



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-03120

Application	General Data
<b>Project Name:</b> <b>FOREST PRESERVE</b>  <b>Location:</b> East side of Livingston Road, 500 feet south of Washington Lane.  <b>Applicant/Address:</b> HASM, L.L.C. 6525 Belcrest Road, Suite #205 Hyattsville, MD. 20782	Date Accepted: 12/03/03
	Planning Board Action Limit: 02/25/04
	Plan Acreage: 17.6
	Zone: R-E
	Lots: 4
	Parcels: 3
	Planning Area: 80
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 217SE02	

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION</b>	Adjoining Property Owners: N/A (CB-15-1998)
	Previous Parties of Record: N/A (CB-13-1997)
	Sign(s) Posted on Site: 02/03/04

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-03120  
Forest Preserve, Lots 1-4 and Parcels C, D and E

OVERVIEW

The subject property is located on Tax Map 132, Grid D-4, and is known as Lots 1-3, Block O; Lots 1-11, Block P; and Parcel B and part of Parcel A. The property was originally subdivided in Plat Book VJ 162@71 in 1992 and known as the Forest Knolls subdivision, Plat One, Section Four. The applicant is proposing to vacate that existing undeveloped subdivision and resubdivide the property into four lots and one parcel for the construction of single-family dwelling units. Subsequent to the approval of VJ 162@71 it was determined that the environmental constraints on the property were more extensive than originally thought. The development potential of this property is restricted due to Marlboro clay and steep and severe slopes. Development of the property in accordance with the approved record plat would require extensive reclamation of the property.

The property is approximately 17.62 acres and zoned R-E. The property has frontage on the north side of Livingston Road. The applicant is proposing to serve the four proposed lots via an access easement pursuant to Section 24-128(b)(1) of the Subdivision Regulations. Section 24-128(b)(1) provides for the use of an access easement to serve single-family dwelling units in certain circumstance. Specifically, the easement must be a minimum of 22 feet wide, all lots being served by the easement must be a minimum of two contiguous acres, and the use of the lots is restricted to one-family dwellings or agricultural uses. The proposed preliminary plan is consistent with these requirements.

The applicant has proposed three parcels. Parcel C (1.71 acres) and D (.62 acres) are land locked. Due to the lack of access staff recommends that Parcel D be incorporated into Lot 4 and Parcel C be conveyed to M-NCPPC. The applicant has entered into a tentative land swap agreement with the Department of Parks and Recreation (M-NCPPC) for the conveyance of Parcel C to M-NCPPC at the time of final plat. Parcel C abuts Parcel A (17.81 acres) that is currently owned by M-NCPPC to the east. M-NCPPC will then convey part of Parcel A (1,662 square feet) to the applicant for inclusion into Lot 4 prior to final plat. At the time of final plat the applicant should demonstrate ownership of that portion of part of Parcel A or demonstrate that a good faith effort to obtain that portion of the property has failed.

Parcel E is located on the south side of the proposed 22-foot-wide access easement and fronts Livingston Road. The applicant has proposed to utilize Parcel E for an off-site woodland conservation bank and convey Parcel E to a homeowners association (HOA). By utilizing Parcel E for off-site woodland conservation, this area will remain undisturbed and provide a benefit to the future residents of Lots 1-4, buffering the dwellings from Livingston Road and ensuring that the property will not be developed. The final plat will then record a conservation easement over the entirety of Parcel E for future preservation.

The property to the north is a subdivided but unbuilt subdivision known as Forest Knolls, recorded in land records in Plat Book WWW 72@84 in 1969. The existing record plat for the subject property originally

proposed a 60-foot-wide right-of-way extending from Livingston Road to the subdivision to the north, eventually extending to the west to Piscataway Road and Old Fort Road South. The property to the north is currently under the ownership of Prince George’s County. Based on the evaluation of the Department of Environmental Resources and the Maryland Department of the Environment, the development of the right-of-way through this property is not feasible due to Marlboro clays and steep and severe slopes resulting in unstable soils. The applicant’s proposal for four lots, to be served by a private driveway, is generally the extent of development that can be supported on this property. The Forest Knolls subdivision to the north, if developed, could utilize the existing right-of-way to Piscataway Road and Old Fort Road South

**SETTING**

The property is located on the northeast side of Livingston Road, approximately 500 feet south of Washington Lane in the Friendly community. To the north is R-R-zoned land generally undeveloped. To the east is the Tinkers Creek Stream Valley Park owned by M-NCPPC and zoned R-O-S. To the south across Livingston Road is the Fort Washington Forest Subdivision, generally developed with single-family homes, zoned R-80.

**FINDINGS AND REASONS FOR STAFF RECOMMENDATION**

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Vacant	Residential
Acreage	17.62	17.62
Lots	14	4
Parcels	1	2
Dwelling Units:		
Detached	0	4

- 2. **Environmental**—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, contains more than 10,000 square feet of existing woodland, and has a previously approved Tree Conservation Plan. A Type I Tree Conservation Plan, TCPI/34/90, was approved with the previously approved Preliminary Plan 4-89225. A revised Type I Tree Conservation Plan is required because the layout of the proposed subdivision is substantially different.

The plan proposes clearing 4.97 acres of the existing 16.32 acres of woodland. The woodland conservation requirement for the proposed development has been correctly calculated as 5.64 acres. The plan proposes to meet the requirement by providing 5.64 acres of on-site preservation. The proposed woodland conservation areas will serve to provide additional protection to the expanded stream buffer.

Additionally, the plan proposes to use some of the woodland saved but not part of any requirement as a bank for off-site projects. Under normal circumstances, woodland that remains beyond that needed to meet the requirements on a site is not allowed to be banked for future projects; however, because the current proposal is to reduce the number of lots significantly from the previously approved subdivision and because the new layout provides for significantly better environmental protection than the previous proposal, the banking of the additional woodland preserved will be allowed if certain

conditions are met. The problem with creating a separate parcel and encumbering it with woodland conservation is that these parcels often go to a tax sale for lack of taxes being paid. This results in the purchaser buying a parcel that is completely encumbered. The concept of banking the additional woodland preserved can only be approved if the parcel in question is conveyed to a homeowners association with a conservation easement over the entire parcel. This mitigation bank can then be used to meet off-site requirements for other developments. The applicant proposes to create Parcel E to be conveyed to the HOA. Prior to final plan, a Type II tree conservation plan should be approved creating the tree conservation woodland bank.

The plan contains several technical errors. Because Parcel "C" is proposed to be dedicated to the Department of Parks and Recreation, no woodland conservation is permitted on that land. This change alters the area of excess woodland that may be used as an off-site bank. Finally, the timing of the woodland bank needs to be clarified so that it conforms to state law.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The same areas comprise the Natural Reserve shown on the Subregion VII master plan. For the purposes of this review, these areas include the entire expanded stream buffer.

Each individual feature used to determine the expanded stream buffer is shown on the Type I Tree Conservation Plan and the Preliminary Plan of Subdivision. The plans show the stream, minimum 50-foot stream buffer, severe slopes, steep slopes with highly erodible soils, and the expanded stream buffer. The expanded stream buffer as defined in Section 24-130 of the Subdivision Regulations is correctly shown.

At time of final plat, bearings and distances should describe a conservation easement. The conservation easement should 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 plan proposes impacts to stream buffers and wetland buffers. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. Staff notes that the subject property is bordered by a stream. Areas of steep and severe slopes adjacent to the stream increase the total area of sensitive environmental features. A variation request in conformance with Section 24-113 of the Subdivision Regulations has been submitted and is recommended for approval.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

*Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific*

*case that:*

- (1) *The granting of the variation will not be detrimental to the public safety, health, or welfare or be injurious to other property;*
- (2) *The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*
- (3) *The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*
- (4) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;*

The applicant has proposed one impact to the expanded buffer. The variation request is to permit the disturbance to 6,800 square feet of an expanded stream buffer for the construction of a sanitary sewer to serve the proposed development. The alignment of the sewer is constrained by the topography of the site and the location of the existing sewer main. The Washington Suburban Sanitary Commission has determined that the proposed location of the sanitary sewer is appropriate and the Department of Parks and Recreation has consented to the location. The details of construction will be reevaluated during the review of the Type II Tree Conservation Plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant will be required to obtain all federal and state wetland permits. The Environmental Planning Section supports the variation request.

The Subregion VII master plan indicates unstable soils on a portion of the property and recommends the implementation of the open space elements on the plan. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Aura and Sassafras series. Marlboro clay occurs in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property.

Marlboro clay occurs in the area with the top elevation at approximately 115 feet. The Environmental Planning Section has evaluated the site using the rational method for determining the location of the 1.5 safety factor line and the Prince George's County Department of Environmental Resources has concurred with the determination. The line is shown on the Preliminary Plan of Subdivision. The final plat should show all 1.5 safety factor lines. The location of the 1.5 safety factor lines should be reviewed and approved by M-NCPPC, Environmental Planning Section, and the Prince George's County Department of Environmental Resources.

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The subject property is within the limits of the 1981 Master Plan for Subregion VII, Planning Area 80, in the Friendly Community. The recommended land use for the

property is estate residential at a density up to one dwelling unit per acre. Because of the significant environmental features on the property and the slope stability issues the applicant has proposed larger lot sizes. Staff finds with the unique nature of this site that the plan is in substantial conformance with the land use recommendations and does not impair the general land use policies of the master plan. The 2002 General Plan locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities that are increasingly transit serviceable. Staff recommends that the applicant construct a sidewalk along the property's frontage with Livingston Road to better provide for transit service to this property. The proposed preliminary plan is consistent with the recommendations of the General Plan.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the preliminary plan is exempt from the requirements of mandatory dedication of parkland because this is a resubdivision of a property that has previously dedicated parkland pursuant to Section 24-134 of the Subdivision Regulations.

As part of the new subdivision, the applicant wishes to reconfigure the previously dedicated parkland, so a small portion of the Tinkers Creek stream valley parkland (1,662 square feet.) can be incorporated into Lot 4. The applicant is proposing to dedicate Parcel C (1.7 acres) to the Commission to be incorporated into the Tinkers Creek stream valley park in exchange for 1,662 square feet of parkland.

5. **Trails**—The Adopted and Approved Subregion VII Master Plan and 1985 Equestrian Addendum recommend that Livingston Road be designated as a Class III bikeway with appropriate signage. Because Livingston Road is a county right-of-way the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required along Livingston Road by DPW&T, wide asphalt shoulders are encouraged to safely accommodate bicycle movement.
6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of four single-family detached residences. The plan covers an area of 11 previously recorded lots for Forest Knolls on record plat 162-071. The proposed development would generate 3 AM and 4 PM peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*; consideration of the underlying plat suggests that there would be a net reduction of development on the site.

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

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

The traffic generated by the proposed preliminary plan would impact the intersection of Livingston Road and Old Fort Road South, which is unsignalized.

Staff has no recent counts at the critical intersection of Livingston Road and Old Fort Road South. However, the transportation staff believes that the proposed subdivision would generate no net trips as a result of creating 4 lots where 11 lots are currently recorded. There would be no resulting impact on traffic operations at the Livingston Road/Old Fort Road South intersection as a result of the resubdivision. Therefore, the Transportation Planning Section concludes that 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.

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

Finding:

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	4,433	4,689	8,654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	0	0	0
Total Enrollment	4,590.92	4,775.46	8,812.55
State Rated Capacity	4,512	5,114	7,752
Percent Capacity	101.75%	93.38%	113.68%
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the referral was written for this preliminary plan application. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project if approved.

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.

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

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

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.21 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.21 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.21 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service. The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

9. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. 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 30, 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. Therefore, in accordance with Section 24-122.0(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Forest Preserve development.
10. **Health Department**—The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash must be removed and properly discarded.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:

- a. To provide the approval date of the conceptual stormwater management plan.
  - b. To incorporate Parcel D into Lot 4.
  - c. To indicate that Parcel C is to be conveyed to M-NCPPC.
  - d. To indicate that Parcel E is to be conveyed to a homeowners association (HOA).
  - e. To indicate 1,662 square feet is to be conveyed from M-NCPPC for incorporation into Lot 4.
  - f. To extend the access easement area into Lot 4 to provide 50 feet of frontage.
  - g. To extend the lot lines to the southern boundary of the easement from each lot to provide that the easement is crossing each lot. Provide the gross lot area including the area of the easement.
  - h. To relocate the 10-foot PUE inside the 22-foot ingress and egress easement.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
  3. Prior to final plat the applicant shall vacate record plat VJ162@71 in accordance with Section 24-112 of the Subdivision Regulations.
  4. Prior to final plat the applicant shall demonstrate the acquisition of that part of Parcel A (1,662 square feet) included within Lot 4, currently under the ownership of M-NCPPC.
  5. Development of this property shall be in accordance with the approved Stormwater Management Concept Plan.
  6. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
  7. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcel E (6.26± acres). 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. 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.
9. At the time of final plat the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission Parcel C (1.71 acres). Lands to be dedicated shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) 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 that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on 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 the

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.
  - h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
10. Prior to final plat the applicant shall demonstrate the ownership of that portion of Parcel A indicated on the approved preliminary plan (1,662 square feet) as part of Lot 4 or demonstrate that a good faith effort to obtain that portion of Parcel A has failed. As part of the process, the applicant shall:
- a. Prepare a survey of the part of Parcel A (1,662 square feet) to be incorporated into Lot 4. The survey shall be approved by DPR prior to submission of the final plat of subdivision.
  - b. Prepare a deed for the part of Parcel A to be exchanged (signed by the WSSC Assessment Supervisor) and submit it to the Department of Parks and Recreation for their review at least four weeks prior to submission of the final plat of subdivision. A title report and legal description shall accompany the deed for the land to be conveyed to M-NCPPC. Following approval by DPR, the deed for the property to be conveyed to M-NCPPC shall be submitted to the Subdivision Section along with the Final Plat of Subdivision for recordation. Upon receipt of a recorded deed, DPR staff will take necessary actions to convey the 1,662 square feet of parkland to the applicant. The applicant shall record the deeds in land records of Prince George's County.
  - c. The applicant shall be responsible for preparation of all documents and all expenses associated with the land exchange. All state, county and local taxes, if any, shall be paid by the applicant to the date of transfer.
11. The applicant shall provide standard sidewalk along the property's entire street frontage of Livingston Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Livingston 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.
13. 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 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.”

14. Prior to the issuance of any permits that 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.
15. The following notes shall be placed on the Final Plat of Subdivision:
  - a. “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/34/90-01), 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.”
  - b. “Parcel “E” is reserved for woodland mitigation banking for off-site projects.”
16. Prior to final plat, a Type II Tree Conservation Plan to establish the woodland bank shall be approved by the Environmental Planning Section.
17. The final plat shall show all 1.5 safety factor lines. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, Environmental Planning Section, and the Prince George’s County Department of Environmental Resources. The final plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
18. Prior to signature approval of the Tree Conservation Plan, the plan shall be revised to:
  - a. Remove all proposed woodland conservation from Parcel “C.”
  - b. Clearly delineate and label the areas containing the 5.64 of woodland required for this project.
  - c. Clearly label the woodland area proposed as a bank for off-site projects.
  - d. Be signed and dated by the qualified professional who prepared the plan.
19. The Planning Board authorizes the Executive Director to take the needed actions to dispose of 1,662± square feet of park property known as part of Parcel A, as delineated on the preliminary plan of subdivision, subject to the approval of the Commission.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/34/09-01.