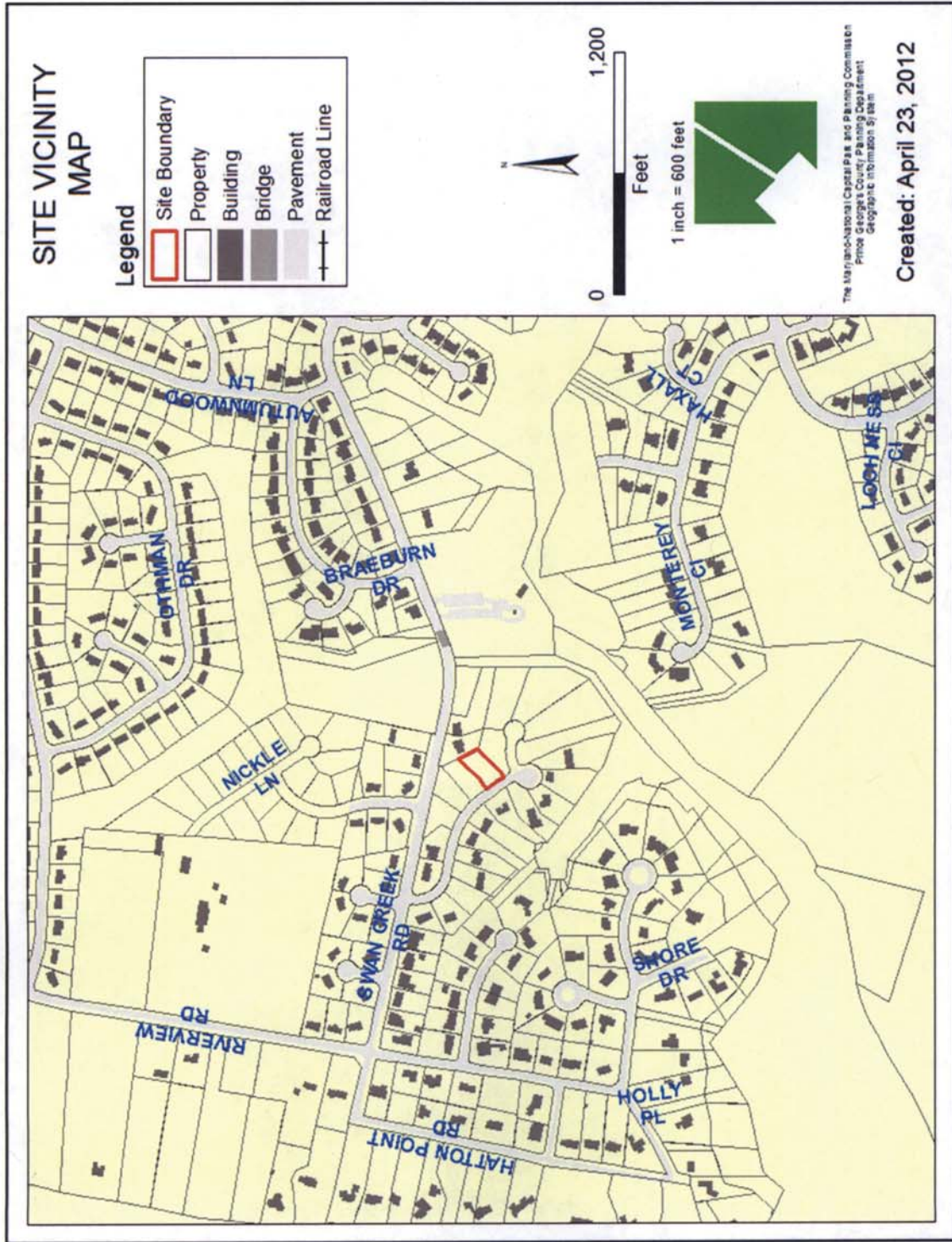
CASE: DSP-90076-06 & CP-89039-14

TANTALLON ON THE POTOMAC LOT 6, BLOCK E

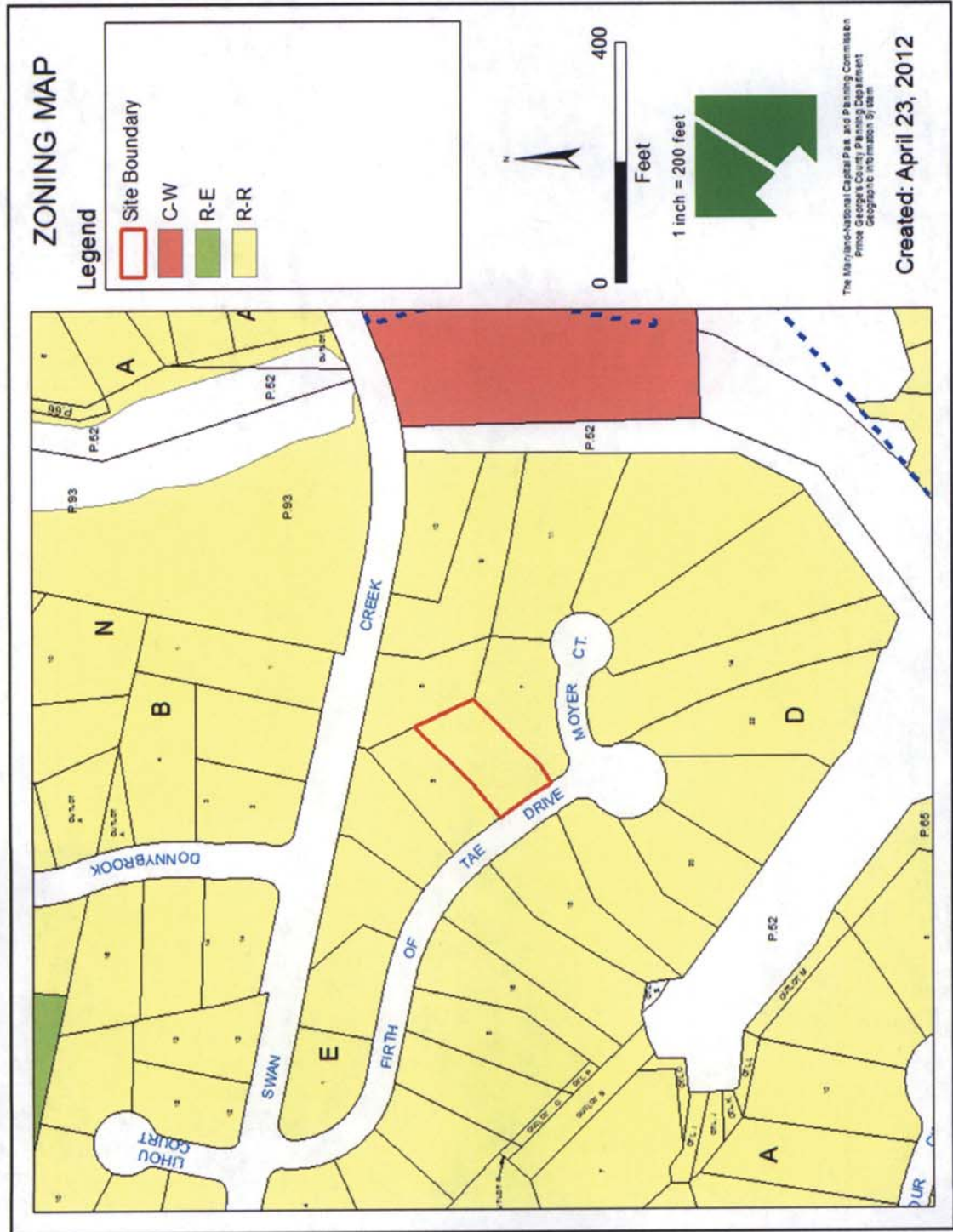
GENERAL LOCATION MAP



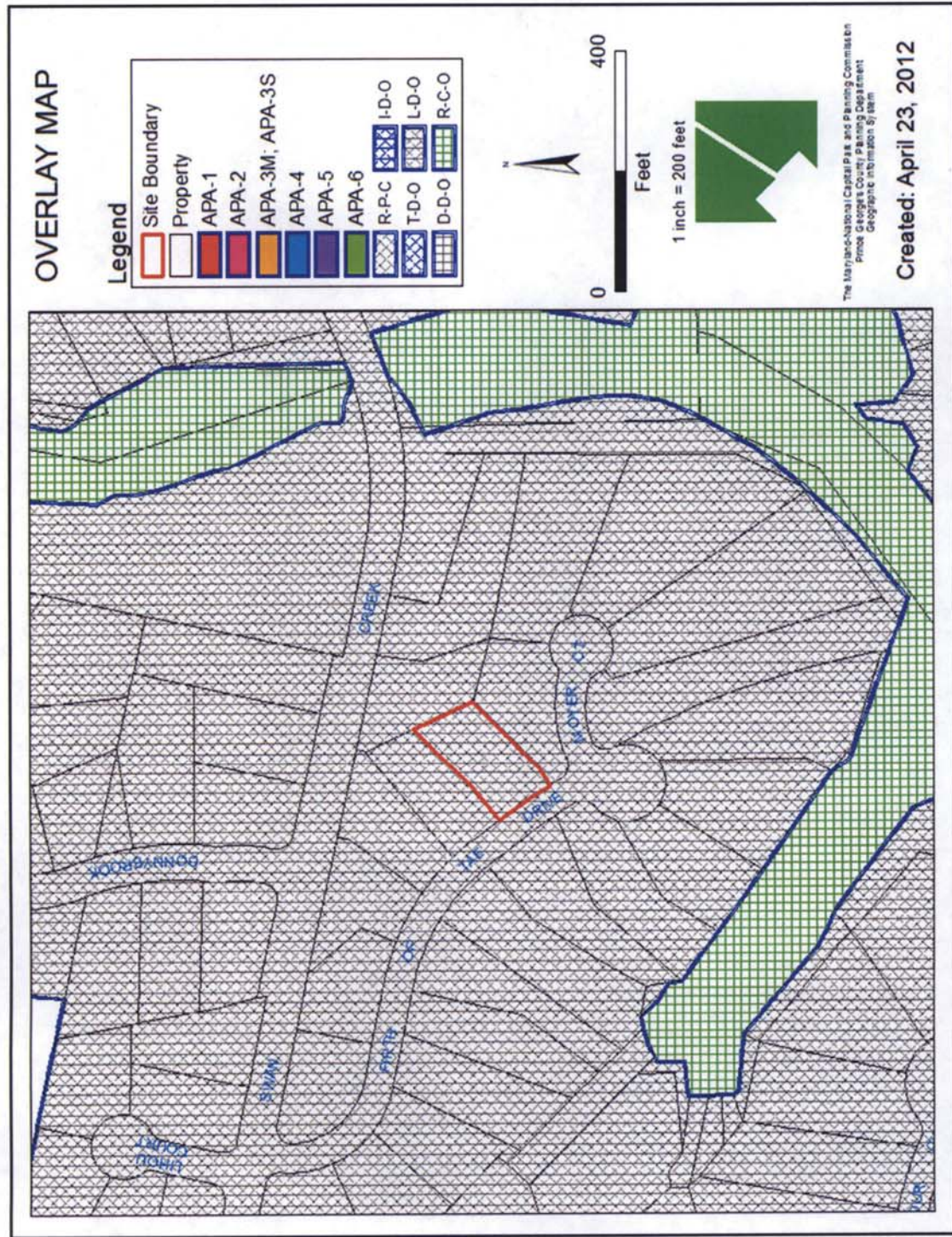
SITE VICINITY



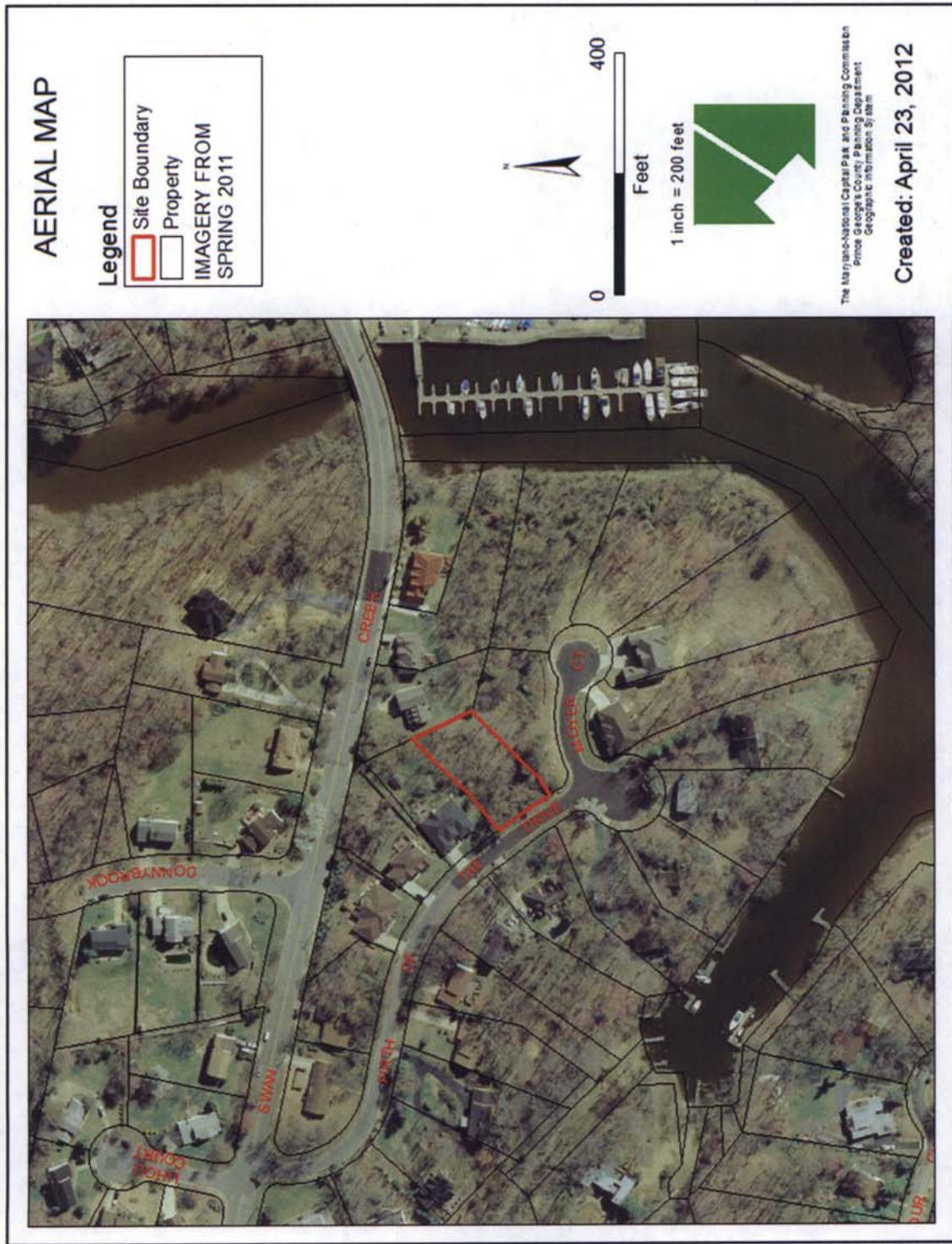
ZONING MAP



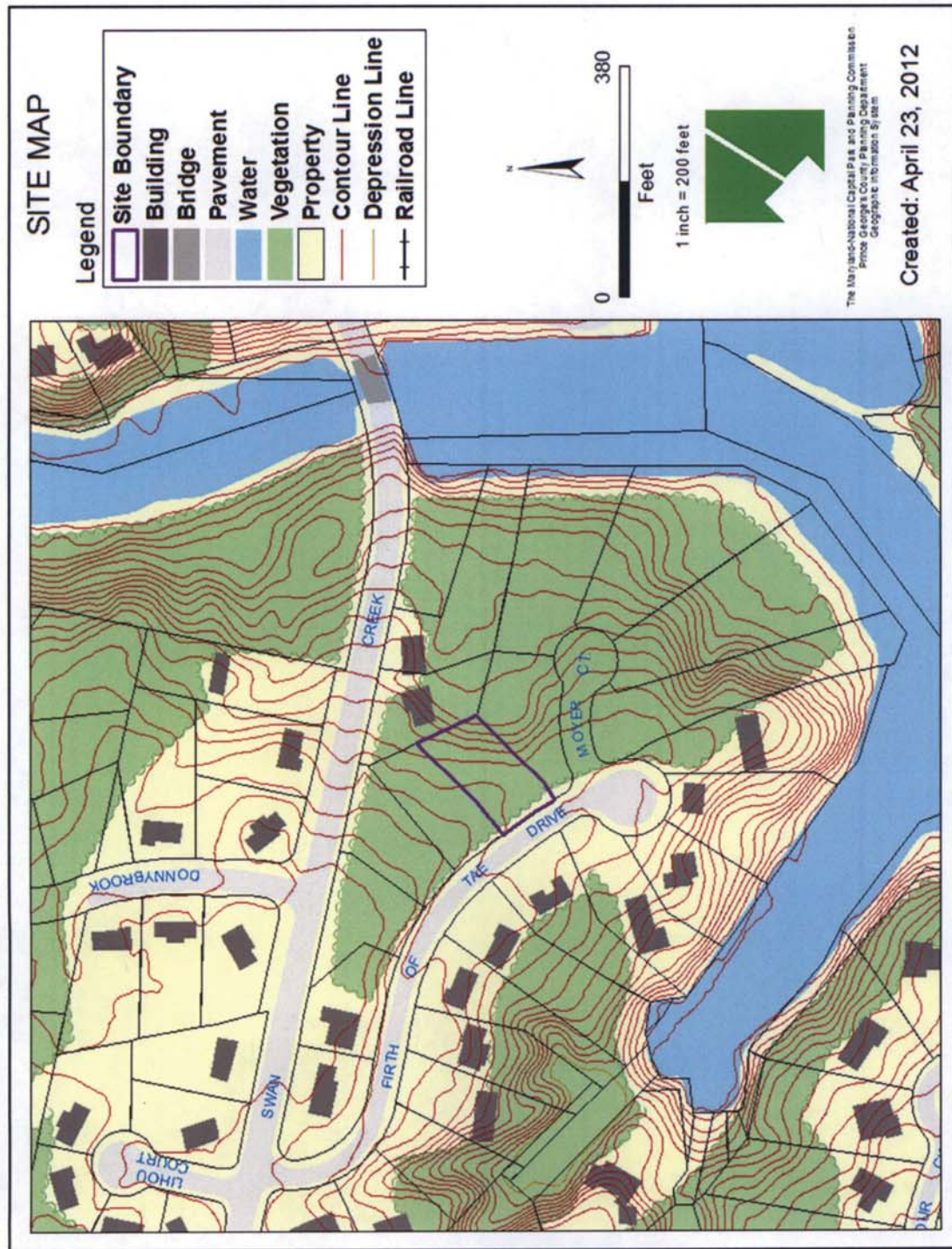
OVERLAY MAP



AERIAL MAP



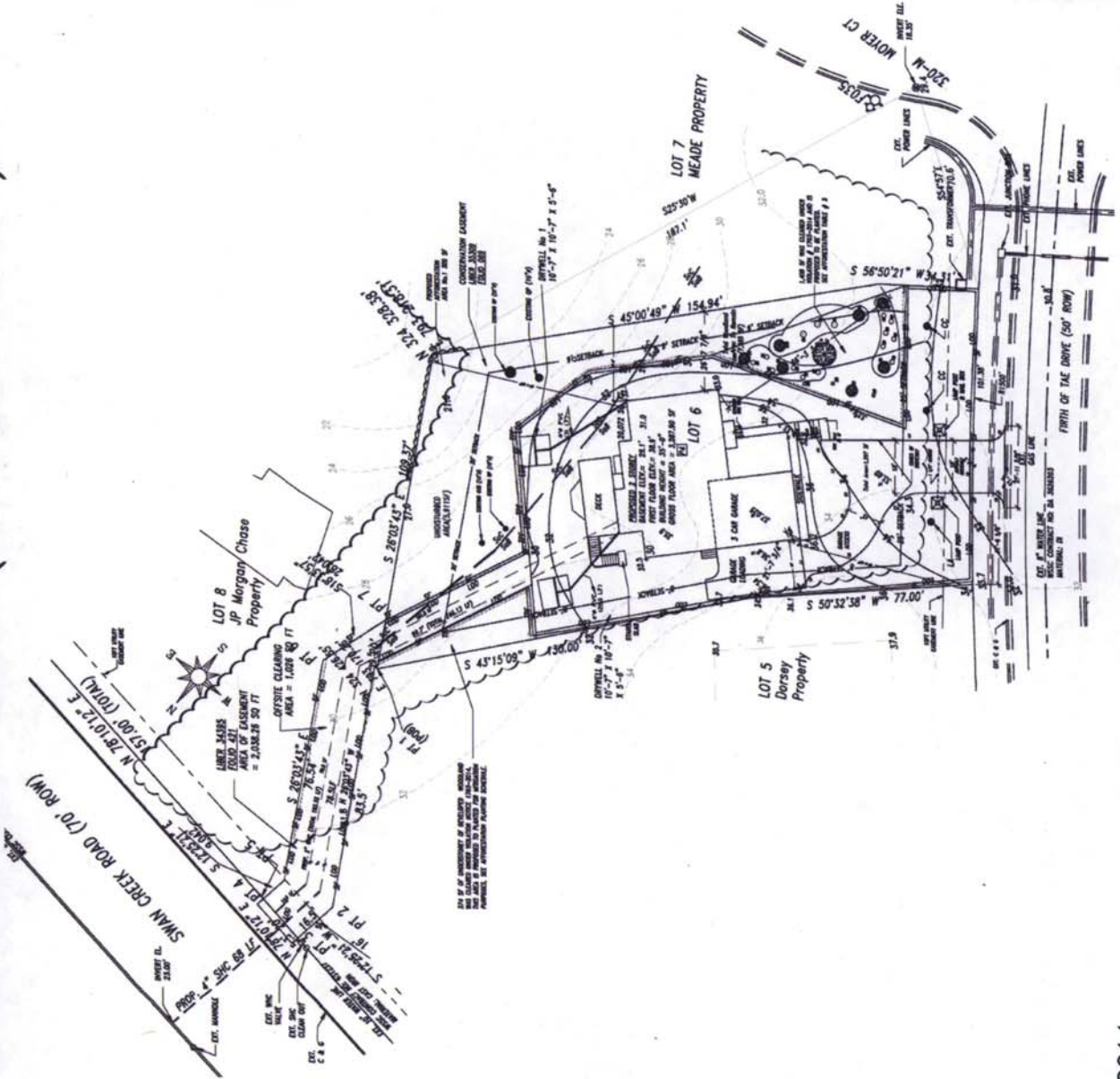
SITE MAP



BIRD'S-EYE VIEW
WITH APPROXIMATE SITE BOUNDARY OUTLINED



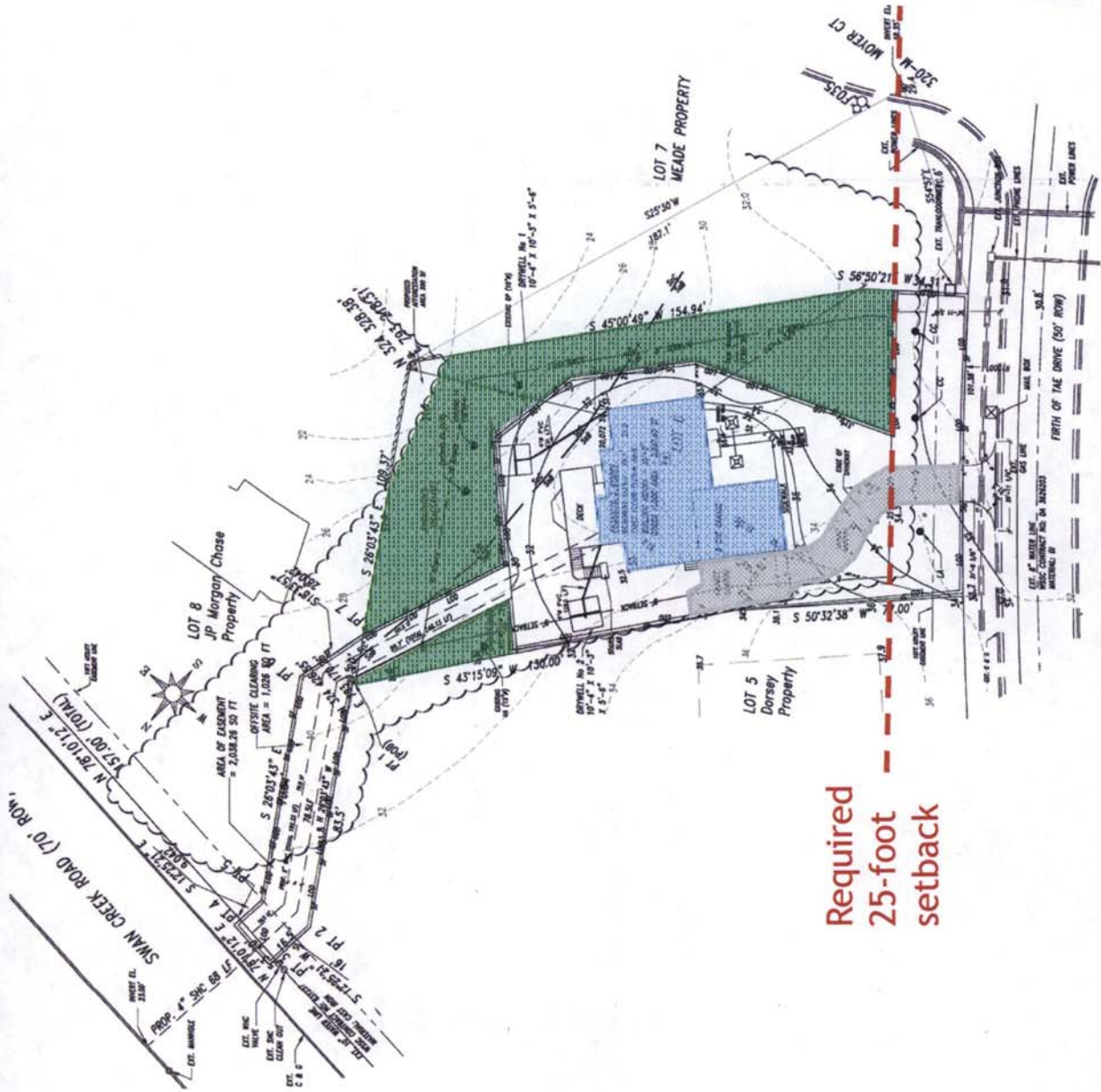
PROPOSED CONSERVATION PLAN (CP-89039-14)



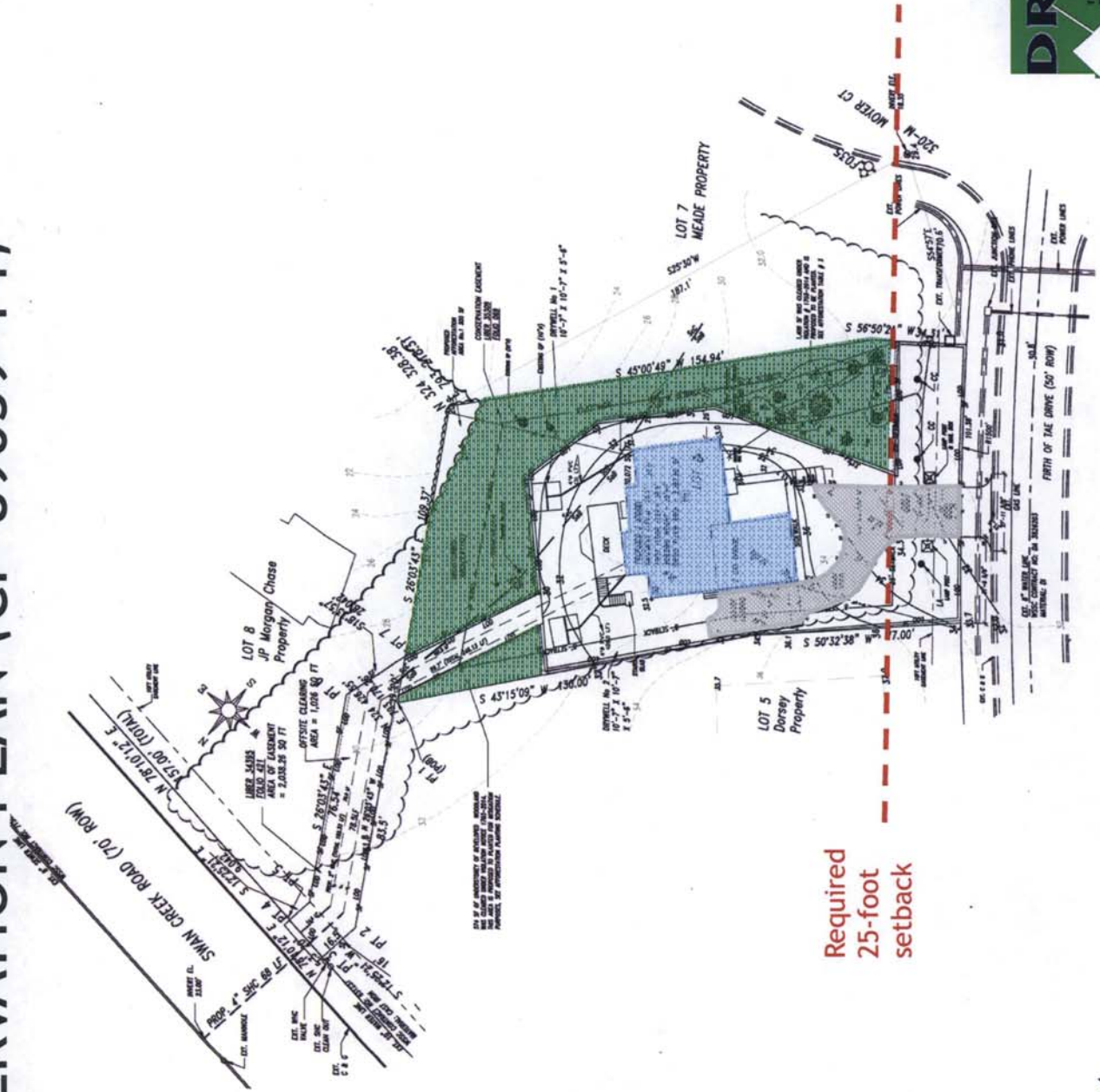
6/26/2014

Slide 9 of 19

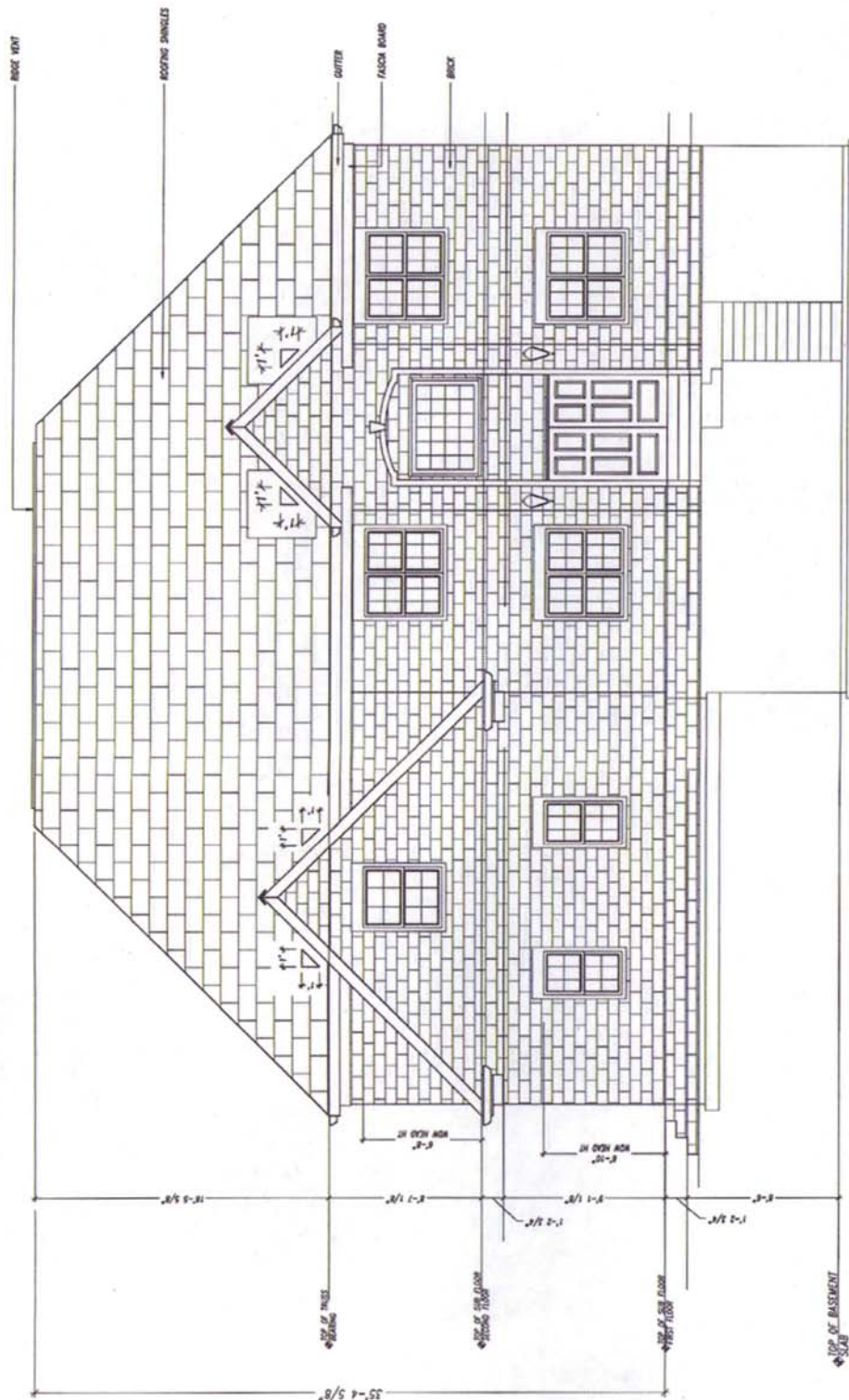
PREVIOUSLY APPROVED CONSERVATION PLAN (CP-89039-11)



PROPOSED CONSERVATION PLAN (CP-89039-14)



FRONT ELEVATION



1. FRONT ELEVATION
SCALE: 3/8" = 1'-0" (FULLY DIMENSIONED)

EXTERIOR MATERIAL LIST
 EXTERIOR WALL AND ROOFING 1 1/2" x 4" x 16"
 ROOFING 1 1/2" x 4" x 16"
 FASCIA BOARD 1 1/2" x 4" x 16"
 GUTTER 1 1/2" x 4" x 16"
 BRICK 1 1/2" x 4" x 16"
 ROOF VENT 1 1/2" x 4" x 16"
 ROOFING DOWNS 1 1/2" x 4" x 16"
 TOP OF MASS 1 1/2" x 4" x 16"
 TOP OF SECOND FLOOR 1 1/2" x 4" x 16"
 TOP OF FIRST FLOOR 1 1/2" x 4" x 16"
 TOP OF BASEMENT 1 1/2" x 4" x 16"

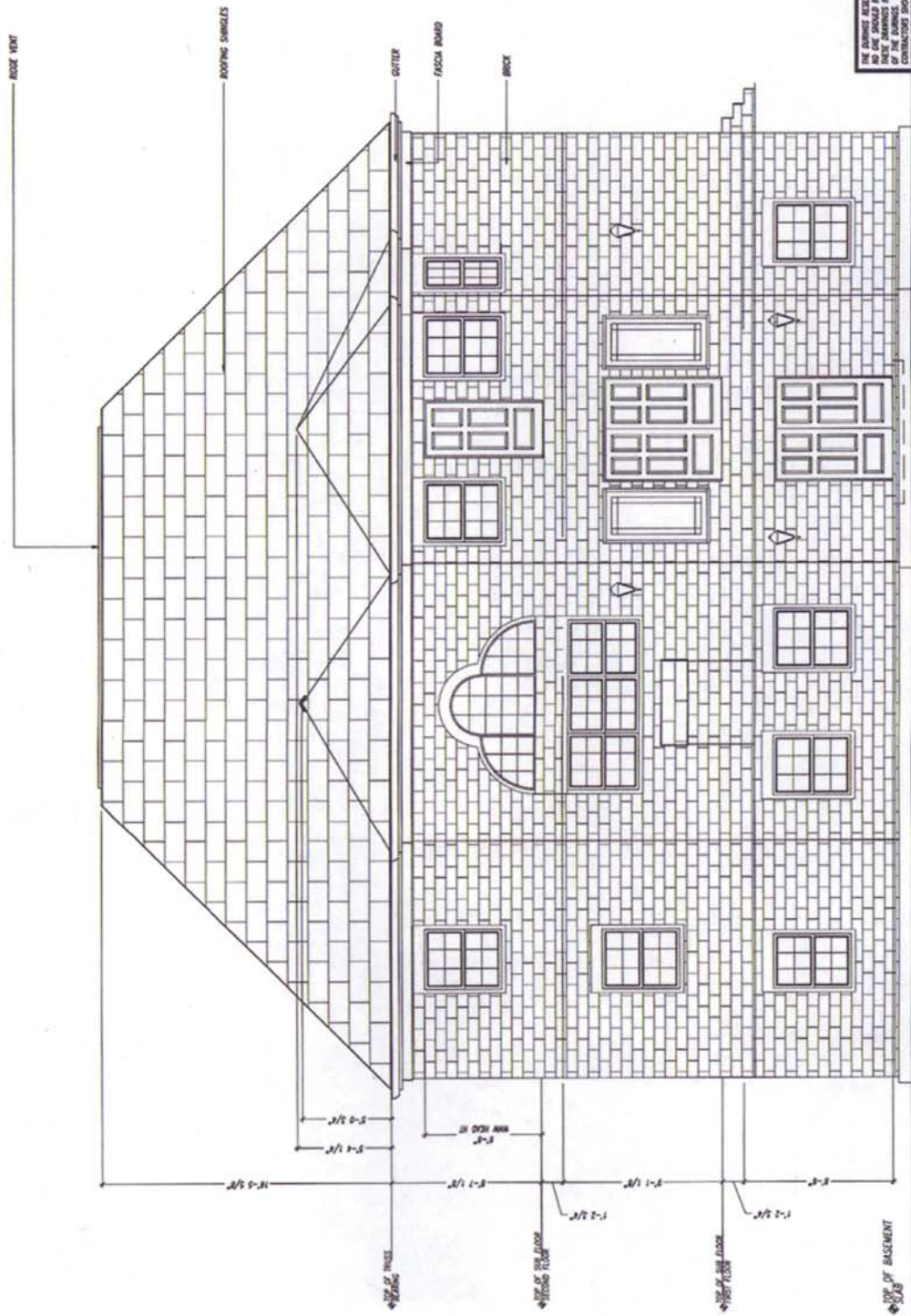
THE DRAWING REVERSES THE RIGHTS TO THESE PLANS. IN NO EVENT SHALL THE ARCHITECT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE BUILDING OR THE RESULTS THEREOF. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

RESIDENCE FOR:
 WALTER & GENEVIVE DURING
 12508 TIRTH OF TALE DRIVE
 FORT WASHINGTON, MD 20744

Project: 12508 TIRTH OF TALE DRIVE
 Date: 6/26/2014
 Scale: 3/8" = 1'-0"

DRD
 THE DEVELOPMENT
 DIVISION

BACK ELEVATION



EXTERIOR MATERIAL LIST

ITEM: SHINGLES
 QUANTITY: 10,000
 UNIT: S.F.
 PRICE: \$0.10
 TOTAL: \$1,000.00

1. BACK ELEVATION
 SCALE: 3/8" = 1'-0" (FULLY DIMENSIONED)
 NOTE: DECKS REMOVED FOR CLARITY

THE DRAWING REPRODUCES THE RIGHTS TO THESE PLANS. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE DRAWING. CONTRACTORS SHOULD REVIEW AND VERIFY ALL DIMENSIONS, ELEVATIONS AND FINISHES PRIOR TO CONSTRUCTION.

RESIDENCE FOR:
 WALTER & GENEVIVE DUBING
 12308 FIFTH OF THE DRIVE
 FORT WASHINGTON, MD 20744

Project: 12308 FIFTH OF THE DRIVE
 Date: 12/15/2013
 Scale: 1/8" = 1'-0"





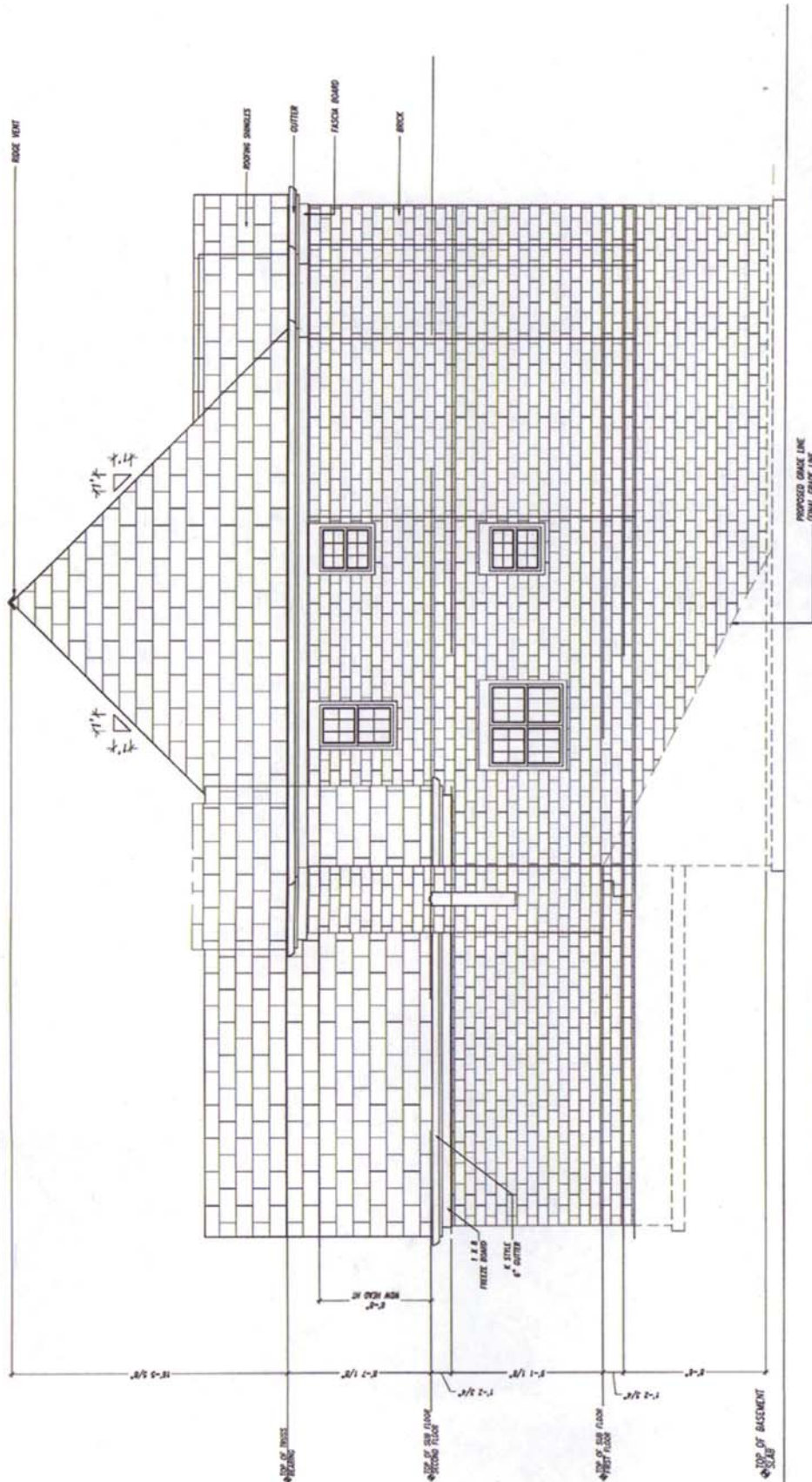
THE DUBOIS RESERVES THE RIGHTS TO THESE PLANS.
NO ONE SHOULD REPRODUCE, COPY OR MODIFY
THESE DRAWINGS IN ANY WAY WITHOUT THE WRITTEN CONSENT
OF THE DUBOIS.

CONTRACTORS SHOULD REVIEW AND VERIFY ALL DIMENSIONS,
DETAILS AND SPECIFICATIONS PRIOR TO CONSTRUCTION.

Given by C. E. Boudard Telephone 623-4400 Address 623-4400	Date 10/20/2013 Time 4:45 PM	Drawing No A-2.2
---	---	----------------------------



RIGHT ELEVATION



1. RIGHT ELEVATION
SCALE: 3/8" = 1'-0" (FULLY DIMENSIONED)

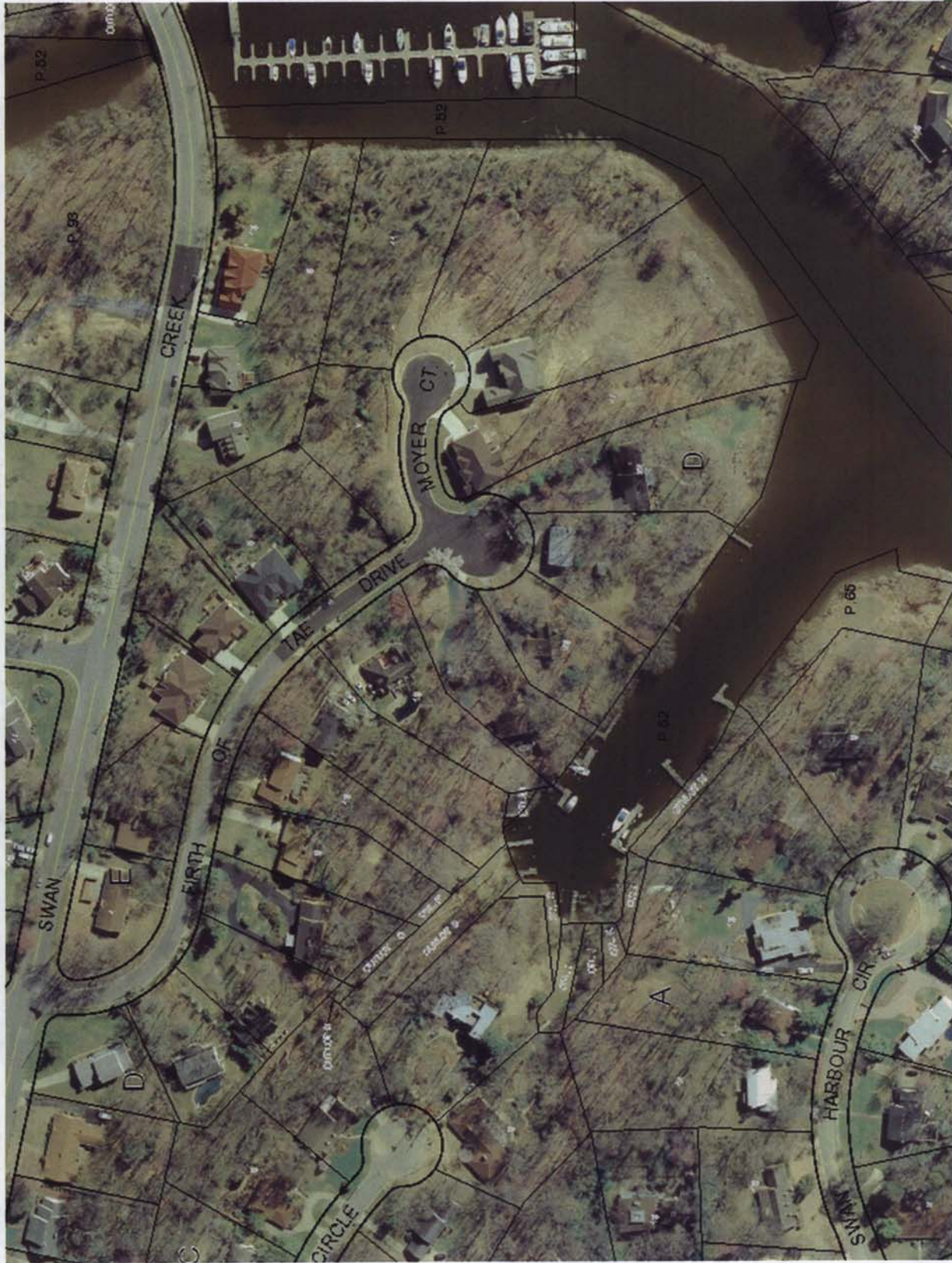
EXTERIOR MATERIAL LIST
BRICK: COMMON BRICK WITH BURNED SURFACE, 1 1/2" x 4" x 8"
ROOFING: ASPH/FLT SHINGLES, 30 YEAR WARRANTY
SIDING: VERTICAL SIDING, 1/2" x 6" x 12"
TRIM: 1 1/2" x 4" x 8" TRIM, 1/2" x 6" x 12" TRIM
DOOR: 1 1/2" x 4" x 8" DOOR, 1/2" x 6" x 12" DOOR

THE DRAWING PROVIDES THE BASIS FOR THE PROJECT. NO PARTS OF THE DRAWING ARE TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. CONSULT THE ARCHITECT FOR ALL DIMENSIONS, DETAILS AND SPECIFICATIONS PRIOR TO CONSTRUCTION.

RESIDENCE FOR:
WALTER C. COOPER BUILDING
13308 FORT OF THE DOVE
FORT WASHINGTON, MD 20744

Drawn by: E. E. BAKER
Scale: 3/8" = 1'-0"
Sheet: A-2.4







SITE PHOTOS 4/19/2013



SITE PHOTOS 1/15/2014



APRIL 17, 2014

**DSP-90076-06 AND CP-89039-14
FOR
12308 FIRTH OF TAE DRIVE, FORT WASHINGTON**

Resolutions numbers for case numbers DSP-90076/06 & CP-89039/14:

DSP-90076 & CP-89039

DSP-90076/01 & CP 89039/01

DSP-90076/04 & CP-89039/11

The citation received was due to the fact that a mandatory preconstruction meeting was not held. However, none of the activities numbered 1 through 19, as listed on P.G. DPIE Form #1-010 (Rev.5/13) for Pre-Construction Meeting were carried out by us, therefore a Pre-Con was not necessary to cut down the trees.

- b. Emails informing Park & Planning staff that the Conservation Plan was ready for upload and approval on E-Plan (*Attachment# 3a, b & c*).
- c. Email request to have the \$22,970.50 Fee-in-lieu that was mitigated via off-site forest bank removed in order for our permits to be issued since October 2013. Road Site Central and Permitting Office had informed us that they will not issue approval and permit (respectively) absent the resolution of this issue (*Attachment # 4*).
- d. Email request for Site Road Central District for the approval of our plan that was declined for 3 months due to the fact that Park & Planning had not removed the Fee-in-lieu charges. Site Road Central District finally approved our plans without the removal of the fee-in-lieu on February 25, 2014 (*Attachment #5*).

However, during the field review of March 21, 2014 (i.e. six months after meeting permit requirements and payments of all fees); staff informed the group when we inquired about statue of this fee removal that "we will have to figure a way to remove it from the system".

ZONING ORDINANCES

1. The application is subject to the requirements of the R-R Zone, including Section 27-441, Permitted Uses, and Section 27-442, Regulations of the Zoning Ordinance. The proposed single-family detached residence is a permitted use and meets the setback, lot size and lot coverage requirements.

STATEMENT OF JUSTIFICATION
FOR

12308 FIRTH OF TAE DRIVE, FORT WASHINGTON - DSP-90076-06 AND CP-89039-14

The proposed improvement is for the construction of a single-family detached residence. The subject 20,072-square-foot site is located at 12308 Firth of Tae Drive in the Rural Residential (R-R) Zone. The entire site is also within the Chesapeake Bay Critical Area and covered by the Limited Development Overlay (L-D-O) Zone.

A revision of the Conservation Plan is necessary to account for woodland disturbance outside the limit of disturbance, replacement of previously identified shade trees to remain on lot, provision of afforestation at the northwest corner of the lot.

A revision to the detailed site plan is necessary to modify widen the driveway to 18', consistent with Prince George's County's Design Standard *STD 200.09* – for houses setback within lots (*Attachment #1*) and provisioning of a 5' sidewalk connectivity. This improvement is under the 25% lot coverage and therefore does not require a variance.

FINANCIAL RELIEFS REQUEST:

In order to help mitigate hardship due to increased construction cost in making this Lot buildable, Applicant is requesting consideration for:

1. A waiver of the application fee and penalties due to Park & Planning staff not approving our permit without just cause for three months.
2. Mitigation of additional expenses due to the fact that all permitting fees were paid October 21, 2013. There were absolutely no reasons for Park & Planning to withhold the approval of our plan that they approved over a two year process.

Attached, are some of my transmittals to Park & Planning that went unanswered:

- a. Directions on lot clearing (*Attachment #2*). A single statement response as in these 7-worded answer “NO, UNTIL AFTER ISSUANCE OF BUILDING PERMIT” would have resolved the issue and saved thousands of dollars due to additional delays resulting from non-responses.

- a. Required net lot area equals 20,000 square feet. The provided net lot area is 20,072 square feet, which meets this requirement.
- b. Maximum permitted lot coverage equals 25 percent. The proposed lot coverage is 24.06 percent, which meets this requirement.
- c. The required front yard setback is 25 feet. The minimum front yard setback is exceeded and delineated on the plan.
- d. The required side yard setbacks are a minimum of 8 feet from the property line to the building, and the total of both side yards should be a minimum of 17-feet. The side yard setbacks are demonstrated on the site plan and they meet the requirement.
- e. The required rear yard setback is 20 feet. The minimum rear yard setback is exceeded and delineated on the plan.
- f. The maximum building height permitted is 35 feet. The site plan indicates that the building will be 2 stories and 35 ft. high, and identified on the site plan within the building footprint.
- g. No accessory buildings are indicated on the site plan.

Finding: Based on this analysis of the zoning ordinance requirements, no variances from these provisions are required.

2. The application is subject to the requirements of Sec. 27-230. Criteria for granting appeals involving variances.

Finding: The proposed single-family detached residence required a variance under 5B-114(e)(5) as lot clearing of a natural area exceeds 30 percent. All other requirements under Subtitle 25 were met by the proposed development plan.

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

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

Response: Although absolutely no trees were removed from the woodland area to remain, the locations of the approved trees to be removed were in a peculiar, as the tree trunks abutted the proposed woodland to remain boundary line. The proposed tree line is at a distant of about 35' from the curb & gutter with electric transformer box and telephone box within this area.

This area was used as the local dump-site by others. There is a "No-Dumping" sign with violation penalty posted on this lot and Inspector Wertz concurred with us that the lot was being used as a dumping ground. The existence of the "No-Dumping" sign confirms that we are correct in our assertion because the county would only install this sign when there is gross violation and this issue was referenced during the Tree Clearing Variance Meeting. Also, in an email to Park & Planning (**Attachment #6**), I called attention to the fact that this area had no trees. Said was also confirmed during the site meeting of March 21, 2014, and we also showed the darkened deposits in this area, which are due to rubbish decays including construction and household wastes that were deposited at this location.

In order to safely cut down these approved trees and remove their canopies and trunks, it was necessary for the tree contractor to fall the trees within the lot. This would have been DPW&T's recommendation in order to avert the following:

1. Damages to the county's asset (curb & Gutter and asphalt) by the trees
2. Damages to the adjacent property owner's property across the roadway
3. Damage & disruption of local utility supplies for an extended period of time, due to tree falling on the local area's electric transformer and cable box on that side of the property.
4. Eminent danger to the subcontractor, his staff's and residents' lives
5. Blockage of the roadway for an extended period of time disrupting residents' movements (vehicular and pedestrian) to and from their homes.

Further, the approved trees that we cut down were up-slope from the utility boxes and if the contractors had attempted to fall the trees to the side, they would have rolled down and damaged the utility boxes, Curb & Gutter, roadway and neighboring resident's property and lives. In so doing, the contractor rode his vehicle through a portion of the area to remain undisturbed. This affected area due to vehicle damage is estimated to be about 700 SF, and not the total taking of 1,500 SF that staff is recommending to be mitigated.

We understand from DPIE during the on-site inspection of March 21, 2014 that if this clearing was done under the prevue of County Inspection, it would have been an authorized action.

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

Response: The strict application of this Subtitle will result in exceptional hardship and this lot would not be developed by us or others.

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

Response: The variance will not impair the intent, purpose, or integrity of the Master Plan. Rather, it complements the neighborhood by the removal of the local illegal trash dumpsite created by others, a neighborhood eyesore. It uplifts the aesthetics of the neighborhood, providing value and integrity to the community.

(b) Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:

(1) Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Critical Area Program would result in unwarranted hardship which is defined as a circumstance where without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested;

Response: Without the requested variance, construction cannot commence and this lot cannot be improved. As such, we will be denied a reasonable use of the lot.

(2) A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;

Response: Enforcement of this recently enacted rule would render this Lot unbuildable and deprive my family and me of the opportunity to build our family house.

(3) The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area;

Response: Granting this variance that did not cut down trees but removed construction and household trashes would make whole a situation that was not created by the owners and would not confer special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area.

(4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

Response: Trash deposits in this area on the lot were not done by the lot owners but illegally done by others.

(5) The granting of a variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the

variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;

Response: The plan has approved water quality measures in place and granting the variance will not affect water quality. Fish, wildlife or plant habitat within the Critical Area will have minimal or not adversely be impacted. Further, granting of the variance would be in harmony with the neighborhood, the general spirit and intent of the State and County laws and program.

(6) The development plan would minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands;

Response: The development plan has an approved Storm Water Management Plan with the use of drywells. The plan's specifications provide best practice measure for the installation and maintenance of these facilities. Industrial pollutants will not be discharged from this property.

(7) All fish, wildlife, and plant habitat in the designated critical areas would be protected by the development and implementation of either on-site or off-site programs;

Response: In a letter dated September 19, 2012, the Maryland Department of Natural Resources Natural Heritage Program determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated.

(8) The number of persons, their movements and activities, specified in the development plan, are in conformity to established land use policies and would not create any adverse environmental impact;

Response: This application is for a family size of three, therefore fewer trips than that used in assessing the number of household trips used in trip projection and distribution for the average household size. Two of the family members maintain compressed and alternate work schedule, the third is a student away on campus.

(9) The growth allocations for Overlay Zones within the County would not be exceeded by the granting of the variance.

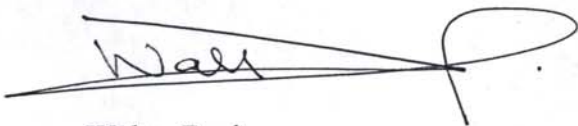
Response: The proposed plan is consistent with the master plan. As such, the growth allocations for Overlay Zones within the County will remain the same if this variance is granted.

(c) For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where the applicant proposes development of multifamily dwellings and also proposes that the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code, the Board of Appeals may consider this increase over the required number of accessible units in making its required findings.

(CB-72-1987; CB-57-1989; CB-140-1989; CB-7-1993; CB-97-1993; CB-76-2010)

Response: Not Applicable- the proposed development is for a single residential home

Faithfully Submitted,

A handwritten signature in black ink, appearing to read 'Walter', followed by a large, stylized flourish or loop.

Walter During
Property Owner

W = 10' minimum or 20' maximum width at R/W line for single/double driveway entrances.

Double-width parking pad

R/W Line

W

Grade break

Concrete apron

Drop curb

Roadway

Curb and gutter

Sod

Sidewalk

Minimum 22'

Minimum 58' from edge of garage to R/W - prop. line

45° max.

Minimum 25' transition area from edge of parking pad to R/W - prop. line

Refer to Prince George's County Zoning Ordinance, Subtitle 27, for parking pad regulations.

General Notes

1. For standard driveway, W=10' minimum for single, W=20' maximum for double. Construct concrete apron to match driveway width (W).
2. For duplex homes using shared driveway apron, width (W) may be increased to 22' with prior Departmental approval.
3. All new construction within the County right-of-way shall comply with the Federal accessibility guidelines of the Americans with Disabilities Act.

APPROVED:			DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION Prince George's County, MD	
DIRECTOR	DATE		Special Urban Residential Driveway Single Apron with Double Parking Pad	
REVISION DATE:	APPROVED BY:			STD. 200.09

ATTACHMENT #1

Home Mail News Sports Finance Weather Games Groups Answers Screen Flickr Mobile More

Cheryl Summerlin (cheryl.summerlin@ppd.mncppc.i

Search Mail

Search Web

During

Compose

Inbox (16)

Drafts (34)

Sent

Spam (52)

Trash

Folders

Recent

Messenger

Calendar

Contacts

Notepad

Yahoo Mail for Mobile

Send Feedback

Search results

Delete

Move

Spam

RE: Message from Walter During

Summerlin, Cheryl

Jul 6, 2012

To: W. During

Mr. During,

It was my pleasure to meet with you today. I have attached the approval block. Please type in information and print one of each block for your site plan. I still have to find the answer to your tree clearing question. I will get back to you.

Enjoy your weekend,

Cheryl Summerlin
Applications Supervisor
Development Review Division
M-NCPCC, Planning Dept.
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
301-952-3578 / www.pgplanning.org

From: W. During [mailto:wduring@yahoo.com]

Sent: Friday, July 06, 2012 3:09 PM

To: Summerlin, Cheryl

Cc: Charles Bansah

Subject: Message from Walter During

Ms. Summerlin:

Thanks for meeting with us and providing necessary guidance for the successful submission of our SDP. Please do not forget to send me the two additional documents for insertion on the plan. I plan to have our package submitted on Monday 9th instant, as I have my day off work.

Sincerely,
Walter During

2 Attachments Download all

approvals block.doc

Download

BCA Approvals BL...docx

Download



ATTACHMENT #2

From: "W. During" <wduring@yahoo.com>
Date: October 24, 2013 at 5:28:20 PM EDT
To: "Cindy@co.pg.md.us" <Cindy@co.pg.md.us>, "bugo@co.pg.md.us" <bugo@co.pg.md.us>, "eplan@co.pg.md.us" <eplan@co.pg.md.us>, "LThompson@co.pg.md.us" <LThompson@co.pg.md.us>
Cc: Walter During <wduring@yahoo.com>
Subject: Fw: 23846-2013-0
Reply-To: "W. During" <wduring@yahoo.com>

Good Afternoon,
Please find forwarded the versions of the geotechnical report and the approved SDP & CP.
Thank you,
Walter During

----- Forwarded Message -----

From: Walter During <wduring@yahoo.com>
To: "Cindy@co.pg.md.us" <Cindy@co.pg.md.us>; "bugo@co.pg.md.us" <bugo@co.pg.md.us>; eplan <eplan@co.pg.md.us>; W. During <wduring@yahoo.com>; "LThompson@co.pg.md.us" <LThompson@co.pg.md.us>
Cc: Walter During <wduring@yahoo.com>
Sent: Thursday, October 24, 2013 8:42 AM
Subject: Re: 23846-2013-0

Good Morning All,
I will convert the geotechnical report to PDF format, reduce its size and resend by 5:30 PM today, to ensure that the document can be opened in its entirety. The Approved SDP & CP, that were sent last evening are ok for upload.
Thank you,
Walter During

On Oct 23, 2013, at 6:46 PM, "W. During" <wduring@yahoo.com> wrote:

Good Afternoon Ms. Head, Mr. Ugo & Ms. Thompson;
We received requests for the following documents:

From: "W. During" <wduring@yahoo.com>
Date: November 4, 2013 at 2:01:35 PM EST
To: "LThompson@co.pg.md.us" <LThompson@co.pg.md.us>,
"John.Linkins@ppd.mncppc.org" <John.Linkins@ppd.mncppc.org>, "eplan@co.pg.md.us"
<eplan@co.pg.md.us>
Cc: Walter During <wduring@yahoo.com>
Subject: Fw: 23846-2013-0
Reply-To: "W. During" <wduring@yahoo.com>

Ms. Thompson,

I just received a notice from e-plan informing me that the Planning Permit Reviewer has completed his review and has placed my file on-hold pending the provision of the approved CBCA Plan CP-89039-11 and approved DSP plan DSP-90076/04 for review.

I had forward these plans to you on October 24, 2013 with a request that you make them available to the respective reviewers, as I am not able to upload them on e-plans due to the configuration of the website at this time.

I am resending them and also copying Mr. Linkins at John.Linkins@ppd.mncppc.org.

Mr. Linkins, do not hesitate to contact me by email or phone with additional questions or requests.

Thank you,
Walter During, PE

----- Forwarded Message -----

From: Walter During <wduring@yahoo.com>
To: "nwformukong@co.pg.md.us" <nwformukong@co.pg.md.us>
Cc: Walter During <wduring@yahoo.com>
Sent: Tuesday, October 29, 2013 1:20 PM
Subject: 23846-2013-0

Good Afternoon Nanji,

From: Walter During <wduring@yahoo.com>
Date: December 3, 2013 at 5:31:21 PM EST
To: "Holley, Edward" <Edward.Holley@ppd.mncppc.org>
Cc: Walter During <wduring@yahoo.com>
Subject: Re: Draft easement for your review

Mr. Holley,
We have the plans scanned and ready for upload on EPlan, when the system is programmed to receive updates.
Thank you,
Walter During

On Dec 2, 2013, at 10:17 AM, "Reiser, Megan" <Megan.Reiser@ppd.mncppc.org> wrote:

Hi Mr. During,

The plans have been signed and will be available for pick-up by noon.

Thanks,
Megan Reiser

From: Walter During [<mailto:wduring@yahoo.com>]
Sent: Monday, December 02, 2013 10:16 AM
To: Reiser, Megan; Finch, Kim
Cc: Walter During
Subject: Fwd: Draft easement for your review

Hello Ms. Finch & Ms. Reiser,

Please let me know if the plans be ready for pickup by noon today.
I had taken time off from work to travel north and pickup.

Thank you,
Walter During

DPIE
Department of Permitting, Inspections and Enforcement
2014

Tuesday, March 18, 2014

[Home](#)
[Profile](#)
[Permit](#)

My Permits List

[Welcome Walter & Genevive Logout](#)

<u>CaseNumber</u>	<u>Case Name</u>	<u>Case Type Name</u>	<u>Application Date</u>	<u>Case Status</u>	<u>Total Fees</u>	<u>Pending Fees</u>	<u>Pay</u>	<u>Print/View</u>
<u>23846-2013-0</u>	During New Single Family	DPIE SGU	7/15/2013 7:06:54 PM	APPLICATION	\$24,100.50	\$22,970.50		

You are viewing page 1 of 1

Enter text to search:

ATTACHMENT # 4

Location
9400 Peppercom Place, Largo, Maryland 20774
More building locations
SiteMap
Privacy Policy
Accessibility
2013© Prince George's County, Maryland. All Rights Reserved

Subject: Re: 23846-2013-0 Driveway permit/CBCA bonding /fee-in lieu required.
From: Walter During (wduring@yahoo.com)
To: nwformukong@co.pg.md.us;
Cc: wduring@yahoo.com;
Date: Thursday, February 6, 2014 8:11 AM

Hello Nanji,

Hope this message finds you well.

I did not receive an acknowledgement to my last email. I am forwarding the below transmittals that memorialize the final requirements from your section. In the event Mr. Holmes is now in charge of reviewing our project, kindly forward this email to him.

We were very disappointed to learn from one of your staff that we own \$22,000 afforestation fee and that we do not have utility easement for our property. Both statements are wrong.

Park & Planning requested that we mitigate afforestation before they will certify our SDP & CP. The process and payment were moved out of the permitting process. Although not required, we provided all of the executed agreements supporting the mitigated afforestation and they are on eplan. Also, the registered multi-use agreement is on eplan.

Please have the responsible party delete the afforestation fee from eplan or show it as paid or mitigated, as we have met all of the requirements and need to start construction immediately.

Thanks,

Walter

On Nov 18, 2013, at 9:03 AM, "Formukong, Nanji W." <nwformukong@co.pg.md.us> wrote:

Walter,

In addition to the bonding, please secure the driveway permit.

ATTACHMENT # 5

From: Walter During [mailto:wduring@yahoo.com]
Sent: Friday, November 15, 2013 5:10 PM
To: Formukong, Nanji W.
Cc: Senjalia, Mansukh; Walter During
Subject: Re: 23846-2013-0 Recorded maintenance agreement/ Driveway permit

Nanji,

Home Mail News Sports Finance Weather Games Groups Answers Screen Flickr Mobile More

tree clearing

Search

Search Web

During

Compose

Inbox (16)

Drafts (34)

Sent

Spam (52)

Trash

Folders

Recent

Messenger

Calendar

Contacts

Notepad

Yahoo Mail for Mobile

Send Feedback

Search results

Delete

Move

Spam

RE: Comments for DSP-90076-04 and CP-89039-11

Fields, Meika

Jan 24, 2013

To: Walter During

Have you received comments from Mr. Schneider? I am still awaiting comment from him and the Critical Area Commission. They do most of the technical review of the conservation plan.

From: Walter During [mailto:wduring@yahoo.com]

Sent: Thursday, January 24, 2013 1:20 PM

To: Summerlin, Cheryl; Fields, Meika

Cc: W. During

Subject: Re: Comments for DSP-90076-04 and CP-89039-11

Good Afternoon Ms. Summerlin & Ms. Fields,

We have addressed the Urban Development and WSSC comments that were received separately. Are there other comments pending? If not, we would like to go to print and deliver the Final plan sets for processing.

Following the Review Meeting, Ms Riser had suggested that we continue with processing while the environmental remediation measures are finalized. I have sent follow-on email requests for information to Mr. Schneider await his responses.

Kindly provide me with a copy of variances approved for this Lot and the subdivision or direct me to where I can obtain this information. Specifically, our neighbors did a whole lot of clearing on their properties and I would like to know how this was approved for their improvements.

Thank You!

Walter During

On Jan 22, 2013, at 8:28 PM, "W. During" <wduring@yahoo.com> wrote:

Mr. Schneider:

Today, I received information from WSSC that there will be no need for them to review another non-abutting connection request, as it had been approved already. For permitting, I was instructed to submit SC 334 letter to WSSC Permits Service Unit. The County has a copy of SC 334 as part of my package.

I am checking with you to see if you had visited the site and made your assessment regarding vegetation on the property, especially in front of the Lot, where there are no trees in certain areas that were included in the forest area calculation. Our Environmentalist identified trees in the front as invasive species. But for these invasive trees and trashes dumped at the front of the Lot, we would have left this area untouched. We are offering to replace the invasive species and trashes with trees.

If you concur with us, we would like to remove these areas from the computation, update the CBCA computation accordingly and provide you with the revised plans together with the completed Section 4.9 schedule for tree credits, so that you can estimate the offsite mitigation needed. This would allow us to make a final revision to the SDP & CP for submittal.

Thank you,
Walter During

From: W. During <wduring@yahoo.com>

To: "Fields, Meika" <Meika.Fields@ppd.mncppc.org>; Cheryl Summerlin <cheryl.summerlin@ppd.mncppc.org>

ATTACHMENT # 6



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division
Environmental Planning Section
301-952-3650

June 11, 2014

MEMORANDUM

TO: Meika Fields, Senior Planner, Urban Design Section
VIA: Katina Shoulars, Supervisor, Environmental Planning Section
FROM: Megan Reiser, Planner Coordinator, Environmental Planning Section
SUBJECT: Tantallon on the Potomac, Lot 6, Block E; DSP-90076-06 and CP-89039-14

Handwritten notes: "ps" and "ps for MCR" in blue ink.

The Environmental Planning Section (EPS) has reviewed the Detailed Site Plan, DSP-90076-06 and Chesapeake Bay Critical Area Plan, CP-89039-14, stamped as received by the Environmental Planning Section on May 27, 2014. The Environmental Planning Section recommends approval of DSP-90076-06 and CP-89039-14 subject to the conditions noted at the end of this memorandum.

Background

The site was reviewed as part of Site Plan, SP-90076 with a Type II Tree Conservation Plan TCPII-183-90. A Chesapeake Bay Critical Area Conservation Plan, CP-89039, was approved by the Planning Board on December 21, 1989 and included approximately 38.6 acres of Parcel 52 of Tax Map 131. The Preliminary Plan of Subdivision 4-89176 was approved by PGCPB No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89039/01, approved the same day. The subject lots were recorded by Final Plat VJ 157-36 on February 25, 1991. The Detailed Site Plan was vested by the construction of residential structures on Lot 8 and Lot 9.

The approved TCPII-183-90 for the site became invalid with the current regulations when TCP2s were no longer required for applications within the Chesapeake Bay Critical Area.

The subject property was included in the original CP-89039 for the entire subdivision. A lot specific Conservation Plan (CP-89039-11) and a lot specific DSP (DSP-90076-04) were approved by the Planning Board on June 6, 2013. The findings and conditions of approval for CP-89039-11 can be found in PGCPB No. 13-68. The findings and conditions of approval for DSP-90076-04 can be found in PGCPB No. 13-69. The lot specific approval was for the construction of one single-family detached dwelling on Lot 6, Block E; a 0.46-acre lot in the R-R/L-D-O zone. The previous approvals included a variance from Section 5B-114(e)(5) for the clearing of more than 30 percent of the on-site developed woodland. Specifically, the previous application was approved for the clearing of 54 percent of on-site developed woodland.

Subsequent to the Planning Board approval for the lot specific plans, Violation Notice 1703-2014 was issued by the Department of Permitting, Inspections and Enforcement (DPIE) on January 17, 2014 for

failure to fulfill the mandatory pre-construction meeting requirement (5B-116) as well as failure to obtain a grading permit prior to the disturbance/construction activities (32-126). Among other violation citations that are not related to the plan review and approval authority of the Park and Planning Commission, the violation notice states that unauthorized clearing exceeding the maximum area of clearing allowed through the approved Conservation Plan (CP-89039-11) occurred on-site. Additionally, several trees that were approved on the plan to meet the landscape requirements were not present. At the applicant's request, an on-site meeting was held on March 21, 2014, with the applicant and representatives from EPS and DPIE to inspect the unauthorized activities that occurred on the site. The extent of the violation was confirmed by all parties present and the mitigation requirements were discussed and outlined in a General Inspection Report issued on-site by DPIE.

The current application has been submitted for revisions to the DSP and CP to account for the unauthorized clearing and to request approval of an after-the-fact variance from Section 5B-114(e)(5) for the clearing. Specifically, the current plan shows an additional 11 percent clearing of on-site developed woodland for a total variance clearing area of 65 percent of the on-site developed woodland. This clearing is also in addition to the previously approved off-site clearing of 1,026 square feet for an off-site sewer connection.

The current application also shows a proposed revision to the configuration of the driveway (from what was previously approved by the Board), resulting in an increase in impervious lot coverage and a decrease in the area available for mitigation planting.

The approval of a Conservation Plan by the Planning Board for mitigation purposes is required prior to the issuance of permits because the additional clearing associated with the violation exceeds the 54% that was previously approved by the Planning Board

Site Description

This 0.46-acre property is in the R-R/L-D-O zones and is located at 12308 Firth of Tae Drive in Fort Washington, Maryland. The entire site is located within the Chesapeake Bay Critical Area and does not contain any 100-foot primary or secondary buffers. No streams, tidal or non-tidal wetlands, 100-year floodplain or steep slopes are located on-site. The site contains 17,291 square feet of developed woodlands, which accounts for 86% of the overall site. No scenic or historic roads are affected by this proposal. There are no significant nearby noise sources and the proposed use is not expected to be a noise generator. Species listed by the state of Maryland as rare, threatened or endangered are not mapped for this area. The Web Soil Survey indicates that the principal soils on the site are in the Sassafras sandy loam and Sassafras-Croom Complex. The site is in the Developing Tier according to the General Plan.

Environmental Review

1. **Existing Conditions:** The Conservation Plan is a development plan that also serves as the site's existing conditions plan which was reviewed for verification prior to the acceptance of the previously approved Detailed Site Plan application. The plan accepted for review of the previous application showed that the 20,072 square foot site was 86 percent wooded and contained no development. The on-site woodlands were assigned a Priority 3 rating because it is not associated with any Waters of the U.S. and also because of the presence of invasive species within the woodlands.

The previously approved CP for this lot showed the limits of developed woodland as delineated by a Qualified Professional and confirmed by staff. A site visit was conducted in January 2013 by M-NCPPC staff to investigate the on-site woodlands because the applicant/owner indicated in an

email dated March 15, 2013 that the areas with no trees were not excluded from the computation. It appears this comment was due to the presence of understory vegetation, invasive species and/or disposed Christmas trees in the wooded area; however it should be noted that these areas meet the definition of developed woodland from Section 5B-108(a)(29):

Developed woodlands: Those areas of vegetation that do not meet the definition of woodlands, but which contain trees and other natural vegetation and which also include residential, commercial, or industrial structures and uses.

The 17,291 square feet of on-site developed woodlands were set with the previous approval of DSP-90076-04 and CP-89039-11.

2. **Developed Woodlands Clearing and Impervious Lot Coverage:**

a. **Previous approval**

The initial site design that was submitted with the previous application showed a circular driveway which staff recommended be removed due to the excessive woodland clearing above the 30 percent maximum allowed by Subtitle 5B. Staff also recommended that the proposed dwelling be relocated closer to the front building restriction line so that woodland preservation would be focused in the rear of the lot adjacent to existing woodland.

The applicant then submitted a revised plan with a driveway to the garage loading area of a three car garage, with branched extension of the driveway direction turn around. In discussions with the applicant, he addressed that the circular drive was needed so drivers would not have to back down the driveway onto Firth of Tae Drive. A review of the plans showed that the garage loading area, which contains a hammer head extension, is sufficient for turning around without having to back out on Firth of Tae Drive. The plan also showed the relocation of the proposed dwelling closer to the building restriction line and closer to the west to increase the size of the developed woodlands retained on-site. The revision allowed for more woodland save areas on the east side of the house and in the front and rear of the house. The Planning Board approved the previous application with a condition to remove the branched extension and to show only direct access to the garage loading area.

The site design shown on the plans submitted with the current application show the branched extension that was specifically required to be removed by previous conditions of approval and the width of the driveway has been changed from the previously approved 12-foot width to an 18-foot width. The rationale for not allowing the branched extension of the driveway was less about the amount of allowable impervious lot coverage, and more about the amount of clearing necessary to install, use, and maintain it.

b. **GI/ Wildlife Corridor**

The developed woodlands that were cleared under violation were located on the eastern portion of the site and the area of focus for preservation under the previous approval. The developed woodlands that were approved to be preserved at the rear of the lot remain. During the review and approval process for the previous application, the proposed dwelling was relocated to allow for additional developed woodland preservation on the east. The entire site is located within a Network Gap of the Countywide Green Infrastructure Plan. The woodlands on the subject site are connected to existing tracts of connected woodland on developed lots that consist of a habitat corridor leading to the open waters associated with the main channel of the Potomac River Basin. The submitted plan for the current review now shows landscaping in the cleared area on the eastern portion of the site. It is important to provide woodland planting in this area to reestablish

the wildlife corridor that was disrupted by the unauthorized clearing. Planting in this area will meet the intent of 5B-114(e)(1).

Because the mitigation replacement rate for clearing without a permit is 3:1, there is a significant planting requirement. On-site planting must be maximized to the extent practicable. It is recommended that planting be placed at a minimum of 10 feet from the house, walkway, and driveway on the eastern portion of the site. The planting shall be located to the public utility easement to maximize the planting area. The developed woodland calculations must be updated to include the clearing that occurred under violation and to account for the on-site planting credits recommended to restore the site in accordance with the previous approval (see attached staff exhibit). All developed woodland requirement that cannot be met with on-site planting must be met with fee-in-lieu and/ or off-site credits secured at a mitigation bank.

(1) All development sites that are within the designated network of the Countywide Green Infrastructure Plan shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Subtitle. The wildlife corridors shall be included and identified on the Conservation Plan. The maintenance of the wildlife corridors shall be ensured by the establishment of conservation easements.

c. Minimize Clearing

Section 5B-114(e)(2) requires development activities to be designed and implemented to minimize clearing, protect the remaining woodland, and mitigate for losses. Based on staff review, the proposed branched driveway and the proposed expansion of driveway width from the previously approved 12 feet to the currently proposed 18 feet, is not designed to minimize the destruction of woodland vegetation or promote areas for mitigation planting. The clearing that has occurred on-site is significantly over the maximum (30 percent) allowed by the code without a variance. Specifically, the previous variance allowed for the clearing of 54 percent of the on-site developed woodland. Under violation, an additional 11 percent has been cleared, for a total clearing area of 65 percent of the on-site developed woodland.

(2) For the cutting or clearing of trees in natural or developed woodland areas in current, planned or future activities in the L-D-O Zone, the following shall be addressed:

(A) Development activities shall be designed and implemented to minimize the destruction of woodland vegetation;

(B) Provisions for protection for natural and developed woodlands identified shall be provided;

(C) The total acreage of natural and developed woodlands shall be maintained or preferably increased to the fullest extent practicable; and

(D) Mitigation for woodland impacts shall be within the Critical Area.

d. Maintain Natural Habitat

One of the general policies of the development within the L-D-O zone of the CBCA code is to "Maintain, to the extent possible, existing areas of natural habitat." The development standards are very specific with regard to the preservation and maintenance of developed woodlands on-site:

5B-114(e):

(3) For the alteration of natural and developed woodlands in the L-D-O Zone, the following requirements shall apply:

(A) All woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;

(B) No more than 20 percent of any natural or developed woodland may be removed from forest use, except as provided in paragraph (4) below. The remaining 80 percent shall be maintained through conservation easements; and

(C) Developed woodlands shall be preserved and/or restored to the greatest extent practicable.

(4) For replacement of natural and developed woodlands, if more than 20 percent is to be removed from forest use, an applicant may clear or develop not more than 30 percent of the total forest area provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.

The code requires that woodland be preserved on-site to the greatest extent practicable. As a disincentive and to discourage over development of a site containing woodlands, the code requires that any on-site clearing in the L-D-O be replaced at a 1:1 ratio for woodland cleared up to 20 percent, and at a 1.5:1 ratio for any woodland cleared over 20 percent. For off-site clearing, the replacement requirement is also 1.5:1, because it is more than 20 percent cumulatively; more than 20 percent of woodland has been cleared for that site (Lot 8). The proposed clearing on the plan not only exceeds the 20 percent threshold, it exceeds the 30 percent threshold, and therefore a variance request is needed to justify the excessive amount of clearing.

In a meeting with the Department of Permitting, Inspections and Enforcement (DPIE) on June 4, 2014, DPIE noted that the applicant had not applied nor been issued the appropriate grading permit required to begin clearing the site. The site currently has a building permit (23846-2013) on hold and DPIE determined that the site first requires the issuance of a Site/Road fine grading permit to clear the site. Because this grading permit is required prior to the permit needed to construct the proposed dwelling, and to avoid any further disturbance to the areas that are to be preserved, staff recommends that the required planting and fencing be installed prior to the issuance of the building permit.

Comment: Recommended conditions are provided in the next section

4. This site has a gross tract area of 20,072 square feet originally containing 17,291 square feet of developed woodlands. These developed woodlands were 86 percent of the vegetative coverage on-site subject to the preservation requirements of the code. The applicant originally proposed to clear 83 percent of the existing woodlands with DSP-90076-04; however the Planning Board found that more developed woodland should be preserved on-site and approved the variance for 54%. Subsequent to the approval of the Conservation Plan, the applicant proceeded with construction activities, which included the removal of an additional 11 percent of the existing woodlands, without an approved grading permit. A violation has been issued for those unauthorized activities

According to Section 5) of the County Code :

5B-114(e): (5) Clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance.

Because additional clearing has occurred above the 30 percent beyond what was approved, a

variance is required. A variance has been submitted. Section 27-230 of the Zoning Ordinance contains required findings [text in bold] to be made before a variance to Subtitle 5B can be granted. The plain text is staff's analysis of the request.

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

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

The sight has no significant topographic constraints or other unique conditions that would prohibit the development of a residential dwelling; however, the unauthorized clearing of the site has resulted in an extraordinary situation and the approval of the variance with conditions is necessary to ensure that the site is restored in accordance with its previous approval by the Planning Board.

The applicant states in the variance request that "no trees were removed from the woodland area to remain;" however, staff conducted a site visit with a county inspector on March 21, 2014 and determined that trees within the area to remain preserved were removed. Although the applicant claims otherwise from the site meeting, that statement is not correct.

The proposed house footprint is consistent with the type of recent development approved within the subdivision under CBCA regulations; however the revision to the driveway is not. No justification was provided for the proposed driveway. Finding that there are no significant site constraints or unusual conditions, the widened driveway should be redesigned as shown in the previously approved Conservation Plan (CP-89039-11). The area where the unauthorized clearing took place should be replanted as woodland.

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

The applicant states that "the strict application of this Subtitle will result in exceptional hardship and this lot would not be developed by us or others." The previous approval of the variance was necessary to allow for reasonable development of the site while meeting the intent of Subtitle 5B.

Staff is requesting that at a minimum the additional 11 percent of unauthorized clearing be restored through woodland planting.

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

The General Plan Policy for sites within the Developing Tier is to "Preserve and enhance environmental features and green infrastructure elements." The woodlands on-site could be enhanced by planting woodlands within the open non-wooded area of the site within the northeast corner.

This site is within a Network Gap Area of the Countywide Green Infrastructure Plan (GIP), a functional Master Plan. Network Gaps are areas critical to the connection of

Regulated and Evaluation areas that are usually associated with regulated water feature. As stated previously, the site contains woodland connected to a habitat corridor that leads the Patuxent River Basin. Clearing of the woodland would not substantially impair the goals of the GIP, but it would contribute to this connection by preserving the woodlands in the rear of the site and would meet the intent of the GIPlan and the CBCA Code.

The applicant states that the variance compliments the integrity of the Master Plan "by removal of the local illegal trash dumpsite created by others, a neighborhood eyesore;" however, staff disagrees with the applicant's "dumpsite" justification to remove protected developed woodland because the trash could have been removed without the removal of the woodlands

The variance will not substantially impair the intent or purpose of the General or Master Plan because the variance is needed to mitigate the unauthorized clearing, to restore and enhance the site, and to reconnect the habitat corridor to meet the intent of the applicable code.

- (b) **Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:**

- (1) **Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Critical Area Program would result in unwarranted hardship which is defined as a circumstance where without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested;**

The applicant states that "without the requested variance, construction cannot commence and this lot cannot be improved. As such, we will be denied reasonable use of the lot." The applicant was granted reasonable development of the lot for the proposed residential use through the approval of a Conservation Plan; however, the approved limit of clearing was violated by commencing construction activities without a permit and clearing beyond the approved limit of woodland clearing.

The applicant has proposed no provisions to minimize the impacts and, in fact, has proposed to increase impervious area by widening the proposed driveway beyond what was approved with the CP.

Because of the clearing, the site has been rendered in a condition that will need the approval of the variance to mitigate and restore the site.

- (2) **A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;**

The applicant states that "enforcement of this recently enacted rule would render this lot unbuildable and deprive my family and me of the opportunity to build our family house."

Planning Board previously found that the 54 clearing, which exceeded the maximums of 20 and 30 percent, was necessary to allow for reasonable development of the site. While staff finds that the additional 11 percent clearing was not necessary, a variance is needed to restore that percentage.

- (3) **The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area;**

Granting of the variance would not present a special privilege that would be denied by the Critical Area Program because the site cannot be mitigated or restored without the approval of a variance.

- (4) **The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;**

The applicant points to the trash deposits by others with regard to the conditions of the site; however, staff previously stated that the trash is not justification for removal of developed woodland. The tree removal is a direct result of the applicant's choice to proceed with developing the site without a permit and without consideration of the approved CP. The applicant did not seek to discuss any alternatives with on how best to remove the trash without clearing the entire area identified as Afforestation Area #3. With regard to the Afforestation area adjacent to the proposed sewer line, it is unclear why that woodland were removed in that area.

The 11% developed woodland that has been cleared on Lot 6 is due actions by the applicant; however, the applicant would not be able to proceed with any further development on the property with the appropriate mitigation measures, which includes a revision to the CP and approval of a variance by the Planning Board.

- (5) **The granting of a variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;**
- (6) **The development plan would minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands;**
- (7) **All fish, wildlife, and plant habitat in the designated critical areas would be protected by the development and implementation of either on-site or off-site programs;**

With regard to findings 5-7, adverse water quality impacts are not anticipated. The site has an approved Stormwater Management Concept Plan and Letter Approval (31182-2005-01) that shows infiltration using drywells and recommends a fee of \$500 in lieu of providing on-site attenuation/quality controls measures.

The general spirit and intent of the State Critical Area Law is to allow reasonable use of properties within the Critical Area while preserving, enhancing and/or restoring vegetation of existing areas of natural habitat. The subject lot at its closest point to open water is 414 feet away from tidal waters. This entire 414 feet length is comprised with developed woodlands. The entire project area is within the Network Gap area of the Countywide Green Infrastructure plan. The on-site developed woodlands as well as the woodlands that were cleared under the violation are part of a riparian wooded corridor around the adjacent tidal waters. The violation has resulted in a disruption of that corridor which should be restored.

- (8) **The number of persons, their movements and activities, specified in the development plan, are in conformity to established land use policies and would not create any adverse environmental impact; and**

No adverse environmental impacts for two adults and one student child away on campus are anticipated.

- (9) **The growth allocations for Overlay Zones within the County would not be exceeded by the granting of the variance.**

No growth allocation is proposed for this property.

Summary of the Critical Area Lot Clearing of Woodland Exceeding 30 Percent Variance Request

A request has been made for the additional clearing of developed woodlands on a single-family lot over 30 percent of the existing developed woodlands. This developed woodland clearing is in the 1,000 foot Chesapeake Bay Critical Area buffer but not within the primary (100 foot) or secondary (200 foot) Critical Area buffer. As a result of the violation, the site was cleared 11 percent over the approved clearing. No mitigation or restoration was proposed in lieu of the violation.

Based on staff's review of the current plan, variance request, and previously approved conservation plan, woodlands have not been preserved and/or restored to the fullest extent practicable. Staff recommends approval of the variance request with conditions to mitigate and restore the unauthorized areas of clearing through woodland planting, and protection with semi-permanent fencing prior to the issuance of a building permit for the site. The fencing shall remain in place for approximately 5 years.

The following conditions are recommended to meet the findings of 27-230.

Recommended Condition: Prior to certification of the Detailed Site Plan, the Conservation Plan shall be revised as follows:

- a. Show the driveway as it was shown on approved CP-89039-11.
- b. Revise the plan to remove the proposed grading beyond the limits of disturbance, specifically in the afforestation areas.

- c. Revise the plan to identify the planting schedule for Afforestation Area #1 and the afforestation area adjacent to the on-site sewer right-of-way
- d. Revise Afforestation area 3 to remove the landscaped planting and show maximized woodland planting in that area. At a minimum the woodland planting shall be located 10 feet from the house, walkway and driveway, and abut the public utility easement.
- e. Revise the Afforestation table for area 3 to meet the required planting density outlined in Section 5B-121(g)(2).
- f. Revise the developed woodland calculations table as follows:
 - i. to account for the unauthorized clearing at a mitigation rate of 3:1.
 - ii. to account for the on-site planting credits (see attached staff exhibit).
 - iii. calculate the required fee-in-lieu and/ or off-site credits to be secured at a mitigation bank for the portion of the developed woodland requirement that cannot be met with on-site planting.

Recommended Condition: Prior to the issuance of the building permit, the applicant shall demonstrate to the satisfaction of the Planning Director or Designee that all required woodland planting has been installed. Afforestation Area 3 and the afforestation area adjacent to the sewer right-of-way shall be provided with semi-protective fencing. The fencing shall remain in place for a minimum of 5 years unless the Planning Director or designee authorizes removal of the fencing sooner through written approval.

5. **Conservation Easement:** A Conservation Easement will be required for the natural woodland that is to remain undisturbed on-site per Section 5B-114(e)(3)(B) of the County Code. This Conservation Easement is just for the subject lot to prevent a loss of on-site woodlands. A metes and bounds description must accompany the easement.

Review of the easement falls under the purview of the County (DPIE) prior to the issuance of the first permit.

Recommended Condition: Prior to the issuance of a permit, a conservation easement for all developed woodland that is approved to remain on-site (as preservation and/ or planting) as shown on CP-89039-14 shall be recorded in the land records. The easement document shall be reviewed by the County prior to recordation.

5. **Conservation and Planting Agreement:** A Chesapeake Bay Conservation and Planting Agreement is required to be recorded prior to permit approval for development of the site. This is for all the required tree and shrub plantings as part of the approved Conservation Plan. An agreement based on the previously approved CP-89039-11 was recorded in the land records at Liber 35309 Folio 069. This Agreement shall be voided and a new Agreement shall be recorded based on the requirements of the current CP approval.

Review of the Conservation and Planting Agreement falls under the purview of the County (DPIE) prior to the issuance of the first permit.

Recommended Condition: Prior to the issuance of a permit, a Chesapeake Bay Conservation and Planting Agreement revised to meet the requirements of CP-89039-14 shall replace the Chesapeake Bay Conservation and Planting Agreement recorded in the land records at Liber 35309 Folio 069. The easement document shall be reviewed by the County prior to recordation.



Rushern L. Baker, III
County Executive

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



MEMORANDUM

June 6, 2014

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

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE

RE: During's Residence
Detailed Site Plan No. DSP-90076/06
Conservation Plan No. CP-89039-14

CR: Firth of Tae Drive, 4-5805
CR: Swan Creek Road, 4-5691



The memorandum supersedes our previous memorandum dated May 7, 2014. In response to the Detailed Site Plan No. DSP-90076/06 and Conservation Plan No. CP-89039-14 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following revised response:

- The property is located 0.2 miles from Firth of Tae Drive and Swan Creek Road.
- The proposed revision to DSP-90076/06 is to widen the driveway to 18 feet, as well as provide a five foot connectivity sidewalk consistent with the Department of Public Works and Transportation's (DPW&T) Standard No. 200.09.
- The proposed revision to CP-89039-14 is to account for woodland disturbance outside the limit of disturbance, replace previously identified shade trees to remain on the lot and provide afforestation at the northwest corner of the lot.
- DPIE has been advised that the CBCA Conservation Plan, as previously approved, reflected a 12 foot wide driveway and that in general, lots in the LDO zone of the Chesapeake Bay Critical Area are normally approved to allow 20% clearing. Since the CBCA Conservation Plan was previously approved with approximately 50% clearing, the ability to approve additional clearing is not recommended. DPIE, in consideration of this limitation, recommends reduction of the driveway to match with the previously approved CBCA Conservation Plan. As an alternate, if the house and driveway is revised to a front load garage, to remove the impervious area in the side yard, and trade this impervious area for a modified driveway, consistent with DPW&T Standard 200.09, DPIE will support this alternate configuration, so long as it does not result in impervious area in excess of what was previously approved on the Conservation Plan.

Meika Fields
June 6, 2014
Page 2

- This lot has been issued a violation due to clearing activity without a Site Development Fine Grading permit issued. Furthermore, the clearing on this lot is in violation of the limits of disturbance of the approved CBCA Conservation Plan. To bring this site into compliance, we require that the applicant secure a Site Development Fine Grading permit, reforest cleared areas to the satisfaction of the DPIE Inspections Division and M-NCPPC, and install protective fencing on lot to demark all tree save and reforestation areas to remain protected. All corrective actions specified in Notice of Violation No. 1703-2014 (attached) must be implemented and all site related permits secured before commencing construction.
- No private structure is allowed within the County right-of-way or Public Utility Easement (PUE), except for a mailbox in accordance with DPW&T Standard No 300.34 (attached). Revise plans to move private lamp posts and mailbox out of the public right-of-way and behind 10 foot PUE.

If you have any questions or need additional information, please contact Mr. Mansukh Senjalia, P.E., District Engineer for the area, at 301.636.2060.

Attachments

MCG:Nf:dab

cc: Rey de Guzman, P.E., Chief, Site/Road Section, S/RPRD, DPIE
Mansukh Senjalia, P.E., District Engineer, S/RPRD, DPIE
Nanji Formukong, Engineer, S/RPRD, DPIE
Mary Rea, Senior Planner, S/RPRD, DPIE
Walter & Genevive During, 761 Ayrshire Lane, Woodbridge, Virginia 22191
Alex Y. Sallah, AYS Engineers, 8837 Western Hemlock Way, Lorton, Virginia 22079



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
 1801 McCormick Drive, Suite 120
 Largo, Maryland 20774
 (301) 883-3820 ♦ FAX: (301) 883-3873



CONSTRUCTION INSPECTION REPORT

Site: 12308 Fifth of TAE Drive Inspector: Wertz Date: 1/12/14
 Permit #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required
 SCD #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required

Notified Owner: W. During Contractor: _____ Other: _____
 Inspection Type: ☐ Pre-Construction ☐ Complaint ☐ Meeting ☐ Routine ☒ Follow-up Report of 12/30/13
 Responsible Party On Site: ☐ Yes ☒ No Site Activity: ☐ Clearing ☐ Grading ☐ Site Work ☐ SWM ☐ Utilities ☐ Bldg. ☐ Road Const.

GENERAL

Initial Inspection (Approved) ☐ Yes ☐ No ☐ Okay to Enter Clearing/Grading Phase
 Off-Site Sediment (Occurrence)* ☐ Yes ☒ No ☐ Obtain Reinspection
 *Subject to \$1,000/Day Fine

EROSION & SEDIMENT CONTROL

IN COMPLIANCE

Sequence of Construction	<input type="checkbox"/> Yes	<input type="checkbox"/> No
TCP II Protection	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Limits of Disturbance (LOD)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
CBCA Protection	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Stabilized Construction Entrance (SCE)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Silt Fence/Super Silt Fence	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Earth Dike/ A1 A2 A3 B1 B2 B3	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sediment Basin/Trap*	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Stabilization/Temporary Permit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Stone Outlet Structure (SOS)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Inlet Protection/Std., Curb, at Grade	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Waterway Crossing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pipe Slope Drain	<input type="checkbox"/> Yes	<input type="checkbox"/> No
E&S Control Removal (Authorized)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Waste Materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No

RIGHT-OF-WAY INSPECTIONS

APPROVED

Subgrade	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Subbase	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Curb/Gutter	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Underdrain	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proof Roll	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Driveway Apron	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Traffic Maintenance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Base Paving	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intermediate Paving	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Surface Paving	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Punch List Repairs	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Subgrade/Sidewalks	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Core Results	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rural Drainage Swales	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Subgrade	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Correct the following on Sediment Trap/Basin No. _____

*A) Stabilize B) Baffle Board C) Weir D) Outfall E) Riprap Inflow Protection F) Safety Fence G) Restore Bottom Elevation
 H) Riser I) Anti Vortex Device J) Emergency Spillway K) Barrel Pipe L) Trash Rack M) Dewatering Device N) Sump Pit

COMMENTS: Owner cut/harvested trees on the lot - Chesapeake Bay Critical Area (CBCA) with out obtaining mandatory Pre Construction Meeting (Sec 5B-116 Submittal Requirements and Permit Issuance (I) (A)).
Owner did not obtain grading permit prior to construction activity. (Sec 32-126 Permits Required).

All items in non-compliance must be repaired in accordance with all applicable codes, standards, specifications, and the approved plans by the compliance date shown. Failure to comply may result in any or all of the following actions being taken on this site:

ENFORCEMENT ACTION TAKEN: ☐ Violation Notice ☐ Stop Work Order ☐ Civil Citation/Amount: \$ _____

Compliance Date: _____ Extended From: _____

Permittee Representative Signature

Date



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
1801 McCormick Drive, Suite 120
Largo, Maryland 20774
(301) 883-3820 • FAX: (301) 883-3873



GENERAL INSPECTION REPORT

Site: 12308 Firth of the Drive Inspector: Wertz Date: 4/17/14
Permit #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required
SCD #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required

Notified Owner: W. During Contractor: _____ Other: _____

Inspection Type: ☐ Pre-Construction ☐ Initial ☐ Complaint ☐ Meeting ☐ Routine ☐ Follow-up
Responsible Party On Site: ☐ Yes ☐ No Site Activity: ☒ Clearing ☐ Grading ☐ Site Work ☐ SWM ☐ Utilities ☐ Bldg. ☐ Road Const.

COMMENTS: Owner was requested to remove Dumpster
and clean right of way, as requested in report of
12/30/13. Notice of Violation Issued (Sec 23-151
Duty to prevent deposit of sediment or other materials
in road right of way (a)).

Dumpster not removed as of 1-17-14
Roadway not cleaned of sediment trucked out
on to roadway nor cleaned of loose wood chip debris.

Owner accessed lot from roadway to perform
Construction activity, with out permit. Sec 23-120
Other types of permits (C) Driveway Entrance Permit.
Notice of Violation issued.

Owner Accessed lot via Adjoining property and
from County roadway without legally acquired
Consequence of right of way. Sec 23-142 Right of way
Notice of Violation issued.

A review of the approved plan # CP89039-11
signed 12/2/13 and an inspection by site inspectors
indicates clearing inside proposed shoe area of
1503.12 sq ft, unauthorized clearing exceeding

All items in non-compliance must be repaired in accordance with all applicable codes, standards, specifications, and the approved plans by the compliance date shown. Failure to comply may result in any or all of the following actions being taken on this site:

ENFORCEMENT ACTION TAKEN: ☐ Violation Notice ☐ Stop Work Order ☐ Civil Citation/Amount: \$ _____

Compliance Date: _____ Extended From: _____

Permittee Representative Signature

Date



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
1801 McCormick Drive, Suite 120
Largo, Maryland 20774 -
(301) 883-3820 ♦ FAX: (301) 883-3873

3/4



GENERAL INSPECTION REPORT

Site: 12358 Fifth of TAE Drive Inspector: Wertz Date: 1/17/14
Permit #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required
SCD #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required

Notified Owner: W. During Contractor: _____ Other: _____

Inspection Type: ☐ Pre-Construction ☐ Initial ☐ Complaint ☐ Meeting ☐ Routine ☐ Follow-up

Responsible Party On Site: ☐ Yes ☒ No Site Activity: ☒ Clearing ☐ Grading ☐ Site Work ☐ SWM ☐ Utilities ☐ Bldg. ☐ Road Const.

COMMENTS:

The maximum area of clearing allowed through the approved plan, Sec 5B-119 Woodland Protection and Planting. (c) Enforcement (1), (2), (3) Notice of Violation issued.

Complete the following:

①. Remove Dumpster from paved area of Fifth of TAE Drive. (removed)

②. Remove all wood chip debris and sediment from Fifth of TAE Drive (removed)

③. In accordance with approved plan, install Tree Protection fencing, orange blaze, 4" high along L.O.D of all Tree Save Areas as per plan.

#CP-89039-11 dated 12/2/13 and DSP# 90076-04, dated 10-21-13.

Submit mitigation plan in accordance with 5B-111. Enforcement, to remedy Critical Area Violation.

All items in non-compliance must be repaired in accordance with all applicable codes, standards, specifications, and the approved plans by the compliance date shown. Failure to comply may result in any or all of the following actions being taken on this site:

ENFORCEMENT ACTION TAKEN: ☐ Violation Notice ☐ Stop Work Order ☐ Civil Citation/Amount: \$ _____

Compliance Date: _____ Extended From: _____

Permittee Representative Signature

Date



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
1801 McCormick Drive, Suite 120
Largo, Maryland 20774
(301) 883-3820 ♦ FAX: (301) 883-3873



GENERAL INSPECTION REPORT

Site: 12328 Fifth of Tee Inspector: Wertz Date: 1/17/14
Permit #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required
SCD #: _____ Expires: _____ ☐ Revision ☐ Renewal ☐ Required

Notified Owner: W. During Contractor: _____ Other: _____
Inspection Type: ☐ Pre-Construction ☐ Initial ☒ Complaint ☐ Meeting ☐ Routine ☐ Follow-up
Responsible Party On Site: ☐ Yes ☐ No Site Activity: ☐ Clearing ☐ Grading ☐ Site Work ☐ SWM ☐ Utilities ☐ Bldg. ☐ Road Const.

COMMENTS:

County is unable to locate the '10" ϕ existing FA' and the 'existing 15" ϕ UA' as identified on the plan as existing plant material on site to meet the residential requirement'. Submit plan to the County DPIE and MNCPPC within 30 days of this report for approval. Plan should address the area cleared by 1,503.12 \pm cleared in excess of the approved plan.

④ No other work can be performed on this lot, until you have obtained the mandatory pre-construction meeting and you have been issued permits in hand, as well as approval from this office.

All items in non-compliance must be repaired in accordance with all applicable codes, standards, specifications, and the approved plans by the compliance date shown. Failure to comply may result in any or all of the following actions being taken on this site:

ENFORCEMENT ACTION TAKEN: ☒ Violation Notice ☒ Stop Work Order ☐ Civil Citation/Amount: \$ _____

Compliance Date: _____ Extended From: _____

Permittee Representative Signature

Date



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
 1801 McCormick Drive, Suite 120
 Largo, Maryland 20774
 (301) 883-3820 • FAX: (301) 883-3873



VN 1703-2014

NOTICE OF VIOLATION

Owner/Permittee: <u>Walter Doring, Genevieve Doring et al</u>	Date: <u>1/17/14</u>
Address: <u>761 Ayrshire LN</u> City: <u>Woodbridge</u>	Phone: _____
Contractor: _____	State: <u>VA</u> ZIP: <u>22191</u>
Address: _____ City: _____	Phone: _____
Name of Project: <u>Tantallon on the Potomac</u>	State: _____ ZIP: _____
Location of Violation: <u>12308 Fifth of Tac Drive</u>	Tax Map: <u>131</u>
Lot/Liber: <u>6</u> Block/Folio: <u>E</u> SCD #: _____	City: <u>Ft. Washington</u>
	Permit #: _____

The following violation(s) of the County Code Subtitle 32, Divisions 2, 3, 4, 5 and 6; Subtitle 23, Divisions 1, 2, 3, 4, 5 or COMAR were found as a result of an inspection at the address referenced above.

☐ Subtitle 28/28-261. Civil Citation issued in the amount of \$ _____.

CODE SECTION/TITLE CORRECTIVE ACTION REQUIRED:

Sec 5B-116 Submittal Requirements and Permit Issuance.
C(A). Obtain mandatory Preconstruction meeting,
required prior to harvesting of trees, pay fees, obtain
permit. Approved plan not signed by owner, sign
owners certification and submit signed copy to Authority.
Install Protective Devices.

Sec 5B-111. Enforcement. submit mitigation plan
to address excess clearing of approximately 1,503
square feet. Submit plan within 30 days
of this Notice. Mitigation must be completed
prior to issuance of Use and Occupancy permit for
home.

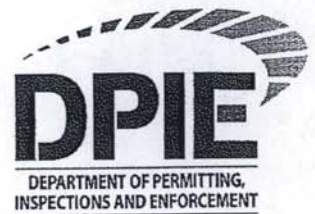
Compliance Date: _____

Failure to implement the above listed corrective actions by the compliance date may be cause for: (1) a penalty to be assessed against you per Section 23-107 of the County Code; (2) the performance of the necessary corrective work by the Department, with the cost of this work to be billed to you; (3) the forwarding of the matter to the OFFICE of LAW for prosecution. Where the non-compliant work is performed under a valid permit from the County, a Stop Work Order will be issued to the permittee for failure to implement the corrective measures within the time frame specified in this Notice of Violation. Violations involving GRADING, DRAINAGE, EROSION CONTROL and STORMWATER MANAGEMENT ordinances may result in the issuance of a civil citation subjecting you to a FINE of \$250.00 or more for each day the violation continues. Section 28-253.

<u>William V. Wentz Jr</u>	<u>William V. Wentz Jr</u>	_____
Issuing Inspector	Person Notified — Owner/Permittee/Contractor	Date
<u>12096</u>	<u>301-883-5710</u>	
I.D. #	Inspector Telephone #	
Office — Original	Responsible Party — Yellow	Inspector — Pink



Prince George's County
Department of Permitting, Inspections
and Enforcement
INSPECTIONS DIVISION
1801 McCormick Drive, Suite 120
Largo, Maryland 20774



VN 1703-2014 (301) 883-3820 • FAX: (301) 883-3873

NOTICE OF VIOLATION

Owner/Permittee: Walter During, Genevieve During et al Date: 1/16/14
Address: 7601 Ayrshire Drive LN City: Woodbridge Phone: _____
Contractor: _____ State: VA ZIP: 22191
Address: _____ City: _____ Phone: _____
Name of Project: Tantallon on the Potomac State: _____ ZIP: _____
Location of Violation: 12308 Fifth of Tee Drive Tax Map: 131
Eot/Liber: 6 Block/Folio: E SCD #: _____ City: Ft. Washington
Permit #: _____

The following violation(s) of the County Code Subtitle 32, Divisions 2, 3, 4, 5 and 6; Subtitle 23, Divisions 1, 2, 3, 4, 5 or COMAR were found as a result of an inspection at the address referenced above.

☒ Subtitle 28/28-261. Civil Citation issued in the amount of \$ 250.00 W. V. Wertz Jr.

CODE SECTION/TITLE CORRECTIVE ACTION REQUIRED:

Sec 32-126 Permits Required.

Obtain grading permit to allow site development activity on the site.

Compliance Date: 3/3/14

Failure to implement the above listed corrective actions by the compliance date may be cause for: (1) a penalty to be assessed against you per Section 23-107 of the County Code; (2) the performance of the necessary corrective work by the Department, with the cost of this work to be billed to you; (3) the forwarding of the matter to the OFFICE of LAW for prosecution. Where the non-compliant work is performed under a valid permit from the County, a Stop Work Order will be issued to the permittee for failure to implement the corrective measures within the time frame specified in this Notice of Violation. Violations involving GRADING, DRAINAGE, EROSION CONTROL and STORMWATER MANAGEMENT ordinances may result in the issuance of a civil citation subjecting you to a FINE of \$250.00 or more for each day the violation continues. Section 28-253.

William V. Wertz Jr.
Issuing Inspector

William V. Wertz Jr.
Inspector Telephone #

Person Notified — Owner/Permittee/Contractor

Date

17096
I.D. #

Office — Original

Responsible Party — Yellow

Inspector — Pink



Prince George's County
Department of Permitting, Inspections
and Enforcement

INSPECTIONS DIVISION

1801 McCormick Drive, Suite 120

Largo, Maryland 20774

(301) 883-3820 • FAX: (301) 883-3873



VN 1703-2014

NOTICE OF VIOLATION

Owner/Permittee: Walter During, Genevieve During et al Date: 1/16/14
Address: 761 Ayrshire LN City: Woodbridge Phone: _____
Contractor: _____ State: VA ZIP: 22191
Address: _____ City: _____ Phone: _____
Name of Project: Tantallon on the Potomac State: _____ ZIP: _____
Location of Violation: 12308 Fifth of TAE Drive Tax Map: 131
City: Fort Washington
Lot/Liber: 6 Block/Polio: E SCD #: _____ Permit #: _____

The following violation(s) of the County Code Subtitle 32, Divisions 2, 3, 4, 5 and 6; Subtitle 23, Divisions 1, 2, 3, 4, 5 or COMAR were found as a result of an inspection at the address referenced above.

☒ Subtitle 28/28-261. Civil Citation issued in the amount of \$ 250.00

CODE SECTION/TITLE CORRECTIVE ACTION REQUIRED:

Sec. 23-151. Duty to prevent deposit of sediment or other materials in road right-of-way. (a)
- Remove Dumpster from right of way.
- Clean roadway / gutter pan of all loose dirt, sediment mulch, leaves. (Resolved wrong)

Sec 23-120 Other types of Permits (c) Driveway Entrance/ Access Permit. Obtain Driveway / Access permit to Access site for activity. (Applicant)

Sec 23-142 Right of Way (c). Obtain legally dedicated Right of way / lawful conveyance of right of way prior to activity in right of way. (Applicant)

Compliance Date: 3/31/14

Failure to implement the above listed corrective actions by the compliance date may be cause for: (1) a penalty to be assessed against you per Section 23-107 of the County Code; (2) the performance of the necessary corrective work by the Department, with the cost of this work to be billed to you; (3) the forwarding of the matter to the OFFICE of LAW for prosecution. Where the non-compliant work is performed under a valid permit from the County, a Stop Work Order will be issued to the permittee for failure to implement the corrective measures within the time frame specified in this Notice of Violation. Violations involving GRADING, DRAINAGE, EROSION CONTROL and STORMWATER MANAGEMENT ordinances may result in the issuance of a civil citation subjecting you to a FINE of \$250.00 or more for each day the violation continues. Section 28-253.

William V. Wertz Jr Issuing Inspector
120146 I.D. # 301-883-5710 Inspector Telephone #

Person Notified — Owner/Permittee/Contractor

Date

Office — Original

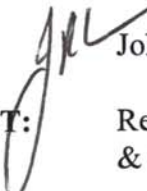
Responsible Party — Yellow

Inspector — Pink

June 6, 2014

MEMORANDUM

TO: Meika Fields, Urban Design Section

FROM:  John Linkins, Permit Review Section

SUBJECT: Referral Comments Tantallon On The Potomac, DSP-90076-06
& CP-89039-14

1. All zoning issues appear to be addressed.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 13-68

File No. CP-89039-11

RESOLUTION

WHEREAS, Walter T. & Genevive J. During are the owner of a 0.46-acre parcel of land in the 5th Election District of Prince George's County, Maryland, and being zoned Rural-Residential (R-R) and Limited Development Overlay (LDO); and

WHEREAS, on March 4, 2013, Walter T. & Genevive J. During filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of constructing a 3,308-square-foot single-family detached dwelling with a garage and circular driveway on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA); and

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-89039-11 for Tantallon on the Potomac, Lot 6, Block E, including variance request from Section 5B-114(e)(5), was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 6, 2013, for its review and action in accordance with Zoning Ordinance, Subtitle 27, Prince George's County Code; and

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

WHEREAS, on June 6, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 27-548.11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-89039-11, Tantallon on the Potomac, Lot 6, Block E with the following conditions:

1. Prior to certificate of approval of the conservation plan, the following revisions shall be made, or information shall be provided:
 - a. Show the correct acreage (17,291 square feet) and limits of the existing on-site woodland in accordance with the limits delineated by the qualified professional and as shown on the conservation plan stamped as received on December 21, 2013. Revise the worksheet as necessary.
 - b. Correctly delineate the limits of existing woodland on Lot 8 along the western boundary and show the limits on the plan. Revise the worksheet as necessary.

- c. Identify and label all proposed structures on the plan consistent with the structures listed on Table B-1. The edge of pavement for the proposed driveway shall also be identified.
- d. Calculate the area of woodland clearing based on the revised off-site woodland limits on Lot 8 and show the area on the plan and in the worksheet.
- e. The final plan shall include a standard worksheet that correctly shows the total area of the on-site woodland as 17,291 square feet, the percentage of existing woodland as 86 percent, the correct area of proposed clearing, and the correct fee-in-lieu amount. Revise all other sections of the table as necessary.
- f. Revise the plan to provide afforestation in the open non-wooded area adjacent to the northeastern boundary of the site and provide an afforestation planting schedule.
- g. Revise the worksheet as necessary to account for any changes to clearing, preservation, reforestation/afforestation, mitigation, etc.
- h. Revise the driveway to remove the branched extension and show only direct access to the garage loading area.
- i. Label all woodland areas to show the square footage.
- j. Remove the 90-degree angle woodland limits in the front yard.
- k. Revise the woodland calculation worksheet for Lot 8 to show the correct woodland acreage to be cleared within the proposed off-site sewer easement.
- l. Shrubs and ornamental trees shall not be used as credit toward the woodland. Add a column on the table for "credits" for the afforestation and front yard landscape plantings as shown on the plan view.
- m. Remove the two planting details shown on the plan and add the standard detail for afforestation/reforestation plantings.
- n. Have the qualified environmental professional sign the plan based on the revised plan.
- o. Revise the block with the property owner certification with the references of the conservation plan number to read "CP-89039-11."
- p. Revise the proposed additional lot coverage and total lot coverage (existing and proposed) number for the driveway to 1,613. Revise as necessary to show the correct area for any additional revisions prior to certification.

- q. Revise the beginning of General Note 4 as follows: "The entire 0.461 acres of this site lies within the..."
- r. Revise General Notes 6 and 11 to remove "see attached copy."
- s. Revise General Note 7 to state the source of the topography information.
- t. Revise General Note 18 as follows: "The site is not subject to the previous approved TCP2-183-90. This TCP has since expired when the Chesapeake Bay Critical Area Regulations of the Zoning Code, Section 5, became effective."

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

1. **Request:** The proposal is for the construction of a 3,308-square-foot single-family detached dwelling with a garage on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA). The approval of a conservation plan by the Planning Board is required prior to the issuance of permits in the Chesapeake Bay Critical Area (CBCA) because the approval of a variance to Subtitle 5B of the Prince George's County Code is required.
2. **Location:** The 0.46-acre property is located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road. The property address is 12308 Firth of Tae Drive, Fort Washington.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	.46	.46
Total Gross Floor Area (GFA)	0	3,308 sq. ft.
Areas not included in GFA		
3-car garage		(638 sq. ft)
Unfinished Basement		(1,536 sq. ft)

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage (per R-R Zone)	25 percent	20 percent
Minimum Front Yard Setback	25 ft.	59 ft.
Minimum Side Yard Setbacks	8 ft./17ft.	18 ft./44 ft.

4. **Surrounding Uses:** The subject property is located within the Rural-Residential (R-R) and Limited Development Overlay (LDO) Zone within the Chesapeake Bay Critical Area (CBCA) and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek Road is located north of the subject property. A tributary of the Potomac River is located south and east of the subject property, beyond which to the east is the Tantallon Marina. The Potomac River is located approximately 0.4 miles west of the subject property.
5. **Previous Approvals:** The site was previously reviewed as part of Detailed Site Plan, SP-90076 with a Type II Tree Conservation Plan TCP11-183-90. A Chesapeake Bay Critical Area Conservation Plan, CP-89036, (Battersea on the Bay, Lot 17B) was approved by the Planning Board on December 21, 1989, and included approximately 38.6 acres of Parcel 52 of Tax Map 131. The Preliminary Plan of Subdivision 4-89176 was approved by PGCPB Resolution No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89036-01, which was approved the same day. The subject lots were recorded by Final Plat VJ 157-36 on February 25, 1991.

Detailed Site Plan DSP-90076 was vested by the construction of residential structures on Lot 8 and Lot 9. The subject property was included in Conservation Plan CP-89039, but not in any subsequent revisions.

The approved Type II Tree Conservation Plan TCP11-183-90 for the site became invalid with the current regulations when TCP2s were no longer required for applications within the Chesapeake Bay Critical Area.

The site is subject to the current Chesapeake Bay Critical Area (CBCA) regulations in Subtitle 5B of the Prince George's County Code. This lot had a previous approval for a single-family dwelling with a driveway to an attached garage in October 1990, which was revised in August 2005. According to Section 5B-116 (g), this approval has since expired because the plan validity period is only for three years after approval. No one-year extensions were received after the three year approval time expired.

6. **Design Features:** The 0.46-acre, wooded property is located on the east side of Firth of Tae Drive. The applicant proposes to construct a two-story, brick, 3,308-square-foot, single-family detached dwelling with a hip roof. A circular driveway with an approximate radius of 50 feet with a 20-foot-wide circular planting bed at its center is proposed in the front of the lot. The driveway leads to an attached three-car-garage on the northwestern corner of the dwelling. The primary building entrance is setback into the property approximately 21 feet from the front wall of the garage.

The plan indicates that one forest stand totaling 0.39 acres (17,291 square feet) currently exists on the property. The canopy is generally dominated by American Elm, Black Locust, and Virginia

Pine trees with an average diameter at breast height (DBH) of four to twelve inches. The applicant's plan also indicates that approximately 4,609 square feet of the existing vegetation is invasive species. Upon full development, the site plan indicates approximately 55 percent of the existing vegetation on the site will be cleared.

7. **The Chesapeake Bay Critical Area Ordinance:** The site is located within the Limited Development Overlay (L-D-O) Zone; therefore, the site is subject to the Chesapeake Bay Critical Area regulations. The purposes of the L-D-O Zone, as outlined in Section 27-548.14 are to: maintain or, if possible, improve the quality of runoff and groundwater entering the tributaries of the Chesapeake Bay; maintain existing areas of natural habitat; and accommodate additional low- or moderate-intensity development. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the L-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-114, Limited Development Overlay (L-D-O) Zones.

- (e) **Development standards.** An applicant for a development activity shall meet all of the following standards of environmental protection in the L-D-O Zone:

- (1) All development sites that are within the designated network of the Countywide Green Infrastructure Plan shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Subtitle. The wildlife corridors shall be included and identified on the Conservation Plan. The maintenance of the wildlife corridors shall be ensured by the establishment of conservation easements.

The site is located within a Network Gap of the Countywide Green Infrastructure Plan. The woodlands on the subject site are connected to existing tracts of connected woodland on developed lots that consist of a habitat corridor leading to the open waters associated with the main channel of the Patuxent River Basin. The conservation plan has been revised to include additional woodland at the rear of the property and also along the side and front of the lot. These additional wooded areas shall be retained through the establishment of conservation easements, and will assist in the establishment of a wildlife corridor system.

- (2) For the cutting or clearing of trees in natural or developed woodland areas in current, planned or future activities in the L-D-O Zone, the following shall be addressed:
- (A) Development activities shall be designed and implemented to minimize the destruction of woodland vegetation;

- (B) Provisions for protection for natural and developed woodlands identified shall be provided;**
- (C) The total acreage of natural and developed woodlands shall be maintained or preferably increased to the fullest extent practicable; and**
- (D) Mitigation for woodland impacts shall be within the Critical Area.**

The proposed development is designed to reduce the destruction of woodland vegetation. The proposed clearing at the front of the proposed dwelling for a circular driveway has been eliminated from the proposal. Additionally, an open, nonwooded area in the northeast corner of the site shall be planted as woodlands as part of the mitigation requirement resulting from the proposed clearing.

- (3) For the alteration of natural and developed woodlands in the L-D-O Zone, the following requirements shall apply:**
 - (A) All woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;**
 - (B) No more than 20 percent of any natural or developed woodland may be removed from forest use, except as provided in paragraph (4) below. The remaining 80 percent shall be maintained through conservation easements; and**
 - (C) Developed woodlands shall be preserved and/or restored to the greatest extent practicable.**
- (4) For replacement of natural and developed woodlands, if more than 20 percent is to be removed from forest use, an applicant may clear or develop not more than 30 percent of the total forest area provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.**

The County Code requires that woodland be preserved on-site to the greatest extent practicable. As a disincentive and to discourage overdevelopment of a site containing woodlands, the code requires that any on-site clearing in the L-D-O be replaced at a 1:1 ratio for woodland cleared up to 20 percent, and at a 1.5:1 ratio for any woodland cleared over 20 percent. For off-site woodland clearing, the replacement requirement is also 1.5:1 because more than 20 percent of woodland has been cleared for the development of that site (Lot 8). The proposed clearing on the plan exceeds the 20 percent threshold and the

30 percent threshold, therefore a variance is required. See Finding 8 for additional discussion of the variance request.

Below are copies of the standard CBCA worksheet included on the plan as submitted. Revisions to the worksheets shall be provided as outlined in the body of this resolution prior to certificate of approval. The plan incorrectly indicates credit for the planting of ornamental trees and shrubs.

CBCA Developed Woodland Calculations (outside the Buffer)	
Lot 6	
Existing gross lot area (SF)	20,072
Area of existing woodland (SF)	17,291
Percent of existing woodland on-site	86%
Proposed woodland clearing (SF)	9,644
Percent of proposed woodland clearing (%)	55%
Mitigation rate required	1.5
Area of required woodland replacement (SF)	14,466
Credit for on-site planting (SF) *see planting schedule this sheet*	632
Area of mitigation requirement not met on site (SF)	13,834
Proposed fee-in-lieu (\$1.50/SF) for required mitigation not met on-site	\$20,751

CBCA Developed Woodland Calculations (outside the Buffer)	
Lot 8 (off-site clearing)	
Existing gross lot area (SF)	20,647
Proposed woodland clearing (SF)	2,038
Mitigation rate required	1.5
Area of required woodland replacement (SF)	3,057
Credit for on-site planting (SF) *see planting schedule this sheet*	0
Area of mitigation requirement not met on site (SF)	3,057
Proposed fee-in-lieu (\$1.50/SF) for required mitigation not met on-site	\$4,585

As approved with conditions, including additional woodland preservation and the elimination of a driveway extension, the Planning Board finds that developed woodlands have been preserved or restored to the greatest extent practicable.

- (5) **Clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance.**

This site has a gross tract area of 20,072 square feet containing 17,291 square feet of developed woodlands. These developed woodlands are 86 percent of the vegetative coverage on-site subject to the preservation requirements of the code. The applicant proposes to clear 9,644 square feet of woodlands which is 55 percent of the existing woodlands. A variance is required. For discussion of the variance request see Finding 8.

- (6) **In addition, applicants shall adhere to the following criteria for forest and woodland development:**
- (A) **At time of permit issuance, the permittee shall post a bond with DPW&T in an amount equivalent to the cost of completion of the planting requirements for the L-D-O Zone;**
 - (B) **Woodland which have been cleared before obtaining a grading permit or that exceed the maximum area allowed in subsection (3) above shall be replanted at the rate specified in subsection 5B-109(j)(3)(A);**
 - (C) **If the areal extent of the site limits the application of the reforestation standards in this section, alternative provisions or reforestation guidelines may be permitted in accordance with Section 5B-119 Woodland Protection and Planting of this Subtitle. Alternative provisions must conserve, enhance, or increase the natural and developed woodland resources of the Critical Area. Alternative provisions may include fees-in-lieu provisions or use of an off-site conservation bank if the provisions are adequate to ensure the restoration or establishment of the required woodland area;**
 - (D) **If less than 15% natural or developed woodland exists on the proposed development site, the site shall be planted to provide a natural or developed woodland cover of at least fifteen percent (15%);**
 - (E) **All forests designated on a Conservation Plan shall be maintained to the extent practicable, through conservation easements;**
 - (F) **The applicant shall designate, subject to the approval of the County, a new forest area on a part of the site not forested; and**

- (G) All forests designated on a Conservation Plan shall be maintained, and to the extent practicable protected through conservation easements.**

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded prior to permit approval for development of the site. This is for all the required tree and shrub plantings as part of this development. Review of the Conservation and Planting Agreement falls under the purview of DPW&T; however, recordation of this document is the responsibility of the property owner.

A Conservation Easement will be required for the natural woodland that is to remain undisturbed on-site per Section 5B-114(e)(3)(B) of the County Code. This Conservation Easement is just for the subject lot to prevent a loss of on-site woodlands. A metes and bounds description must accompany the easement. Reviewing and recordation of the easement falls under the purview of DPW&T prior to the issuance of the first permit.

- (7) Applicants shall adhere to the following standards for development on steep slopes. Development on slopes 15 percent or greater, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for L-D-O Zones set forth above and with the provisions below.**
- (A) Consistent with an approved Forest Management Plan, if applicable;**
 - (B) Consistent with an approve Surface Mining Permit, if applicable; and**
 - (C) Consistent with an approved Soil Conservation and Water Quality Plan, if applicable.**

The Planning Board finds that development on slopes greater than 15 percent is not proposed.

- (8) Critical Area lot coverage shall be limited to 15 percent of the site or as permitted by 27-548.17(c).**

The Planning Board finds that in accordance with Section 5B-114 (e)(8) and Section 27-548.17(c)(2) of the County Code, the CBCA lot coverage requirement for the site is no more than 25 percent of the site. A review of the plan and Table B-1 (CBCA Lot Coverage) demonstrate that the proposed development totals 4,309 square feet of lot coverage, which is below the 25 percent requirement.

- (9) **Conservation plans and associated development plans may propose modifications in road standards on a case-by-case basis to reduce potential impacts to the site, reduce total lot coverage in the Critical Area, and limit impacts to Critical Area resources, where the reduced standards do not significantly affect safety.**

The Planning Board finds that the above provision does not apply to the subject proposal. Modification of road standards is not proposed.

8. **Required Findings for Approval of a Variance:** The applicant proposes to clear 9,644 square feet, or 55 percent, of existing woodlands on the site. According to Section 5B-114(e)(5), clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance. Section 27-230 of the Zoning Ordinance contains the following required findings to be made before a variance to Subtitle 5B can be granted.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

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

The applicant's justification is that the lot is "the only piece of real property that does not have direct access to the sewer system." While there is a sewer connection closer to the subject lot, access for an easement to connect through the adjacent lot (Lot 7) was not secured. The Planning Board finds that the clearing for the sewer connection is necessary for development. Due to the location of the sewer line, and the applicant's desire to retain gravity flow to the sewer line, the house has not been moved to the minimum 25-foot building setback line, which would have further reduced the need for woodland clearing. The Planning Board finds that the constraints of the sewer connections are significant for the site and create a condition where a variance is necessary.

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

The Planning Board finds that at 30 percent maximum woodland clearing, development on the site would be significantly limited, which would result in exceptional hardship to the property owner. The Planning Board finds that greater conformance to the requirements of Section 5B-114(e)(5) shall be made through a reduction in the driveway and an increase in the retained woodland in that location. A reduction in the driveway will not present an undue hardship or difficulty because its primary function, to provide vehicular access to the site and to the garage, will not be lost.

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

The Planning Board finds that approval of the variance will not substantially impair the General Plan or Master Plan.

The General Plan Policy states for sites within the Developing Tier the policy is to "Preserve and enhance environmental features and green infrastructure elements." The woodlands on-site shall be enhanced by planting woodlands within the open nonwooded area of the site within the northeast corner.

This site is within a Network Gap Area of the Countywide Green Infrastructure Plan (GIP), a functional Master Plan. Network Gaps are areas critical to the connection of Regulated and Evaluation areas that are usually associated with a regulated water feature. The site contains woodland connected to a habitat corridor that leads to the Patuxent River Basin. Approval of the variance to allow clearing of the woodland will not substantially impair the goals of the GIP. This woodland connection will be made by preserving the vegetation in the rear, along the side, and in front of the site, which will meet the intent of the GIP and the CBCA Code.

- (b) **Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:**

- (1) **Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Critical Area Program would result in unwarranted hardship which is defined as a circumstance where without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested;**

Most adjacent lots have access to the sewer system and the applicant notes that there are high costs and proper elevation needed for proper gravity flow with this sewer connection. The Planning Board does not object to the applicant having access to the sewer system, nor clearing for access to the sewer system. It is necessary infrastructure. The original design for the subdivision and the subject Lot 6 had the sewer line crossing Lot 7, and then connecting with a sewer line in Moyer Court; however, the proposed sewer line easement was never platted.

The Planning Board determines that the location of the house is necessary for the proposed sewer connection. If the variance were not approved, the applicant would be

unable to develop the current proposal, given the constraints with the sewer connection and the desire to retain gravity flow to the sewer system.

The Planning Board was not adequately convinced that the use of a grinder pump would effectively solve the sewer constraints in this instance, and eliminate the need for a variance for the development of the site.

- (2) **A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;**

The Planning Board finds that the literal interpretation of the ordinance, and a strict application of the 30 percent maximum clearing requirement would deprive the applicant the ability to develop the site consistent with other homes within the Tantallon on the Potomac Subdivision that include larger gross floor areas and attached garages.

- (3) **The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area;**

The Planning Board finds that the granting of a variance for the subject application will not confer upon the applicant any special privilege, considering the variance will ameliorate the hardship associated with limited sewer access and will allow a design more consistent with other area properties.

- (4) **The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;**

The Planning Board finds that the variance request is not based upon circumstances which are the result of actions by the applicant. The subject lot is less than one-half acre and is 86 percent wooded. Clearing for the development of the site is necessary. The Planning Board finds that the variance has been reduced to the extent practicable.

- (5) **The granting of a variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;**

- (6) **The development plan would minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands;**
- (7) **All fish, wildlife, and plant habitat in the designated critical areas would be protected by the development and implementation of either on-site or off-site programs;**

With regard to Findings 5–7, the Planning Board finds that adverse water quality impacts are not anticipated. The site has an approved Stormwater Management Concept Plan and Letter of Approval (31182-2005-01) that shows infiltration using drywells and recommends a fee of \$500 in lieu of providing on-site attenuation/quality control measures.

The general spirit and intent of the State Critical Area Law is to allow reasonable use of properties within the Critical Area while preserving, enhancing and/or restoring vegetation of existing areas of natural habitat. The subject lot at its closest point to open water is 414 feet away from tidal waters. This entire 414 feet length is comprised with developed woodlands. The entire project area is within the Network Gap area of the June 2005 *Approved Countywide Green Infrastructure Plan*. The on-site developed woodlands are part of a riparian wooded corridor around the adjacent tidal waters.

Currently, most of the property will drain to the far eastern corner where the subject property meets Lots 7 and 8. The stormwater is then conveyed across the adjacent wooded lots to sheet flow to the south and east.

As approved with conditions, the proposed clearing on the site has been reduced to the extent feasible. The plan also indicates protection of animal habitat through proposed conservation easement and afforestation.

- (8) **The number of persons, their movements and activities, specified in the development plan, are in conformity to established land use policies and would not create any adverse environmental impact; and**

The Planning Board finds that the proposal for a residential use is in conformance with established land use policies, as addressed elsewhere in Findings 7 and 8. No adverse environmental impacts are anticipated, as clearing and disturbances will be kept to a minimum to allow reasonable development and use of the property, as explained in Findings 7 and 8.

- (9) **The growth allocations for Overlay Zones within the County would not be exceeded by the granting of the variance.**

The Planning Board finds that no growth allocation is proposed for this property.

9. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. Environmental Planning Section—The Planning Board has reviewed the Detailed Site Plan, DSP-90076-04 and Chesapeake Bay Critical Area Plan, CP-89039-11, stamped as received on May 16, 2013. The subject application was previously presented to the Planning Board on May 9, 2013 for plans received on March 18, 2013. The Planning Board accepted the applicants request for a continuance so that a revised set of plans could be submitted and reviewed.

The previously submitted plans proposed a circular driveway which has been removed due to the excessive woodland clearing above the 30 percent maximum allowed by Subtitle 5B. The proposed dwelling has been relocated 10-feet closer to the building restriction line so that additional woodland preservation could be provided in the rear of the lot adjacent to existing woodland.

The applicant has submitted a revised plan with a driveway to the garage loading area of a three car garage, with branched extension of the driveway direction turn around. In discussions with the applicant, he addressed that the circular drive was needed so drivers would not have to back down the driveway onto Firth of Tae Drive. A review of the plan show that the garage loading area, which contains a hammer head extension, is sufficient for turning around without having to back out on Firth of Tae Drive. The Planning Board requires that the driveway extension to the front of the dwelling be eliminated.

This revision also shows the relocation of the proposed dwelling closer to the building restriction line and closer to the west to increase the size of the developed woodlands retained on-site. The house location is now 83 feet (garage 60 feet) from the front property line. There are more woodland save areas on the east side of the house and in the front and rear of the house; however this design has resulted in paving for the garage loading area at the property line adjacent to Lo 5. The dwelling shall be moved slightly east to provide a strip of green area between the lots.

- (1) **Existing Conditions:** The conservation plan is a development plan that also serves as site's existing conditions plan which was reviewed for verification prior to the acceptance of the detailed site plan application. The plan accepted for review for this application was confirmed to show that the 20,072-square-foot site is 86 percent wooded and contains no development. The on-site woodlands have been assigned a Priority 3 rating because they are not associated with any Waters of the U.S. and also because of the presence of invasive species within the woodlands.

A site visit was conducted in January 2013 by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department staff to investigate the on-site woodlands because the applicant/owner indicated in an e-mail dated March 15, 2013, that the areas with no trees were not excluded from the computation. It appears this comment was due to the presence of understory vegetation, invasive species and/or disposed Christmas trees in the wooded area; however it should be noted that the CBCA County Code considers areas of invasive species and understory as part of developed woodlands, which is subject to the code. It is common for these areas to make up the forest floor. It was also noted that the area of disposed trees were in a platted right of way. Based on this analysis the Planning Board finds that the woodland limits and acreage (17,291 square feet) were correct as originally delineated and that the existing woodlands/developed woodlands meet the definition of developed woodlands.

The off-site woodland limits are not consistent with the plan. The proposed off-site sewer connection is located along the western boundary of proposed Lot 8. The site visit confirmed that the area was entirely wooded. The plan shall be revised to show the correct limits of the off-site woodland on Lot 8 where the sewer connection is proposed.

- (2) **Plan Preparation:** A number of revisions are recommended to the plan prior to certificate of approval.
- b. **Permit Review**—The Permit Review Section provided an evaluation of the subject detailed site plan, and the Planning Board adopts the following:
- (1) All plan revisions not previously addressed by the applicant shall be provided prior to signature approval of the detailed site plan.
 - (2) Per Section 27-442 of the Zoning Ordinance, the applicant shall provide a house template demonstrating the dimensions of the structure and dimensions of any and all bump-outs. If the front stoop has a roof then the plan shall include its dimensions and count this area towards lot coverage calculation. The plan shall also include the building height, number car garage, setbacks and distance of dwelling to each property line and right-of-way from the furthest bump-out. The plan shall identify and provide dimensions of the deck at the rear.
- c. **Historic Preservation**—The Planning Board finds that the subject application will have no effect on identified Historic Sites, Resources, or Districts.
- d. **Archaeology**—The Planning Board finds that a Phase I archeological survey is not required on the above-referenced 0.46-acre property located at 12308 Firth of Tae Drive in Fort Washington, Maryland. The application proposes a 3,308-square-foot single-family residence located in the Chesapeake Bay Critical Area. A search of current and historic

photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A 1968 aerial photograph indicates the property was graded at that time. This proposal will not impact any known historic sites, historic resources, documented properties or archeological sites.

- e. **Critical Area Commission**—In memoranda dated January 24, 2013 and April 25, 2013 the State of Maryland Critical Area Commission provided comment on the subject conservation plan. The Critical Area Commission indicated that clearing in excess of 30 percent of natural or developed woodland is prohibited without a variance. Furthermore the Critical Area Commission requested that the applicant can make the following changes to the proposed plans in order to minimize and possibly eliminate the need for the requested tree clearing variance.

- 1) It is this office's understanding that with installation of a sewer pump, adequate sewer line connection can be achieved while allowing the proposed dwelling to be located closer to road frontage. By locating the dwelling closer to the road, a significant reduction in tree clearing can be achieved by minimizing the length of the driveway necessary to reach the house as well as significantly reducing the extent of tree clearing required for construction of the dwelling.
- 2) The proposed garage could be eliminated or minimized in size since it is this office's position that a garage is not necessary on properties with such environmental constraints.
- 3) The proposed circular driveway requires an excessive amount of tree clearing and lot coverage in comparison with more standard linear driveways, much like the ones that adequately serve neighboring properties.

The Planning Board finds that the revisions shown on the plan, which include the elimination of the circular driveway, meet the requirements for approval of a tree removal variance within the CBCA.

- f. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated January 4, 2013, WSSC provided an evaluation of the subject proposal, summarized as follows:

- (1) The Water House Connection (WHC) shown to Swan Creek Road will probably not be approved because a WHC can be made to Firth of Tae Drive. Show the WHC to Firth of Tae Dr.
- (2) The proposed alignment for the Sewer House Connection (SHC) will require a revised non-abutting connection review from WSSC. The previously approved non-abutting connection was for a different alignment connecting to Moyer Ct.

- (3) Align service connections to avoid environmental, storm water management facilities, ESD, devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.
- (4) If elevations do not allow a gravity sewer connection, an ejector or grinder pump and pressure sewer connection will be required for sewer service.

The site plan shows water and sewer connections to Swan Creek Road. The Planning Board adopts the following reasons for this connection in the location shown on the DSP: (1) the easement cannot be secured with property owner of Lot 7; (2) the cost to construct the short sewer extension line from its terminus at Moyer Ct. and Firth of Tae Dr. to serve the property is cost prohibitive to the applicant; and (3) the owner of 1108 Swan Creek Road has signed the easement that is pending registration.

The Planning Board also finds that the final decision for the location of the sewer connection is under the jurisdiction of WSSC.

- g. **The Department of Public Works and Transportation (DPW&T)**—In comments dated January 7, 2013, DPW&T provided an evaluation of the subject proposal, summarized as follows:

- (1) The proposed site development is consistent with the approved Stormwater Concept and Technical Plan 31182-2005-01 dated October 1, 2012.
- (2) The plantings in the conservation area must be bonded and the fee-in-lieu must be paid prior to permit issuance. The plans should be revised to show any proposed mitigation planting on the lot and off site mitigation plan details.
- (3) The Conservation Easement. Conservation Planting Agreements must be recorded prior to permit issuance.

- h. **Prince George's County Health Department**—In a memorandum dated January 4, 2013, (Wise to Fields), the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the subject DSP and has no comments or recommendations.

10. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

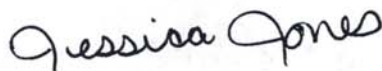
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion at its regular meeting held on Thursday, June 6, 2013, in Upper Marlboro, Maryland.

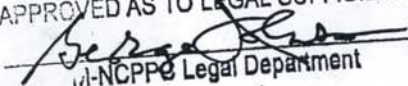
Adopted by the Prince George's County Planning Board this 27th day of June 2013.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPE Legal Department
Date 6/19/13



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-69

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-90076/04

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on June 6, 2013, regarding Detailed Site Plan DSP-90076/04 for Tantallon on the Potomac, Lot 6, Block E, the Planning Board finds:

1. **Request:** The subject detailed site plan is for the construction of a 3,308-square-foot single-family detached dwelling on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA). The approval of a conservation plan by the Planning Board is required prior to the issuance of permits in the Chesapeake Bay Critical Area (CBCA) because the approval of a variance to Subtitle 5B of the Prince George's County Code is required. The Planning Board's decision regarding the conservation plan is contained in PGCPB Resolution No. 13-68.
2. **Location:** The 0.46-acre property is located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road. The property address is 12308 Firth of Tae Drive, Fort Washington.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	.46	.46
Total Gross Floor Area (GFA)	0	3,308 sq. ft.
Areas not included in GFA		
3-car garage		(638 sq. ft)
Unfinished Basement		(1,536 sq. ft)

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage (per R-R Zone)	25 percent	20 percent
Minimum Front Yard Setback	25 ft.	59 ft.
Minimum Side Yard Setbacks	8 ft./17ft.	18 ft./44 ft.

4. **Surrounding Uses:** The subject property is located within the Rural-Residential (R-R) and Limited Development Overlay (LDO) Zone within the Chesapeake Bay Critical Area (CBCA) and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek Road is located north of the subject property. A tributary of the Potomac River is located south and east of the subject property, beyond which to the east is the Tantallon Marina. The Potomac River is located approximately 0.4 miles west of the subject property.

5. **Previous Approvals:** The site was previously reviewed as part of Detailed Site Plan, SP-90076 with a Type II Tree Conservation Plan TCPII-183-90. A Chesapeake Bay Critical Area Conservation Plan, CP-89036, (Battersea on the Bay, Lot 17B) was approved by the Planning Board on December 21, 1989, and included approximately 38.6 acres of Parcel 52 of Tax Map 131. The Preliminary Plan of Subdivision 4-89176 was approved by PGCPB Resolution No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89036-01, which was approved the same day. The subject lots were recorded by Final Plat VJ 157-36 on February 25, 1991.

Detailed Site Plan DSP-90076 was vested by the construction of residential structures on Lot 8 and Lot 9. The subject property was included in Conservation Plan CP-89039, but not in any subsequent revisions.

The approved Type II Tree Conservation Plan TCPII-183-90 for the site became invalid with the current regulations when TCP2s were no longer required for applications within the Chesapeake Bay Critical Area.

The site is subject to the current Chesapeake Bay Critical Area (CBCA) regulations in Subtitle 5B of the Prince George's County Code. This lot had a previous approval for a single-family dwelling with a driveway to an attached garage in October 1990, which was revised in August 2005. According to Section 5B-116 (g), this approval has since expired because the plan validity period is only for three years after approval. No one-year extensions were received after the three year approval time expired.

6. **Design Features:** The 0.46-acre, wooded property is located on the east side of Firth of Tae Drive. The applicant proposes to construct a two-story, brick, 3,308-square-foot, single-family detached dwelling with a hip roof. The proposed driveway leads to an attached three-car-garage on the northwestern corner of the dwelling. The primary building entrance is setback into the property approximately 21 feet from the front wall of the garage.
7. **Prince George's County Zoning Ordinance:** The Planning Board finds that the application conforms to the requirements of the R-R Zone, including Section 27-441, Permitted Uses; Section 27-442, Regulations; and site design guidelines contained in Sections 27-283 and 27-274.

- a. The Planning Board finds that the proposed single-family detached residence is a permitted use and meets the setback, lot size and lot coverage requirements, as follows:

- (1) The required net lot area is 20,000 square feet. The provided net lot area is 20,072 square feet, which meets this requirement.
- (2) The maximum permitted lot coverage is 25 percent. The proposed lot coverage is 20 percent of the net lot area, which meets this requirement.
- (3) The required front yard setback is 25 feet. The minimum front yard setback is exceeded, and is delineated on the plan.
- (4) The required side yard setbacks are a minimum of eight feet from the property line to the building, and the total of both side yards should be a minimum of 17 feet. The side yard setbacks are demonstrated on the site plan and they meet this requirement.
- (5) The required rear yard setback is 20 feet. The minimum rear yard setback is exceeded, and is delineated on the plan.
- (6) The maximum building height permitted is 35 feet. The site plan indicates that the building will be two stories, and 35 feet in height, which meets this requirement.
- (7) No accessory buildings are indicated on the site plan.

Based on this analysis the Planning Board finds that the subject application conforms to the regulations of the Zoning Ordinance.

- b. The detailed site plan (DSP) is in general conformance with the applicable site design guidelines contained in Sections 27-283 and 27-274. The following discussion is offered:
 - (1) In accordance with Section 27-274(a)(7)(A), Grading; grading should be performed to minimize disruption to existing topography and other natural resources on the site. To the extent practicable, grading should minimize environmental impacts.

The submitted detailed site plan indicates that the grading has been designed to minimize impacts of the construction on the existing trees on the site. The plan has been revised to clearly show proposed topography and the proposed tree line. The applicant has reduced the limit of disturbance of the grading to lessen environmental impacts.

8. **2010 Prince George's County Landscape Manual:** The Planning Board finds that the application is subject to Section 4.1 Residential Requirements. The over 20,000-square-foot lot requires 4 major shade trees and 3 ornamental or evergreen trees. The plan indicates that the requirement is to be met through existing plant material. Landscaping provided in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* is required to conform

to Section 4.9, Sustainable Landscaping Requirements. Section 4.9 requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. A Section 4.9 schedule shall be provided on the plan. Based on the information provided, the applicant does not propose the planting of invasive or non-native trees; therefore, conformance with the requirements of Section 4.9 may be found.

As the site is located within the Chesapeake Bay Critical Area (CBCA), the Planning Board finds that the removal of existing vegetation, including invasive species, is discouraged. For this reason, removal of invasive species in accordance with Section 1.5, Certification of Installation of Plant Materials is not required.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the entire site is within the Chesapeake Bay Critical Area (CBCA). A Letter of Exemption from the WCO will be issued.
10. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. Since the entire subject property is located within the Chesapeake Bay Critical Area, the Planning Board finds that the site is exempt from the TCC Ordinance in accordance with 25-127 (b)(1)(E).
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Permit Review**—The Permit Review Section provided an evaluation of the subject detailed site plan, and the Planning Board adopts the following:
 - (1) All plan revisions not previously addressed by the applicant shall be provided prior to signature approval of the detailed site plan.
 - (2) Per Section 27-442 of the Zoning Ordinance, the applicant shall provide a house template demonstrating the dimensions of the structure and dimensions of any and all bump-outs. If the front stoop has a roof then the plan shall include its dimensions and count this area towards lot coverage calculation. The plan shall also include the building height, number car garage, setbacks and distance of dwelling to each property line and right-of-way from the furthest bump-out. The plan shall identify and provide dimensions of the deck at the rear.
 - b. **Historic Preservation**—The Planning Board finds that the subject application will have no effect on identified Historic Sites, Resources, or Districts.
 - c. **Archaeology**—The Planning Board finds that a Phase I archeological survey is not required on the above-referenced 0.46-acre property located at 12308 Firth of Tae Drive in

Fort Washington, Maryland. The application proposes a 3,308-square-foot single-family residence located in the Chesapeake Bay Critical Area. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A 1968 aerial photograph indicates the property was graded at that time. This proposal will not impact any known historic sites, historic resources, documented properties or archeological sites.

- d. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated January 4, 2013, WSSC provided an evaluation of the subject proposal, summarized as follows:

- (1) The Water House Connection (WHC) shown to Swan Creek Road will probably not be approved because a WHC can be made to Firth of Tae Drive. Show the WHC to Firth of Tae Dr.
- (2) The proposed alignment for the Sewer House Connection (SHC) will require a revised non-abutting connection review from WSSC. The previously approved non-abutting connection was for a different alignment connecting to Moyer Ct.
- (3) Align service connections to avoid environmental, storm water management facilities, ESD, devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.
- (4) If elevations do not allow a gravity sewer connection, an ejector or grinder pump and pressure sewer connection will be required for sewer service.

The site plan shows water and sewer connections to Swan Creek Road. The Planning Board adopts the following reasons for this connection in the location shown on the DSP: (1) the easement cannot be secured with property owner of Lot 7; (2) the cost to construct the short sewer extension line from its terminus at Moyer Ct. and Firth of Tae Dr. to serve the property is cost prohibitive to the applicant; and (3) the owner of 1108 Swan Creek Road has signed the easement that is pending registration.

The Planning Board also finds that the final decision for the location of the sewer connection is under the jurisdiction of WSSC.

- e. **The Department of Public Works and Transportation (DPW&T)**—In comments dated January 7, 2013, DPW&T provided an evaluation of the subject proposal, summarized as follows:

- (1) The proposed site development is consistent with the approved Stormwater Concept and Technical Plan 31182-2005-01 dated October 1, 2012.

- (2) The plantings in the conservation area must be bonded and the fee-in-lieu must be paid prior to permit issuance. The plans should be revised to show any proposed mitigation planting on the lot and off site mitigation plan details.
 - (3) The Conservation Easement. Conservation Planting Agreements must be recorded prior to permit issuance.
- f. **Prince George's County Health Department**—In a memorandum dated January 4, 2013, (Wise to Fields), the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the subject DSP and has no comments or recommendations.
12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

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 Detailed Site Plan DSP-90076/04, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. Label the garage, house, and deck within the provided house template.
 - b. Identify the materials of the proposed deck.
 - c. Provide a completed schedule in conformance with Section 4.9 of the 2010 *Prince George's County Landscape Manual* on the plan.
 - d. Provide a planting schedule for the proposed plant material that includes the species, height, and planting unit (container or balled and burlapped).

- e. The provided Section 4.1 schedule shall be revised to indicate the existing and proposed plant material provided to meet the requirements of this section.
- 2. The DSP shall conform to the approved Conservation Plan (CP-89039-11) and any amendment thereof.

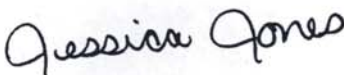
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

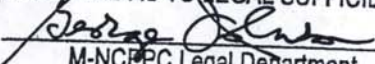
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion at its regular meeting held on Thursday, June 6, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCP&PC Legal Department
Date 6/19/13

June 20, 2014

Elizabeth Hewlett, Chair, Planning Commission
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

PRINCE GEORGE'S COUNTY PLANNING BOARD
OFFICE OF THE CHAIRMAN
RECEIVED 6/23/14 LOG NO. C14-062301
DISTRIBUTION EMH - FYI
To: Planning AA
CC: JJ, PGCPB

RE: Conservation Plan - CP-89039-14,
Detailed Site Plan - DSP-90076-06
Tantallon on the Potomac, Lot 6, Block E

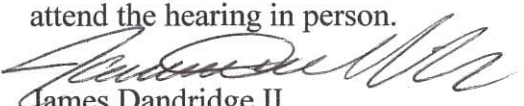
Prince George's County Planning Department
Office of the Director
JUN 24 2014 Log No Same
Distribution FP, HD, Log
Original to DRD

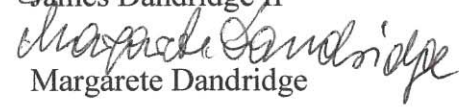
Honorable Ms Hewlett:

My wife, Margarete Dandridge, and I, James Dandridge II are 21-year residents at 12217 Firth of Tae Drive, "Tantallon on the Potomac," Fort Washington Maryland, 20744. We welcome our new neighbors Walter T. and Genevive J. During. Nevertheless, we have carefully reviewed the referenced conservation plan and detailed site plan and offer the following comments and observations:

We agree with the staff report **without variance in its entirety**. We note that the proposed construction does not fall within the limits of the Tantallon Neighborhood Association's Covenants but the site shares neighborhood public utilities, access and egress ways as well as the overall Chesapeake Bay Critical area. For these reasons we feel strongly that the proposed site and construction should adhere to the same rules established by the State of Maryland and the County of Prince George's, the same statutes upon which the overall Tantallon covenants enforce.

We appreciate your taking into consideration our positions and apologize for our inability to attend the hearing in person.


James Dandridge II


Margarete Dandridge

12217 Firth of Tae Drive
"Tantallonj on the Potomac"
Fort Washington, MD 20744
(301) 292 7362
jimdandridge@aol.com and mzdandridge@aol.com

AGENDA ITEM # 7, 8
PGCPB MEETING OF 6-26-14

PRINCE GEORGE'S COUNTY PLANNING BOARD

OFFICE OF THE CHAIRMAN

RECEIVED 06/24/14 LOG NO. C14-062401

DISTRIBUTION EMAIL-FYT

TO: Planning AA

CC: JT, PGCPB

June 20, 2014

The Maryland National Capital Park & Planning Commission
Planning Board
14741 Governor Oden Bowie Drive
Fourth Floor
Upper Marlboro, MD 20772

Attn: Commissioner Elizabeth Hewlett

Prince George's County Planning Department
Office of the Director

Rec'd JUN 24 2014 Log No. Same
Distribution FP, AD, Log

Good Morning Commissioner Hewlett,

original to DRD

My name is Eric Dorsey and I am writing to express my concerns for the destruction of trees on my property as well as the trees on Lot 8, (1108 Swan Creek Road) which is a foreclosed property, and the clear cutting of Lot 6. In addition, I am concerned regarding the proposed plan of the home being built on Lot 6. There is to be a 65 foot back set from the street an extremely higher elevation than any other home on this street. All the other homes on Firth of Tae are parallel.


Trees have been cut down (120' x 25' path) without regard, permissions or permits. The driveway proposed is directly on the property line which will create a problem due to the elevation. Our property is much higher than Lot 6; therefore a retainer wall will have to be a part of the plans to prevent erosion.

The matter of my trees being destroyed will be taken up with the County and the owner of Lot 6. I have included before and after pictures of Lot 6 and 8 as well as part of my property where trees have been destroyed. The County placed a stop work order due to the fact there was no permit to begin clear cutting Lot 6. One of the pictures shows the inspectors visiting the property with the property owner after the trees were destroyed. In addition, the property owner's surveyor miss marked the property boundaries (as much as 8') which he did make corrections to. However, I will now have to incur a cost to ensure the property lines are correct. I would also like to say the property was unsightly to say the least.

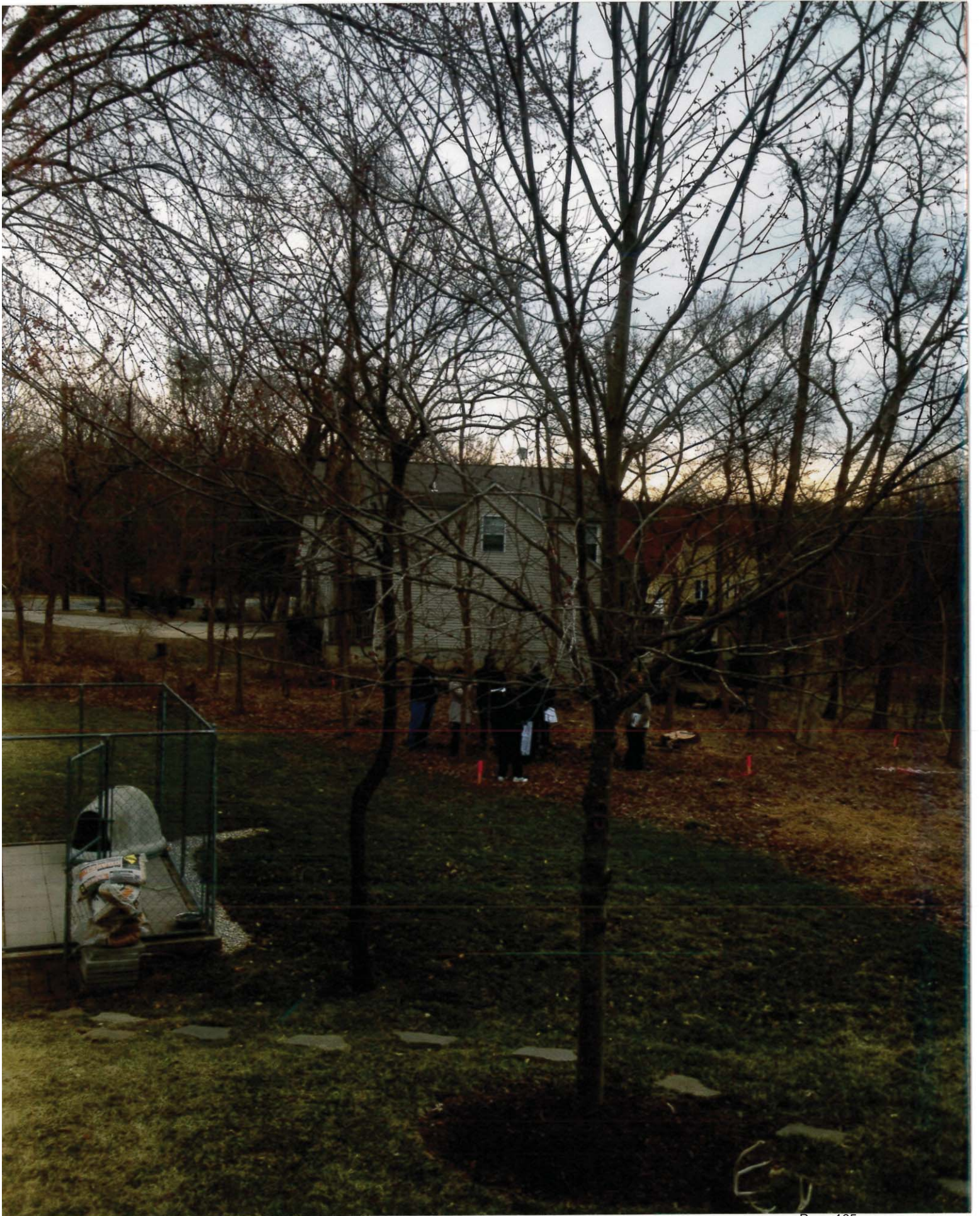
According to the site plan for Lot 6 an easement for WSSC is shown going through Lot 8 and there is no permission granted for this due to the fact (as stated above) the home is in foreclosure.

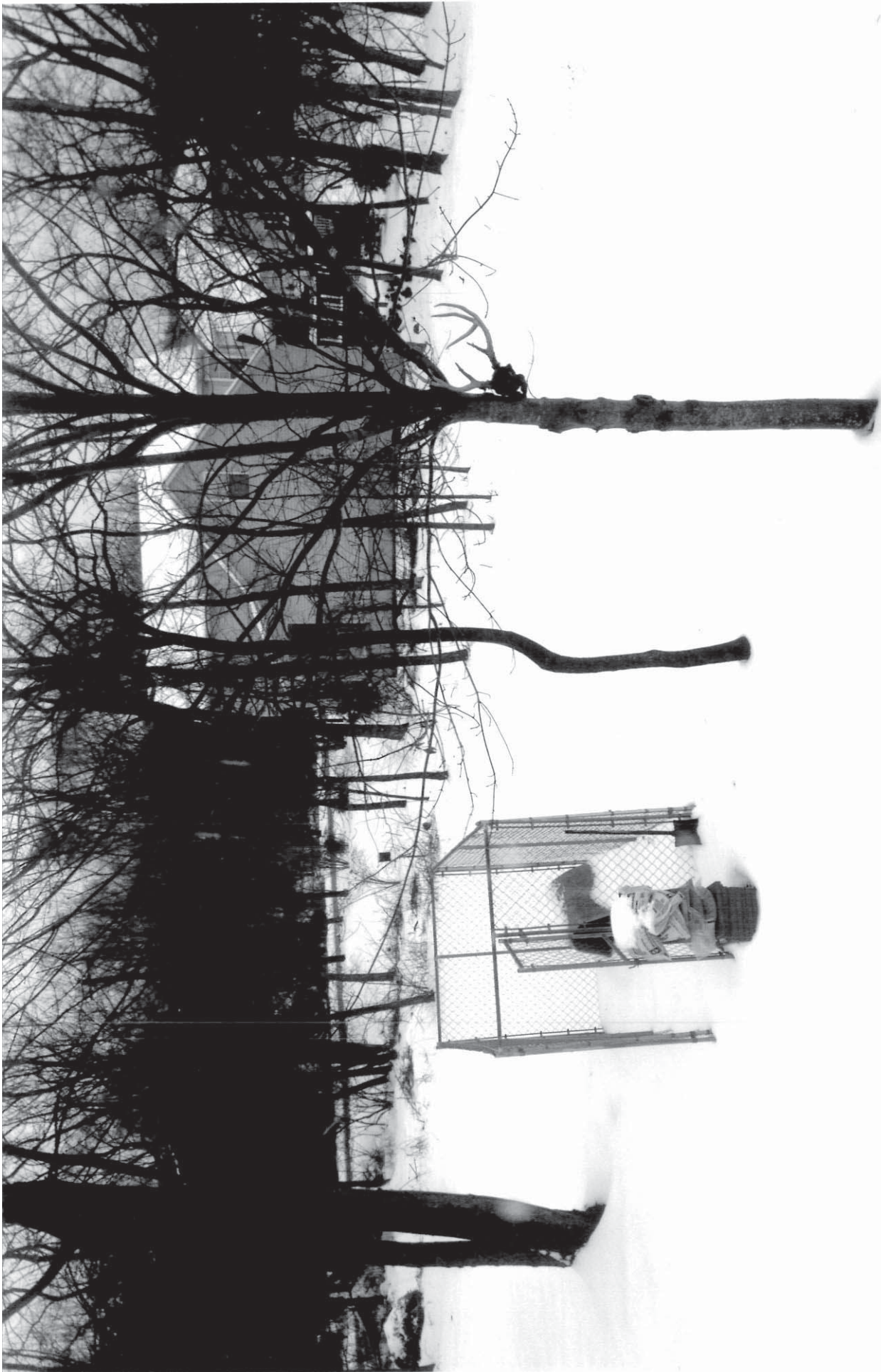
Any consideration to the above concerns would be greatly appreciated.

Sincerely,


Eric D. Dorsey, owner
12304 Firth of Tae Drive
Fort Washington, MD 20744







Fields, Meika

From: W. During <wduring@yahoo.com>
Sent: Monday, June 23, 2014 5:49 PM
To: Fields, Meika
Cc: Walter During
Subject: Re: Hearing Thursday 6/26
Attachments: I. Extracts of Soil_Grading_Drainage Approval.pdf; II. Surveyor's Attestation.pdf; III. Surveyor's Exhibits.pdf; IV. Area Driveway widths.pdf; V. Neighbor's Sump Pump.pdf

Dear Ms. Fields;

Thank you for your office's offer for us to provide our recommendations to Staff's Report. We have attached some documents to support our recommendations for your consideration:

1. Mitigation Rate Documents -

- I. Extracts of Approved SDP & CP showing the stamps of approval for Soil, Grading and Drainage with foot notes regarding maximum slope, parking pad slope and minimum land slope.
- II. Surveyor's Attestation
- III. Surveyor's Exhibits

Comment: We went to DPIE and requested to pay all fees so that we can get all permits issued and were informed that the plan needs to be accepted by Park & Planning and we need to pay the afforestation Fee-in-lieu, if it is not taken off the system. DPIE Staff went about accepting payments for the other items which we had understood included an Approval of the Soils, Grading and Drainage Permits as are indicated with red stamps on the plan sets. We had also sent correspondences to Ms. Summerlin asking if we can proceed with tree cutting, emails to Park & Planning and DPIE, including to Mr. Linkins, Mr. Holley, Ms. Thompson, Mr. Ugo, Ms. Contee and E-plan since October 2013 when the plans were ready for acceptance by Environmental Section.

As we reasonably relied on the issued "**Approved for Soils, Grading and Drainage**" red stamp as the grading permit, we recommend that Staff not consider our clearing as a flagrant violation requiring a 3:1 mitigation. We acknowledge guilt that the subcontractor rode his vehicle across a portion of the area to remain undisturbed in order to pickup large trash items deposited by others, disturbing the undergrowth.

Our Recommendation: Even though Inspector Wertz's follow-up report informs that the disturbed area has stabilized and natural vegetation has occurred, we are proffering to do a 1:1 mitigation and bond fees reflecting the said within the area of disturbance as a show of good faith. Please consider revising Recommendations D, E, F & G of Conservation Plan CP-89039-14 accordingly.

2. Proposed Driveway Configuration Documents -

- IV. Neighborhood Driveway measurements &
- V. Photo of neighbor's sump pump discharging into our lot at the proposed driveway location.

Comment: The currently approved driveway is a reverse curve and does not include a tangent to account for grade corrections. As the lot slopes to the east, the none presence of the tangent to account for grade transition creates a kink/abrupt change in grade from a negative slope to a positive slope. The presence of flowing water from the neighbor's sump pump under cold or freezing conditions would result in us skidding off the driveway and landing in the area in front of the house that is currently approved to be cleared. Our proposed modification will address this issue and the vehicular entrapment issue. Further, our aged parents will not be able to climb the steep slope to the garage, nor can their transport vehicle be able to navigate this access. A small vehicle (i.e. 16.4' compact sedan) cannot turn within the 17' wide garage-loading area. If this area was inverted 90 degrees (i.e. 34' wide), then turnaround would have been possible; the garage-loading ends a distance of 2' from the property line.

Please note that typically builders do not include the concrete patio below the deck in their calculations and would leave this up to the homeowners to construct after the fact. We have in good faith included this area in our calculation and the total percent impervious area is still under the required 25%.

Our Recommendation: We ask for Staff's reconsideration and support of our requested driveway modification. This would address safety concerns, be consistent with County Standard, and is under the lot coverage requirement and exceeds Storm Water Management Standard.

3. Mail Boxes/Lamps Relocation:

Action: We will relocate these devices behind the 10' utility easement line.

4. **Revise plan to remove proposed grading beyond the boundary of the limit of disturbance in Area #3**

Action: Will do.

5. **Plantings:**

Comment: Section 5B-11(O)2 -4 requires implementation of mitigation plan within 90 days. Under adverse weather conditions, Planning Director or designee approves otherwise.

Our Recommendation: We are requesting staff's consideration that plantings be implemented within 4 months or prior to the issuance of occupancy permit. The current extreme temperature would reduce the likelihood of the plants to survive. This request would allow us to spot water and ensure that the plants survive. We will install protective fencing and provide photos to M-NCPPC Environmental Section. Please consider revising Recommendation # 2 of Conservation Plan CP-89039-14 accordingly.

6. **Issuance of Construction Permit**

Comment: We have been paying double mortgage and storage fees since January 2013. Allowing us to proceed with construction with the approved variance is consistent with Section 5B-11(O)2 and will help mitigate our losses.

Recommendation: We recommend that construction permit be issued immediately upon the approval of the variance. We recommend that the protective fencing in Area # 3 and adjacent to the sewer right of way be in place for 1 year. Please consider revising Recommendation # 3 of Conservation Plan CP-89039-14 accordingly.

Sincerely,
Walter During

From: "Fields, Meika" <Meika.Fields@ppd.mncppc.org>
To: "W. During (wduring@yahoo.com)" <wduring@yahoo.com>
Sent: Monday, June 23, 2014 10:04 AM
Subject: Hearing Thursday 6/26

Mr. During:

By now you should have received a copy of the staff recommendation for your DSP/CP revision. Let me know if you would like to meet or e-mail over any recommended revisions to conditions.

Thank you,
Meika Fields
Senior Planner

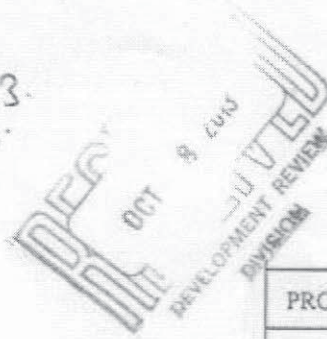
Urban Design Section, Development Review Division
The Maryland-National Capital Park and Planning Commission
www.mncppc.org
meika.fields@ppd.mncppc.org
Tel: 301-780-2458 | Fax: 301-952-3749
Hrs: M-Th 8:30am-6:00pm and F 8:30am-12:30pm

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10" In 10' Minimum Slope of Pad Away From Building Is Required.

Approved for Soils, Grading,
and Drainage.

By: [Signature] 11/22/2013

Permit #: 23846-2013-00



M-NCPPC APPROVALS

PROJECT NAME: Tantallon on Potomac, Lot 6

PROJECT NUMBER: DSP-90076

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Revisions Listed Below Apply to This Sheet

Approval or Revision #	Approval Date	Reviewer's Initials	Certification Date
04	6/27/13	MF	10-21-13

APPROVED
PLAN

DSP-90076-04

Environmental, LLC
Orchard Parkway, Suite 207
Lorton, Maryland 21113
Phone: (410) 672-5990
Fax: (410) 672-5993
Plan prepared by:
[Signature] 7-1-13
Kenneth R. Wallis
Qualified Professional
Mar 08.19.06.01

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
Piscataway (5th) Election District
PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157. PLAT No: 05157036. TAX MAP: 131. GRID C-2. PARCEL.....

DESIGNED BY: W T D	SCALE: 1" = 20'-0"	DATE: 07-01-2013	FIELD	BASE MAP = 216SW01
DRAWN BY: C K B	A Y S ENGINEERS, PLC 8837 WESTERN HEMLOCK WAY LORTON, VA. 220179 Tel: 703-495-4759 FAX: 703-646-5779 Email: asallah@aysengineers.com			OWNER / DEVELOPER APPLICANT: WALTER T. & GENEVEVE J. DURING 761 AYRSHIRE LANE WOODBIDGE, VA. 22191
	APPROVED BY: A Y S			

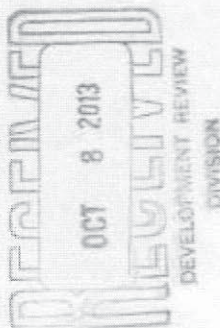
CALL "MISS UTILITY" TELEPHONE NUMBER
1-800-257-7777 FOR UTILITY LOCATIONS
AT LEAST 48 HOURS BEFORE BEGINNING
CONSTRUCTION AND IT IS THE LAW!!!

Approved for Soils, Grading,
and Drainage.

By: [Signature] 11/22/2013

Permit #: 23846-2013-00 Date

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10" In 10' Minimum Slope of Pad Away From Building Is Required.



DSP-90076-04
APPROVED
PLAN

Drawing Index

C S - Cover Sheet

Sheet 1 of 2 - Site Development, Landscaping & Conservation Plan

Sheet 2 of 2 - Conservation Plan Check List & Details

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
Piscataway (5th) Election District
PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157. PLAT No: 05157036. TAX MAP: 131. GRID C-2. PARCEL.....

DESIGNED BY:
W T D

SCALE: 1" = 20'-0"

DATE: 07-01-2013

FIELD

BASE MAP = 216SW01

DRAWN BY:
C K B

A Y S ENGINEERS, PLC
8837 WESTERN HEMLOCK WAY
LORTON, VA. 220179

Tel: 703-495-4759 FAX: 703-646-5779
Email: asallah@aysengineers.com

OWNER / DEVELOPER
APPLICANT:

WALTER T. & GENEVEVE J. DURING
761 AYRSHIRE LANE
WOODBIDGE, VA. 22191

APPROVED BY:
A Y S

DSP-90076-04 AND CP 89039-11

Page 110

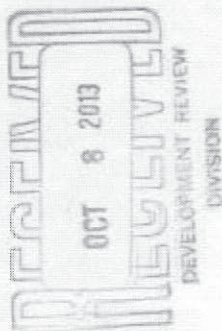
CALL "MISS UTILITY" TELEPHONE NUMBER
1-800-257-7777 FOR UTILITY LOCATIONS
AT LEAST 48 HOURS BEFORE BEGINNING
CONSTRUCTION AND IT IS THE LAW!!!

Approved for Soils, Grading,
and Drainage.

By: [Signature] 11/22/2013
Date

Permit #: 23846-2013-00

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10" In 10' Minimum Slope of Pad Away From Building Is Required.



DSP-90076-04
APPROVED
PLAN

Drawing Index

C S - Cover Sheet

Sheet 1 of 2 - Site Development, Landscaping & Conservation Plan

Sheet 2 of 2 - Conservation Plan Check-List & Details

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
Piscataway (5th) Election District
PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157. PLAT No: 05157036. TAX MAP: 131. GRID C-2. PARCEL.....

DESIGNED BY: W T D	SCALE: 1" = 20'-0"	DATE: 07-01-2013	FIELD	BASE MAP = 216SW01
DRAWN BY: C K B	A Y S ENGINEERS, PLC 8837 WESTERN HEMLOCK WAY LORTON, VA. 220179 Tel: 703-495-4759 FAX: 703-646-5779 Email: asalliah@aysengineers.com			OWNER / DEVELOPER APPLICANT: WALTER T. & GENEVEVE J. DURING 761 AYRSHIRE LANE WOODBIDGE, VA. 22191
APPROVED BY: A Y S	DSP-90076-04 AND CP 89039-11			Page 111

CALL "MISS UTILITY" TELEPHONE NUMBER
1-800-257-7777 FOR UTILITY LOCATIONS
AT LEAST 48 HOURS BEFORE BEGINNING
CONSTRUCTION AND IT IS THE LAW!!!

VYFHUIS & ASSOCIATES
LAND SURVEYORS-ENGINEERS-PLANNERS
3112 RHODE ISLAND AVENUE, NE 6518 BLAIR ROAD, NW
WASHINGTON D.C. 20018 WASHINGTON, DC 20012

Survey Attestation
For
12308 Firth of Tae Drive,
Fort Washington, MD 20744

Whereas:

1. I, HOWARD BOYCE a surveyor of Vyfhuis & Associates attest that I am very familiar with the referenced property owned by the Durings that is also known as Lot 6 in Section 1, Block E of the Tantalion on The Potomac Subdivision Plat found in Plat BK 157 with Plat Number 36, in Prince George's County Maryland.
2. I provided the following survey and documentations services for the owners:
 - I. Lot boundary survey for the property & legal description
 - II. Topographic / Elevation survey
 - III. Multi-use easement survey & legal description
 - IV. Woodland review, survey and delineation

Attest that:

1. The row of trees behind the utility boxes by the right of way line were in the area designated as to be cleared on the approved Site Development Plan.
2. The area south of the southern boundary of woodland area to remain undisturbed (see Exhibits D, E & F and identified as Woodland Stakes #1 & 2) was approved for clearing and this area contained the tree line that was correctly removed.
3. The area immediately north of these trees contained trash dumped by others to which there is a sign on the right-of-way prohibiting trash dumping on this property.

These facts in this attestation were field verified by me on March 20, 2014 at the Owner's request, prior to the Field Review Meeting with Prince George's County on March 21, 2014.

Signed: Compton Vyfhuis

Date: 6/18/14

Print Name: COMPTON VYFHUIS

Registered Licensed Surveyor, MD No. 182-B

SEAL



EXHIBIT C



EXHIBIT D



EXHIBIT E



SURVEYOR'S
PERMANENT
STAKE AT
LOCATION #1

EXHIBIT F



EXHIBIT H

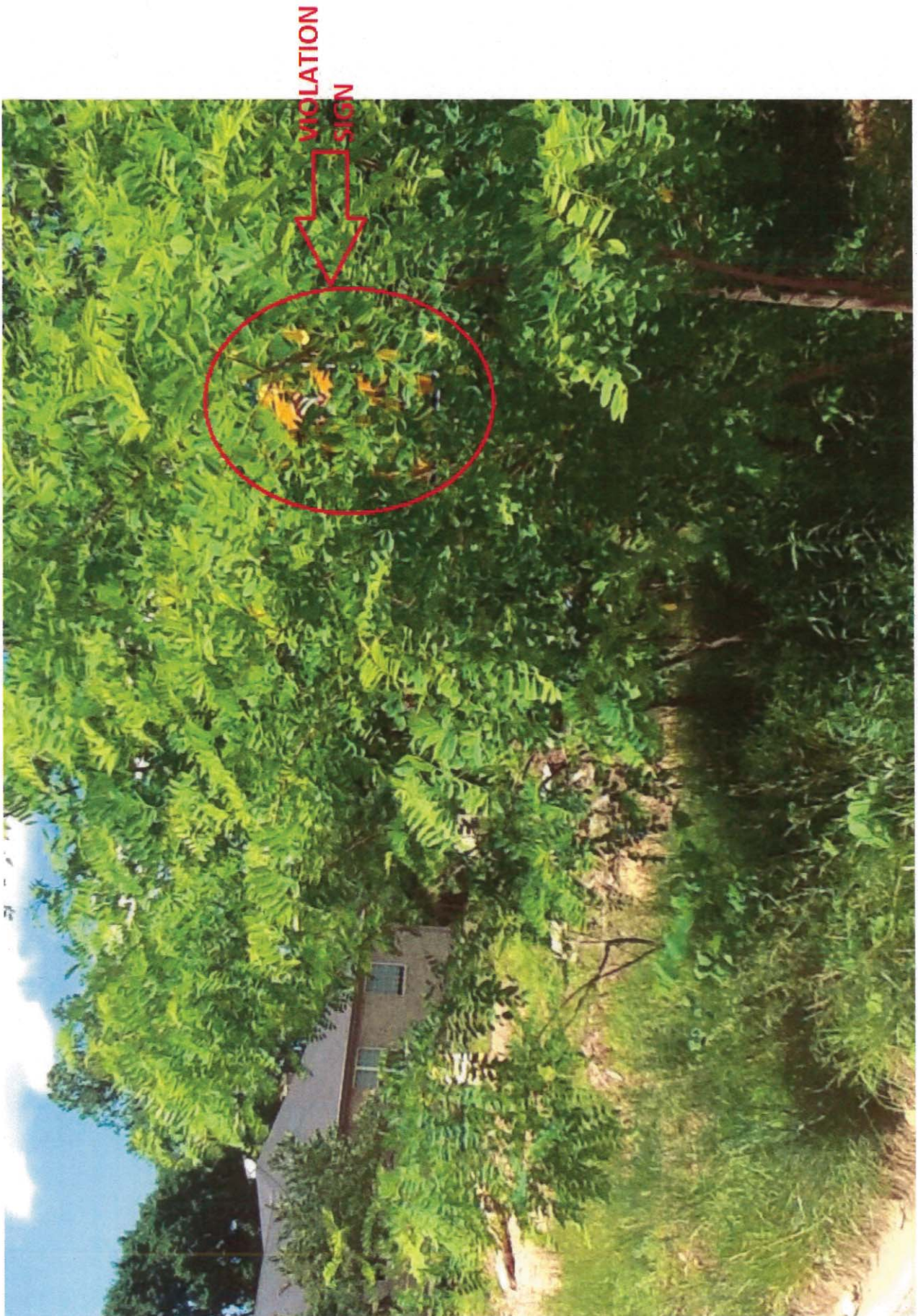


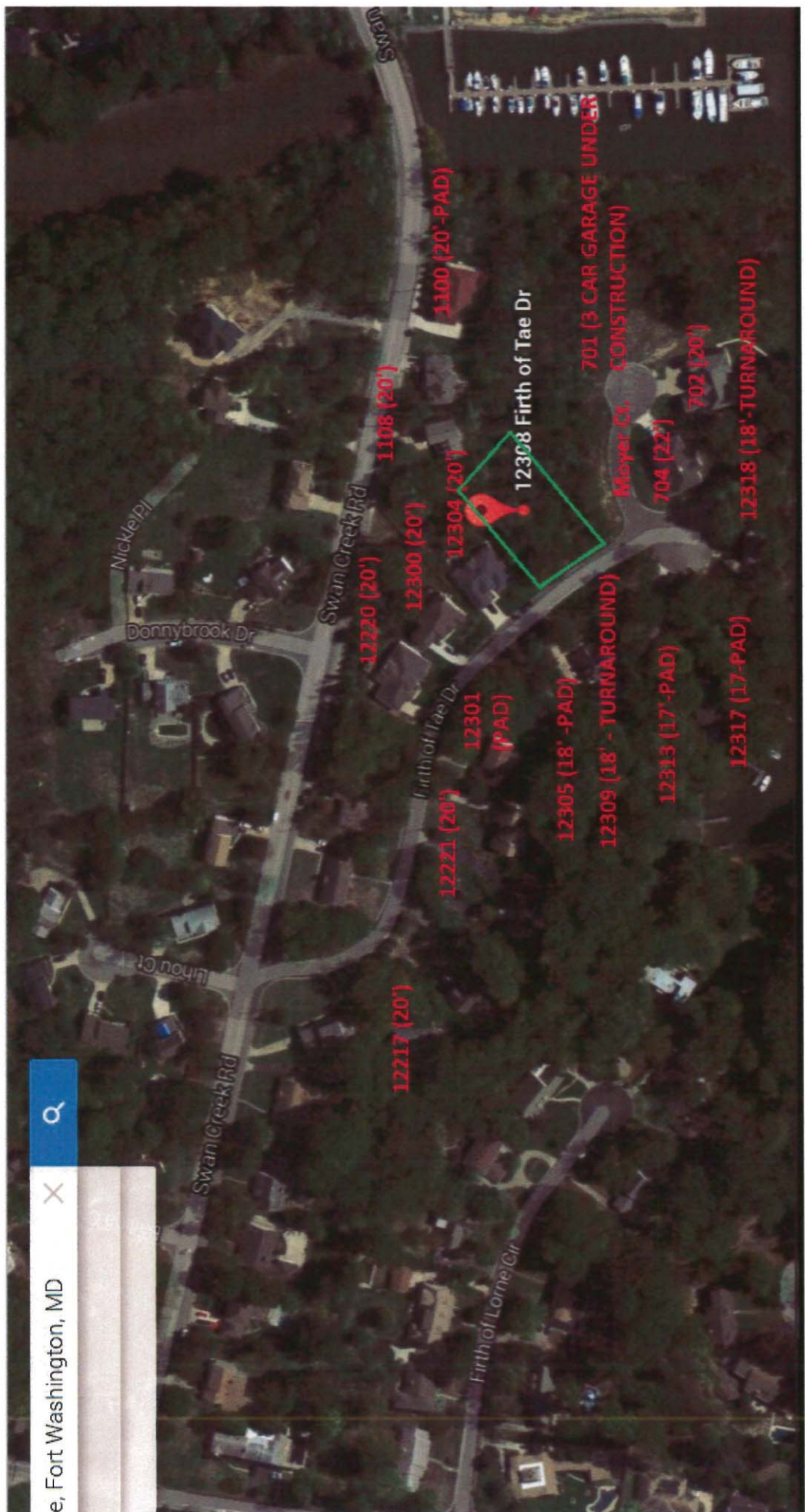
EXHIBIT G



REMAINING TRASH DEPOSITS

EXHIBIT I





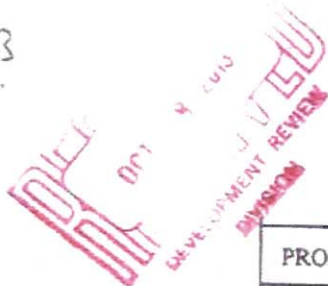


REC'D BY PGCPB ON 6-26-14
 ITEM # 7+8 CASE # CP-89039-14
 EXHIBIT # DSP-90076-06
Applicant's Exhibit #1

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10" In 10'
- Minimum Slope of Pad Away From Building Is Required.

Approved for Soils, Grading, and Drainage

By: [Signature] 11/22/2013
 Date
 Permit #: 23846-2013-00



M-NCPPC APPROVALS

PROJECT NAME: Tantallon on Potomac, Lot 6

PROJECT NUMBER: DSP-90076-04

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
 Revisions Listed Below Apply to This Sheet

Approval or Revision #	Approval Date	Reviewer's Initials	Certification Date
<u>04</u>	<u>6/27/13</u>	<u>MF</u>	<u>10-21-13</u>

APPROVED PLAN

DSP-90076-04

Environmental, LLC
 Orchard Parkway, Suite 207
 on, Maryland 21113
 ne: (410) 672-5990
 X: (410) 672 5993
 lan prepared by:
W T D 7-1-13
 enneth R. Wallis
 ilitified Professional
 Mar 08.19.06.01

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
 Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
 Piscataway (5th) Election District
 PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157 PLAT No: 05157036 TAX MAP: 131 GRID C-2 PARCEL.....

DESIGNED BY: <u>W T D</u>	SCALE: 1" = 20'-0"	DATE: 07-01-2013	FIELD	BASE MAP = 2165WD
DRAWN BY: <u>C K B</u>	A Y S ENGINEERS, PLC 8837 WESTERN HEMLOCK WAY LORTON, VA. 220179 Tel: 703-495-4759 FAX: 703-646-5779 Email: asallah@aysengineers.com			OWNER / DEVELOPER APPLICANT: WALTER T. & GENEVEVE J. DUREN 761 AYRSHIRE LANE WOODBRIDGE, VA. 22191
APPROVED BY:				

CALL "MISS UTILITY" TELEPHONE NUMBER
 1-800-257-7777 FOR UTILITY LOCATIONS
 AT LEAST 48 HOURS BEFORE BEGINNING
 CONSTRUCTION AND IT IS THE LAW!!!

Approved for Soils, Grading,
and Drainage

By: [Signature] 11/22/2013

Permit # 23846-2013-00

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10' In 10' Minimum Slope of Pad Away From Building Is Required.



DSP-90076-04
APPROVED
PLAN

Drawing Index

C S - Cover Sheet

Sheet 1 of 2 - Site Development, Landscaping & Conservation Plan

Sheet 2 of 2 - Conservation Plan Check List & Details

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
Piscataway (5th) Election District

PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157. PLAT No: 05157036

TAX MAP: 131. GRID C-2. PARCEL.....

DESIGNED BY;
W T D

SCALE: 1" = 20'-0"

DATE: 07-01-2013

FIELD

BASE MAP = 216SW01

DRAWN BY;
C K B

A Y S ENGINEERS, PLC
8837 WESTERN HEMLOCK WAY
LORTON, VA. 220179

Tel: 703-495-4759 FAX: 703-646-5779
Email: asallah@aysengineers.com

OWNER / DEVELOPER
APPLICANT:

WALTER T. & GENEVEVE J. DURING
761 AYRSHIRE LANE
WOODBIDGE, VA. 22191

APPROVED BY;
A Y S

DSP-90076-04 AND CP 89039-11

CS

CALL "MISS UTILITY" TELEPHONE NUMBER
1-800-257-7777 FOR UTILITY LOCATIONS
AT LEAST 48 HOURS BEFORE BEGINNING
CONSTRUCTION AND IT IS THE LAW!!!

Approved for Soils, Grading,
and Drainage.

By: [Signature] 11/22/2013

Permit # 238-6-2-03-00 Date

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10' In 10' Minimum Slope of Pad Away From Building Is Required.



DSP-90076-04
APPROVED
PLAN

Drawing Index

C S - Cover Sheet

Sheet 1 of 2 - Site Development, Landscaping & Conservation Plan

Sheet 2 of 2 - Conservation Plan Check-List & Details

SITE DEVELOPMENT PLAN, LANDSCAPING PLAN & CONSERVATION PLAN

12308 Firth of Tae Drive
Lot 6, Block "E" Section 1

TANTALLON ON THE POTOMAC
Piscataway (5th) Election District
PRINCE GEORGES' COUNTY, MARYLAND

PLAT BOOK: VJ.157 PLAT No: 05157036 TAX MAP: 131. GRID C-2. PARCEL.....

DESIGNED BY: W T D	SCALE: 1" = 20'-0"	DATE: 07-01-2013	FIELD	BASE MAP = 216SWD
DRAWN BY: C K B	A Y S ENGINEERS, PLC 8837 WESTERN HEMLOCK WAY LORTON, VA. 220179 Tel: 703-495-4759 FAX: 703-646-5779 Email: asallah@aysengineers.com			OWNER / DEVELOPER APPLICANT: WALTER T. & GENEVEVE J. DURING 761 AYRSHIRE LANE WOODBRIIDGE, VA. 22191
APPROVED BY: A Y S	DSP-90076-04 AND CP 89039-11			CS

CALL "MISS UTILITY" TELEPHONE NUMBER
1-800-257-7777 FOR UTILITY LOCATIONS
AT LEAST 48 HOURS BEFORE BEGINNING
CONSTRUCTION AND IT IS THE LAW!!!

EXHIBIT C



EXHIBIT D

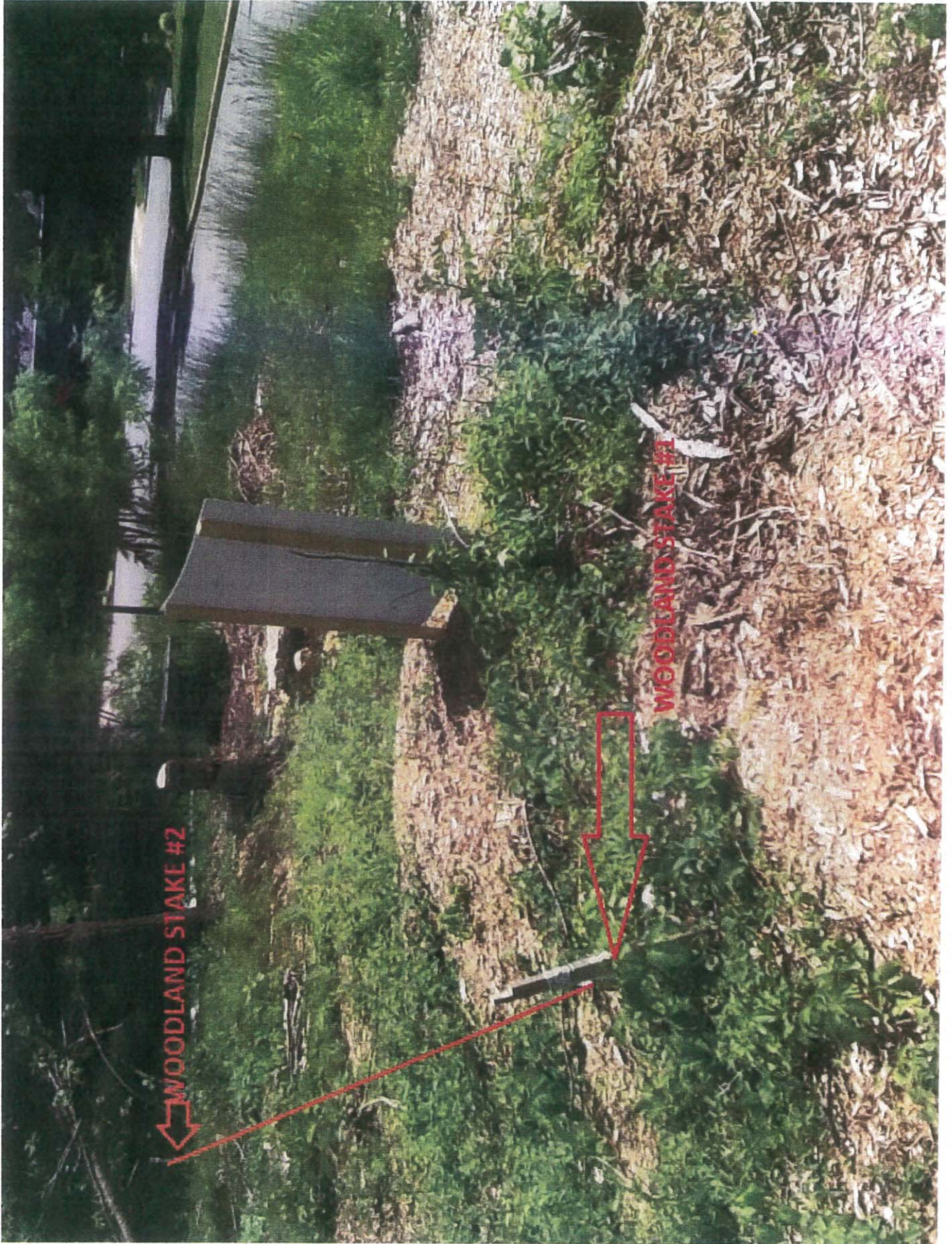


EXHIBIT E



3

EXHIBIT F



EXHIBIT G



REMAINING TRASH DEPOSITS

EXHIBIT H



EXHIBIT I



VYFHUIS & ASSOCIATES
LAND SURVEYORS-ENGINEERS-PLANNERS
3112 RHODE ISLAND AVENUE, NE 6518 BLAIR ROAD, NW
WASHINGTON D.C. 20018 WASHINGTON, DC 20012

Survey Attestation
For
12308 Firth of Tae Drive,
Fort Washington, MD 20744

Whereas:

1. I, HOWARD BOYCE a surveyor of Vyfhuis & Associates attest that I am very familiar with the referenced property owned by the Durings that is also known as Lot 6 in Section 1, Block E of the Tantallon on The Potomac Subdivision Plat found in Plat BK 157 with Plat Number 36, in Prince George's County Maryland.
2. I provided the following survey and documentations services for the owners:
 - I. Lot boundary survey for the property & legal description
 - II. Topographic / Elevation survey
 - III. Multi-use easement survey & legal description
 - IV. Woodland review, survey and delineation

Attest that:

1. The row of trees behind the utility boxes by the right of way line were in the area designated as to be cleared on the approved Site Development Plan.
2. The area south of the southern boundary of woodland area to remain undisturbed (see Exhibits D, E & F and identified as Woodland Stakes #1 & 2) was approved for clearing and this area contained the tree line that was correctly removed.
3. The area immediately north of these trees contained trash dumped by others to which there is a sign on the right-of-way prohibiting trash dumping on this property.

These facts in this attestation were field verified by me on March 20, 2014 at the Owner's request, prior to the Field Review Meeting with Prince George's County on March 21, 2014.

Signed: Compton Vyfhuis

Date: 6/18/14

Print Name: COMPTON VYFHUIS

Registered Licensed Surveyor, MD No. 182-B


SEAL

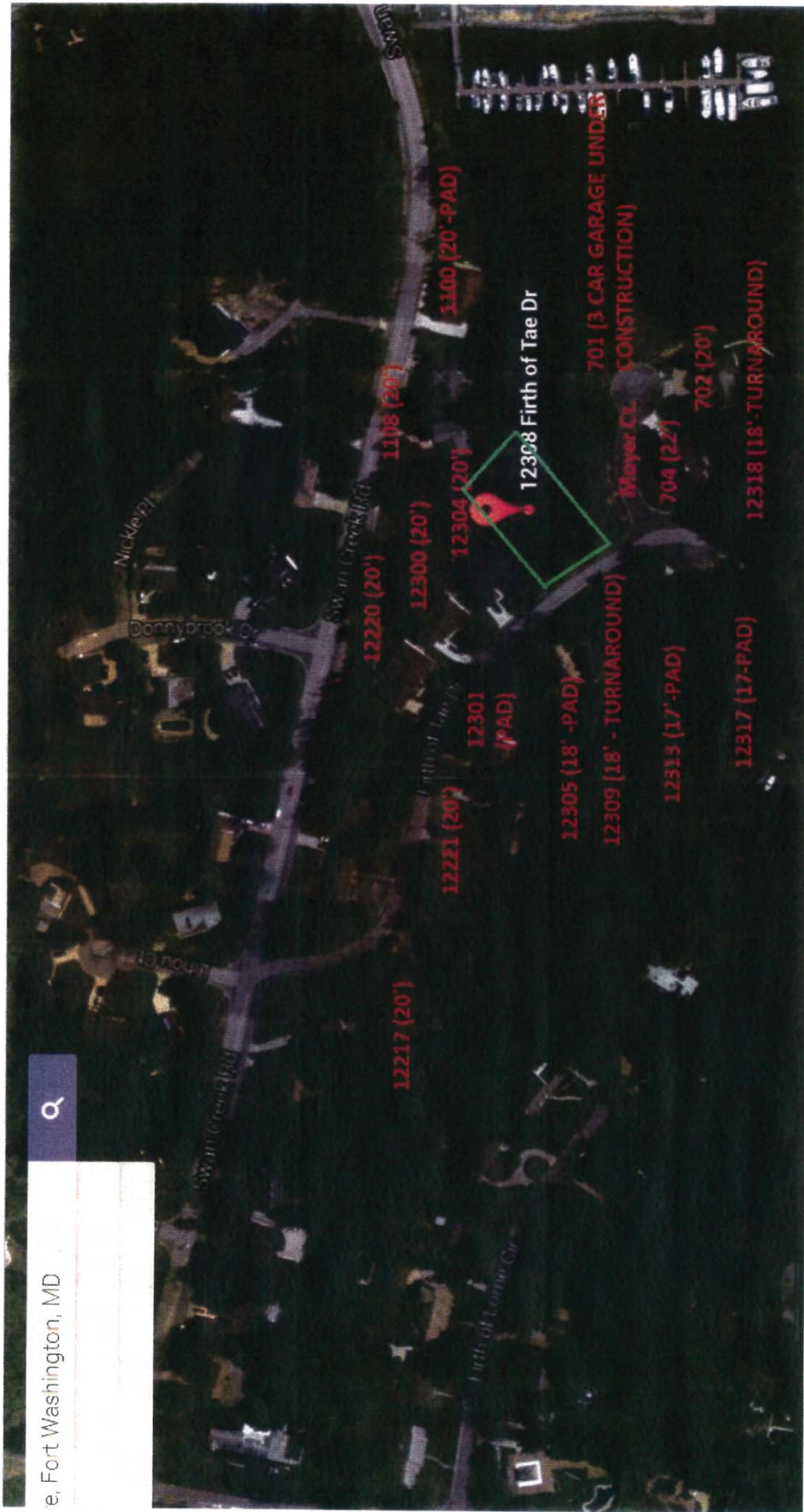


W = 10' minimum or 20' maximum width at R/W line for single/double driveway entrances.

General Notes

1. For standard driveway, W=10' minimum for single, W=20' maximum for double. Construct concrete apron to match driveway width (W).
2. For duplex homes using shared driveway apron, width (W) may be increased to 22' with prior Departmental approval.
3. All new construction within the County right-of-way shall comply with the Federal accessibility guidelines of the Americans with Disabilities Act.

APPROVED:			DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION Prince George's County, MD	
DIRECTOR	DATE		Special Urban Residential Driveway Single Apron with Double Parking Pad	
REVISION DATE:	APPROVED BY:			STD. 200.09



Q

e, Fort Washington, MD

