

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on April 1, 2004, regarding Specific Design Plan SDP-9804/02 for The Preserve, Glassford Village South Addition, the Planning Board finds:

1. **Request:** This revision to Specific Design Plan SDP-9804/02 for Glassford Village South Addition is for the addition of 24 single-family detached homes, the resubdivision of 5 lots, and the relocation of the proposed tennis courts and associated parking facility. The specific design plan includes a site plan, a tree conservation plan, a landscape plan, and detail sheets. Architecture is not being reviewed with this application, as Specific Design Plan SDP-0202, the umbrella application for architectural elevations, has already been approved for the overall development known as the Preserve.

2. **Development Data Summary**

	EXISTING	PROPOSED
	R-L	R-L
Zone(s)		
Use(s)	Single-family detached	Single-family detached
Acreage	12.63 acres	12.63 acres
Lots	5	29
Square Footage/GFA	0	N/A
Dwelling Units:		
Attached	0	0
Detached	0	29
Multifamily	0	0

Other Development Data

Minimum Lot Area Required	6,000 sq. ft.
Minimum Lot Area Proposed	6,000 sq. ft.
Parking Required	
29 units x 2 spaces	58 spaces
Recreational (4 tennis courts)	<u>16 spaces</u>
TOTAL REQUIRED	74 spaces
Parking Provided	77 spaces
Handicap Spaces Required	1 space

Handicap Spaces Provided

2 space

3. **Location:** This specific design plan (SDP-9804/02) for Glassford Village South Addition is located in Planning Area 84, south of Floral Park Road near its intersection with Livingston Road.
4. **Surroundings and Use:** The subject 12.63 acres are surrounded by the existing platted lots for Glassford Village South and the proposed golf course.
5. **Previous Approvals:** On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the master plan and the sectional map amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870), known as Villages at Piscataway, rezoned 858.7 acres in the R-A Zone to the R-L Zone (Residential-Low Development, 1.0 to 1.5 du/acre) and 19.98 acres to the L-A-C Zone (Local Activity Center—Village Center). The basic plan was approved with 39 conditions and 11 considerations. The base residential density of the R-L Zone was approved as 818 dwelling units; the maximum residential density in the R-L Zone was approved as 1,000 dwelling units.

On March 24, 1994, the Prince George's County Planning Board reviewed and approved a comprehensive design plan (CDP-9306) for the subject property known as Villages at Piscataway, as described in PGCPB No. 94-98(C). The comprehensive design plan (CDP) was approved with 36 conditions. The CDP included the entire 878.7 acres of land zoned R-L and L-A-C to be developed as a village community with a golf course component. The CDP approved 202 single-family detached units and 64 single-family attached units in Glassford Villages, the area of the subject application.

On June 23, 1994, the Prince George's County Planning Board reviewed and approved a master preliminary plan of subdivision (4-94017), Villages at Piscataway, for the entire acreage of the site, as described in PGCPB No. 94-213. The master preliminary plan of subdivision was approved with 20 conditions. This preliminary plan subsequently expired.

On November 14, 1996, the Prince George's County Planning Board reviewed and approved a detailed preliminary plan of subdivision (4-96047) for Villages at Piscataway, Glassford Villages, for approximately 74 acres of the site, as described in PGCPB No. 96-301. The preliminary plan of subdivision was approved with 15 conditions. The preliminary plan approved 195 single-family detached units and 46 single-family attached units in Glassford Villages. This preliminary plan has subsequently expired.

On February 4, 1999, the Prince George's County Planning Board reviewed and approved a specific design plan for infrastructure, SDP-9804, for the subject property, based on the previously approved preliminary plan 4-96047. The specific design plan was approved for 176 single-family

detached homes and included a substantial amount of detail. At that time no architecture was approved for the site.

The applicant requested a reconsideration of the specific design plan for infrastructure, SDP-9804, for Greens at Piscataway, Glassford Villages North and South, on December 6, 2001. The Planning Board, at the December 20, 2001, public hearing, approved a waiver of the rules and granted the request to reconsider its action contained in Planning Board Resolution No. 99-31 on SDP-9804. The Planning Board found that the original Condition 4, requiring a security and maintenance agreement, was an error in that it was not an appropriate tool to ensure the continued maintenance and security of the historic site, and that the original Condition 18, requiring a Recreational Facilities Agreement for the Edelen Swim Center, was an error in that the timing of the agreement was inappropriate to ensure the construction and completion of the recreational facility, and agreed that Conditions 4 and 18 should be amended.

The final plats of subdivision were reviewed and approved for the subject property on January 10, 2002. On January 16, 2003 the Planning Board approved a revision to the specific design plan, SDP-9804/01. On June 17, 2003, the Planning Board approved preliminary plan 4-03027 for The Preserve for 836 dwelling units, which includes the area that is the subject of this application.

COMPLIANCE WITH EVALUATION CRITERIA

6. **Basic Plan Conformance:** The Specific Design Plan for Glassford Villages, North and South, as modified by the conditions, will be in conformance with the basic plan for zoning map amendments A-9869 and A-9870 and with the 39 conditions and 11 considerations of CR-60-1993. Specific conditions that warrant discussion regarding conformance of this specific design plan, SDP-9804/02, with the basic plan are considered below:

4. **Phase I archeological survey with possible Phase II and Phase III follow-up shall be undertaken prior to any groundbreaking activity in the vicinity of the old village including the area of road construction. The boundaries of the area needing archeological survey can be set at time of CDP approval.**

In the review of the comprehensive design plan by the Planning Board, the following condition was adopted in order to assure that the basic plan condition above was adhered to:

4. **Prior to approval of any grading permit for the golf course, for the construction of New Piscataway Road, or for any development north and west of New Piscataway Road within the boundaries of the Comprehensive Design Plan, the following shall be accomplished:**
 - a. **The applicant, his heirs, successors and/or assigns, shall complete the Phase I archeological survey for the entire archeological survey area.**
 - b. **The Phase I archeological survey shall be reviewed and accepted by**

staff of the Historic Preservation Section.

- c. **The exact boundaries of any areas where Phase II and Phase III surveys will be required will be mapped and agreed upon by the applicant and the Historic Preservation Section.**

Prior to any grading permits for any area where a Phase II or Phase III archeological survey is agreed upon, that survey shall be completed by the applicant, his heirs, successors and/or assigns, and shall be reviewed and accepted by staff of the Historic Preservation Section.

Comment: The Comprehensive Design Plan delineated the boundary of the archeology study as the area north and west of the originally proposed Piscataway Road alignment. The delineation was agreed upon by the staff and the applicant and was considered significant because it was the area closest to the Historic Piscataway Village. The original application for the development of Glassford Village identified site 18PR470A for a Phase II investigation. It appears that a Phase III investigation was not required by either the Planning Board or the Maryland Historic Trust for that area, which has now been graded. The subject application does not include any sites where the need for a Phase II study was identified.

29. **The developer, his successors and/or assignees, shall work with community representatives and M-NCPPC staff to find a suitable organization to accept responsibility for preserving and protecting the Edelen House (Bailey Mansion).**

Comment: M-NCPPC declined to accept ownership of the Edelen House. At the time of the CDP, a tentative agreement was reached between the Department of Parks and Recreation, the Historic Preservation Section, and the developer to sell a 3.2-acre tract of land containing the historic Edelen House to a private party who intended to preserve the property and restore it for use as a residence/bed and breakfast. There is a clear rational nexus between requiring the applicant to provide a public benefit feature, i.e., the preservation and restoration of a designated Historic Site, relative to the benefit of deriving density from the site. The applicant has agreed to provide a report of the structural integrity of the house, including any hazardous materials within the structure, to determine how monies should be spent in making the property an attractive real estate investment for reuse. The HPC and the staff recommended the following condition to address this concern, and the Planning Board adopted the condition in the review of the original SDP 9804:

8. **Prior to the release of the 129th building permit for Glassford Villages, the developer shall provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.**

Comment: This condition will continue to apply and is included in the Recommendation section of this report. Further, on this same subject is the following condition of the Preliminary Plan of Subdivision:

- 45. Prior to the submittal of the 177th residential building permit for the development or 12 months from the date of the Planning Board's adoption of this preliminary plan, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.**

Comment: This condition must be fulfilled prior to the submittal of the 177th building permit or by June 17, 2004. This condition is included in the staff Recommendation section of this report.

- 36. A contribution shall be made to the Historic Piscataway Preservation Grant and Loan Fund, which shall be used for the preservation of buildings in the Village. At the time of each residential permit issuance, the applicant shall contribute \$400 to the fund.**

Comment: This condition is reiterated in this SDP in order to ensure the collection of the contribution at the time of review of the building permits.

BASIC PLAN CONSIDERATIONS

- 4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded area in the southern portion of the site.**

Comment: The approved Type I Tree Conservation Plan, TCPI/09/94-02, proposes woodland conservation of 272.88 acres. This is the equivalent of 35 percent of the net tract. All required woodland conservation must be met on-site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I Tree Conservation Plan does not allow woodland conservation areas on lots less than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement. The approved TCPI/09/94-02 shows the preservation of a large contiguous woodland along the stream system in the southern portion of the property. This woodland extends from Livingston Road on the west and continues east for more than one mile almost to Danville Road.

- 11. As part of the CDP submittal, the applicant shall evaluate potential stability problems associated with the Marlboro Clay and other marine clay formations which outcrop along the stream valley system.**

Comment: The following condition of approval on the SDP-9804/01, addressed this issue:

14. The following note shall be placed prominently on all grading and sediment control plans:

A geotechnical engineer must be present on the site to monitor roadway construction, excavated footings, and grading activities for compliance with the recommendations contained on sheet 21 of 21 of the Specific Design Plan.

Comment: The geotechnical report information contained on sheet 21 of 21 of specific design plan SDP-9804/01 should be attached to these plans and the sediment control plans. A condition stating so has been included in the Recommendation section of this report.

7. **Comprehensive Design Plan Conformance:** This revision to the specific design plan was reviewed for conformance with the approved comprehensive design plan, CDP-9306. Specific conditions that warrant discussion regarding conformance (besides those conditions previously discussed relative to the basic plan conditions) are considered below:

9. A 100-year floodplain study or studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.

Comment: There is no floodplain on this site. However, the applicant has submitted evidence that the Department of Environmental Resources approved a 100-year floodplain study (FPS-960029) for the entire property.

10. A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.

Comment: A floodplain study has been approved by the Prince George's County Department of Environmental Resources. The approved 100-year floodplain is shown on the plans. No further action is required.

13. Prior to submittal of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall field locate the specimen trees specified by the Natural Resources Division.

Comment: All specimen trees are shown on the Type II Tree Conservation Plan. This condition has been fulfilled.

- 14. Prior to submission of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall confer with the Natural Resources Division regarding appropriate wildlife management measures to be employed in the portion of the development which is the subject of that Specific Design Plan.**

Comment: During the review and approval of SDP-9804 it was determined that this section of the overall project did not contain areas where wildlife management was a significant issue. No further action is required.

- 26. Prior to certificate approval, the following additional standards and requirements shall be added to the CDP text or plans:**

- c. A master street tree planting framework shall be provided which specifies a street tree type and typical tree spacing for each street in the villages and in Danville Estates.**

Comment: The Master Plan of Street Trees indicates the use of a variety of shade trees within the public right-of-way. This specific design plan correctly reflects the approved Master Plan of Street Trees. The sizes are proposed at 2½- to 3-inch caliper. The average distance between street trees is 35 feet on center. The staff recommends that the Planning Board adopt a condition requesting that DPW&T approve street trees in accordance with the Master Plan of Street Trees.

- 8. Preliminary Plan Conformance:** The property is the subject of Preliminary Plan 4-03027, PGCPB Resolution No. 03-122, adopted by the Planning Board on June 17, 2002. The preliminary plan remains valid for six years from the date of the Planning Board's adoption of the resolution, or until June 17, 2008, in this case. The preliminary plan was approved with 47 conditions. The following conditions that have not been discussed elsewhere in this report apply to the review of this SDP.

Condition 6. An errant golf ball study shall be submitted at the time the specific design plan review for land adjacent to the golf course.

Comment: This condition requires an errant golf ball study to be submitted with any SDP for land adjacent to the golf course. The applicant has submitted the errant shot study and has provided a worksheet drawing that overlays the evidence provided by the golf course designer, William Love, RLA. This drawing shows a circle representing the radius of where most errant shots will fall. The landscaping has been carefully placed adjacent to the edge of the circle radius along the rear lot lines to provide a buffer in those areas where an errant ball might fall, as shown on the errant shot study. This issue will be further studied at the time of review of the SDP for the golf course.

Condition 8. The following items shall be addressed prior to the approval of the SDP that includes the following:

- i. **To evaluate the necessity of a revision for the existing RFA for the relocated tennis courts, previously associated with Glassford Village South. Subsequent final plats shall carry a note addressing the revised or new RFA, if one is required.**

Comment: The existing RFA does not appear to require a revision at this time as the proposed recreational facilities have not changed, they are simply being relocated.

19. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the record plat:**

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

Comment: The conservation easements and notes are on the plats that are affected by conservation easements; however, none of the properties within this application are affected by conservation easements.

Condition 41. The Specific Design Plan shall address specific issues of circulation and access raised by the Planning Department staff and DPW&T and shall review for consideration the following:

- a. **Revise the right-of-way width to reflect a transition at the 90-degree turns to a 60-foot maximum right-of-way and a 36-foot paved section, subject to approval of the design by DPW&T, at the following locations:**

- (1) **Road D, Road X, and Road Z**

Comment: Road Z is part of the subject application and does have a 90-degree turn. The applicant has been working with DPW&T to design the 90-degree turn in accordance with their guidelines. The staff recommends that the applicant provide evidence of the DPW&T concurrence with the plan as proposed prior to signature approval.

REFERRAL RESPONSES

9. The Public Facilities Planning Section has reviewed the original specific design plan for adequacy of public facilities and concluded the following:

Fire and Paramedic Service

The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 5.92 minutes, which is beyond the 5.25-minute response time guideline.

The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 5.92 minutes, which is within the 6.25-minute response time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service response time of 7.25 minutes. Block Mm Lots 1-12, Block A, Lots 1-4, Block B, Lots 1-5 and 14-17, and Block C, Lots 1-6, are within the 7.25-minute response time guideline. All other lots are beyond the 7.25-minute response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

The existing paramedic service located at Allentown Road Fire Station, Company 47, is beyond the recommended travel time guideline to service a portion of the subject development. The nearest fire station, Accokeek, Company 24, is located at 16111 Livingston Road, which is 5.92 minutes from the development. This facility would be within the recommended response time for paramedic service.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire/EMS Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

Police Services

The proposed development is within the service area of District V-Clinton. The staff of the Historic Preservation and Public Facilities Section have concluded that the existing police facilities will be adequate to serve the residential development.

Public Schools

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between 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 unit for all other buildings.

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

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

10. The Transportation Planning Section reviewed the proposed Specific Design Plan and made the following comments:

“Regarding the SDP revision that we discussed earlier today, the SDP seeks approval of 29 lots where 5 lots were shown on the previous SDP, for a net gain of 24 lots. These lots were reviewed during the review of Preliminary Plan of Subdivision 4-03027. This application encompassed the subject lots within Glassford Village plus the remainder of the Preserve at Piscataway project outside of Glassford Village. When that plan was approved less than a year ago, several findings were made:

- “a. The site was previously approved in 1994 for 1,140 residences. The total of the previously approved Glassford portion of the site and preliminary plan 4-03027 is 1,010 residences. Therefore, the most recent subdivision did not represent an increase in development over the development quantity previously approved, although within the area of the current SDP there is a net gain of lots.
- “b. The Planning Board determined that prior conditions approved in 1994 and needed to address adequacy considerations should be carried forward, and that significant transportation changes had not occurred that would have resulted in different assumptions and new findings.
- “c. The construction of 1,140 residences and 45,000 square feet of office/retail space within the Preserve at Piscataway (formerly known as the Villages at Piscataway and/or the Greens at Piscataway) had been assumed in all recent traffic impact studies in the area. As noted under the first determination above, it appears that the entire Preserve at Piscataway site will yield slightly fewer residences and about half of the commercial space than was previously assumed.
- “d. In recognition that there was a prior subdivision for this site and that the development for the subject property remains less than or unchanged from the prior subdivision, it was found that the subject application would generate no net trips relative to prior applications for the site. Consequently, there would be no net impact on the critical intersections in the area as identified during the review of preliminary plan 4-94017, the original subdivision for the overall project.

“As noted previously, the subject property is part of a larger project which has roadway improvements currently under construction in the area pursuant to a finding of adequate public facilities made in 1994 for Preliminary Plan of Subdivision 4-94017 and reiterated in 2003 for Preliminary Plan of Subdivision 4-03027. Insofar as the basis for those findings remains valid, and in consideration of the material discussed above, the transportation staff finds that the subject property would be adequately served within a reasonable period of time with transportation

facilities which are existing, programmed, or which will be provided as a part of the development if the development is approved.”

At the Planning Board hearing the applicant requested that the Planning Board consider the revision of proposed Condition 1 to change the requirement for the completion of MD 223 from the 177th to the 186th building permit. The Planning Board consulted the Transportation Planning Section regarding the applicant’s proposal. It was determined that the review of the previously approved Specific Design Plan SDP-9801/01 included the following finding, as stated in PGCPB No. 02-254:

“To summarize, the Transportation Planning Division found that the subject application does conform to the approved subdivision plans, the approved Comprehensive Design Plan, and the approved Basic Plan from the standpoint of transportation. Furthermore, the transportation staff finds that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities or with transportation facilities to be provided as a part of the subject development. While the bonding and staging of most off-site transportation facilities is well-defined in previous approvals, this finding is conditional on the staging of New Piscataway Road as follows:

- The initial half-section of Piscataway Road extended (otherwise known as A-54, the relocation of MD 223 through the subject property) shall be open to traffic between Livingston Road and existing MD 223 at Floral Park Road prior to the issuance of the 200th residential building permit within the subject property.

“The Planning Board expressed concern over the delay of the construction of Piscataway Road. Their final action reduced the number of residential building permits from 200 to 177, as was stated by the applicant as an equally acceptable number, in letter dated May 23, 2002, Gingles to Lareuse.”

The Transportation Planning Section testified that additional analysis was not necessary, that the previous finding of the staff continued to be valid. The Planning Board concluded that the applicant’s request was reasonable and granted the revised language as requested.

11. The Environmental Planning Section recommends approval of SDP-9804/02 and TCPII/98/99-01 subject to conditions.

This specific design plan for the Greens at Piscataway, Glassford Village South, is located in Planning Area 84, primarily south of Floral Park Road near its intersection with Livingston Road. Glassford Village South is located south of future Piscataway Road near its intersection with Livingston Road. According to current air photos about 18 percent of the site is wooded. Floral Park Road and Piscataway Road are designated historic roads. There are no nearby noise sources. The proposed use is not expected to be a noise generator. There are streams, wetlands and 100-year floodplain located on-site associated with Piscataway Creek in the Potomac River watershed. No species listed by the State of Maryland as rare, threatened or endangered are

known to occur in the general region. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Beltsville, Bibb, Othello, and Sassafras series. Marlboro Clay is known to occur on the site. The site is in the Developing Tier according to the General Plan.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland; therefore, a Tree Conservation Plan is required.

A Forest Stand Delineation was approved with CDP-9306. A revised Forest Stand Delineation was approved with 4-94017. A Type I Tree Conservation Plan (TCPI/9/94) was approved with CDP-9306. A revision to the Type I Tree Conservation Plan (TCPI/9/94-01) was approved with 4-94017. A revision to the Type I Tree Conservation Plan (TCPI/9/94-02) was approved with 4-03027. The approved Type I Tree Conservation Plan, TCPI/09/94-02, proposes woodland conservation of 272.88 acres. This is the equivalent of 35 percent of the net tract. All required woodland conservation must be met on-site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I Tree Conservation Plan does not allow woodland conservation areas on lots less than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/98/98) was approved with SDP-9804. A revised Type II Tree Conservation Plan (TCPII/98/98-01) was approved with SDP-9804/01. The Type II Tree Conservation Plan (TCPII/98/98) includes a tracking chart. The tracking chart includes two additional approved Type II Tree Conservation Plans. TCPII/99/98 was approved with SDP-9805 for Twin Entry Ponds, Greens at Piscataway, and TCPII/100/98 was approved with SDP-9806 for Piscataway Road Right-of-Way and Bailey Pond.

TCPII/98/98-02 contains a chart indicating species, diameter, and general vigor for 12 specimen trees and an indication if they are to be saved or removed. Trees #3 (pin oak), #4 (willow oak), and #5 (willow oak) are located in a proposed woodland conservation area with the closest disturbance at least 30 feet away from a trunk. This is adequate protection because most of the critical root zones of these trees will remain undisturbed. Trees #114 (sycamore) and #116 (willow oak), proposed to be removed, grew in open fields. The critical root zone of any field-grown tree is typically greater than the area contained within the drip line. Neither approaches the current County Champion in size. Tree #125 (willow oak) and tree #126 (sycamore) are proposed to be saved within a homeowners' open space. The approved TCP shows only fencing at the limit of the drip line as protection. Because grading will occur very close to each of the trunks, root pruning should be used prior to any grading which creates a cut; care should be taken to avoid compacting any fill in the critical root zone. About one foot of cut is proposed in the vicinity of tree #115 (willow oak). Once again, root pruning should be used as shown on the approved TCPII.

TCPII/98/98-02 differs from TCPII/98/98-01 because it includes an additional 7.25 acres to accommodate the lots approved by 4-03027. The change in acreage does not affect any other Type II Tree Conservation Plan because the golf course does not yet have an approved Type II

Tree Conservation Plan. The Environmental Planning Section recommends approval of TCPII/98/99-02

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The preservation of on-site streams, wetlands and 100-year floodplain has been reviewed during prior applications. During the review of 4-96047, variation requests for impacts to wetlands and wetland buffers were granted. During the review of 4-03027, additional variation requests for impacts to wetlands and wetland buffers were granted. The applicant has obtained wetlands permits CENAB-OP-RMS (Villages at Piscataway) 95-63445-7 from the US Army Corps of Engineers and 95-NT-0129/199563445 from the Maryland Department of the Environment. The proposed changes to SDP-9804/01 do not impact any additional areas of streams, wetlands or their associated buffers. No further action is required.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Beltsville, Bibb, Othello, and Sassafras series. The Department of Environmental Resources may require a soil study at the time of building permit. This information is provided for the applicant's information only.

12. The plan conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.
13. The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development, as demonstrated in Findings 10 and 11 above..
14. Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.
15. The conditions of approval of SDP-9804/01 also apply to the subject application and as proposed Conditions 1–6(d) and (e) and Conditions 7–13 have been incorporated into the Recommendation section of this report as appropriate.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/98/98-02), and further APPROVED Specific Design Plan SDP-9804/02 for the above-described land, subject to the following conditions:

1. The initial half-section of Piscataway Road extended (otherwise known as A-54, the relocation of MD 223 through the subject property) shall be open to traffic between Livingston Road and existing MD 223 to Floral Park Road prior to the issuance of the 186th residential building permit within the subject property.
2. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House (the "property.") Applicant shall work with the Historic Preservation staff to

ascertain methods of informing prospective purchasers and tenants of the availability of the property.

3. The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.
 - a. Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.
 - b. Maintenance of “No Trespassing” signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.
 - c. Provide an updated inspection report by a qualified professional of the current condition of the property (inclusive of the roof, walls, chimneys, windows, doors and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to preserve the integrity of the physical features.
 - d. Provide routine maintenance of utilities inclusive of heating, plumbing and electrical systems.
 - e. The applicant shall provide evidence of maintenance fire insurance on the house.
 - f. Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.

The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the historic site is restored or adaptively reused.

4. Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund.
5. Prior to signature approval, the applicant shall submit evidence that the following has been completed:
 - a. The language of the purposes clause of the Articles of Incorporation of the Piscataway Preservation Corporation (part c, page 2) shall be revised to more effectively prioritize the use of grant and loan funds for improvements to existing historic structures within the

historic village of Piscataway. Revised language shall read as follows:

- (c) Included among the charitable purposes for which the Corporation is organized, as qualified and limited by subparagraphs (a) and (b) of the Article THIRD are the following: administration of funds received for the purposes of beginning the restoration and preservation of the historic village of Piscataway. The funds shall be utilized in a variety of ways, including, but not limited to the construction of public improvements along Floral Park Road and throughout historic Piscataway; however, significant consideration shall be given in the administration of the fund to preserving historic structures and priority shall be given to the provision of low-cost loans and small grants for the preservation of historic buildings within the village.
 - b. As appropriate, the articles of incorporation and/or by-laws of the Piscataway Preservation Corporation shall be revised to more specifically reference the boundaries of the historic village of Piscataway in a manner consistent with prior Planning Board approvals. Specifically, the historic village of Piscataway shall be defined to include (1) all those properties with frontage on Floral Park Road between Piscataway Road and Livingston Road; and (2) the St. Mary's Church Historic Site on Piscataway Road, and to exclude the Edelen House Historic Site, which is part of the subject application.
 - c. The applicant shall demonstrate that the Piscataway Preservation Corporation has received approval of provisional nonprofit 501(c)(3) status from the Internal Revenue Service, if relevant.
- 6. Prior to signature approval of the plan, the following modifications shall be made:
 - a. The general notes shall be revised to indicate the number of required and proposed parking spaces for the tennis courts.
 - b. The geotechnical report information contained on sheet 21 of 21 of Specific Design Plan SDP-9804/01 shall be attached to the subject plans.
 - c. The geotechnical report information contained on sheet 21 of 21 of Specific Design Plan SDP-9804/01 shall be attached to the subject plans.
 - d. At least 50 percent of the single-family detached units in the village that are 65 feet or less in width at the street line shall have a fence in the front yard. (This condition does not apply to Glassford Village North.) At least one-third of the model lots shall include this feature.
 - e. The specifications and details for the fence in the front yards shall be agreed upon by the applicant and staff and shown on the plans.
 - f. The specifications and details for the gazebo shall be shown on the plans.

7. Prior to the issuance of the first building permit for the subject application, the applicant shall demonstrate approval of the paving plans by the DPW&T and the street trees within the right-of-way shall be in general conformance to the Master Plan of Street Trees, particularly in regard to size (2 ½- to 3-inch caliper) and spacing (approximately 35 feet on center).
8. The following note shall be placed prominently on all grading and sediment control plans:

“A geotechnical engineer must be present on the site to monitor roadway construction, excavated footings, and grading activities for compliance with the recommendations contained on sheet 21 of 21 of the Specific Design Plan.”
9. The applicant, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the specific design plan, tree conservation plan, landscape plan, and plans for recreational facilities.
10. Prior to the certificate of approval, notes shall be added to indicate that all units on village lots shall be set back no more than 20 feet. Porches are allowed to encroach into the front yard.
11. The applicant, his heirs and/or successors shall demonstrate, by means of a tracking charts, that a minimum of 25 percent of the units on all of the lots shall have front porches and that 50 percent of the village lots shall have front yard fences.
12. Prior to the issuance of building permits, plans shall indicate that houses on corner lots shall front on the most heavily traveled street, where possible.
13. Prior to the submittal of the 177th residential building permit for the overall development or June 17, 2004, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court 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 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, April 1, 2004, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 29th day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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