

A M E N D E D R E S O L U T I O N

WHEREAS, Charles T. and Leeann B. Clagett are the owners of a 588.63-acre parcel of land known as Parcels 5, 15 and 21 and Tax Map 91, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 14, 2004, Toll Brothers, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1,058 lots and 36 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04080 for Clagett Property 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 October 28, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 28, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, by letter dated June 3, 2019, the applicant requested a reconsideration, including deletion of Conditions 17 through 19, regarding retention of the farmhouses known as Keokuk and Ingleside; and

\*WHEREAS, on June 27, 2019, the Planning Board approved the waiver and request for reconsideration based on other good cause, in furtherance of substantial public interest; and

\*WHEREAS, on July 25, 2019, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/81/03-01), and further APPROVED Preliminary Plan of Subdivision 4-04080, Clagett Property for Lots 1 – 1,058 and parcels 1 -36 with the following conditions:

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1. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan TCPI/81/03-0, shall be revised as follows:

- a. The following note shall be added to the TCPI:

“The TCPI shall address edge management techniques for the control of exotic and invasive species within 100 feet of existing and future woodland edges and within 100 feet of all proposed afforestation areas so that these areas do not become populated by exotic and invasive species found within the limits of this application.”

- b. The revised plans shall be signed, and dated by the qualified professional who prepared the plan.

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/81/03-01). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/81/03-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

3. The detailed site plan and the Type II tree conservation plan shall refine the proposed trail alignment to follow proposed and existing alignments for other infrastructure components to the extent reasonable based in the type of trail proposed.
4. During the review of the detailed site plan, all PMA impacts approved by this plan shall be evaluated in order to further minimize the number and extent of the proposed PMA impacts. This shall include documentation that identifies the impacts as approved by this plan and the revised impact as proposed by the detailed site plan.
5. Prior to submittal of the Detailed Site Plan the applicant shall meet with the Environmental Planning Section to evaluate alternatives that may allow for a reduction in the number and extent of the proposed PMA impacts. The Detailed Site Plan shall show a reduction of the following impacts supported with a condition: 8, 10, 12, 13, 19, 21, 22, 24, 32, E, H, Q, R, and the Trails.
6. Prior to signature approval of the Preliminary Plan of Subdivision the Type I Tree Conservation Plan shall be revised to eliminate all proposed PMA impacts that are not approved.

7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area, except for areas with approved impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval for accuracy. In addition, the following note shall be placed on the plat:

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

8. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
9. Prior to the issuance of any grading permits for this site a technical stormwater management plan shall be approved by the Department of Environmental Resources and that plan shall be consistent with the approved Type II Tree Conservation Plan.
10. This plan and all subsequent plan submittals for this property shall reflect the location of the unmitigated 65 dBA Ldn noise contour on the plans. Subsequent plan submittals shall not show any residential lots within the unmitigated 65 dBA Ldn noise contour unless a Phase II noise study is included with the submittal and all interior and exterior noise impacts are mitigated so as not to exceed the State of Maryland noise standards
11. Prior to signature approval of the preliminary plan of subdivision, the preliminary plan of subdivision and the Type I tree conservation plan shall be revised to ensure that no portion of a lot is located within the limits of the mitigated 1.5 safety factor line as currently reflected on the plans.
12. Prior to approval of the first detailed site plan for the Clagett Property, the September 20, 2004, geotechnical report referenced by IC&E file number 40-04065-8 shall be revised to eliminate assumptions and be based on factual data and the comprehensive slope stability analysis shall be revised for the entire site to reflect the new information in accordance with the guidelines established by the Department of Environmental Resources, Permits and Review Division.
13. The mitigated and unmitigated 1.5 safety factor lines shall be shown on the Type II tree conservation plan and the detailed site plan. All residential lots shall be located beyond the limits of the final mitigated 1.5 safety factor line as determined by the slope stability analysis as approved by the Department of Environmental Resources, Permits and Review Division, and a minimum 50-foot building restriction setback from the final mitigated 1.5 slope safety factor line shall be provided, unless a lesser setback is approved by DER.

14. The final plat of subdivision shall show all 1.5 safety factor lines with a minimum 50-foot building restriction line (BRL), unless a lesser setback is approved by DER, that shall be labeled "1.5 Safety Factor BRL." The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

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

15. At the time of detailed site plan, the applicant, the applicant's heirs, successors and/or assignees shall provide the following trail-related information with the site plans:
- a. A composite trails map showing the connection to the regional trail network, multiuse master plan trails, equestrian trails, bikeways, and sidewalks shall be submitted with the first DSP. Trails widths and surface types should be indicated on that plan.
  - b. A multiuse, hiker/biker/equestrian trail along the subject site's entire length of Cabin Branch. This trail should be constructed to DPR standards and guidelines.
  - c. A hiker/equestrian trail along the subject site's entire length of Back Branch.
  - d. Depending upon the road cross section required by DPW&T, one of the following should be constructed along the subject site's entire road frontage of Ritchie Marlboro Road:
    - (1) An eight-foot-wide hiker/biker trail, or
    - (2) Seven- to ten-foot-wide asphalt shoulders and the placement of bicycle signage.
  - e. A paved master plan trail running from the Cabin Branch stream valley trail to the northern property line, as indicated on the master plan.
  - f. The proposed trail network shall be expanded to include the portions of the subject site north of the Cabin Branch.
  - g. All equestrian trails shall meet the standards provided in Figure 3 of the adopted and approved Melwood-Westphalia Master Plan. Main trails should have a minimum ten-foot-wide trail (with a two-foot-wide buffer on each side) and a minimum head clearance of 12 feet. Feeder trails, or trails receiving less volume, should meet the subdivision park trail standard, with a minimum trail width of six to eight feet, with a two-foot-wide buffer on each side. In order to accommodate equestrians, a minimum head clearance of 12 feet is recommended on these trails as well. All trails on land to be dedicated to the Department of Parks and Recreation should meet all DPR standards and guidelines. Due to the density of the proposed development, standard sidewalks shall be provided along both sides of all internal roads, subject to concurrence by DPW&T.

16. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Melwood-Westphalia Station, and acquisition of an ambulance and paramedic unit. The fee shall be paid prior to the issuance of ~~the~~ each building permit. The fee amount is \$269 per lot, for Lots 1-6, Block K; Lots 18-20, Block M; and Lots 46-51, Block R (15 lots total). The fair share fee is \$294 for the remaining 1,043 lots.
- ~~\*[17. The applicant shall add a note to the preliminary plan indicating that the Keokuk house is to be retained.]~~
- ~~\*[18. The applicant shall provide for professional examination of the small outbuilding known as the slave quarter, on the grounds of the Keokuk house. If this examination indicates that this may have been a dwelling for members of the Keokuk slave force, the applicant shall make arrangements for preservation of the building.]~~
- ~~\*[19. If it is determined that potentially significant archeological resources exist in the project area, the applicant shall, prior to signature approval of the preliminary plan, provide a plan for:~~
- ~~a. Evaluating the resource at the Phase II level, or~~
  - ~~b. Avoiding and preserving the resource in place.]~~
- \*[20] 17. The land to be conveyed to a homeowners association shall be subject to the applicable conditions below:
- a. Conveyance shall take place prior to the issuance of any building permits.
  - b. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control

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measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
  - i. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- \*~~[21]~~ 18. Private recreational facilities, such as small-scale neighborhood outdoor play areas and picnic areas in at least five locations, shall be reviewed by the Urban Design Section of the Development Review Division (DRD) for adequacy and property siting at the time of detailed site plan.
- \*~~[22]~~ 19. A Type II tree conservation plan shall be approved at the time of detailed site plan.
- \*~~[23]~~ 20. Prior to the issuance of any building permit on the subject property, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. **MD 4/Westphalia Road Intersection**
    - (1) Construct an additional left turn lane (approximately 200 feet in length) for the northbound approach, to provide a double left, a shared through-left, and a right turn lane.
    - (2) Construct an additional right turn lane (approximately 300 feet in length) for the southbound approach, to provide a double right, a through, and a left-turn lane

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b. **Ritchie Marlboro Road/Westphalia Road**

- (1) Construct a northbound left turn lane from Ritchie Marlboro Road onto Westphalia Road
- (2) Conduct a traffic signal warrant study and install traffic signal(s) if deemed necessary

c. **Ritchie Marlboro Road/Site Access Points**

- (1) Construct auxiliary turn lanes to provide a left lane and a through lane on the northbound approaches to both site access 1 and site access 2.
- (2) Construct auxiliary turn lanes to provide a right turn lane and a through lane on the southbound approaches to both site access 1 and site access 2
- (3) Conduct a traffic signal warrant study and install traffic signal(s) if deemed necessary

d. **Ritchie Marlboro Road/Brown Road**

- (1) Conduct a traffic signal warrant study and install traffic signal if deemed necessary.

\*[24] 21. The applicant shall construct the following streets to a primary residential standard (STD 100.06):

- a. Street "O" from Street "A" to the PEPCO Power Line.
- b. Street "Y" from Street "O" to the Ashford Drive, only if a connection to the adjacent North Roblee Acres community is approved at the time of detailed site plan.
- c. Street "FF" from Ritchie Marlboro Road to Street "O."

\*[25] 22. The question of a primary residential street connecting the proposed subdivision to the adjacent North Roblee Acres community shall be addressed at the time of detailed site plan.

\*[26] 23. The applicant shall preserve the location for the planned right-of-way for the proposed A-37 master planned arterial by either removing lots within the proposed alignment, or adjusting lots and/or the A-37 alignment, as determined at the time of detailed site plan.

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- \*~~27~~ 24. The preliminary plan shall be subject to the Department of Parks and Recreation's conditions as follows:
- a. The dedication of 128± acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."
  - b. The subdivider, successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.
  - c. The applicant shall construct a ten-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch as shown on attached Exhibit "A."
  - d. The applicant shall construct six-foot-wide asphalt trail connectors from the neighborhoods to the stream valley trail system along Cabin Branch and Back Branch Stream Valleys as shown on attached DPR Exhibit "A."
  - e. Prior to submission of the first detailed site plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master-planned trails along the Cabin Branch and Back Branch stream valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.
  - f. Submission of three original, executed recreational facilities agreements (RFAs) for trail construction to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - g. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.
  - h. The location of the trail shall be staked in the field and approved by DPR prior to construction.
  - i. The applicant, his heirs, successors, and/or assignees shall construct the trail in phase with development. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 529th residential

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building permit, a ten-foot-wide, asphalt hiker/biker trail along Cabin Branch and Back Branch shall be completed. A six-foot-wide feeder trail shall be constructed in phase with development.

- j. With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - k. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
  - l. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.
  - m. The applicant shall enter into an agreement with PEPCO for public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.
  - n. If M-NCPPC trails are used by for-profit equestrian operations, an agreement shall be reached between M-NCPPC and the equestrian operator before for-profit operations are conducted on public parkland. Further, at a minimum, the agreement shall include provisions that require the equestrian operator to provide insurance with coverage limits as specified by M-NCPPC and name M-NCPPC as an additional insured; indemnify and hold harmless M-NCPPC; perform all construction and maintenance functions for the trails; and to allow for public use of the trails.
- \*[28] 25. The land to be conveyed to the Department of Park and Recreation (DPR) shall be subject to the following conditions:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC assessment supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

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- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.
- \*[h] g. No stormwater management facilities or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

\*[29-] 26. A Type C bufferyard shall be shown on both sides of the PEPCO easement at the localities adjacent to the proposed single-family lots.

\*[30-] 27. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county Land Records.

\*[31-] 28. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.

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\*~~[32.]~~ 29. In accordance with Section 27-445, the applicant shall submit a detailed site plan for the private recreational area. The DSP shall be approved by the Planning Board or its designee prior to final plat.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located in the southwest side of Ritchie Marlboro Road approximately 2,500 miles south of its intersection with Westphalia Road.
3. **Development Data Summary:**

	<b>Existing</b>	<b>Proposed</b>
Zone	R-R	R-R (Recreational Community Development-Equestrian)
Use	Agriculture	Residential (single-family detached and attached with an equestrian center)
Gross tract area	588.63 acres	588.63 acres
Of which area within 100-year floodplain	95.20 acres	95.20 acres
Net tract area	493.43 acres	493.43 acres
Area of equestrian related	N/A	150 acres
Area of stream park dedication	N/A	63 acres
Density	27-444(6)(D) 1 unit per 20, 000 square feet of gross tract area	
	<b>Allowed</b>	<b>Proposed</b>
Number of lots	1,282	1,058
Of which SFD 100' width lots	N/A	117
SFD 75' width lots	N/A	236
SFD 65' width lots	N/A	333
Townhouses 22' and 24' width lots	N/A	370
Existing houses/lots	N/A	2

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OTHER DEVELOPMENT STANDARDS

	<b>Perimeter Lot</b>	<b>Small Lot</b>	<b>All other SFD lots</b>	<b>Townhouse</b>
Lot size (minimum square feet)	15,000	6,000–10,000	Larger than 10,000	1,800
Minimum lot frontage at street (feet)	25	25		
Minimum width at front building line (feet)	75	40		
Yards (Minimum depth/width in feet)				
Front	25	20		N/A
Side (min. of either yard/total of both yards)	8/17	5/10	8/17	N/A
Rear	20	5	20	N/A
Maximum lot coverage (%)	25	75	25	35*
<i>Accessory Buildings**</i>				

Note: \* For building coverage of overall net tract area  
 \*\* For accessory buildings per standards in Section 27-442(i)

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. Transportation-related noise impacts associated with Ritchie Marlboro Road have been found to impact this site. The soils found to occur, according to the Prince George’s County Soil Survey, include the Bibb, Collington, Fallsington, Howell, Iuka, Johnston, Marr, Matapeake, Mixed alluvial land, Ochlockonee, Sandy land, Sassafras, Westphalia, and Woodstown groups. Some of these soils have limitations that will have an impact during the building phase of the development but will not significantly affect the layout or grading proposed by this application. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. However, there are a number of large contiguous forest areas that provide habitat for forest interior dwelling species. Ritchie Marlboro Road is a designated historic road. This property is located in the Back Branch and Cabin Branch watersheds of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

**SUMMARY OF PRIOR ENVIRONMENTAL CONDITIONS OF APPROVAL**

The prior approval of the conceptual site plan for this site included numerous conditions, several of which dealt with environmental issues that were to be addressed during the review of the subsequent applications. The environmental conditions associated with the previous approvals are addressed below.

**CONCEPTUAL SITE PLAN, CSP-03005**

**2. Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan, TCPI/81/03, shall be revised as follows:**

- a. Label all woodland conservation areas with an identification number and acreage.**
- b. Correct the PMA limits where the stream buffer, wetland buffer, or 100-year floodplains extend beyond the limits currently shown as the PMA.**
- c. Add the following note to the TCPI:**

**“This plan is conceptual in nature and shall be revised with the Preliminary Plan of Subdivision submittal which shall include conceptual grading and house locations.”**

- d. Have the qualified professional who prepared the plan seal, sign, and date the plans.**

The conditions noted above have not been addressed, because TCPI/81/03 has not yet been certified in conjunction with the conceptual site plan. However, the conditions have been addressed by the submittal of the Type I Tree Conservation Plan, TCPI/81/03-01, date-stamped as received by the Environmental Planning Section on September 28, 2004. No further information is required with respect to this condition and this preliminary plan of subdivision application.

**3. At the time of preliminary plan of subdivision, the applicant shall:**

- a. Revise the limits of the PMA to reflect each of its components in their entirety.**

This condition has been addressed on revised plans date stamped as received by the Environmental Planning Section on September 28, 2004.

- b. Minimize all proposed PMA impacts to the fullest extent possible and eliminate any PMA impacts associated solely with the creation of lots.**

This item is discussed in detail by item 4 in the environmental review portion of this report.

- c. Design the lot layout so that all residential lots are located completely outside of the 1.5 safety factor line (mitigated and/or unmitigated).**

This item is discussed in detail by item 7 of the environmental review portion in this report.

**d. Show the mitigated and unmitigated 1.5 safety factor lines on the TCPI submitted with the Preliminary Plan of Subdivision.**

The 1.5 safety factor line has been shown on the plans as submitted. This item is discussed in detail by item 7 in the environmental review portion of this report.

**e. Submit a copy of the approved 100-year floodplain study.**

A copy of the approved 100-year floodplain study was submitted with this application and is date-stamped as received by the Environmental Planning Section on August 31, 2004.

**f. Submit a copy of the approved/proposed stormwater management concept plan.**

A copy of the proposed stormwater management concept plan, date-stamped as received by the Environmental Planning Section on August 31, 2004, was reviewed and was found to be generally consistent with the Type I tree conservation plan. There are some grading changes on the TCPI that are not reflected on the stormwater management concept plan that were initiated in order to remove the 1.5 safety factor line associated with the Marlboro clay off of many of the proposed lots. No further information is required with respect to this condition of approval.

**11. All subsequent plan submittals for this property shall reflect the location of the unmitigated 65 dBA Ldn noise contour on the plans. Subsequent plan submittals shall not show any residential lots within the unmitigated 65 dBA Ldn noise contour unless a Phase II noise study is included with the submittal and all interior and exterior noise impacts are mitigated so as not to exceed the State of Maryland noise standards. All mitigation measures shall be shown on future preliminary plans of subdivision and associated tree conservation plans.**

This condition has been addressed by this application. The unmitigated 65 dBA Ldn noise contour is shown on the preliminary plan of subdivision and the Type I tree conservation plan. Because the plans date-stamped as received by the Environmental Planning Section on September 28, 2004, do not propose residential lots within the limits of the 65 dBA Ldn noise contour, a Phase II noise study is not required.

**ADDITIONAL ENVIRONMENTAL REVIEW ITEMS**

1. The detailed forest stand delineation (FSD) submitted with this application was previously reviewed in conjunction with Conceptual Site Plan CSP-03005 and has been found to address the criteria for a FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual and Policy Document.

The forest stands on this property are generally high priority stands especially in and around the 100-year floodplain and in the northwestern quarter of the site. However, there are many areas in which invasive species have become established along the forest edges. Because many of these areas are being preserved (and in many instances enhanced with afforestation areas), it will be important that the forest edges be controlled for invasive species.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan, TCPI/81/03, was approved in conjunction with the approval of Conceptual Site Plan CSP-03005. The revised Type I Tree Conservation Plan, TCPI/81/03-01, was submitted with the current application.

Much of the existing woodland on this site is located in priority retention areas such as stream buffers, wetlands, wetland buffers, severe slopes, and a large contiguous woodland area at the northwestern corner of the site. Although significant areas of this site are currently open farmland, there are some significant areas of interior forest in the northern part of the site. Interior forests are defined as forests that have more than 300 feet of forest from a woodland edge. These interior forest areas provide nesting habitat for numerous forest interior dwelling species that nest in Prince George's County. Although some of the interior forest will be lost due to the proposed development, areas of interior forest will be created by afforesting some of the agricultural fields located to the west of the PEPCO power line that bisects this property. It is estimated that approximately 50 percent of the interior forest lost in the short term will be replaced in the long term by the proposed afforestation on this site.

This 588.63-acre property in the R-R Zone has a net tract area of 493.43 acres and a woodland conservation threshold of 20 percent or 98.69 acres. This application proposes the clearing of 112.49 acres of woodland outside the 100-year floodplain, 8.66 acres of woodland within the 100-year floodplain, and 0.28 acre of woodland on adjacent properties. The woodland clearing increases the overall requirement by 37.06 acres, for a total woodland conservation requirement of 135.76 acres. The requirement is proposed to be satisfied by 102.05 acres of on-site preservation in priority retention areas and 33.71 acres of on-site afforestation in priority afforestation areas, for a total of 135.76 acres of woodland being provided. The Type I Tree Conservation Plan, TCPI/81/03-01, is recommended for approval subject to the conditions contained at the end of this report.

3. This site is located in the Cabin Branch and Back Branch watersheds of the Patuxent River Basin. The Patuxent River Primary Management Area (PMA) is defined by Section 24-101 of the Subdivision Ordinance to include streams, a 50-foot stream buffer, wetlands, a 25-foot wetland buffer, the 100-year floodplain, steep slopes (15 to 25 percent) with highly erodible soils, severe slopes of 25 percent or greater, and specific areas of rare or sensitive wildlife habitat. The PMA is shown correctly on the revised

plans date-stamped as received on September 28, 2004. No additional information is required with respect to the delineation of the Patuxent River PMA.

4. Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. The preliminary plan of subdivision as submitted proposes 52 PMA impacts that are associated with sewer and water outfalls; stormwater management outfalls and a pond; roads; trails; and grading for lots. Because the PMA must be preserved to the fullest extent possible, a letter of justification was submitted to address the proposed PMA impacts. Of the 52 impacts proposed, the letter of justification identified 34 impacts and provided no information or justification for the other 18 impacts, some of which are integral to the development of the site. The letter, date-stamped as received by the Environmental Planning Section on September 28, 2004, identified six distinct types of impacts and discussed those impacts as a group, not as individual impacts. This memorandum will also group the types of impacts but will further break down those impacts as either being supported, supported with a condition, or not supported. The table below identifies the proposed impacts by numbers, which correspond to the numbers assigned in the letter of justification and proposed impacts assigned letter designations that were identified by staff and not addressed by the letter of justification. The letter of justification and the associated impact drawings submitted did not include an Impact 5. Therefore, Impact 5 is not referenced in the summary table below. The impacts identified with a letter are delineated on a plan in the official file.

**SUMMARY OF PROPOSED  
 PATUXENT RIVER PRIMARY MANAGEMENT AREA IMPACTS**

<b>Impact #</b>	<b>Type of Impact</b>	<b>Discussion</b>	<b>Staff Position</b>
1, 2, 4, 6, 14, 28, 29 & 31	Road Construction	These impacts are necessary to provide access to this site and the disturbance has been minimized to the fullest extent possible.	Support
12 & 13	Road Construction	Although these impacts are necessary to provide access to the site, the extent of the impacts can be further reduced and shall be further evaluated during the detailed site plan phase of this development.	Support with Condition
3, 15, 17 & 33	Stormwater Management Outfalls	The impacts in this group are necessary to safely convey water to the streams in order to minimize pollution, soil erosion, and to convey the stormwater to points below the Marlboro clays as required by the Department of Environmental Resources.	Support
19, 22, 24 & 32	Stormwater Management Outfalls	Although these impacts are necessary with some adjustments to the grading, the impacts could be further reduced.	Support with Condition



<b>Impact #</b>	<b>Type of Impact</b>	<b>Discussion</b>	<b>Staff Position</b>
7,9,10,11,16,18, 20,26,30 & 34	Sewer and Water Connections	The impacts in this group are necessary to provide public sewer and water to the proposed development and the alignments have minimized the impacts to the fullest extent possible.	Support
8 & 10	Sewer and Water Connections	These impacts could be further adjusted and combined with other impacts to reduce the extent and number of impacts proposed.	Support with Condition
Trails	Trails	All the impacts associated with the trail system have been combined into a single impact. Though extensive, the impacts have generally been minimized, although some of the trail alignment could be further coordinated with the alignment of the sewer and water connections, thus reducing the overall extent of the impacts without any loss in functionality or length of the trail system.	Support with Condition
21	Stormwater Management Facilities	Some fine adjustments to the pond design may be possible to further reduce the proposed impacts.	Support with Condition
23	Road Construction	Although identified as necessary for road construction, the grading associated with the road construction does not extend into the PMA. Therefore, this impact is <b>not</b> required.	Not Required
25 & 27	Lot Grading	This is associated with the grading for Lots 13-22, Block 'J,' and could be avoided or significantly reduced with the use of retaining walls. Therefore, this impact is <b>not</b> supported.	Not Supported
A	Stormwater Management Outfalls	This impact is located near Lot 45, Block 'C' and has been minimized to the fullest extent possible for the safe conveyance of water to the stream.	Support
B	Stormwater Management Outfalls	This impact is located near Lot 1, Block 'AA,' and has been minimized to the fullest extent possible for the safe conveyance of water to the stream.	Support
C	Stormwater Management Outfalls	This impact is located near Lot 7, Block 'E,' and has been minimized to the fullest extent possible for the safe conveyance of water to the stream.	Support
D	Lot Grading	This impact is located near Lot 52, Block 'F' and could be avoided.	<b>Not</b> Supported
E	Lot Grading	This impact is located near Lot 11, Block 'D.' It is possible that some of the grading associated with this impact could be further reduced and/or avoided by the use of a small retaining wall.	Supported with Condition
F	Lot Grading	This impact is located near Lot 5, Block 'D' and could be avoided.	<b>Not</b> Supported

<b>Impact #</b>	<b>Type of Impact</b>	<b>Discussion</b>	<b>Staff Position</b>
G	Lot Grading	This impact is located near Lot 8, Block ‘M,’ and could be avoided.	<b>Not Supported</b>
H	Stormwater Management Outfalls	This impact is located near Lot 10, Block ‘M.’ This impact could be further reduced by moving the proposed outfall to the opposite side of Lot 10.	Supported with Condition
I	Lot Grading	This impact is located near Lot 8, Block ‘FF.’ This impact could be avoided by a slight change to the proposed grading.	<b>Not Supported</b>
J	Lot Grading	This impact is located near Lot 23, Block ‘J,’ and could be avoided.	<b>Not Supported</b>
K	Lot Grading	This impact is located near Lot 30, Block ‘H,’ and could be avoided.	<b>Not Supported</b>
L	Lot Grading	This impact is located near Lot 33, Block ‘H,’ and could be avoided.	<b>Not Supported</b>
M	Stormwater Management Outfalls	This impact is located near Lot 51, Block ‘H,’ and has been minimized to the fullest extent possible for the safe conveyance of water to the stream.	Supported
N	Lot Grading	This impact is located near Lot 1, Block ‘I,’ and could be avoided.	<b>Not Supported</b>
O	Lot Grading	This impact is located near Lot 5, Block ‘I,’ and could be avoided.	<b>Not Supported</b>
P	Lot Grading	This impact is located near Lot 24, Block ‘JJ,’ and could be avoided.	<b>Not Supported</b>
Q	Stormwater Management outfalls	This impact is located near Lot 15, Block ‘C.’ The location of this outfall could be adjusted to the other side of Lot 15 and parallel to the proposed sewer outfall, thus reducing the proposed impact.	Supported with Condition
R	Sewer and Water Connections	This impact is located near Lot 9, Block ‘I.’ The impact is for a water connection to an undeveloped property to the south. This connection is located approximately 600 feet east of another proposed connection. The possibility of eliminating this connection should be discussed with WSSC.	Supported with Condition

- The Type I tree conservation plan shows several stormwater management facilities on this site. A copy of the stormwater management concept plan was submitted for review and was found to be conceptually similar to Preliminary Plan of Subdivision 4-04080, and Type I Tree Conservation Plan TCPI/81/03-01.

6. Ritchie Marlboro Road is a known transportation-related noise generator. Based on projected traffic volumes, the 65 dBA Ldn noise contour is located approximately 250 feet from the centerline of Ritchie Marlboro Road as calculated by the Environmental Planning Section noise model. Although the layout of this site as reflected on the preliminary plan of subdivision does not propose any residential development within the unmitigated 65 dBA Ldn noise contour, it is necessary that the location of the 65 dBA Ldn noise contour be shown on this and all subsequent plans.
7. This property is located in an area with extensive amounts of Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for constructing buildings on unsafe land. Marlboro clay is found on this property at an approximate top elevation ranging between 113.1 feet above sea level and 142.1 feet above sea level based on the August 11, 2003 preliminary geotechnical exploration report prepared by Geo-Technology Associates, Inc. The map included with the original report, date-stamped as received by the Environmental Planning Section on July 16, 2004, identified the unmitigated 1.5 safety factor line, the boring locations, the Marlboro clay outcrops, and cross section areas that were evaluated for potential slope failure. The addendum to that report, date-stamped as received by the Environmental Planning Section on October 1, 2004, reflects a mitigated 1.5 safety factor line based on the conceptual site grading. The mitigated 1.5 safety factor line is also reflected on Type I Tree Conservation Plan TCPI/81/03-01 date-stamped as received by the Environmental Planning Section on October 1, 2004.

Based on the conceptual site grading, the mitigated 1.5 safety factor line has been removed from all but four of the proposed lots. Three of the lots are 30 to 60 percent encumbered by the mitigated 1.5 safety factor line while the fourth lot has only a small corner that falls within the limits of the mitigated 1.5 safety factor line. Because a small lot line adjustment would remove the 1.5 safety factor line from proposed Lot 23, Block 'C,' it is recommended that the lot line be adjusted slightly and the lot be retained. However, because Lots 20 to 22, Block 'C' are significantly encumbered by the mitigated 1.5 safety factor line it is recommended that those lots be eliminated, if they cannot be relocated outside of the safety factor line.

8. Ritchie Marlboro Road is a designated historic road. The existing vistas along this historic road are characterized by open fields, woodland, and some narrow hedgerows. Although a visual assessment was not submitted, it is important to note that with the exception of the two entrance roads the entire frontage along Ritchie Marlboro Road will be maintained as pasture, woodlands, or other agricultural uses associated with the equestrian features of the development. The proposed lots nearest Ritchie Marlboro Road are set back approximately 500 feet from the existing road centerline. Because of the significant setbacks reflected on the approved conceptual site plan and the proposed preliminary plan of subdivision, a visual assessment of the historic and scenic character of this road will not be required unless residential development is later proposed within

300 feet of the road. No further information is required with respect to historic Ritchie Marlboro Road.

### **Water and Sewer Categories**

The water and sewer service categories are W-6 and S-6 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

This site will utilize private systems.

5. **Community Planning**—The property is in Planning Area 78/Westphalia. The 1992 Melwood-Westphalia Master Plan recommends a low-suburban density for single-family residences on the site. It is in the Developing Tier as described in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This preliminary plan for the development of a Recreational Community Development (Equestrian) is generally consistent with the 2002 General Plan Development Pattern goals and policies for land use in the Developing Tier.

- \*[~~5~~] 6. **Parks and Recreation**—In addition to the equestrian components, including indoor and outdoor rings, pastures, and an equestrian trails system, the approved CSP also proposes a community center behind the pasture to the southeast of the main entrance. Additional recreational facilities are proposed for dedication to a homeowners association (HOA). Two tennis courts and one swimming pool are shown on the CSP. In accordance with the *Parks and Recreational Facilities Guidelines*, with a development of 1,058 single-family dwelling units in Planning Area 78, the provision of an approximate \$1.2 million recreational facility package is needed to serve this subdivision. The applicant is proposing the dedication of 128 acres of open space to M-NCPPC for the master-planned Cabin Branch and Back Branch stream valley parks and construction of the hiker/biker and equestrian trails in the stream valleys. The dedicated parkland consists mostly of 100-year floodplain and the adjacent floodplain buffers. The proposed dedication will preserve the stream valleys as public open space available to all Prince George's County residents and will provide trail linkages to existing and future recreational facilities in the public park system.

Staff believes that the dedication of 128 acres of parkland, the provision of hiker/ biker/ equestrian trails on dedicated parkland, and the provision of private recreational facilities on HOA land as discussed above will satisfy master plan recommendations and parkland dedication requirements. Conditions of approval have been proposed to ensure the adequacy and proper siting of on-site recreational facilities at the time of detailed site plan review.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

\*[6] 7. **Trails**—Several master plan trail/bicycle facilities impact the subject application. The adopted and approved Melwood-Westphalia Master Plan recommends stream valley trails along Cabin Branch and Back Branch, a master plan trail/bicycle facility along Ritchie-Marlboro Road, a trail within the PEPCO right-of-way, and a master plan trail running from Cabin Branch to the north.

The Department of Parks and Recreation, the applicant, and the trails planner met on July 25, 2003, to discuss the subject application. The stream valley trails were discussed, as well as other park issues. It was determined that the stream valley trail along Cabin Branch should be multi-use, with a paved hiker/biker trail and an adjacent equestrian trail. This trail should be constructed to the latest DPR standards and guidelines. Cabin Branch was identified as a major recreational corridor in the Westphalia community.

It was also concluded that the stream valley trail along Back Branch could be implemented as a hiker/equestrian trail, with no paved component being required. Figure 3 of the master plan shows the recommended clearing for equestrian trails.

Due to liability concerns, no recommendations are made regarding the implementation of the trail running the length of the PEPCO right-of-way. However, the trail crossings of the PEPCO right-of-way shown on the submitted plans appear to be acceptable, per the approval of PEPCO.

The type of trail/bikeway implemented along Ritchie-Marlboro Road depends upon the road cross section required by DPW&T. If a closed section road is required, an eight-foot-wide side path should be constructed along the subject site's entire frontage. This trail would be behind the curb and preferably separated from the curb and roadway by a landscaped or grass strip. If an open section roadway is required by DPW&T, wide asphalt shoulders are recommended along the subject site's frontage to safely accommodate bicycle traffic. These shoulders should be seven to ten feet in width, and be constructed in conjunction with the placement of standard bikeway signage.

The construction of the master plan trail north of Cabin Branch will also be required, per the master plan. This trail will link the community shown to the north of Cabin Branch with the stream valley trail and the planned trails to the south. The trail should be a minimum of eight feet in width and made of asphalt. The exact location of the trail can be determined at the time of detailed site plan.

The proposed equestrian trail network south of Cabin Branch is comprehensive, utilizes available open space and greenways, and links to all portions of the development south of Cabin Branch. All trails should be constructed according to the latest DPR standards and guidelines or the trail cross sections indicated in Figure 3 of the master plan. All trails should

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be designed for two-way travel. Staff recommends that the trails network be expanded to the north of Cabin Branch as well. This can be partially accomplished through the implementation of the master plan trail mentioned above. Additional equestrian trails should be implemented through the extensive open space being preserved. In addition to expanding the overall trail network on the site, the trails will also help to better integrate the northern portion of the subject property with the rest of the development and will provide additional recreational opportunities for those residents.

The applicant has had extensive discussions with the equestrian community regarding the type and layout of facilities and the network of trails to be completed. This has resulted in a comprehensive network of trails, with the provision of the master plan trails noted above. Additional trail connections may be required at the time of DSP. A complete analysis of the trail network (including multiuse master plan trails, equestrian trails, bikeways, and sidewalks) will be made at the time of detailed site plan. Trail widths and surface types should be indicated on that plan. Trails should conform to the latest DPR standards or the trail cross sections shown on Figure 3 of the master plan.

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

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

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

The applicant presented staff with a traffic study that was prepared in July 2004. The study, with input from staff, identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/delay)	(LOS/CLV/delay)
Ritchie Marlboro Road/Ramp to/from SB I-95	A/2.6 secs.	A/4.3 secs.
Ritchie Marlboro Road/Ramp to/from NB I-95	A/4.5 secs.	A/2.4 secs.
Ritchie Marlboro Road/White House Road	B/1029	A/800
Ritchie Marlboro Road/Old Marlboro Pike	/1096	B/1087
Old Marlboro Pike–Westphalia Rd/MD 4	D/1425	E/1554
** Ritchie Marlboro Road/Brown Road	E/46.8	C/17.4
** Ritchie Marlboro Road/Westphalia Road	C/18.6	C/15.8
** Ritchie Marlboro Road/Brooke Lane	C/24.9	C/15.5
**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.		

The traffic study identified 27 background developments that collectively would have an impact on one or all of the above-mentioned intersections. In the analysis of background traffic, the traffic study assumed a growth factor of two percent annually from 2004 through 2010 for traffic along the MD corridor. A one percent annual rate was applied over a similar period for all other movements. The analysis of the impact of these background developments revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/delay)	(LOS/CLV/delay)
Ritchie Marlboro Road/Ramp to/from SB I-95	A/2.9 secs.	A/5.0 secs.
Ritchie Marlboro Road/Ramp to/from NB I-95	A/4.9 secs.	A/2.4 secs.
Ritchie Marlboro Road/White House Road	B/1143	A/889
Ritchie Marlboro Road/Old Marlboro Pike	C/1204	C/1239
Old Marlboro Pike–Westphalia Rd / MD 4	F/1666	F/1948
** Ritchie Marlboro Road/Brown Road	E/104.8	D/30.2
** Ritchie Marlboro Road/Westphalia Road	C/23.7	C/19.5
** Ritchie Marlboro Road/Brooke Lane	D/33.0	B/14.8
<p>**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>		

Citing trip generation rates from the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 654 single-family units and 410 townhouse units will be adding 778 (155 in; 623 out) AM peak-hour trips and 917 (596 in; 321 out) PM peak-hour trips at the time of full build-out. The preliminary plan proposes two direct access points to Ritchie Marlboro Road. The study assumed 315 single-family units will access the northern access point (site access 1), while 339 single-family units and all 410 townhouse units will utilize site access 2. In combining the site-generated traffic along with background developments, the following results were determined:



TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/delay)	(LOS/CLV/delay)
Ritchie Marlboro Road/Ramp to/from SB I-95	A/3.4secs.	A/6.8 secs.
Ritchie Marlboro Road/Ramp to/from NB I-95	A/4.8 secs.	A/2.5 secs.
Ritchie Marlboro Road/White House Road	C/1297	C/1187
Ritchie Marlboro Road/Old Marlboro Pike	C/1255	D/1361
Old Marlboro Pike—Westphalia Rd/MD 4	F/1853	F/1919
** Ritchie Marlboro Road/Brown Road	E/357.5	F/130.4
** Ritchie Marlboro Road/Westphalia Road	F/130.1	F/384.3
** Ritchie Marlboro Road/Brooke Lane	D/38.6	B/18.9
** Site Access 1	F326.3	F/90.7
** Site Access 2	F/411.0	F/106.5
**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.		

The analyses indicated that five of the intersections analyzed would operate inadequately under total traffic condition. One of those five failing intersections is the Old Marlboro Pike-Westphalia Road/MD 4 intersection. Under CR-29-1994, the Planning Board may consider the use of mitigation procedures along certain transportation corridors, including MD 4. Pursuant to this provision, the study offered a Transportation Facilities Mitigation Plan (TFMP) with the following mitigation improvements:

**MD 4/Westphalia Road Intersection**

- Construct an additional left turn lane (approximately 200 feet in length) for the northbound approach, to provide a double left, a shared through left, and a right-turn lane
- Construct an additional right turn lane (approximately 300 feet in length) for the southbound approach, to provide a double right, a through, and a left-turn lane

With the inclusion of the applicant’s TFMP improvements, the MD 4/Westphalia Road intersection would operate with a CLV/LOS of F/1610 during the AM peak hour and F/1778 during the PM peak hour. Because the projected CLV for this intersection exceeded 1,813, the TFMP must mitigate at least 100 percent of the site-generated traffic. The results of the TFMP

improvements indicated that this mathematical criterion has been met. Of the remaining unsignalized intersections, the traffic study recommended the following improvements:

#### **Ritchie Marlboro Road/Westphalia Road**

- Construct a northbound left turn lane from Ritchie Marlboro Road unto Westphalia Road.
- Conduct a traffic signal warrant study

#### **Ritchie Marlboro Road/Site Access Points**

- Construct auxiliary turn lanes to provide a left lane and a through lane on the northbound approaches to both site access 1 and site access 2.
- Construct auxiliary turn lanes to provide a right-turn lane and a through lane on the southbound approaches to both site access 1 and site access 2

#### **Ritchie Marlboro Road/Brown Road**

- Conduct a traffic signal warrant study

In closing, the traffic concluded that the development of the Clagett Property subdivision will satisfy all transportation requirements outlined in the guidelines.

#### **Other Transportation Comments**

- **Traffic Study:** Regarding the conclusions of the traffic study, staff is in general agreement with its findings. An August 31, 2004, letter (Ward to Foster) from the State Highway Administration (SHA) also reflects concurrence with the study findings.
- **Site layout and circulation:** The proposed development consists of 1,058 dwelling units, all of which will be served by two access points along Ritchie Marlboro Road. The plan shows two stub connections to the northern and western property boundaries, however, the properties to the west and north are currently undeveloped, and the timeframe for future development is currently unknown. The community immediately to the south of the subject development is called North Roblee Acres. That community consists of more than 400 dwelling units, 340 of which are served by a single access point. The North Roblee Acres subdivision has a stub street (Ashford Drive) that abuts the proposed subdivision along its southern border. Staff is recommending a connection between the proposed subdivision and the North Roblee Acres community by connecting one of its internal streets to Ashford Drive. Such a connection would be beneficial to both communities, as it would enhance traffic circulation between the communities. Without this connection, a school bus driver, police, mail delivery, emergency personnel, etc. (or any citizen) would have to drive an extra five miles along Old Marlboro Pike and Ritchie Marlboro Road to get from one community to the next.

- **Internal Street Capacity:** Given the number of units that are proposed for the subject application and the fact that many of the streets will be loaded with units on both sides, staff is recommending that some selected streets be built with a primary residential cross-section. The standard for a primary residential requires a 36-foot pavement section within a 60-foot right-of-way (DPWT STD 100.06). With 36 feet of pavement, there is sufficient pavement to support on street parking on both sides a street while maintaining two travel lanes. Within a secondary residential section (50-foot right-of-way, 26 feet of pavement,) parking on both sides of a street would reduce the road operationally to a one-lane road. While secondary residential streets (DPWT STD 100.07) are acceptable for relatively short distances (less than 1,000 feet), it would not be appropriate particularly along the “main street” corridors within a community. To that end, staff is recommending the following streets be constructed to a primary residential standard:
  - b) Street “O” from Street “A” to the PEPCO power line
  - c) Street “Y” from Street “O” to Ashford Drive (Roblee Acres)
  - d) Street “FF” from Ritchie Marlboro Road to Street “O”
- **Master Plan:** The subject property is located within the Melwood-Westphalia planning area. The approved Melwood-Westphalia Master Plan (1994) recommends A-37, a 150-foot arterial connecting MD 223 to the south, to MD 193 to the north. Because A-37 is not needed by the applicant to meet adequacy, staff will not ask for dedication, however, staff will require the applicant to support the preservation of the planned roadway corridor by adjusting the layout of the lots such that no lots are located within the location of the planned right-of-way for the proposed A-37.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the conditions, requiring improvements to the surrounding transportation network.

- \*[7] 9. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	1058 sfd	1058 sfd	1058 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	253.92	63.48	126.96
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	230.16	217.38	435.24
Total Enrollment	6169.92	5629.48	11059.17
State Rated Capacity	5384	4688	8770
Percent Capacity	114.60%	120.08%	126.10%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.

The existing fire engine service at Ritchie Fire Station, Company 37, located at 1415 Ritchie-Marlboro Road has a service travel time of 8.58 minutes, which is beyond the 5.25-minute travel time guideline.

The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 9.36 minutes, which is beyond the 6.25-minute travel time guideline. The entire subdivision is beyond the 6.25-minute travel time standard. It would take 9.36 minutes to reach the farthest point in the subdivision.

The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 7.25 minutes, which is within the 7.25-minute travel time guideline for Block K, Lots 1-6; Block M, Lots 18-20; Block R, Lots 46-51 (15 lots). All other lots are beyond. Some lots in the subdivision are within the 7.25-minute travel time, while others are beyond the limits recommended in the guidelines. It would take 9.36 minutes to reach the farthest point in the subdivision.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development (1,058 lots) is beyond the recommended response times from existing facilities that provide ambulance service. Further, the section has concluded that only 15 of these lots are within response time standards for paramedic service. This finding is based on using the existing road system and existing stations.

The staff of the HP&PFP found that the planned Melwood-Westphalia Emergency Services Facility will be the first due station that will provide ambulance and paramedic service to this development. The cost of the emergency services facility is \$1,535,000. In order to mitigate the ambulance and medic response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Melwood-Westphalia emergency services facility.

**Paramedic and Ambulance Fee**

2006 service area population/workers=16,270  
Station Cost (1,535,000/16,270)=\$94 per person  
\$94 x 3.13 planning area household size=\$294.

The subject development has 1,058 units total, of which 1,043 dwelling units are beyond response time standards for both ambulance and paramedic service. Hence, fair share=1043 lots x \$294=fee of \$306,642.

**Ambulance Only Fee**

2006 service area population/workers=16,270  
Station Cost (1,405,000/16,270)= \$86 per person  
\$ 86 x 3.13 planning area household size=\$269 per dwelling unit

The subject development has 15 dwelling units that are beyond response time standards for ambulance service only. Hence, fair share=15 lots x \$269=fee of \$4,035.

**Total fee = \$306,642 + \$4035=\$310,677**

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department, in a memorandum dated January 16, 2004, a copy of which is attached, provided 41 comments on the removal of structures, the treatment of an abandoned septic tank, well, fuel storage tank, and the removal of domestic trash and other debris on the site. The applicant has been fully informed about the requirements of the Health Department has agreed to fulfill the requirements.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #21383-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic Preservation**—As previously noted, this site was once part of the large landholdings of the Clagett family and includes the historic farms known as Keokuk and Ingleside. The Clagetts operated these farms during the nineteenth and twentieth centuries. The house at Keokuk is a multiperiod frame farmhouse that dates from the early nineteenth century, with a possibly earlier section. Thomas Clagett of Weston purchased the property in 1869 for his grandson, Thomas Clagett of Iowa. It has remained the home and farm of his descendants since that time.

The house at Ingleside is a handsome Victorian farmhouse with Italianate and Eastlake detail. This was part of the property acquired by Thomas Clagett in 1869, and the handsome house was built for another of his grandsons, Charles Thomas Clagett circa 1880.

Although this property is not subject to the Prince George's County Historic Preservation Ordinance (through Council action on the Melwood-Westphalia Master Plan), the houses at Keokuk and Ingleside are important historic buildings and are to be preserved as part of the subdivision. It is clearly indicated on the plan that the Ingleside house is to be retained; however, there is no such indication in the case of the Keokuk house.

On the immediate grounds of the Keokuk house is a small outbuilding in good condition, known to the Clagett family as a slave quarter. The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as evidence of the presence of Native American peoples, must be considered in the review of development applications and that potential means for

preservation of these resources should be considered. In addition, oral history strongly suggests the possibility of one or more cemeteries located on the larger property. In addition, the small outbuilding, known as the slave quarter, on the grounds of the Keokuk house should be professionally examined. If it proves to be an antebellum structure, and very likely a building that served as a dwelling for members of the Keokuk slave force, it should be carefully preserved.

The applicant has submitted a Phase IA archeological assessment that identifies three potential survey areas, supporting the contention that areas of Native American interest, slave quarters, and burials exist on this site. Staff concurs with the recommendation and design plan contained in the study for further field-testing in the three identified survey areas.

15. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be included on the final plat.
16. **Prior Approvals**—Conceptual Site Plan CSP-03005 was approved by the Planning Board on July 8, 2004, (Resolution PGCPG No. 04-161 was adopted on July 22, 2004) subject to 13 conditions. The subject preliminary plan of subdivision presents a site layout, lotting pattern and road configuration generally in conformance with the approved conceptual site plan. Of the 13 conditions attached to the approval of CSP-03005, Condition 3 is specifically applicable to the review of this preliminary plan of subdivision and was discussed in detail in the environmental section of this report. Other relevant conditions are:
  7. **The land to be conveyed to a homeowners association shall be subject to the applicable conditions below:**
    - a. **Conveyance shall take place prior to the issuance of any building permits.**
    - b. **A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.**
    - c. **All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.**
    - d. **The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.**
    - e. **Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial**

**guarantee shall be required to warrant restoration, repair or improvements required by the approval process.**

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.**
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.**
  - h. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.**
  - i. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.**
- 8. The land to be conveyed to the Department of Park and Recreation (DPR) shall be subject to the following conditions:**
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC assessment supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.**
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.**
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.**



- e. **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
  - f. **All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.**
  - g. **No stormwater management facilities or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.**
9. **The conceptual site plan is subject to the Department of Parks and Recreation's conditions as follows:**
- a. **The subdivider, his successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.**
  - b. **The applicant shall construct a 10-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch as shown on attached Exhibit "A."**
  - c. **The applicant shall construct six-foot-wide asphalt trail connectors from the neighborhoods to the stream valley trail system along Cabin Branch and Back Branch Stream Valleys as shown on attached DPR Exhibit "A."**
  - d. **Prior to submission of the first detailed site plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master-planned trails along the Cabin Branch and Back Branch Stream Valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.**
  - e. **Submission of three original, executed recreational facilities agreements (RFA) for trail construction to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.**

- f. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.**
  - g. The location of the trail shall be staked in the field and approved by DPR prior to construction.**
  - h. The applicant, his heirs, successors, and/or assignees shall construct the trail in phase with development. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 529th residential building permit, a ten-foot-wide, asphalt hiker/biker trail along Cabin Branch and Back Branch shall be completed. A six-foot-wide feeder trail shall be constructed in phase with development.**
  - i. With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.**
  - j. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**
  - k. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.**
  - l. The applicant shall enter into an agreement with PEPCO for public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.**
  - m. If Commission trails are used by for-profit equestrian operations, an agreement shall be reached between the Commission and the equestrian operator before for-profit operations are conducted on public parkland. Further, at a minimum, the agreement shall include provisions that require the equestrian operator to provide insurance with coverage limits as specified by the Commission and name the Commission as an additional insured; indemnify and hold harmless the Commission; perform all construction and maintenance functions for the trails; and to allow for public use of the trails.**
- 11. All subsequent plan submittals for this property shall reflect the location of the unmitigated 65 dBA Ldn noise contour on the plans. Subsequent plan submittals shall not show any residential lots within the unmitigated 65 dBA Ldn noise contour unless a Phase II noise study is included with the submittal and all interior and exterior noise impacts are mitigated so as not to exceed the State of Maryland noise**

**standards. All mitigation measures shall be shown on future preliminary plans of subdivision and associated tree conservation plans.**

Comment: These conditions are carried forward in the staff recommendation.

***Landscape Manual***

The site is subject to Section 4.1, Residential Requirements, of the *Landscape Manual*. The site's conformance with Section 4.1 will be addressed at time of detailed site plan review. A PEPCO easement runs northeast to southwest through the subject property. Therefore, the site is subject to Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. The PEPCO easement is defined as a medium impact use by the *Landscape Manual*. A Type C bufferyard is required on both sides of the PEPCO easement at the localities that are adjacent to the proposed single-family lots. Given the size of the subject site, the 30-foot-wide Type C bufferyard should be retained outside of each individual lot.

\*17. **Reconsideration Hearing**—There were two existing farmhouses which were to be retained at the time of approval of this preliminary plan of subdivision. On July 25, 2019, the Planning Board heard the applicant's request for reconsideration of the preliminary plan of subdivision, including the deletion of three conditions of approval, which required retention of the farmhouses known as Keokuk and Ingleside.

The Cabin at Keokuk was believed to be the quarters of enslaved persons, but was determined through archeological investigations to date to the twentieth century, most likely never having been used as slave quarters. Due to poor condition, the Cabin at Keokuk was demolished. The Keokuk house is existing, but is in extremely poor condition. Ingleside, an 1880s farmhouse, burned down during restoration efforts. Both Keokuk and Ingleside were removed from the Historic Sites and Districts Plan in 1994.

The Planning Board approved the reconsideration, including deletion of three conditions of approval, regarding retention of the Keokuk and Ingleside farmhouses. Given the completed archeological investigations and impossibility of restoration, the reconsideration will allow the applicant to redevelop each of these sites with a single-family detached dwelling.

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.

\* \* \* \* \*

\*Denotes Amendment  
Underlining indicates new language  
[Brackets] and ~~strikethrough~~ indicate deleted language

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 28, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of December 2004.

\*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Hewlett voting in favor of the motion, with Commissioner Bailey opposing the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 25, 2019, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 12th day of September 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:AT:gh

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language