

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on June 10, 2004, regarding Specific Design Plan SDP-0320 for The Preserve—Danville Estates, the Planning Board finds:

1. **Request:** The subject request is to have a specific design plan approved for 126 lots for single-family detached dwelling units in the R-L Zone based on the previously approved CDP-9306 and Tree Conservation Plan TCPII/48/04 for the subject site. Architecture is not being reviewed with this application as Specific Design Plan SDP-0202, the umbrella application for architectural elevations for the single-family detached units, has already been approved for the overall development known as the Preserve.

2. **Development Data Summary**

	EXISTING	PROPOSED
	R-L	R-L
Zone	Vacant	126 single-family detached lots
Use(s)	145.95	145.95
Acreage	1	1
Parcels	0	126
Lots	0	N/A
Square Footage/GFA	0	
Dwelling Units		
Attached	0	0
Detached	0	126
Multifamily	0	0

Other Development Data

Minimum Lot Area Required	None specified
Minimum Lot Area Proposed	13,056
Parking Required (125 X 2)	252 spaces
Parking Provided	252 spaces

3. **Location:** The site is in Planning Area 84, Council District 9. More specifically, it is located on the west side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road.

4. **Surroundings and Use:** The subject 145.95 acres are surrounded by future residential lots to the north (Lusby Village), existing single-family detached development to the east, and vacant land to the west and south.
5. **Previous Approvals:** On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the master plan and the sectional map amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870), known as Villages at Piscataway, rezoned 858.7 acres in the R-A Zone to the R-L Zone (Residential-Low Development, 1.0 to 1.5 du/acre) and 19.98 acres to the L-A-C Zone (Local Activity Center–Village Center). The basic plan was approved with 39 conditions and 11 considerations. The base residential density of the R-L Zone was approved as 818 dwelling units; the maximum residential density in the R-L Zone was approved as 1,000 dwelling units.

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

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

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

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

The applicant requested a reconsideration of the specific design plan for infrastructure, SDP-9804, for Greens at Piscataway, Glassford Villages North and South, on December 6, 2001. The Planning Board, at the December 20, 2001, public hearing, approved a waiver of the rules. The final plats of subdivision were reviewed and approved for the property on January 10, 2002. On January 16, 2003, the Planning Board approved a revision to the specific design plan, SDP-9804/01.

On June 17, 2003, the Planning Board approved preliminary plan 4-03027 for The Preserve for 836 dwelling units, which includes the area that is the subject of this application. A revised Type I tree conservation plan was included in that approval.

6. **Design Features:** The subdivision is divided into two sections by the school/park site and is accessed separately at two distinct points from Danville Road. The westerly access to the subdivision, parallel to the northwesterly boundary of the school/park site, provides a vehicular entrance to 20 lots of the subdivision. The second entrance to the subdivision is located on the eastern side of the subdivision's Danville Road frontage, providing access to the remaining 106 lots. The subject subdivision, specified in the CDP as the "large lot" component of the Villages of Piscataway, provides lots ranging from 13,056 square feet (Lot 15B) to 61,097 square feet (Lot 1F). A Potomac Electric Power Company easement containing a high voltage transmission line traverses the site and a hiker/biker/equestrian trail runs parallel to the easement. The trail is the only recreational facility included in this portion of the Villages of Piscataway, however, the development will be served by the central recreational facility located within Edelen Village, which will include an outdoor swimming pool, basketball court, and playground. The 145.95 acres of the subdivision is divided into 79.29 acres for residential lots, 25.29 acres for the school/park site and 41.37 acres for open space and homeowners association (HOA) land. Stormwater management is provided for the subdivision by five separate stormwater management ponds.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-L Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-514.09, which governs permitted uses in residential zones. The proposed single-family detached units are a permitted use in the R-L Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-514.10, Regulations, regarding additional regulations for development in residential zones.
8. **Basic Plan:** The Basic Plan relevant to the proposed project was approved by the District Council as part of a Sectional Map Amendment (CR 60-1993). Staff has reviewed the subject SDP against the requirements of the Basic Plan and finds it generally to be in conformance with its requirements. Specifically, staff reviewed requirements regarding density, the inclusion of trails and bike paths, and the necessary measures to be taken to ensure protection of and compatibility with historic resources.
9. **Comprehensive Design Plan:** The Comprehensive Design Plan for the project, approved for the project by the Prince George's Planning Board via PGCPB No. 94-98 reiterates many of the Basic Plan concerns. Staff has reviewed the subject SDP against the requirements of the Comprehensive Design Plan approval and finds it to be in conformance with its requirements.

Below, each relevant condition of the CDP is bolded and staff's comments follow.

7. **The master plan trail segment on or adjacent to the PEPCO right-of-way across the southeast corner of the property and the trail connection from this trail into Danville Estates shall be bonded prior to release of any building permits for Danville Estates, and shall be constructed prior to release of 50 percent of the building permits for Danville Estates. A Recreational Facilities Agreement encompassing Danville Estates shall reflect these requirements.**

Comment: The subject trail is shown on the plans for Danville Estates in accordance with Condition 7 of the CDP.

8. **Prior to approval of each Specific Design Plan, the Trails Coordinator shall determine which streets, if any, shall be designated "bikeways." The applicant, his heirs, successors and/or assigns, shall indicate on the plan, following consultation with the Trails Coordinator and the Department of Public Works and Transportation (DPW&T), at which locations along the "bikeway" streets appropriate signs (or other appropriate treatment) shall be installed.**

Comment: The trails planner has provided detailed information regarding required "bikeways" in the subject subdivision, which includes Saint Mary's View Road and the existing Danville Road. Suggestions in this regard have been incorporated in the recommended conditions below.

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

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

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

Comment: A conceptual stormwater management plan has been approved by the Prince George's County Department of Environmental Resources. No further action is required.

11. **Prior to approval of the master Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall submit a geotechnical report verifying the**

presence or absence of Marlboro clay in the southwest portion of the property in accordance with DER criteria. In areas where it is determined that Marlboro clay might affect structural stability, a detailed geotechnical report shall be submitted for review and verification by the Natural Resources Division prior to approval of any detailed Preliminary Plat of Subdivision.

Comment: A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. Due to the elevation of this portion of the property, Marlboro clay should not be a factor for foundations or roads.

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

Comment: All specimen trees are shown on the Type II Tree Conservation Plan.

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

Comment: A wildlife management plan for the entire Preserve at Piscataway project has been submitted. The plan includes the preservation of wooded stream corridors, retention of woodlots that have a low area-to-edge ratio, and the use of best-management practices for stormwater management to provide for water quality control and avoid excessive water quality flows. Although there is an extensive internal roadway system, green space areas provide for retention of most of the existing wildlife corridors. No further action is required.

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

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

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

10. **Preliminary Plan of Subdivision, 4-03027:** Preliminary Plan 4-03027 was approved by the Planning Board on June 17, 2003. Resolution PGCPB 03-122 was adopted on June 17, 2003. The following bolded conditions of approval apply to the review of the subject Specific Design

Plan. The Urban Design Section's comments follow each stated condition or subcondition of approval:

- 4. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House Historic Site 84-23-06. The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.**

Comment: The applicant is currently in compliance with this condition. The Edelen House Historic Site (84-23-06) is currently occupied as the applicant's on-site offices for the development. This condition should be included as part of all subsequent applications.

- 8 d. The single-family detached units located along the main spine road through the development should front on the spine road.**

Comment: Units along St. Mary's View Road should generally front on it. Staff recommends that prior to signature approval of the plans, applicant shall revise plans to show the units along St. Mary's View Road fronting on it. An exception should be made on entrance lots where the units should be rotated 90 degrees to provide usable back yards. (Please see discussion under 8e below.)

- 8 e. The residential lots located at each entrance shall be large enough to accommodate the fronting of the unit toward the entrance road.**

Comment: Lot 4A must be widened so that the unit on it can be rotated 90 degrees. Staff recommends that prior to signature approval of the plans, applicant should revise the plans to show Lot 4A is sufficiently wide to rotate the unit on the lot and provide a usable back yard.

- 12. Upon request by the Board of Education and at such time as funds are allocated for the construction of an elementary school on the 25-acre park/school site, the Department of Parks and Recreation (DPR) shall convey a portion of park/school site to the Board of Education for the construction of an elementary school.**

Comment: A park/school site (25.29 acres) is identified on the plan to be conveyed to M-NCPPC. At the time the Board of Education allocates funds for the construction of an elementary school, the property will be conveyed accordingly.

- 13. Stormwater Management Pond #12 shall be relocated on adjacent HOA land. If necessary, and the pond is located on the park/school site, it shall be located in an area acceptable to DPR away from the planned recreational facilities and shall be designed to serve the future needs of the school and park. The pond shall be designed as a recreation amenity. It shall be a wet pond with the special attention to appearance of inlet and outlet structures, to pond edge treatment, landscaping, location of trails, and other aesthetic considerations. Construction drawings for the**

SWM facility shall be reviewed and approved by Park Planning and Development staff prior to SDP approval if located on the park/school property.

Comment: Since Stormwater Management Pond #12 has been relocated to HOA land, this condition has been complied with and requirements included in the condition regarding a pond located on parkland are no longer applicable.

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

The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the Historic Site (Edelen House Historic Site 84-23-06) is restored or adaptively reused.

Comment: The applicant is currently in compliance with Condition 14; required periodic status

reports have been submitted according to the established schedule. This condition should be included as part of all subsequent applications.

18. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan.

Comment: In comments made April 27, 2004 the Department of Environmental Resources stated that the site plan for Preserve at Piscataway, Danville Estates, SDP-0320 is consistent with stormwater concepts 11102-2004, 11097-2004 through 11099-2004.

30. The applicant, his heirs, successors and/or assignees shall construct a multiuse (hiker/biker/equestrian) trail within the entire length of Parcels F and G. This trail shall be constructed in conformance with Park Trail Standards of the *Adopted and Approved Subregion V Master Plan*. If necessary due to TCP considerations, the equestrian portion of this trail can be reduced to no less than four feet in width.

Comment: A condition, recommended by the Trails Planner of the Transportation Planning Section has been included in the recommended conditions below to ensure that the required hiker/biker/equestrian trail is constructed within the entire length of Parcels F and G.

32. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

Comment: A condition, recommended by the Trails Planner of the Transportation Planning Section has been included in the recommended conditions below to ensure that the required sidewalks along both sides of internal public streets will be included in the development, unless such plans are modified by the Department of Public Works and Transportation.

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

Comment: The applicant's Historic Area Work Permit application for improvements to be implemented through the Edelen House Improvement Disbursement Fund (HAWP #10-04) was reviewed by the Historic Preservation Commission on May 18, 2004, as stated above. According to Condition 45, the applicant must complete the improvements prior to the issuance of the 177th building permit or June 17, 2004 (12 months from the adoption of the Planning Board's approval

of Preliminary Plan 4-03027), whichever occurs first.

At this time, the applicant has stated that completion of the improvements will not be possible according to the stipulated deadline. At the May 18, 2004, meeting of the Historic Preservation Commission (HPC), the applicant requested that the HPC recommend to the Planning Board an extension of the deadline for completion of the work until May 17, 2005. The Historic Preservation Commission's proposed revision to the schedule would allow for the retention of appropriate contractors and the accommodation of weather limitations associated with exterior rehabilitation work.

The Development Review Division has reviewed the proposal of the applicant and the recommendation of the Historic Preservation Commission. The Planning Board's condition provides for either a date-specific or the building permit deadline. If the applicant does not meet the date stated in the condition, then the condition does not specify the consequence of not meeting the date. However, if the applicant does not meet the deadline prior to the issuance of the 177th building permit, then no additional permits will be recommended for approval by MNCPPC to the Department of Environmental Resources. This is the most effective way to monitor and enforce conditions of approval. It has been recognized by the staff that conditions relating to specific dates are not enforceable and allow delinquency on the part of the applicant with no repercussions. As of the writing of this report, the MNCPPC Permit Section has reviewed and approved 107 building permits for the overall development. This allows the applicant to pull an additional 70 building permits before the completion of the work to the historic structure is required. In order to change the Planning Board's condition in regard to the number of building permits allowed to be issued, it would be necessary for the applicant to request a reconsideration of the condition of the preliminary plan. Further, this condition was also applied to Phase I of the project, The Preserve, Glassford Village South Addition, SDP-9804/02 approved by the Planning Board on April 1, 2004, and that action would also have to be reconsidered.

11. ***Landscape Manual:*** The subject project is exempt from certain requirements of the *Landscape Manual* because of its location in a Comprehensive Design Zone. In the instant case, the project is exempt from all but the provisions of Section 4.1. Residential Requirements (p.29) and 4.6 Buffering Residential Development from Streets (p.47) of the *Landscape Manual*. The Urban Design staff reviewed the project against those requirements of the *Landscape Manual* and found that the submittals are in general compliance. Please note, however, that the above-mentioned exemptions are not intended to leave a project inadequately landscaped but to afford staff the flexibility to suggest and the Planning Board to approve customized landscaping schemes for projects located in a Comprehensive Design Zone. In the instant case, staff would suggest that Lots 29C and 1D be eliminated from the plan in order to be able to install a 100-foot buffer with 320 plant units per 100 linear feet of property line along the western boundary of the Potomac Electric Power Company right-of-way at the southern end of the subject site, providing a much needed separation at the one juncture where residential use abuts the high voltage Potomac Electric Power Company high voltage transmission line in the subject subdivision. This is consistent with the buffer provided on the opposite side of the Potomac Electric Power Company easement and can be compared with the C buffer (40-foot setback/30-foot yard) required by the

Landscape Manual. It is appropriate that the buffer requirement be greater than what would be required in a conventional zone because the required findings in the Zoning Ordinance include “creation of a better environment than could be achieved under other regulations.” Where existing woodland is located within the entire minimum landscaped yard, preservation of that woodland would be allowed to substitute for the required plant materials. When existing woodland is located in only part of the minimum landscaped yard, the number of plant units required may be reduced in proportion to the percentage of the area of the landscaped yard occupied by existing woodland. Staff has included the above suggestion in the recommended conditions below.

12. **Woodland Conservation Ordinance:** The Environmental Planning Section has stated that the property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area, and contains more than 10,000 square feet of woodland. Further, they stated that a Tree Conservation Plan is required.

A Forest Stand Delineation was reviewed with CDP-9306. A revised Forest Stand Delineation was reviewed with 4-94017. A Type I Tree Conservation Plan (TCPI/9/94) was approved with CDP-9306. A revision to the Type I Tree Conservation Plan (TCPI/9/94-01) was approved with 4-94017. A revision to the Type I Tree Conservation Plan (TCPI/9/94-02) was approved with 4-03027. The Type I Tree Conservation Plan provides for all woodland conservation requirements to be met on-site and does not allow woodland conservation areas on lots less than 20,000 square feet in area, the use of fee-in-lieu, or the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/48/04) was submitted with this application. This TCPII includes only 145.95 acres of the entire 793.2-acre project. This portion contains 133.31 acres of upland woodland and 3.33 acres of floodplain woodland. The plan proposes clearing 71.78 acres of upland woodland, and clearing of 0.42 acres of floodplain woodland. The plan proposes preservation of 41.53 acres, and afforestation of 1.87 acres for a total of 43.40 acres.

The design of the woodland conservation areas is in complete conformance with TCPI/9/94-02. Except for areas where variation requests were approved during the approval of Preliminary Plan of Subdivision 4-03027, all priority woodland areas are to be preserved. Many areas where grading and clearing of woodland of expanded stream buffers has been approved will be reforested.

The cover sheet for the TCPII shows the location of each previously approved Specific Design Plan and their companion Type II Tree Conservation plans. A tracking chart clearly calculates the overall woodland conservation for the project. The overall project remains in compliance with Consideration 4 of A-9869 & A-9870, CR-60-1999, September 14, 1993, and provides for woodland conservation of 35 percent, as well as the preservation of a large contiguous wooded area in the southern portion of the site.

The Environmental Planning Section has reviewed the TCP and recommends its approval because it finds it to be in general conformance with the requirements of the Woodland Conservation Ordinance.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—In a memorandum dated May 14, 2004, the Historic Preservation Planning Section reviewed the historic preservation-related conditions attached to the approval of the relevant Preliminary Plan of Subdivision and suggested some conditions as appropriate for the subject application. Staff has included the suggested conditions in the recommended conditions below.
- b. **Community Planning**—The Community Planning Section stated that the master plan issues were addressed during approval of the Comprehensive Design Zone Basic Plan (A-9869 and A-9870) and the Comprehensive Design Plan (CDP-9306). Further, they stated that they felt that there are no additional master plan or General Plan issues related to the subject SDP application.
- c. **Transportation**—The Transportation Planning Section reviewed the proposed development against the requirements of CR-60-1993, CDP-9306 and Preliminary Plan of Subdivision 4-03027 and found that the subject application conformed to the approved subdivision plans, the approved Comprehensive Design Plan and the approved Basic Plan from the standpoint of transportation. Furthermore, the transportation staff found that the development would be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development.
- d. **Subdivision**—The Subdivision Section stated that the property is subject to Preliminary Plan 4-03027, PGCPB Resolution 03-122, adopted by the Planning Board on June 17, 2003, containing 47 conditions, 6 of which are relevant to the subject SDP. In addition, the Subdivision Section noted that:

1. The applicant should provide evidence of the approval by PEPCO of the agreement to construct Emory Ridge Road.

Comment: This requirement is a condition prior to signature approval.

2. The applicant has relocated Lots 4 and 6, Block B, to Block G. The new proposed lots in Block G, Lots 15 and 16 are not of adequate lot size and do not appear to meet the large-lot standard of the CDP.

Comment: The two lots questioned above are considered to be transitional lots from Danville to Lusby Village and do not propose an inconsistency with the approved comprehensive design plan.

3. The sewer extension has been relocated from Piscataway Plan to Hidden

Meadow Drive. The Environmental Planning Section should evaluate the impact to the PMA.

Comment: Please note that the Environmental Planning Section has stated that the sewer extension relocation should not negatively impact the PMA.

- e. **Trails**—The senior trails planner of the Transportation Planning Section, noting that several master plan trails impact the Preserve at Piscataway development and have already been addressed by conditions contained in other approvals, recommended that Danville Road be designated as a Class III bikeway, a hiker/biker/equestrian trail be installed from Danville Road to the subject site's southern property line, and standard sidewalks be constructed along both sides of all internal roads. The details of the senior trails planner's suggestions have been included in the recommended conditions below.
- f. **Parks**—The Parks Department has stated that they have no comments on the proposed project.
- g. **Permits**—The Permit Review Section, in a memorandum dated April 28, 2004, made several comments that have either been addressed by revisions to the plan or in the recommended conditions below.
- h. **Public Facilities**—In a memorandum dated May 28, 2004, the Public Facilities Section of the Countywide Planning Division stated that existing fire engine, ambulance and paramedic service to the site are beyond the travel time guidelines contained in the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities* and suggested that a condition be attached to the subject approval that would require that the applicant provide a fee to Prince George's County, which would serve as a fair share contribution towards the construction of the Brandywine Special Study Area Station, and the acquisition of an ambulance and paramedic unit. They suggest that the fee be paid prior to the issuance of the first building permits for the project. The Public Facilities Section has provided justification for the suggested amount of the contribution (\$479 per dwelling) in the above-mentioned memorandum as follows:

The staff of the Historic Preservation and Public Facilities Planning Section found that the planned Brandywine special study area emergency services facility will be the first due station that will provide ambulance and paramedic service to this development. The cost of the emergency services facility is \$1,533,000. In order to mitigate the ambulance response time deficiencies, staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Brandywine special study area emergency services facility. The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$131,000), and paramedic (\$131,000), divided by the total amount of residential and employment population within the entire service area in 2006

(10,024). The service area includes those areas that will be served by the planned facility. The fair share fee is \$479 per dwelling unit for this development.

2006 service area population/workers=10,024
Station Cost \$1,533,000/10,024=\$152.93 per person x 3.13 (household size)=
\$479 per dwelling unit
\$479 x 1,013 dwelling units=\$485,227

Staff has included the suggested recommended condition below.

- i. **Environmental Planning**—In a memorandum dated May 25, 2004, the Environmental Section offered the following:

The following text addresses previously approved environmental conditions related to the subject application. The text in **bold** is the actual text from the previous cases or plans.

A-9869 & A-9870, CR-60-1999, September 14, 1993

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

The approved Type I Tree Conservation Plan, TCPI/09/94-01, proposes woodland conservation of 276.72 acres. The above condition has been met through the provision of woodland conservation at 35.5 percent. All required woodland conservation must be met on-site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I Tree Conservation Plan does not allow woodland conservation areas on lots less than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement.

Comment: Woodland Conservation is discussed in more detail in the Environmental Review section below.

Consideration 6. A wetlands report shall be approved by the Natural Resources Division prior to approval of the Phase II Comprehensive Design Plan.

A wetlands report was included as part of the CDP submission and was reviewed and approved by the Environmental Planning Section.

Comment: Impacts to wetlands and wetland buffers are discussed in more detail in the Environmental Review section below.

PGCPB No. 03-122, File No. 4-03027, May 29, 2002

Condition 9. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.

Comment: A Type II Tree is under review with this application. This issue is addressed in more detail in the Environmental Review section below.

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

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

Comment: This condition remains in effect.

Condition 20. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

The applicant has obtained wetlands permits CENAB-OP-RMS (Villages at Piscataway) 95-63445-7 from the US Army Corps of Engineers and 95-NT-0129/199563445 from the Maryland Department of the Environment.

Comment: Impacts to wetlands and wetland buffers are discussed in more detail in the Environmental Review section below.

Condition 22. 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/9/94-02), 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.”

Comment: This condition remains in effect.

Environmental Review

- A. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

To be in conformance with the Subregion V Master Plan, new development should preserve to the greatest extent possible the areas shown as Natural Reserve. For the purposes of this review, the Natural Reserve includes the expanded stream buffer and any isolated sensitive environmental features.

The Specific Design Plan and Type II Tree Conservation Plan show streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, and all slopes exceeding 25 percent, all slopes between 15 and 25 percent and an expanded stream buffer.

The SDP proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All of the impacts proposed on SDP-0318 were granted variations by the Planning Board during the review and approval of Preliminary Plan 4-03027.

Comment: No further action regarding sensitive environmental features is required in regard to this SDP review.

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

A Forest Stand Delineation was reviewed with CDP-9306. A revised Forest

Stand Delineation was reviewed with 4-94017. A Type I Tree Conservation Plan (TCPI/9/94) was approved with CDP-9306. A revision to the Type I Tree Conservation Plan (TCPI/9/94-01) was approved with 4-94017. A revision to the Type I Tree Conservation Plan (TCPI/9/94-02) was approved with 4-03027. The Type I Tree Conservation Plan provides for all woodland conservation requirements to be met on-site and does not allow woodland conservation areas on lots less than 20,000 square feet in area, the use of fee-in-lieu, or the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/48/04) was submitted with this application. This TCPII includes only 145.95 acres of the entire 793.2-acre project. This portion contains 133.31 acres of upland woodland and 3.33 acres of floodplain woodland. The plan proposes clearing 71.78 acres of upland woodland, clearing of 0.42 acres of floodplain woodland. The plan proposes preservation of 41.53 acres, afforestation of 1.87 acres for a total of 43.40 acres.

The design of the woodland conservation areas is in complete conformance with TCPI/9/94-02. Except for areas where variation requests were approved during the approval of Preliminary Plan of Subdivision 4-03027, all priority woodland areas are to be preserved. Many areas where grading and clearing of woodland of expanded stream buffers have been approved will be reforested.

The cover sheet for the TCPII shows the location of each previously approved Specific Design Plan and their companion Type II Tree Conservation plans. A tracking chart clearly calculates the overall woodland conservation for the project. The overall project remains in compliance with Consideration #4 of A-9869 & A-9870, CR-60-1999, September 14, 1993, and provides for woodland conservation of 35 percent as well as the preservation of a large contiguous wooded area in the southern portion of the site.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/48/04

- C. Marlboro Clay is known to occur on the site. A soils report was submitted with 4-96047. That study indicated that Marlboro Clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Because of the elevation of the clay and local topography, slope failure is not an issue. Footers for foundations cannot be set in Marlboro Clay. Marlboro Clay is unsuited as a sub-base material for roads. Due to the elevation in this portion of the property, Marlboro clay should not be a factor for foundations or roads.

Comment: No further action regarding Marlboro clay is required with regard to the review of this SDP.

- D. Floral Park Road and Piscataway Road are designated Historic roads. Proposed

applications on or adjacent to scenic and historic roads are reviewed for conformance with *Design Guidelines and Standards for Scenic and Historic Roads* prepared by the Prince George's County Department of Public Works and Transportation.

As noted in Condition 5 of the Comprehensive Design Plan (CDP-9306) for the subject property known as the Villages at Piscataway as described in PGCPB No. 94-98(C), all permits for road construction in this area are subject to review and approval by the Historic Preservation Commission.

Comment: The Historic Preservation Section will provide comments on this issue.

- E. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafra soils series. Condition 17 of PGCPB No. 94-213, File No. 4-94017, June 24, 1994, was specifically included to require future review of areas where highly erodible soils occur on slopes in excess of 15 percent. Aura, Beltsville, Elkton, and Othello soils are highly erodible.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- F. A Stormwater Management Concept Plan, CSD#8008470-1994-01, has been approved by the Prince George's County Department of Environmental Resources and is valid until June 30, 2004.

Comment: No further action regarding the stormwater management is required with regard to this Specific Design Plan review

In conclusion, the Environmental Planning Section recommended approval of TCPII/46/04. They also recommended approval of SDP-0320, but subject to the condition that development of this property shall be in conformance with the approved Stormwater Management Concept Plan. Staff has included this condition in the recommended conditions below.

- j. **Department of Environmental Resources**—In comments made April 27, 2004, the Department of Environmental Resources has stated that the site plan for Preserve at Piscataway, Danville Estates is consistent with stormwater concepts 11102-2004, 11097-2004 through 11099-2004.
- k. **Prince George's County Fire Department**—The Prince George's Fire Department, in a

memorandum dated May 24, 2004, stated that the proposed project must provide required access for fire apparatuses and with adequate fire hydrants to serve the subdivision, in accordance with the applicable regulations.

1. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated May 7, 2004, DPW&T stated that:

- Right-of-way dedication and street construction for Danville Road along the frontage of the subject property in accordance with the DPW&T's standards for a scenic and historic rural collector road is required.
- The proposed intersection improvements shown must be revised and adequate sight distance provided in both directions on Danville Road at its proposed intersections with Herbin House Road and Claggett Run Road.
- Applicant must demonstrate conformance with relevant conditions contained in the resolution approving Preliminary Plan of Subdivision 4-03027.
- Applicant must conform to DPW&T's street tree and lighting standards.
- Raised pavement markings must be installed along the roadway centerline of Danville Road.
- All subdivision streets must show at least a 25-foot right-of-way fillet radius.
- Sidewalk is required as per Section 23-135—Prince George's County Road Ordinance.
- Coordination with various utility companies is required as existing utilities may require relocation and/or adjustments.
- All storm drainage systems are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements.
- All improvements within the public right-of-way as dedicated to the county are to be in accordance with the county road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- A soils investigation report including subsurface exploration and geotechnical engineering evaluation for Livingston Road, Piscataway

Road and the subdivision streets is required.

- A traffic study is required.

Comment: The comments above will be enforced as determined appropriately by DPW&T at the time of street construction permits.

- m. **Maryland State Highway Administration**—In an e-mail dated May 4, 2004, the Maryland State Highway Administration stated that based on its review of the site plan and previous reviews of the entire project, it had no objection to Specific Design Plan SDP-0320 approval.

14. As required by Section 27-523 of the Zoning Ordinance:

- a. The Specific Design Plan conforms to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*;
- b. The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;
- c. Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties; and
- d. The plan is in conformance with an approved Tree Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/48/04), and further APPROVED Specific Design Plan SDP-0302 for the above-described land, subject to the following conditions:

1. The initial half-section of Piscataway Road extended (otherwise known as A-54, the relocation of MD 223 through the subject property) shall be open to traffic between Livingston Road and existing MD 223 to Floral Park Road prior to the issuance of the 186th residential building permit within the subject property.
2. In order to alleviate the negative impact on fire and rescue services due to inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. Prior to signature approval of the plans applicant shall:

- a. The applicant shall provide evidence of the approval by Potomac Electric Power Company of the agreement to construct Emory Ridge Road.
 - b. Revise the plans so that Lot 14, Block B, measuring 20,000 square feet, is at least 80 feet wide at the front building line.
 - c. Revise the cover page drawings and “Sheet Index” drawings to include Page 20.
 - d. Revise the drawings to show Block designation on all pages.
 - e. Revise the plans to correct rear and side building restriction lines on Lots 6, 7 and 16 Block B; Lots 1,19, 20 and 28 Block C; Lots 1 and 12 Block E; Lots 1 and 15 Block G; Lot 6 and 7 Block H; Lots 1, 7, 9 Block I.
 - f. The plans shall be revised to provide entrance features at access points from along Danville Road to be reviewed for compatibility with the entrance features approved for Glassford Villages.
4. Prior to the issuance of building permits:
- a. The applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$410.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Danville Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void. If road frontage improvements along Danville Road are required by DPW&T, seven- to ten-foot-wide asphalt shoulders are recommended to accommodate bicycle traffic (CDP-9306 Consideration 20).
 - b. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Saint Mary’s View Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
 - c. The applicant shall include a percentage of lot coverage chart in the plans.
 - d. The applicant, his heirs, successors and/or assignees shall demonstrate by means of a tracking chart that a minimum of 25 percent of the single-family detached units shall have front porches.

5. The applicant, his heirs, successors and/or assignees shall construct the eight-foot-wide multiuse (hiker/biker/equestrian) trail within the entire length of Parcels G and J. This trail shall be bonded prior to the release of any building permits for Danville Estates and shall be constructed prior to the release of the 64th building permit in conformance with Park Trail Standards of the *Adopted and Approved Subregion V Master Plan*. A recreational facilities agreement encompassing these requirements shall be recorded prior to final plat.
6. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of internal public streets.
7. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House Historic Site 84-23-06. The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.
8. The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.
 - a. Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.
 - b. Maintenance of “No Trespassing” signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.
 - c. Provide an updated inspection report by a qualified professional of the current condition of the Historic Site (inclusive of the roof, walls, chimneys, windows, doors and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to preserve the integrity of the physical features.
 - d. Provide routine maintenance of utilities inclusive of heating, plumbing and electrical systems.
 - e. The applicant shall provide evidence of maintenance of fire insurance on the house.
 - f. Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.

The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic

Preservation staff every six months beginning on or before July 30, 2002) until the Historic Site (Edelen House Historic Site 84-23-06) is restored or adaptively reused.

9. Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund (Piscataway Preservation Corporation).
10. Prior to the submittal of the 177th residential building permit for the overall development or June 17, 2004, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.
11. The applicant, his heirs, successors and/or assignees shall display in the sales office, all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the specific design plan, tree conservation plan, landscape plan, and plans for recreational facilities.
12. Either the applicant shall demonstrate compliance with Section 4.7 of the *Landscape Manual* for these lots or Lots 29C and 1D shall be eliminated from the plan in order to be able to install a 100-foot buffer with 320 plant units per 100 linear feet of property line along the western boundary of the Potomac Electric Power Company right-of-way at the southern end of the subject site where it abuts residential use. Where existing woodland is located within the entire minimum landscaped yard, preservation of that woodland may substitute for the required plant materials. When existing woodland is located in only part of the minimum landscaped yard, the number of plant units required may be reduced in proportion to the percentage of the area of the landscaped yard occupied by existing woodland.
13. Prior to the issuance of the first building permits for the project, applicant shall provide a fee in the amount of \$479 per dwelling unit to Prince George's County, as a fair share contribution towards the construction of the Brandywine Special Study Area Station, and the acquisition of an ambulance and paramedic unit.
14. Prior to the issuance of the first building permit for the subject application, the applicant shall demonstrate approval of the paving plans by the DPW&T and the street trees within the right-of-way shall be in general conformance to the master plan of street trees, particularly in regard to size (2½- to 3-inch caliper) and spacing (approximately 35 feet on center).
15. Prior to the issuance of building permits, plans shall indicate that houses on corner lots shall front on the most heavily traveled street, where possible.
16. Revise the plans to widen Lot 4A sufficiently to allow a 45 degree rotation of the unit on the lot so as to provide a minimum 30-foot back yard. The lot shall be adequately landscaped and the

architecture shall contain three, preferably four, endwall features, designed to the satisfaction of the Urban Design Section as designee to the Planning Board.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Harley and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, June 10, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator