



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

Preliminary Plan 4-04014

Application	General Data
Project Name: BROCK HILLS PRESERVE Location: West of Largo Road and north of Eaton Drive. Applicant/Address: Jerome J. Parks, Company P.O. Box 831 Annapolis, MD. 21404	Date Accepted: 03/11/04
	Planning Board Action Limit: 07/28/04
	Plan Acreage: 23.4
	Zone: R-E
	Lots: 11
	Election District: 03
	Planning Area: 79
	Tier: Developing
	Council District: 06
	Municipality: N/A
200-Scale Base Map: 205SE12	

Purpose of Application	Notice Dates								
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 01/21/04 (CB-58-2003)								
	Sign(s) Posted on Site: 06/15/04								
Staff Recommendation	Staff Reviewer: Del Balzo								
<table border="1" style="width:100%; text-align:center;"> <tr> <td>APPROVAL</td> <td>APPROVAL WITH CONDITIONS</td> <td>DISAPPROVAL</td> <td>DISCUSSION</td> </tr> <tr> <td></td> <td>X</td> <td></td> <td></td> </tr> </table>	APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION		X			
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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04014
Brock Hills Preserve, Lots 1–11

OVERVIEW

The subject property consists of approximately 23.4 acres of land in the R-E Zone. It is undeveloped, densely wooded, and characterized by severely rolling terrain. The applicant proposes to subdivide the property into 11 lots for single-family detached dwellings.

The property is at the western edge of several cul-de-sacs in Brock Hills. Access will be as follows:

Lots 1, 2 and 3	Edsall Street
Lots 4 and 5	Drew Court
Lots 6 and 7	Christian Street
Lots 8 and 9	Buck Court
Lots 10 and 11	Asher Street

Originally, the applicant proposed the use of lot size averaging, given the severe topography of the site. The proposal was for 18 lots. However, seven lots were eliminated due to environmental concerns raised by the staff. The proposal now includes only 11 lots and presents a lotting pattern that, although not completely without problems, will enable the development of the site in an environmentally sound manner.

SETTING

The property is located on the west of Largo Road (MD 202), bounded by Asher Street, Asher Court, Christian Street, and Eton Drive. It is in the rear of the Brock Hills subdivision, just north of Upper Marlboro. Single-family homes in Brock Hall abut the property to the east, M-NCPPC property is to the south, and severe slopes in the Collington Estates subdivision open space are to the west.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Vacant	Single-family homes
Acreage	23.4	23.4
Lots	0	1
Parcels	1	3
Detached Dwelling Units	0	11

2. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, and areas of severe slopes are found to occur within the limits of this application. Largo Road (MD 202) has been identified as a transportation-related noise generator that will impact portions of this site. The soils found to occur, according to the Prince George’s County Soil Survey include Sandy land, steep and Westphalia fine sandy loams, both of which have limitations that could affect the layout of this proposed development because of slopes. 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. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Western Branch watershed of the Patuxent River basin and is in the Developing Tier as reflected in the adopted General Plan.

Woodland Conservation

The detailed forest stand delineation (FSD), date stamped as received by the Environmental Planning Section on June 15, 2004, has been found to address the requirements for a detailed forest stand delineation in accordance with the Prince George’s County Woodland Conservation and Tree Preservation Technical Manual.

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, there are more than 10,000 square feet of existing woodland on-site, and there is an approved Type II Tree Conservation Plan, TCPII/39/90, that will continue to cover the entire Brock Hills development and is addressed accordingly.

This site was originally developed in the early to mid-1980s, at which time much of the area being considered by this application was subdivided into lots. The lots encompassed by this application contain Marlboro clays and unsafe slopes. Those lots were then vacated creating the parcel included in this application. After the lots were vacated, several off-site woodland conservation easements were created within the limits of this site in order for other properties in Prince George’s County to satisfy their woodland conservation requirements. One of those easements was later vacated and mitigated elsewhere because it encumbered several lots that had not been vacated. It must also be noted that the parcels that are the subject of this application are currently being used to satisfy the woodland conservation requirements for the balance of the Brock Hills Subdivision.

The Type I Tree Conservation Plan, TCPI/16/04, date stamped as received by the Environmental Planning Section on June 16, 2004, has been found to generally address the requirements of the Prince George’s County Woodland Conservation Ordinance. This 31.88-acre site in the R-E Zone has a net tract area of 30.49 acres and a woodland conservation threshold of 25 percent, or 7.62 acres. In addition, there are replacement requirements of 0.70 acre associated with the clearing of 2.78 acres of existing woodland. Because of the previously approved Type II Tree Conservation Plan, TCPII/39/90, the overall site requirement based on this proposed development will be 30.85 acres, including the 3.00 acres of woodland conservation easements currently recorded in the Land Records of Prince George’s County, Maryland.

The 30.85-acre requirement is proposed to be satisfied by 21.17 acres of on-site preservation, 3.68 acres of on-site reforestation within the limits of the overall Brock Hills site that is the subject of TCPII/39/90, and 3.00 acres of off-site mitigation at a site to be determined. In

addition, the 3.00 acres of off-site mitigation easements previously recorded in the Prince George's County Land Records for this site shall remain intact or be shall be vacated and mitigated on a 1:1 basis. The Type I Tree Conservation Plan, TCPI/16/04, is recommended for approval subject to the conditions found in the staff recommendation.

Patuxent River Primary Management Area

Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features, along with their respective buffers, make up the Patuxent River Primary Management Area or PMA. Each of the features that makes up the PMA are shown on the revised plans date stamped as received by the Environmental Planning Section on June 16, 2004. The boundary of the PMA is shown correctly with the exception of proposed Lot 4. The PMA limits for that lot extend beyond the limits reflected on the revised plans because of the severe slopes that are found on nearly the entire lot.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification was not submitted with this application. Several PMA impacts are located within the limits of this application. With the exception of one PMA impact, all the others are associated with infrastructure that was required for the construction of the existing Brock Hills development. The one impact that is not associated with the existing development is for the placement of a house on proposed Lot 4. With the exception of an area approximately 120 feet by 60 feet along the south side of Drew Court, the balance of proposed Lot 4 is within the PMA. Because of the grading necessary to place a house on this lot, it is impossible to fit a house on this lot without PMA impacts of 7,000 to 8,000 square feet. Therefore, the proposed placement of a house on Lot 4 is not in conformance with the Subdivision Ordinance, Section 24-130 (b)(5), which requires the preservation of the PMA to the fullest extent possible. Although proposed Lots 1, 5 and 6 are situated such that PMA impacts are not proposed, the house locations and conceptual grading reflected on TCPI/16/04 show that retaining walls will be used to avoid PMA impacts and that the rear and side yard areas will be severely restricted by the retaining walls and PMA. Therefore, the PMA has been preserved to the fullest extent possible on these lots.

Marlboro Clay

Marlboro clays are found to occur on this property and will impact all of the proposed lots. Development of this property is subject to Section 24-131 of the Subdivision Ordinance, which addresses development on unsafe land including areas with unstable soils such as those found on this property.

Section 24-131. Unsafe land.

- (a) The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not limited to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes.**
 - (1) When the County Soils and Geologic Map indicates that a portion of the land is unsafe, the Board may permit it to be platted as part of a lot in which there is sufficient land to erect a building within the building lines established by the zone in which the property is located, plus an additional**

twenty-five (25) foot setback between the structure and the unsafe area, which shall be indicated on the final plat with a building restriction line.

The location of the 1.5 safety factor line and the associated 25-foot setback are shown on the geotechnical report plan view, the preliminary plan of subdivision, and the TCPI. The proposed lots range in size from 40,390 square feet to 132,295 square feet and the buildable area beyond the 1.5 safety factor line generally ranges from 9,000 and 20,000 square feet. The proposed house on each of the 11 lots are shown to be located outside the 1.5 safety factor line and the associated 25-foot setback. No additional information is required with respect to the location of the Marlboro clay, the 1.5 safety factor line or the 25-foot setback from the 1.5 safety factor line at this time.

The final plat should show all 1.5 safety factor lines as building restriction lines and they should be labeled "1.5 safety factor BRL." The location of the 1.5 safety factor lines should be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat should contain an appropriate note:

Noise

This site is adjacent to Largo Road (MD 202) a transportation-related noise generator. The Environmental Planning Section noise model was used to calculate the 65 dBA Ldn noise contour along this segment of MD 202 based on the projected average daily traffic (ADT) obtained from the Maryland State Highway Administration. The projected 65 dBA Ldn noise contour extends approximately 266 feet from the centerline of existing MD 202 and will adversely impact proposed Lot 11. The location of the unmitigated and mitigated 65 dBA Ldn noise contours have been shown on the preliminary plan of subdivision and the TCPI.

Prior to the issuance of any building permits for proposed Lot 11, a professional engineer with competency in acoustical analysis will need to submit documentation to the Environmental Planning Section demonstrating that the design and construction of the building shell for proposed Lot 11 will attenuate noise to interior noise levels of 45 dBA(Ldn) or less.

Special Consideration for Proposed Lots 1, 5 and 6

Because proposed Lots 1, 5 and 6 are significantly restricted by the presence of a combination of Marlboro clay, the Patuxent River PMA, and the on-site woodland conservation being provided, the rear yard areas for these lots do not meet the 40-foot usable rear yard standard that is required in the woodland conservation policy document. In fact, proposed Lots 5 and 6 would provide less than 22 feet of usable rear yard even with the generally small house footprints and the use of retaining walls to limit the proposed grading necessary in order to develop the proposed lots. Because of the severely restricted lots, it is recommended that the conservation easements for proposed Lots 1, 5 and 6 be expanded to include all woodland conservation areas outside the PMA.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The property is in Planning Area 79/Marlboro Community. It is located 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 application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier.

The 1993 approved master plan for the Subregion VI study area recommends residential estate land use at a density of up to one dwelling unit per acre. There is a natural reserve area shown along Western Branch, which is just west of the subject property. The 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* retained the R-E Zone for the subject property. The application conforms to the 1993 Subregion VI study area master plan's principles and guidelines for land use, density, and location of land uses. The proposed development is consistent with R-E zoning and with the development pattern recommended for the Marlboro Community Living Area in the plan. Vehicular access to and from the subject property will be exclusively via Eton Drive to MD 202.

4. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Prince George's County Subdivision Regulations, Lots 1–5 and 7–11 as shown, are exempt from mandatory dedication of parkland because the lots are over one acre in size.

Because it is less than one acre in size, proposed Lot 6 is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends that a fee-in-lieu of park dedication be required.

5. **Trails**—There are no master plan trail issues affecting the subject property identified in the adopted and approved Subregion VI master plan.
6. **Transportation**—The transportation staff determined that a traffic study was not warranted given the size of the proposed development. However, a recent traffic count for the intersection of MD 202 and Eton Drive was taken in May 2004. This was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The site is 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.

Staff Analysis of Traffic Impacts

The application is a plan for a residential development of 11 single-family dwelling units. The traffic analysis was done assuming an 18-lot subdivision as originally proposed. The proposed development would generate 14 AM (3 in, 11 out) and 16 PM (10 in, 6 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed plan would primarily impact the intersection of Largo Road (MD 202) and Eton Drive, which is not signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 87.5 seconds; in the PM peak hour, a maximum average delay of 64.7 seconds.

An annual growth rate of two percent was assumed for through traffic along MD 202 and background traffic from approved, but unbuilt, developments were also included. The following background traffic conditions were determined: AM peak hour, maximum average delay of 167.4 seconds; in the PM peak hour, a maximum average delay of 108.9 seconds. With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 207.7 seconds; in the PM peak hour, a maximum average delay of 118.4.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values above "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of MD 202 (Largo Road) and Eton Drive. Therefore, the applicant should provide a traffic signal warrant study and install the signal if it is deemed warranted by the State Highway Administration.

Staff notes that there are no construction projects or project planning studies for the widening of this section of MD 202 to four lanes in the state's Consolidated Transportation Program for FY 2003-2008. It is four lanes just to the south of MD 193 (Watkins Park Drive), near Black Swan Drive. The widening of MD 202 to four lanes between Black Swan Drive and MD 725 is recommended in the Subregion VI master plan, but staff notes that the widening of MD 202 may not significantly reduce side street delays within the corridor. The installation of a new traffic signal within the study area may help to create gaps in traffic flow, enabling side street traffic to better access MD 202.

Plan Comments

The proposed residential development would be served by Eton Drive, Asher Court, and several cul-de-sac streets. Eton Drive intersects Largo Road (MD 202) and forms a four-way, unsignalized intersection serving residential development on both sides of MD 202. None of the lots should have direct access to Largo Road (MD 202).

Master Plan Comments

The 1993 Subregion VI study area master plan calls for 150 feet to 200 feet of right-of-way on E-6 (MD 202). No additional right-of-way is required. The widening and relocation of MD 202 between MD 193 and the existing Crain Highway is a need associated with later stages of development in the Upper Marlboro area. The *MD 202 Access Study* (March 1982) contains recommendations for controlling crossover spacing and the location of future access points. These recommendations were incorporated into the Subregion VI study area master plan. This application is consistent with the recommendations of the *MD 202 Access Study*.

Transportation Conclusion

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with the transportation-related conditions included in this report.

- 7. **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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	181.68	90.42	180.84
Total Enrollment	5,871.84	5,440.12	10,679.97
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.06	116.04	121.78

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. In addition, the number of dwellings has been reduced since this referral memorandum was written. The numbers that will be used in the resolution will be the ones that will apply to this project.

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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 3.74 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service Marlboro Fire Station, Company 20, has a service travel time of 3.74 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 3.74 minutes, which is within the 7.25-minute travel time guideline.

These 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*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

9. **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.
10. **Health Department**—The Health Department reviewed the application and offered no comments.
11. **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 application has been filed. Concept Plan 9341-2004-00 has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any approved revisions thereto. Approval of the stormwater management plan will not affect the lotting pattern.
12. **Cemeteries and Possible Artifacts of Historical Significance**—Although there are no known cemeteries on or adjoining the subject property, the property is close to and may be part of the antebellum landholdings of the Bowie family. Because of this, documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials or other significant archeological resources.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The Type I Tree Conservation Plan, TCPI/16/04, shall be revised as follows:
 - (1) Clearly show the limits of the existing woodland conservation easements on the plan with a distinct shading or pattern and label those areas with the appropriate liber and folio numbers referencing the respective easements as currently recorded in the Land Records of Prince George's County, Maryland, and the associated TCP numbers for which those easements were created.
 - (2) The worksheet currently labeled as "Revised TCPII/39/90" shall be correctly labeled as "Proposed Revised TCPII/39/90-05."
 - (3) The "Proposed Revised" TCPII worksheet shall reflect acreage of the existing recorded woodland conservation easements found on this site and the off-site mitigation necessary to satisfy this sites requirements.
 - (4) Add a legend to the plan that shows each of the symbols used on the plan including but not limited to the limit of disturbance and the retaining walls.
 - (5) The revised plans shall be signed and dated by the qualified professional who prepared the plans.
 - b. The preliminary plan and Type I TCP shall be revised:
 - (1) To show the correct boundary for the Patuxent River Primary Management Area (PMA) to include all the severe slopes found on proposed Lot 4.
 - (2) To eliminate proposed Lot 4 and any associated impacts.
 - c. A stormwater management concept plan shall be approved and the approval number and date shall be added to the plan.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/16/04). 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/16/04), 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. A Type II tree conservation plan shall be approved prior to the issuance of any permits on the site.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain all of the Patuxent River PMA except for areas of approved impacts. The following note shall be placed on the plat:

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

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

“Prior to the issuance of any permits that 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.”

6. The final plat shall show all 1.5 safety factor lines as building restriction lines and they 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.”

7. Prior to the issuance of any building permits for proposed Lot 11, a professional engineer with competency in acoustical analysis shall submit documentation to the Environmental Planning Section demonstrating that the design and construction of the building shell for proposed Lot 11 will attenuate noise to interior noise levels of 45 dBA(Ldn) or less.

8. All woodland conservation areas located within the limits of this application shall be shown as a conservation easement on the final plat of subdivision.

9. At the time of sale of any lot the developer and/or builder shall provide each prospective purchaser with a copy of the Type I or Type II tree conservation plan or final plat for the respective lot, whichever is the most recently approved plan. The developer and/or builder shall also obtain a written acknowledgement from the prospective purchasers that they have been provided a copy of the final plat or the tree conservation plans and that they understand that the clearing of existing woodland vegetation including the understory is prohibited without the expressed written consent of the Planning Director or designee. A copy of the acknowledgement shall be submitted to the Environmental Planning Section for inclusion in the Type II tree conservation plan file.

10. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archeological literature) for those lands determined to be subject. Prior to approval of final plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in*

Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

11. The final plat shall include a note indicating that no lot shall have direct access to MD 202.
12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Largo Road (MD 202) and Eton Drive. If a traffic signal is deemed warranted by SHA, the applicant shall bond the signal prior to the release of any building permit within the subject property, and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersections.
13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication for Lot 6.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/16/04, WITH REVISIONS.