

R E S O L U T I O N

WHEREAS, Quad Construction Corp. is the owner of a 167.70-acre parcel of land known as Forest Hills (Parcel 38), located on Tax Map 92 and Grid E-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-L; and

WHEREAS, on July 22, 2003, Quad Construction Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 116 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03071 for Forest Hills 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 January 15, 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 January 15, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to 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/64/95-01), and further APPROVED Preliminary Plan of Subdivision 4-03071, Forest Hills for Lots 1-116 and Parcels A-I with the following conditions

1. Prior to signature approval of the Preliminary Plan:
 - a. The plan shall be revised to include the correct 65 dBA Ldn noise contour, to extend from the centerline of proposed MD 202, not existing MD 202.
 - b. The plan shall be revised to combine Lots 47 and 48, Block A, into one lot. Lot 49 shall be eliminated and replaced with a Parcel for a tot lot or other similar private recreational facility.
 - c. The "Preservation Area" identified on the Preliminary Plan and the TCPI shall be correctly labeled as "PMA" on the plan and in the legend.
 - d. The plan shall be revised to show 80-foot-wide right-of-way at all access points from MD 202.
 - e. The Type I Tree Conservation Plan, TCPI/64/95-01, shall be revised as follows:
 - (1) The off-site mitigation being provided for Tippett Estates, TCPII/75/94, shall be

provided at a rate of two acres for every acre required in accordance with the Annotated Code of Maryland, for a total of 20.28 acres.

- (2) All Woodland Conservation Areas shall be removed from lots less than 20,000 square feet in size.
 - (3) Eliminate all references to "Future Woodland Conservation Mitigation Areas" from the TCPI.
 - (4) The revised plans shall be signed and dated by the qualified professional who prepared the revised plans.
2. Development shall be in conformance with Zoning Map Amendment A-9895 and Comprehensive Design Plan CDP-9901 or any approved revisions thereto.
3. A Phase II Noise Study addressing specific noise attenuation measures for proposed Lots 1-9, Block "A," and Lots 1-5, Block "F," shall be included as part of the Specific Design Plan application package.
4. No woodland conservation for other future projects shall be permitted on this site.
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/64/95-01). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/64/95-01) 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."
6. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.
7. The proposed PMA impacts shall be further evaluated and minimized to the extent possible during the review of the Specific Design Plan.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to the M-NCPPC, approximately 95 acres as shown on Department of Parks and Recreation Exhibit "A." Land to be dedicated shall be subject to the following:
 - 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 Type I Tree Conservation Plan, TCP-I 64/95-01, shall be revised in consultation with the DPR staff to remove excess woodland conservation easement areas on dedicated parkland.
 10. Prior to submission of the Specific Design Plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignments of the master plan trails along the Western Branch and of connecting trails from the development area of Forest Hill to the trail along the Western Branch. The Specific Design Plan shall upon submission reflect the alignment agreed to by DPR.
 11. The location of the trail shall be staked in the field and approved by DPR prior to construction.

12. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
 - a. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
 - b. Submission of three original, executed public Recreational Facilities Agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the RD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - c. Submission to DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
 - d. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space Parcels A, B, E, F, G and H. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of 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 storm drain 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. Storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
 - i. 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.
 - j. 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.
- 14. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the specific design plan by the Planning Board.
 - 15. Prior to the issuance of the 58th building permit, the applicant, his heirs, successors, and/or assignees shall construct the master plan stream valley trail along the subject property's entire length of Western Branch within land dedicated to the Department of Parks and Recreation (DPR), in conformance with DPR standards and guidelines, per the concurrence of DPR.
 - 16. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along MD 202. If the state declines the sign, this condition shall be void.
 - 17. If closed section roadways are used within the subdivision, standard sidewalks shall be provided along one side of all internal roads, per the concurrence of DPW&T.
 - 18. Development of this site shall be in conformance with the approved stormwater management concept plan, #8000900-1996-00, or any approved revisions thereto.
 - 19. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed

scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.

20. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate right-of-way along MD 202 of 35 feet from the centerline of the existing pavement.
21. The applicant, his heirs, successors and/or assignees shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of MD 202. Additional right-of-way dedication to SHA may be required for these improvements.
22. Prior to the issuance of any building permits within the subject property, the following road improvement shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:
 - a. Construct a third approach lane on westbound MD 193 at MD 202. This will provide exclusive right-turn, through, and left-turn lanes. This improvement shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.
23. As described in PGCPB No. 02-184 and CPP-9901, the following improvements shall be funded in part by the payment of \$100,000 to the State Highway Administration by the applicant, his heirs, successors and/or assignees:
 - a. The widening of MD 202 to four lanes between MD 725 and Black Swan Drive.
 - b. The installation of a traffic signal within the study area at a location to be determined by the State Highway Administration. The location will be chosen to best serve traffic flow along MD 202 between MD 725 and Black Swan Drive with consideration given to side street delays as well as mainline traffic flow.

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 bisected by MD 202, Largo Road. It is located on the east and west sides of Largo Road, south of Kent Drive.

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

	EXISTING	PROPOSED
Zone	R-L	R-L
Uses	Vacant	Single-family detached homes
Acreage	167.7	167.7
Lots	0	116
Parcels	1	9
Detached Dwelling Units	0	116

4. **Conformance with Prior Approvals**—Two prior approvals govern development of this site. The Basic Plan, Zoning Map Amendment A-9895, was approved in 1995, and Comprehensive Design Plan CDP-9901 was approved in 2001. Conditions of these approvals relevant to the Preliminary Plan process are discussed in the findings below. The proposed subdivision, with conditions, is in conformance with the approved Basic Plan and Comprehensive Design Plan. Development of the site must be in conformance with these approvals.

5. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are found to occur on the property. Significant transportation-related noise impacts associated with existing and realigned Largo Road (MD 202) have been identified. The soils found to occur according to the Prince George’s County Soil Survey include Bibb silt loam, Ochlockonee silt loam, Sandy land steep, and Westphalia fine sandy loams. Some of these soils may have significant limitations with respect to the development of this property. 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 titled “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 in the vicinity of this property. This property is located in the Western Branch and Collington Branch watersheds of the Patuxent River Basin.

Environmental Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The approval of the Basic Plan and Comprehensive Design Plan by the District Council included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this Preliminary Plan of Subdivision are addressed below. The respective conditions are in **bold** typeface, the associated comments are in standard typeface, and the required revisions and/or required information are in italics.

Basic Plan, A-9895, PGCPB# 94-24

6. **The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.**

The TCPI as revised shows the preliminary trail locations that are not restricted by Woodland Conservation.

8. **The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be shown on the plan delimiting the 1.5 safety factor line.**

The Geotechnical Report submitted on December 9, 2003, was reviewed. It accurately locates the 1.5 safety factor line for potential slope failure areas on the Preliminary Plan of Subdivision.

9. **A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.**

A Stormwater Management Concept Plan was approved by the Department of Environmental Resources. That approval remains valid through June 2004.

11. **The applicant shall obtain approval of the 100 year floodplain elevations from the Department of Environmental Resources, prior to preliminary plan approval.**

The applicant has submitted a 100-year floodplain study approved by the Department of Environmental Resources.

12. **Lots shall be adjusted to allow a structure to be placed outside of the noise zone [at least 395 feet from the centerline of proposed MD 202] or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.**

The noise study submitted for review on November 17, 2003, has been reviewed and was found to provide accurate information with respect to the location of the unmitigated 65 dBA Ldn noise contour on the west side of MD 202. However, this condition specifies that this information be based on the centerline of proposed MD 202. Based on the data provided, it appears that proposed Lots 1-9, Block "A," would be less impacted by this condition while Lots 1-5, Block "F," will be more impacted by the revised alignment. A Phase II noise study should be reviewed at the Specific Design Plan stage.

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

1. **Prior to certification of the Comprehensive Design Plan;**
 - c. **The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the Department of Parks and Recreation to remove woodland conservation areas from portions of the proposed parkland where development may occur.**

The plans as submitted reflect the proposed trail locations through the woodland conservation areas. According to staff at the Department of Parks and Recreation, the proposed park development on this site will be limited to the construction of trails only. Therefore, this condition has been addressed.

2. **Prior to approval of the Preliminary Plan, the applicant shall:**
 - a. **Submit a conceptual layout of water and sewerage services to and within the site and an analysis of the impact of the construction of these facilities. The layout shall minimize the impact of construction to the extent possible.**
 - b. **Obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources.**

This information has been provided.

Woodland Conservation

The Detailed Forest Stand Delineation (FSD) submitted with the previous applications for this property were reviewed and were found to be acceptable in accordance with the requirements for an FSD as found in the 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 of the property is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there is a previously approved Tree Conservation Plan, TCPI/64/95. The Type I Tree Conservation Plan, TCPI/64/95-01, was reviewed and was found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 167.70-acre property in the R-L Zone has a net tract area of 138.09 acres and a 25 percent woodland conservation threshold of 34.52 acres. In addition, there are ¼ : 1 and 1 : 1 replacement requirements totaling 4.02 acres, for a total requirement of 38.54 acres. The 38.54-acre requirement is proposed to be satisfied by the on-site preservation of 38.54 acres of priority woodlands. In addition, another 20.28 acres of off-site mitigation are required to be provided on this site for Tippet Estates, TCPII/75/94, in accordance with the Prince George's County Planning Board conditions

associated with that application. This mitigation will be provided as preservation of existing woodlands which, according to the Annotated Code of Maryland, shall be done at a rate of two acres for every acre required, if done as preservation of existing woodlands. Therefore, the total off-site mitigation to be provided on-site for Tippet Estates shall be 20.28 acres. TCPI/64/95-01 is recommended for approval subject to necessary revisions.

Noise

The subject property is bisected by existing MD 202 and proposed realigned MD 202, a planned expressway, both of which are transportation-related noise generators. The Phase I Traffic Noise Analysis submitted on November 17, 2003, was reviewed by the Environmental Planning Section and was found to be accurate with respect to the location of the 65 dBA Ldn noise contour based on existing MD 202. However, the 65 dBA Ldn noise contour was not shown for realigned MD 202 as required. The Phase I noise study and the correct location of the 65 dBA Ldn noise contour shall be shown for the realigned MD 202. Prior to signature approval, the Preliminary Plan of Subdivision shall be revised show the 65 dBA Ldn noise contour for realigned MD 202.

Patuxent River Primary Management Area

The Patuxent River Primary Management Area (PMA) is comprised of all streams, the 50-foot stream buffer, wetlands, the 25-foot wetland buffer, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. All of these features are found within the limits of this application.

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 letter of justification proposing four distinct PMA impacts was submitted for review with this application. The proposed impacts are associated with stormwater management facilities, sewer outfalls, and the proposed trails. These impacts have generally been minimized to the fullest extent possible. However, through a more integrated design of the trails and the stormwater management, outfalls impacts could be further reduced.

Soils

The Bibb silt loam soil found to occur on this property according to the Prince George's County Soil Survey has significant limitations with respect to seasonally high water tables, impeded drainage, and hydric characteristics, while the Sandy land, steep soils have limitations with respect to the presence of slopes in excess of 25 percent. Although these characteristics could potentially affect the development of this property, the areas where the soils are located are generally being protected in accordance with the requirements of the PMA.

Although the soils do not present any significant limitations to the development of this property, the presence of Marlboro clay throughout much of the property does significantly limit the potential for the development of large areas within the limits of this application.

A copy of the geotechnical report addressing the Marlboro clay was reviewed and was found to address the criteria for a Marlboro clay geotechnical evaluation including showing the location of the 1.5 safety factor line. The plans as submitted do not propose the creation of any residential lots or parts thereof within the potential slope failure areas identified by the 1.5 safety factor line.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. The property will be served by public systems.

6. **Community Planning**—The property is located in the Developing Tier as identified by 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 Prince George's County General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area 79/Marlboro Community. The 1993 Approved Master Plan for the Subregion VI Study Area recommends residential land use at the estate density of 0.8 to 1.5 dwellings per acre. The master plan identifies a Natural Reserve area (along Western Branch) on approximately half of the property on the west side of MD 202. There are Natural and Conditional Reserve areas on most of the property on the east side of MD 202. The 1994 Approved Sectional Map Amendment for the Subregion VI Study Area (CR-54-1994) placed the subject property in the R-L Zone (from the R-E Zone). The proposed subdivision is in conformance with master plan recommendations.

7. **Parks and Recreation**—The applicant proposes to dedicate 105.12 acres of open space to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public park use. This open space features a floodplain, dense woodlands, steep slopes, wetlands and Marlboro clay soils. The stream valleys of Western Branch and Collington Branch cross the western and eastern boundaries of the dedicated parkland.

Parks and Recreation Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The following is a summary of the Basic Plan A-9895 and CDP-9901 conditions and the Subdivision Ordinance regulations that apply to parkland dedication and development:

Basic Plan, A-9895, PGCPB# 94-24

- **The applicant shall dedicate 105 acres to the MNCPPC.**
- **The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hill Community where possible. Feasibility**

and location of trail connections will be determined during consideration of the Comprehensive Design Plan.

- **The hiker/biker trail shall be constructed in conformance with the M-NCPPC Parks and Recreation Facilities Guidelines.**
- **The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.**
- **The standard condition for the conveyance of the land to the MNCPPC as approved by the County Council resolution states:**

"No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the Department of Parks and Recreation."

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

- 1.a. (11):** Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: eight-foot-wide asphalt hiker/biker trail along the Western Branch and a 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on attached DPR Exhibit "A". One connection shall be oriented towards the southern end of the trail and the other connection shall be oriented towards the northern end of the trail.
- 1.a.(12):** Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the DPR at the time of Specific Design Plan.
- 1.c:** The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the DPR to remove woodland conservation areas from portions of the proposed parkland where development may occur.
- 3.a:** Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A".
- 3 b:** Land to be dedicated shall be subject to the following conditions:

- (1) **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.**
- (2) **The 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.**
- (3) **The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- (4) **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, the 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, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**
- (5) **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
- (6) **All waste matter of any kind shall be removed from the property to be conveyed. The DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.**
- (7) **No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.**

- 3 c:** 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 the M-NCPPC in acceptable condition for conveyance.
- 3 d:** Submission of three original, executed Recreational Facilities Agreements (RFA) for trail construction to the DRD for their approval, three weeks prior to a submission of a final plat of subdivision. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall state that the trail construction shall be completed prior to issuance of the 58th building permit.
- 5:** Prior to approval of the first Specific Design Plan for the development on the west side of the MD 202, the applicant shall:
- a.** Submit detailed construction drawings for trail construction to DPR for review and approval. The recreational facilities on park property shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines. The trail construction drawings shall ensure the following:
 - (1)** Dry passage for all trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - (2)** Handicapped accessibility of all trails shall be in accordance with applicable AOA guidelines.
 - b.** If determined to be necessary by the DPR, submit construction drawings for a ten-foot-wide equestrian trail along the Western Branch. The trail shall be turf surfaced, the trees and branches shall be cleared a total of 12-foot in heights along the trail. The location of the trail shall be determined by DPR.
 - c.** Submit drawings showing the exact location of the two trail connectors.
- 6 a:** Prior to issuance of any building permits, the applicant shall submit performance bonds, letter of credit or other suitable financial guarantee to DPR to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the DRD.
- 7:** No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.

Subdivision Regulation Requirements

Section 24-134 (mandatory dedication of parkland) requires that 8.4 acres of the subject property be dedicated for public parkland. This acreage shall be “suitable and adequate land for active or passive recreation.”

Discussion

The applicant proposes to dedicate 95 acres of land to M-NCPPC and proposes master-planned trail construction, which is requirement of the Basic Plan A-9895. The dedicated parkland consists of floodplain, dense woodland, steep slopes, wetlands and Marlboro clay soils. The applicant has requested use of certain portions of the proposed parkland for tree conservation purposes. The Department of Parks and Recreation (DPR) has agreed to allow the applicant to encumber portions of the parkland for tree conservation. However, the TCPI shows an excessive amount of conservation to be placed on the parkland. The applicant shall revise the TCPI and submit it to DPR for review and approval prior to certificate of approval of the TCPI/64/95-01. Tree conservation should be limited to the area needed to serve this planned community.

In accordance with Section 24-135(b) of the Subdivision Regulations, the Park Planning and Development Division of DPR recommends provisions of the private recreational facilities on the homeowners association (HOA) land in lieu of mandatory dedication of parkland (8.4 acres). The recreational facilities shall be provided on the east and west sides of the subdivision and may include picnic areas, sitting areas and playgrounds.

8. **Trails**—The Adopted and Approved Subregion VI Master Plan includes two proposed trail/bicycle facilities impacting the subject site. MD 202 is designated as a Class III bikeway. Bikes are accommodated on the wide asphalt shoulders currently in place along this segment of MD 202. Staff recommends the retention of these wide shoulders and the placement of “Share the Road with a Bike” signage along MD 202. The master plan also recommends a stream valley trail within M-NCPPC parkland along the Western Branch. The construction of this stream valley trail is recommended along the subject property’s entire length of the Western Branch. Discussions are underway between the applicant and the Department of Parks and Recreation regarding the location of this trail.
9. **Transportation**— The applicant submitted a traffic study dated October 7, 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached.

Growth Policy—Service Level Standards

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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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 applicant has prepared a traffic impact study in support of the application using new counts taken during September 2003. With the development of the subject property, the traffic consultant concluded that the signalized intersections along MD 202 operate within acceptable standards; LOS D with a CLV of 1,450 or better. Several unsignalized intersections were identified that have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 202/MD 193 (signalized)
- MD 202/Black Swan Drive (signalized)
- MD 202/Town Farm Road (unsignalized)
- MD 202/Brock Drive (unsignalized)
- MD 202/Eton Drive (unsignalized)
- MD 202/Kent Drive (unsignalized)
- MD 202/MD 725 (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,364	999	D	A
MD 202/Black Swan Drive	976	793	A	A
MD 202/Town Farm Road	25.6*	34.2*	--	--
MD 202/Brock Drive	21.7*	25.7*	--	--
MD 202/Eton Drive	61.3*	65.1*	--	--
MD 202/Kent Drive	29.8*	42.5*	--	--
MD 202/MD 725 (Marlboro Pike)	899	1,045	A	B

*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.

Staff field-checked lane configurations at the intersections along MD 202, made minor adjustments to the average vehicle delay at the unsignalized intersections, and observed AM peak hour traffic conditions on November 18, 2003. The minor adjustments are shown under existing conditions and subsequent tables. In most cases the adjustments improved existing traffic conditions.

Background developments include 100 townhouses, 260 elderly housing units, and 350 single-family units. Other nearby approved developments include 40,500 square feet of warehousing, 14,200 square feet of retail, and a church. Background traffic along MD 202 and MD 725 was increased by two percent to account for overall growth up to the design year 2006. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,530	1,127	E	B
MD 202/Black Swan Drive	1,089	902	B	A
MD 202/Town Farm Road	63.4*	99.4*	--	--
MD 202/Brock Drive	25.9*	36.0*	--	--
MD 202/Eton Drive	142.0*	112.3*	--	--
MD 202/Kent Drive	50.8*	86.7*	--	--
MD 202/MD 725 (Marlboro Pike)	970	1,147	A	B
*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.				

Based on background traffic conditions, one of the signalized intersections will operate at LOS E, with a CLV above 1,450. This is the intersection of MD 202/MD 193 (Watkins Park Drive). The average vehicle delay exceeds 50.0 seconds at several unsignalized intersections along MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, and MD 202/Kent Drive.

The site is proposed for development as a residential subdivision, with 115 single-family dwellings. Forty-four of the single-family dwellings will be located on the east side of MD 202 and 71 single-family dwellings will be on the west side of MD 202. The trip rates were obtained from the guidelines. The resulting site trip generation would be 86 AM peak-hour trips (17 in, 69 out), and 104 PM peak-hour trips (68 in, 36 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,551	1,153	E	C
MD 202/Black Swan Drive	1,112	925	B	A
MD 202/Town Farm Road	73.1*	116.7*	--	--
MD 202/Brock Drive	27.3*	38.9*	--	--
MD 202/Eton Drive	171.6*	131.9*	--	--
MD 202/Kent Drive	53.2*	83.4*	--	--
MD 202/Site Entrance	74.0*	114.9*	--	--
MD 202/MD 725 (Marlboro Pike)	983	1,163	A	C
*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.				

Staff notes that under total traffic, four of the five unsignalized intersections within the study area operate unacceptably. The approach delays are from the side or minor streets onto MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, MD 202/Kent Drive, and MD 202/Site Entrance. Although the impact of traffic generated by the applicant along MD 202 is comparatively small, these conditions indicate that operational problems exist along MD 202. The signalized intersection at MD 202 and MD 193 also operates unacceptably during the AM peak hour.

The applicant proposed several improvements to provide adequacy:

At MD 202 and MD 193, provide a left-turn lane, a through lane, and a right-turn lane along the southbound approach of MD 193 at MD 202.

At MD 202 and Town Farm Drive, Eton Drive, Kent Drive, and Site Entrance, widen MD 202 to four lanes between Black Swan Drive and MD 725.

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,406	889	D	A
MD 202/Black Swan Drive	1,112	925	B	A
MD 202/Town Farm Road	36.8*	34.8*	--	--
MD 202/Brock Drive	15.6*	19.9*	--	--
MD 202/Eton Drive	41.0*	71.1*	--	--
MD 202/Kent Drive	30.9*	33.7*	--	--
MD 202/Site Entrance	30.2*	72.4*	--	--
MD 202/MD 725 (Marlboro Pike)	983	1,163	A	C
*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.				

With the applicant's proposed improvements, two of the five unsignalized intersections within the study area would still operate unacceptably. One of these is at the site entrance to the proposed development along MD 202. The intersection of MD 202 and MD 193 would also operate unacceptably during the AM peak hour.

Staff notes that there are no construction projects or project planning studies for the widening of MD 202 to four lanes in the state's Consolidated Transportation Program for FY 2003-2008. The traffic study predicts the build out of this residential development by 2006.

The Department of Public Works and Transportation (DPW&T) did not specifically respond to the improvements recommended by the applicant. They did respond that the applicant should be required to provide for turning lanes at the site access point on MD 202. The comments from DPW&T are attached. The State Highway Administration recommended that the applicant:

1. Widen the westbound approach on MD 193 at MD 202 to one left turn lane, one through lane, and one right turn lane.
2. Install a traffic signal along MD 202 at an intersection between Black Swan Drive and MD 725 if and when deemed appropriate by SHA within the next five years.
3. Provide a contribution of \$300,000 toward the future widening of MD 202 from two to four lanes between Black Swan Drive and MD 725.

Plan Comments

Two site access points are proposed from both sides of MD 202 (Largo Road). The project will be designed with a single entrance for the eastern portion and a single entrance for the western portion. Entrance features and landscaping will enhance the entrances. The access to the western portion will incorporate a divided entrance within an 80-foot right-of-way and will be located opposite the entrance into the eastern portion of the project. The entrance to the eastern portion will have a 60-foot right-of-way.

There should be no access from any of the lots to MD 202. All of the lots will be accessed by internal subdivision streets. The proposed Street B East and Street B West will be the primary subdivision streets with a 60-foot ROW. The entrance of Street B East at MD 202 is planned with an 80-foot ROW, this at the entrance point only. The Street B East access point to MD 202 will include an entrance feature. The proposed streets are adequate to serve the development.

The applicant may be required to provide frontage improvements along MD 202 to improve safety, if required by the State Highway Administration. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance and any necessary safety improvements.

Master Plan Comments

The Subregion VI master plan (1993) shows E-6, an expressway to the east of existing MD 202 (P-602). This would be a four-lane divided roadway with relocation along the existing state right-of-way between Kent Drive and US 301. The widening and relocation of MD 202 between MD 193 and existing Crain Highway is a need associated with later stages of development in the Upper Marlboro area.

The *MD 202 Access Study* contains recommendations for upgrading the access controls along the existing roadway as development occurs and traffic volumes increase along the existing roadway. The study identifies the measures needed to upgrade MD 202 from an arterial to an expressway by controlling the crossover spacing and location of future access points. These recommendations were incorporated into the Subregion VI master plan.

The Subregion VI master plan includes a recommendation that MD 202 be relocated in the area of the subject property southward and that MD 202 Relocated (E-6) be constructed to function as an expressway facility. While sufficient right-of-way has been acquired by the State Highway Administration (SHA) to operate this facility as an expressway, the regulation of access along MD 202 Relocated is vital to operating MD 202 as a higher-speed, higher-capacity facility. Toward that end, the master plan endorses the recommendations of the *MD 202 Access Study* (March 1982) in the area of the subject property. These include:

1. Access to E-6 with a median break at or near the applicant's proposed site.

2. No other access to E-6 (i.e., no median break) along the remainder of the frontage of the subject property.
3. The applicant should provide a stub connection to the property immediately to the south in order to provide access from the neighboring property to E-6 via the applicant's site entrance. This connection to the south is shown on the plan.

The required right-of-way for E-6 is shown correctly on the submitted plan. The master plan recommends a 70-foot-wide right-of-way for P-602 or existing Largo Road. The applicant needs to dedicate 35 feet of right-of-way from the centerline of existing MD 202. At the time of final plat approval, staff will ensure that the centerline shown on the submitted plan is consistent with the existing centerline of pavement.

Transportation Staff Conclusions and Recommendations

This planned development for 116 single-family dwellings came before the Planning Board as a Comprehensive Planned Development (CDP 9901) in July 2002. It was approved with conditions in September 2002. The applicant was required to make a payment of \$100,000 (in year 2002 dollars) to the State Highway Administration to help fund the following improvements: (1) widening MD 202 to four lanes between MD 725 and Black Swan Drive, and (2) installation of a traffic signal within the study area at a location to be determined by the State Highway Administration.

Staff notes that the widening of MD 202 to four lanes between MD 725 and Black Swan Drive is recommended in the Subregion VI master plan but 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 access MD 202.

Since that time, additional background development has been approved and development has occurred along MD 202. One of the more recent approvals was for 20 single-family dwellings at Austin Meadows opposite Town Farm Road on MD 202.

Based on these findings, adequate transportation facilities would exist to serve 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 staff report.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	114 sfd	114 sfd	114 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	27.36	6.84	13.68
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	5,713.20	5,355.48	10,510.65
State Rated Capacity	5,384	4,680	8,770
Percent Capacity	106.11%	114.43%	119.85%

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

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 on 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 of Section 24-122.02, CB-30-2003 and CB-31-2003. The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

11. **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 2.83 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service travel time of 2.83 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 2.83 minutes, which is within the 7.25-minute travel 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 proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

12. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Forest Hills development. This police facility will adequately serve the population generated by the proposed subdivision.

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 June 20, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

13. **Health Department**—The Health Department noted the presence of numerous tires and the remains of four abandoned vehicles on the property. The vehicles must be removed and properly discarded. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire dealer/recycler. A receipt for tire disposal must be submitted to the Health Department prior to approval of the final plat.
14. **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, # 8000900-1996-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept plan was re-approved on August 23, 2003, and is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.
15. **Cemeteries?** There are no known cemeteries on or adjoining the subject property.
16. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of February 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:meg