



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

Preliminary Plan 4-03133

Application	General Data
Project Name: OAKLANDS Location: East of the B & O Railroad tracks and north of Contee Road and east of US 1. Applicant/Address: Cherrywood Development, LLC. P.O. Box 420 11865 Federal Square, Suite #204 Waldorf, MD 20604	Date Accepted: 12/18/03
	Planning Board Action Limit: 03/11/04
	Plan Acreage: 49.0
	Zone: R-R
	Lots: 73
	Parcels: 3
	Planning Area: 62
	Tier: Developing
	Council District: 01
	Municipality: N/A
200-Scale Base Map: 217/8NE7&8	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners (CB-15-1998) N/A
	Sign(s) Posted on Site: 02/10/04

Staff Recommendation		Staff Reviewer: Del Balzo	
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 4-03133
Oaklands, Lots 1-73, Parcels A, B and C

OVERVIEW

The property consists of approximately 49 acres of land in the R-R Zone. It is the location of the Oakland Historic Site 62-3 and accessory farm buildings. The applicant proposes to create a cluster subdivision of 73 lots for single-family homes and three parcels for open space, woodland conservation, and a soccer field to be dedicated to M-NCPPC as a public park.

The Historic Site, a brick plantation house associated with the Snowden family, was constructed in the 1790s and altered in the late nineteenth and early twentieth centuries. The large house (5,000? square feet), several small outbuildings, and landscape features within a 40-acre parcel are all that remain of a once substantial farm. It will be located on proposed Lot 54 on a little more than an acre of land. This lot will be surrounded by three acres of wooded open space to be conveyed to a homeowners association. The soccer field will lie between the historic site and the road, providing an open view of the home from Contee Road.

Preliminary Plan 4-02112 was approved by the Planning Board on this site in 2003. At that time, the property consisted of 37.91 acres and the applicant proposed 66 lots. The 41.91-acre parcel abutted a 7-acre parcel owned by M-NCPPC known as the Briarwood-Oakland Neighborhood Park. Since that approval, the applicant has negotiated with the Department of Parks and Recreation to exchange a large portion of the middle of the applicant's property for the parkland. This exchange, which must be approved by the Planning Board, will enable the construction of the soccer field in a more desirable area than the existing park. The existing park is surrounded by homes and is rather hilly, making it difficult to construct a soccer field that would have limited impact on the residents. Staff supports the land exchange and the new proposal.

Given that the applicant has revised the plan from the previous approval to address County Council and citizen concerns about the lack of ball fields in this area, staff has tried to review this application in as expeditious a manner as possible. However, original environmental comments on the proposed plan were given to the applicant at the Subdivision Review Committee meeting of January 5, 2004, and followed with a memorandum of January 30, 2004. Many of these issues were not addressed until a recent submittal on March 1, two days before the staff report was due. This is typically not acceptable and the applicant should be aware that late submittals on future projects will cause a delay in the hearing. Staff has reviewed this information, submitted on March 1, 2004, and bases its findings on that plan.

Sole access to the subdivision will be from an extension of Larchdale Road. Internal circulation will consist of two cul-de-sacs that will form a horseshoe around the historic site. Large expanses of wooded open space will buffer the lots from Contee Road and the adjoining railroad right-of-way.

SETTING

The property is located on the southeast side of the B&O Railroad tracks and US 1, north of Contee Road. To the east is the Laurel Square Subdivision in the R-R Zone. To the south, across Contee Road, is the James H. Harrison Elementary School. East and northeast is the railroad right-of-way. To the northwest is the community of Briarwood in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-R	R-R
Uses	Historic Site	Historic Site, single-family homes and a public soccer field
Acreage	49	49
Lots	0	73
Parcels	2	3
Detached Dwelling Units	1	73 (1 existing & 72 proposed)

2. **Cluster Development Data as proposed by Applicant**—

Zone	R-R
Gross Tract Area	48.98 acres
Area with Slopes Greater than 25%	0.9 acres
Area within Preliminary 100-year Floodplain	3.19 acres
Cluster Net Tract Area	45.79 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	90
Number of Lots Proposed	73
Flag lots proposed	2
Cluster Open Space Required	14.75 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	9.83 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	15.40 acres
Cluster Open Space Provided	19.28 acres
Mandatory Dedication Required	2.45 acres
Mandatory Dedication Proposed	7.5 acres & public recreation facilities
Total Open Space Required (Cluster plus Mandatory Dedication)	14.75 acres
Total Open Space Provided	19.28 acres

Open Space to be Conveyed to Homeowners' Association	13± acres
Open Space to be Conveyed to M-NCPPC	7.5± acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	0.9 acres
25% of Steep Slopes	0.225 acres
Area of Steep Slopes to be Disturbed	0.0 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification	
			Allowed	Proposed
27-442(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	80'	75'	75'
	Lot Frontage Along			
	Street Line	70'	50'	50'
	Lot Frontage Along			
	Cul-de-sac	60'	50'	50'

3. **Cluster Findings**—The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The proposal, with modifications outlined in the Environmental Finding, provides for adequate woodland conservation and tree preservation. Oaklands, a historic site, is preserved with this proposal. The home will be central to the community, protected by nearly four acres of woodland.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The Oaklands historic home sits atop a knoll on the property. Approximately one acre of land is provided for the home itself, and three additional acres of wooded land will surround that acre. This is suitable for protection and privacy of the historic resource.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: Cluster open space includes not only protective woodland for the historic site, but also the floodplain and stream. Although there are no significant rock outcroppings, significant stands of trees are found in the floodplain area as well as around the historic home.

- d. Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The applicant has worked with the Department of Parks and Recreation to provide a public soccer field near Contee Road on the property. This area is the most suitable on the property for the recreation facilities. Not only is it easily accessible to residents of the community, it will be easily accessible to the greater community as well.

- e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: The open space is not intended for its scenic value. Its purposes are tree preservation, to provide privacy for the historic home, and recreation.

- f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The subdivision has been designed so that a large area of undeveloped, wooded land can remain around the historic home on the property. The lots are oriented so that the majority of them will back to open space. Lots near the soccer field are nearly 100 feet from the field, providing ample opportunity for buffering.

- g. Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: The lots are arranged to harmoniously relate to the surrounding properties. The adjoining land to the west is parkland. Single-family homes on R-R cluster development are to the south. Large areas of open space buffer the property from both Contee Road to the south and the railroad right-of-way to the northwest.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: The lots are oriented to minimize effects of noise and traffic. Large areas will buffer the lots from adjacent noise generators, Contee Road and the railroad right-of-way.

- i. Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: With 0.9 acre of slopes, up to 0.225 acre could be disturbed. The applicant proposes disturbing no steep slopes.

- j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: The adjoining Laurel Square Subdivision is developed under the cluster technique. Woodland conservation and open space provide sufficient area so that the lots adjacent to the streets will appear to be much larger than they are. Additional landscaping issues and entrance feature designs will be reviewed with the Detailed Site Plan.

4. **Environmental**—The site has approximately 900 feet of frontage along the north side of Contee Road. The Baltimore and Ohio Railroad tracks are adjacent to the site along its entire west property line. A review of the available information indicates that 100-year floodplain; streams, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The railroad is a significant generator of noise and vibration. The soils found to occur, according to the Prince George’s County Soil Survey, include the Beltsville, Christiana and Sassafras series. The Beltsville and Christiana soils are considered highly erodible and have K-factors of 0.43 and 0.37, respectively. The Christiana soils also have limitations of high shrink/swell potential. According to available information, Marlboro clay is not found to occur on this property. 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, indicates there are no rare, threatened, or endangered species found to occur in the vicinity of this property. In the center of the site is the “Oaklands House” that was built in 1798. It is listed in the Maryland Historic Sites Inventory and will remain at the site within proposed Lot 54 surrounded by proposed Parcel A. There are no scenic or historic roads in vicinity of the site. This property is located in the upper Patuxent River watershed of the Patuxent River basin and in the Developing Tier in the 2002 adopted General Plan.

Woodland Conservation

A detailed Forest Stand Delineation (FSD) was originally prepared in October 2002 by McCarthy and Associates for 4-02112. An amendment to the FSD text and map was prepared in November 2003 by Capitol Development Design, Inc., (CDDI), for inclusion of the 6.98-acre parcel. A review of this plan submittal found the that amended FSD does not meet the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Technical Manual, per a memorandum from the Environment Planning Section dated January 30, 2004. Several revisions to the FSD map are necessary and must be made prior to signature approval of the preliminary plan.

The site is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on site. A Type I Tree Conservation Plan (TCPI) has been submitted. The subject TCPI submittal is a revision to TCPI/66/02 to include the 6.98-acre parcel. Of the 48.98 acres of gross tract area, 30.96 acres are wooded. The plan proposes to clear 20.72 acres of woodland, resulting in 14.34 acres of required woodland conservation. The plan currently proposes to meet the requirement through the provision of on-site preservation, reforestation, and afforestation. Revisions to the plan that are detailed below may result in required revisions to the woodland conservation worksheet.

As with previous TCPI plans submitted for review with this application and the previous application, many of the review comments have not been addressed. In addition, the most recent plan submitted has information added to it that is not appropriate for a TCPI. The missing or incorrect information includes showing the 15-25 percent slopes on highly erodible soils; showing the slopes the same as the slopes shown on the FSD; provision of K-factors for the remaining two soil series; elimination of afforestation in existing easements; proposed disposition of the existing specimen trees; and a clearly discernible limit of disturbance.

In addition, the plan proposes afforestation and reforestation areas that are extremely close to the property lines of many of the lots. These areas are often subject to disturbance after the homes are occupied. The Woodland Conservation Ordinance requires that afforestation and reforestation areas be protected with permanent fencing. This fencing and an appropriate detail must be provided on the TCPI and TCPII. As with the Forest Stand Delineation, several revisions are required to the Tree Conservation Plan that must be made prior to signature approval of the preliminary plan.

Patuxent River Primary Management Area

Not all of the existing site features have been shown on the TCPI that are part of the definition of the Patuxent River Primary Management Area (PMA). The TCPI must show these natural features as a basic requirement of the Subdivision Regulations. Severe and steep slopes are shown on the FSD and preliminary plan, but not on the TCPI. As such it is difficult to determine if the PMA shown on the plan has been shown correctly.

Section 24-130 of the Subdivision Ordinance requires the preservation of the Patuxent River PMA to the fullest extent possible. The PMA at a minimum includes streams and a 50-foot-wide stream buffer; the 100-year floodplain; adjacent wetlands and their associated buffers; areas having slopes 25 percent and greater; areas having slopes 15-25 percent on highly erodible soils; and specific areas of rare or sensitive habitat.

The PMA was delineated on previous applications for the subject property that did not include the added acreage. The plan revised and submitted March 1, 2004, does not appear to show any impacts to the PMA; however, this is difficult to determine because all of the elements of the PMA have not been shown on the TCPI. The only location on the site where there is a possible problem is in the vicinity of proposed Lots 30-32. If PMA impacts are proposed in this area, these impacts are not supported by staff because they are only for the convenience of grading the lots and are not necessary of the development of the property. Conservation easements should be established on all PMA areas that do not have approved impacts.

Floodplain, Streams, Wetlands and Buffers

A wetlands delineation report prepared by McCarthy and Associates in October 2002 was included in the initial plan submittal. The wetlands report was the result of earlier fieldwork done at the site that resulted in observations as to the likelihood of hydric soils. The report indicates that several holes were bored throughout the site to test for hydric soil characteristics. Hydric soils are one of the three parameters needed in order for an area to be considered wetlands. The other two are identifiable wetlands hydrology and a dominance of hydrophytic vegetation. The soil borings indicate that the site does not contain any areas with hydric soils and as a result there are no wetlands at the site.

Areas of 100-year floodplain are present. A note on the initial preliminary plan submittal stated the floodplain was determined using 1987 FEMA maps. These maps should not be used for a site-specific development proposal. Submit floodplain information to include the source of the delineation and verification of its location by the Department of Environmental Resources (DER). Identify in notes on the plan the source of the floodplain delineation and revise the legend to include a symbol for this feature.

Noise

The site is located adjacent to railroad tracks, a potential source of noise and vibration. The Subdivision Regulations require that lots have a depth of at least 300 feet to deal with these potential impacts. The preliminary plan shows the required 300-foot lot depth in relation to the railroad tracks.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public systems.

5. **Community Planning**—The Community Planning Division commented on Preliminary Plan 4-02112 in 2003. The property is in Planning Area 62, South Laurel–Montpelier. The 2002 *Prince George’s County Approved General Plan* places the property in the Developing Tier. Oaklands, Historic Site 62-3, is recognized in the master plan. This residential structure, circa 1798, is a 2½-story brick mansion (altered) with elegant Georgian ornamentation. The Historic Preservation Element in the General Plan includes a goal, policies and strategies to preserve and protect the county’s historic resources. The plan states:

Historic buildings, structures, and sites can provide the architectural and cultural context for new development and for the preservation of a sense of place. Their protection provides a link to the county’s past while recognizing their role in the county’s present and future.

Policy 1 in the Historic Preservation Element of the General Plan recommends that the county should “Integrate historic sites and districts into the county’s development pattern.”

The 1990 master plan for Subregion I recommends the property for parkland acquisition. In lieu of acquisition, the plan recommends the property be developed in the R-S Comprehensive Design Zone. The attendant 1990 sectional map amendment for Subregion I retained the R-R Zone for this property.

6. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the adopted and approved Subregion I master plan, the Land Preservation and Recreation Program for Prince George’s County, and subdivision regulations as they pertain to public parks and recreation.

The proposed residential cluster development is located in Planning Area 62 of Subregion I. The master plan designates the entire subdivision for a regional/countywide/special park. DPR staff finds that the subject property is unsuitable for the development of a regional or countywide park because of the steep slopes and floodplain on the site. In addition, a historic house is located in the middle of the property.

The existing seven-acre Briarwood–Oakland Neighborhood Park is located on the east of the subject property. This parkland is unsuitable for the construction of the ball fields needed in the community because of existing steep slopes.

DPR staff, the applicant and Prince George’s County Council staff met with the community and developed a mutually acceptable package, which includes a parkland exchange and the construction of the recreational facilities on the subject site. DPR staff recommends exchanging the existing seven-acre park for a 7.5-acre portion of the subject property, as shown on page one of the attached Exhibit “A,” and construction of a soccer field and 56-space parking lot on the exchanged parkland.

In general, staff is supportive of the submitted plan, however, pedestrian access to the proposed park is a concern. Staff recommends extending the existing four-foot-wide sidewalk along the north side of Contee Road to the soccer field as shown on page two of DPR Exhibit “A” in the file.

7. **Trails**—The adopted and approved Subregion I master plan designates Contee Road as a master plan trail/bike corridor. There is a recently completed sidewalk and wide curb lane on the portion of Contee Road that is in front of the subject site. These will serve to accommodate pedestrians and bicyclists along Contee Road and meet the intent of the master plan. No additional facility recommendations are made at this time. The placement of bikeway signage is recommended to alert motorists to the possibility of in-road bicycle traffic. At the time of resurfacing, it is encouraged that DPW&T consider designated bike lanes and bicycle-safe stormdrains along the entire length of Contee Road.
8. **Transportation**—The applicant originally prepared a traffic impact study dated January 2003 and an addendum dated March 2003 in support of a prior preliminary plan, 4-02112, for 65 lots. Because the study was less than one year old at the time of filing of the subject application, it has been utilized for review of the subject case. The traffic study was prepared in accordance with the methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines. This memorandum largely summarizes the findings made in connection with 4-02112, but considers the greater number of residences under this proposal.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George’s County. It is also within a designated regional center, as defined in same. As such, the subject property is evaluated according to the following standards:

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

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

Staff Analysis of Traffic Impacts

Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 1 and Contee Road	1,415	1,573	D
Contee Road and Larchdale Road	551	586	A	A
MD 197 and Contee Road	1,389	1,325	D	D

Background conditions include growth and approved developments in the area. Background conditions are summarized as follows:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 1 and Contee Road	1,526	1,652	E
Contee Road and Larchdale Road	557	597	A	A
MD 197 and Contee Road	1,426	1,357	D	D

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the proposed development of 73 single-family units will be adding 55 (11 in; 44 out) AM peak-hour trips and 66 (44 in; 22 out) PM peak-hour trips at the time of full build-out. Applying a growth rate of three percent per year for through traffic along US 1, two percent per year for MD 197, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 1 and Contee Road	1,539	1,667	E
Contee Road and Larchdale Road	609	620	A	A
MD 197 and Contee Road	1,438	1,366	D	D

None of the above-mentioned intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program. However, the Prince George's County Capital Improvement Program (CIP) proposes funding for improvements (CIP# FD665241) along Contee Road between US 1 and Van Dusen Road. Although those improvements along Contee Road are scheduled to be completed in 2004, it does not appear that those improvements will be sufficient to provide adequate service levels at the US 1/Contee Road intersection. Consequently additional improvements at the intersection will be required. Those improvements are as follows:

- Widen the eastbound Contee Road approach to provide four approach lanes; left turn, two through lanes, and one right turn lane.
- Add an exclusive right turn lane on southbound US 1 approach.
- Add a second left turn lane on the westbound Contee Road approach.
- Modify the signal phasing from a split phasing to concurrent phasing on Contee Road approaches.

All of these improvements were identified as conditions of approval for the Pines of Laurel Preliminary Plan of Subdivision (4-01028, PGCPB 01-187). With all of these improvements in place, the intersection of US 1 and Contee Road would operate with a LOS/CLV of C/1277 during the AM peak hour, and D/1387 during the PM peak hour.

The traffic study was sent on referral to the Department of Public Works and Transportation (DPW&T) as well as the Maryland State Highway Administration (SHA) when it was previously reviewed, and all comments were addressed at that time.

Plan Comments

The site is adjacent to Contee Road, which is a master plan collector facility. Sufficient right-of-way consistent with master plan recommendations already exists along Contee Road; therefore, no further dedication is required of this plan along Contee Road.

The property is proposed for a single access point via Quarter Horse Run Road, which is proposed to be a secondary residential street (50-foot right-of-way, and pavement 26 feet in width, with parking allowed on both sides of the street). The width of the access roadway poses an acute problem due to the limited capacity that exists with parking on both sides. The Neighborhood Traffic Management Program that is operated by DPW&T suggests that an average daily traffic volume of 600 is the maximum desirable traffic volume for a standard secondary residential street. The average single-family residence generates 9 vehicle trips per day, meaning that a secondary residential street should serve a maximum of 67 single family detached residences? any more, and vehicular conflicts increase to the point that a wider pavement width or an operational change becomes necessary. For that reason, it is recommended that the subject plan be revised to show a 60-foot right-of-way along Quarter Horse Run Road between Contee Road and Roan Horse Court.

Transportation Conclusions

Based on the preceding findings, 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 with conditions requiring the noted roadway improvements.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	74 sfd	74 sfd	74 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	17.76	4.44	8.88
Actual Enrollment	5668	1804	4471
Completion Enrollment	103.92	25.98	47.63
Cumulative Enrollment	0	0	0
Total Enrollment	5789.68	1834.42	4527.51
State Rated Capacity	5299	1759	4123
Percent Capacity	109.26	104.29	109.81
Funded School	N/A	N/A	N/A

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be shown in the resolution will be the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I- 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 5.15 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 4.69 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service travel time of 4.69 minutes, which is within the 7.25-minute travel time guideline.

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

11. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. 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 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Oaklands development.
12. **Health Department**—The Health Department reviewed the proposed plan and notes that there are wells and septic systems on the property that will need to be backfilled, pumped and/or sealed in accordance with COMAR 26.04.04. In addition, there are an abandoned step van and other debris on the property that should be removed to the Health Department’s satisfaction.
13. **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, # 29745-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through November 20, 2005. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
15. **Historic Preservation and Cemeteries**—Oaklands, a designated Historic Site (62-03) located at 8314 Contee Road, is a brick plantation house associated with the Snowden family that was constructed in the 1790s and altered in the late nineteenth and early twentieth centuries. The large house (approximately 5,000 square feet), several small outbuildings and landscape features within a 39±-acre parcel are all that remain of a once substantial plantation. The design of the house is a formal and high-style example of the architectural preferences of an important Maryland family of the late eighteenth century. The balanced and symmetrical facades of both the front and rear of the house are excellent examples of late Georgian or early Federal design; each elevation is a five-bay composition with a centered, pedimented entry. The interior of the house retains important late eighteenth century woodwork in almost every room.

Oaklands has been the subject of considerable attention from both the Historic Preservation Commission and staff of late. Although the house was inhabited, its condition had steadily declined in recent years. In 2002 and 2003, staff and the Historic Preservation Commission have worked closely with the applicant to market the house to individuals or organizations interested in ensuring the preservation of Oaklands within the context of a modern residential community.

Toward that end, the applicant initiated a marketing plan developed with staff and approved by the Historic Preservation Commission. In addition to the potential transfer of the property and a small amount of land, the applicant's marketing plan included the provision of seed money to help initiate a rehabilitation of the property. Through the marketing plan, the availability of the property was brought to a national audience. More than 100 inquiries were received and numerous interested parties visited the property.

Three detailed proposals were received outlining potential rehabilitation approaches for the property. One of the three proposals received was from a relative of the property owners (with no ownership interest). Both the property's owners and the applicant, as contract purchaser, determined that this proposal represented a well-conceived rehabilitation plan that would ensure the rehabilitation of the property and allow it to remain within the family of its longtime owners. The property owners and the applicant selected Mr. Donald Lady as the individual to whom Oaklands, along with approximately one acre of land, and \$125,000 for rehabilitation, would be transferred at an appropriate time in the development process. With the permission of the property owners and the contract purchasers, in the fall of 2002, Mr. Lady began to work on the house. The focus of Mr. Lady's work was the removal of trash, debris and the effects of the previous occupants and the weather-proofing of selected deteriorating features including portions of the roof, the built-in gutters, selected windows, and a portion of the main façade recently open to the elements. Some of this work was carried out with emergency grant funds from Preservation Maryland, the statewide nonprofit preservation organization.

The proposed Preliminary Plan for cluster development is based on the proposed revision of the Historic Site's current Environmental Setting that now includes the entire 49± property. The Oaklands house and its remaining historic outbuildings and related landscape features are located at the approximate center of the subject parcel. A cemetery historically associated with the Snowden family is related to this site. The possible existence of the cemetery within the subject property had been the subject of recent speculation. Donald K. Creveling, the archeologist for the M-NCPPC Department of Parks and Recreation provided the Historic Preservation Commission with a memorandum for its April 2003 review of the earlier application. The memorandum stated that, based on a site visit, a three-hour pedestrian survey of the vicinity of the main house (not the entire property), Mr. Creveling did not find any evidence of formal burials on the property, but he acknowledged the limited character of his investigations and suggested that more detailed investigations could be conducted by a qualified archeologist once clearing of underbrush was undertaken.

Although the precise whereabouts and existence of a cemetery have not been confirmed through more recent investigations, the entire site was examined for the applicant in 2003 by a professional archeologist. The archeologist's report submitted to the Historic Preservation Commission did not locate the cemetery within the subject property or uncover evidence that such a feature had been located there in the past (see Attachment 1: letter Ward to Pearl, 12/15/2003).

The Planning Board has recently issued a directive that the possible existence of slave quarters and slave graves must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Staff review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject referral. Development activities may have an adverse effect on these archeological resources.

The applicant's proposed cluster plan surrounds the Oaklands house with approximately 74 single-family lots, all of which are at least 10,000 square feet, as required. The lots are arranged

along two primary and two secondary cul-de-sac streets that substantially encircle the property's historic features. The open space requirements of the cluster plan are addressed in part by Parcel A, a 6.15±-acre parcel that encircles Oaklands and a number of its significant historic landscape features that are included within Lot 54 (approximately 1± acre). The current application includes an active recreational feature, a soccer field to be located south of the Historic Site and north of Contee Road, within the cluster plan open space.

Proposed access to Oaklands (Lot 54) will be from the westernmost street within the subdivision (Quarter Horse Run Road) and from there to Contee Road. This represents a change from the traditional access point south of the house from Contee Road.

The applicant's plan orients all of the dwellings encircling the Historic Site to face away from it. As a result, the character of the rear yards of these properties and the rear elevations of these houses will impact the views to and from the Historic Site.

The applicant proposes to use three road names, Quarter Horse Run Road, Ocala Court, Roan Horse Court, and Chestnut Mare Terrace, apparently related to recent equine activities associated with subject property.

The applicant proposes to convey the Oaklands Historic Site, along with approximately 1.00± acres and \$125,000 for rehabilitation expenses to Mr. Donald Lady, at an appropriate point in the development process.

At its April 2003 review of the previous application, the Historic Preservation Commission heard testimony from a number of interested parties including Donald Creveling, archeologist, M-NCPPC Department of Parks and Recreation; Barbara Sikora, President, Coalition To Protect Maryland Burial Sites, Inc. (CPMPS); Jean Warfield Keenan, Past President, CPMPS; and Nancy Thiessen, Helen Hass, Susan Morris, and Judith Johnson of Friends of Montpelier. All parties spoke to concerns regarding the location and proper treatment of a potential cemetery on the Oaklands cluster property and the need to comply with all county and state regulations regarding cemeteries and the development process.

The applicant's "Phase I Cemetery Investigation of Portions of Parcel A and Lot 66" (December 2003) partially complies with the intent of recent Planning Board directives regarding African-American habitation and burials associated with the county's antebellum plantations. However, since the subject property includes land that was once part of the nearly 1,000-acre antebellum Oaklands plantation, documentary and archeological investigation will be required to determine whether physical evidence of slave dwellings or burials exists. The Snowden family cemetery was thought to have been located somewhere within the family's substantial land holdings. Traditionally such features would be located close to the property's main house. Although the applicant's investigations were focused on Lot 54 and Parcel A, and on any potential burials associated with the landholding rather than the slave population at Oaklands, no evidence of burials of any type was uncovered. The investigation of evidence of slave habitation was not explicitly included in the applicant's Phase I study, which did not reveal the presence of any features typically associated with slave populations within the surveyed area (Lot 54 and Parcel A). To fully comply with the Planning Board's directive, the applicant should conduct a Phase I investigation of the remainder of the property, outside Lot 54 and Parcel A.

To avoid the inappropriate disturbance of any cemetery on the subject property, should one be identified outside of Lot 54 and Parcel A, the applicant should retain an archeologist to supervise any grading of the property. If a cemetery is found within the remainder of the proposed

development located in an area to be disturbed, the applicants should comply with all relevant county and state regulations regarding cemeteries prior to any disturbance or removal.

In the context of the development proposal, the Environmental Setting for the Historic Site should, to the greatest extent possible, include the property's remaining significant features. It should also provide for adequate buffering of the Historic Site from the adjacent new construction. In order to confirm that the applicant's proposed revised Environmental Setting for the Historic Site includes as many remaining significant features as possible, a survey should be undertaken to determine the precise location and character of the property's historic outbuildings, mature trees and shrubs, landforms and other manmade features in the immediate vicinity of the Oaklands house. These features should then be included on the cluster subdivision plan. The Historic Preservation Commission concluded that the Environmental Setting should consist of Lot 54 and Parcel A, which contains some of the site's significant landscape features.

As required for a cluster subdivision, the proposed plan provides for dedicated open space. A significant portion of the dedicated open space has been located around the Historic Site as Parcel A. If properly addressed from a site planning and landscaping perspective, this open space will provide some buffering of the Historic Site from the adjacent new construction and will enable the house to serve as a focal point of the open space and the community while ensuring the Historic Site owner reasonable privacy. Significant manmade or natural features outside of Lot 54 and within the Environmental Setting such as historic outbuildings, structures, garden terracing, and specimen trees and ornamental plantings should be retained and enhanced for the benefit of the community.

The Historic Site should be considered as an amenity within the development and its most prominent feature. As such, the provisions made for the preservation of the Historic Site should accommodate both the unique character of this property and its current circumstances. Further, in exchange for increased density provided by a cluster plan, the architectural character and site planning features of the development should enhance the character of the Historic Site and represent a higher standard of quality over a conventional subdivision.

The entrance to the Historic Site should be designed to establish the presence of Oaklands and its role within the community as an amenity. The entry to and the environs of the Historic Site should be landscaped to enhance views of the property and to provide reasonable privacy to the Historic Site and adjacent new construction.

The Oaklands Historic Site is located at the highest point within the subject property. Even with the buffer provided by the dedicated open space separating the Historic Site from the nearby new construction, the topography and vegetation of the subject property will render the rear elevations and rear yards of Lots 50-71 substantially visible from the Historic Site. The architectural character and materials and details of all improvements on Lots 50-71 visible from the Historic Site should be carefully reviewed for compatibility with the Historic Site as part of the Detailed Site Plan review process required for cluster subdivisions.

The applicant should consult with the staff of the Historic Preservation Section to develop street names that are reflective of more significant aspects of the history of the Oaklands property.

In the interest of ensuring the long-term preservation of the house, it should be transferred, along with the proffered rehabilitation funds, in a timely manner so that immediate stabilization work can begin. The applicant should work with the Historic Preservation Commission to develop appropriate safeguards to ensure the proper use of the rehabilitation funds. Further, the applicant

should draft an agreement codifying the details of the property and the funds to be conveyed. The agreement should specify the obligations of all parties; and the timing and methods by which the property and the rehabilitation funds will be transferred.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The FSD shall be revised as follows:
 - (1) Identify the acreage to the nearest 1/100th of an acre for each forest stand.
 - (2) Revise the legend to include a symbol for areas of 100-year floodplain and indicate the source of the delineation in a note on the map.
 - (3) Revise the FSD plan to only show slopes 15-25 percent on highly erodible soils.
 - (4) Have the qualified professional who prepared the map sign and date it.
 - b. The TCPI shall be revised as follows:
 - (1) Revise the TCPI to show slopes 15-25 percent in grade on highly erodible soils.
 - (2) Revise the plan to show the slopes in the same manner as on the FSD.
 - (3) Provide the K-factors for the two soil series that do not have K-factors listed.
 - (4) Revise the woodland conservation worksheet and the plan to eliminate credit for proposed afforestation in the DPW&T stormdrain easement or provide written concurrence from DPW&T for the woodland conservation treatments in their easement.
 - (5) Revise the TCPI to include the proposed disposition of the specimen trees on-site.
 - (6) Revise the plan to show a clearly discernible limit of disturbance.
 - (7) Revise the plan to show the placement of a two-rail, split-rail fence or equivalent at the boundaries of all reforestation and afforestation areas proposed and include a note that states: "A two-rail, split-rail fence of equivalent to be provided at the boundaries of all reforestation and afforestation areas. The TCPII shall show all appropriate details for the fencing."
 - (8) To clearly delineate the PMA and all associated features.
 - (8) Have the qualified professional who prepared the plan sign and date it.
 - c. The applicant shall undertake a survey to identify the significant historic features of Lot 54 and Parcel A. Significant features to be retained shall be identified on the Preliminary Plan.

- d. 100-year floodplain information shall be submitted including the source of the delineation and verification of its location by the DER.
 - e. The stormwater management concept plan approval number and date shall be included on the plan.
 2. Development of the property shall be in conformance with the approved stormwater management concept plan #29745-2002-00, or any approved revisions thereto.
 3. Prior to the issuance of any building permit on the subject property, the following improvements at the intersection of US 1 and Contee Road shall (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widen the eastbound Contee Road approach to provide four approach lanes: one left-turn lane, two through lanes, and one right-turn lane.
 - b. Construct an exclusive right-turn lane on the southbound US 1 approach.
 - c. Construct a second left-turn lane on the westbound Contee Road approach.
 - d. Modify the signal phasing from split phasing to concurrent phasing on the Contee Road approaches.
 4. The subject plan shall be modified to show a 60-foot right-of-way along Quarter Horse Run Road between Contee Road and Roan Horse Court and reflect adjustments to the appropriate lots.
 5. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/66/02-01). The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/66/02-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
 6. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan approval.
 7. A detailed site plan shall be approved prior to the approval of final plats.
 8. After the PMA has been shown correctly on all plans, the limit of disturbance and conceptual grading shall be revised to eliminate all impacts to the PMA.
 9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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 permitted.”

10. At the time of acceptance of the Detailed Site Plan for the development, the applicant shall confirm the extent of the land that should be the subject of a Phase I archeological investigation. The applicant’s findings shall be submitted to the staff of M-NCPPC for review and approval. Upon approval of this determination, plans may be approved and permits may be issued for any portion of the subject property *excluded* from the scope of the Phase I investigation. No plans may be approved and no permits shall be issued for the area subject to the Phase I investigation before satisfactory completion of the following:
 - a. The applicant shall complete a Phase I investigation (including research into the property history and archeological literature) and a determination shall be made by staff of M-NCPPC as to whether further investigation is needed; or
 - b. If it is determined that archeological resources exist in the project area, the applicant shall provide:
 - (1) A plan for avoiding and preserving the resource in place, **or**
 - (2) A plan for mitigating the adverse effect upon these resources by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff concurrence with the investigations and/or report shall be provided.

All investigations shall be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Two copies of this report must be delivered to M-NCPPC for review? one to Historic Preservation staff of the Planning Department and one to the Archeology Program of the Department of Parks and Recreation.

11. Prior to the issuance of a grading permit, the applicant, his heirs, successors and/or assignees shall retain the services of a contract archeologist to monitor the use of heavy equipment and grading outside of the Environmental Setting during construction. If a cemetery is found to be located outside of the Oaklands Historic Site Environmental Setting, it shall be marked to preclude further disturbance. Any identified cemetery shall be documented, and all county and state laws regarding the protection or removal of cemeteries shall be followed, prior to any disturbance or removal.
12. Prior to the approval of a Detailed Site Plan application, the applicant shall provide for adequate landscape buffering within Parcel A of the Oaklands Historic Site (62-03) Environmental Setting (Lot 54) in order to enhance the views to and from the Historic Site and to provide for its privacy with heterogeneous plantings to include existing trees and new evergreens for winter screening. This landscape buffering shall enhance any of the Environmental Setting’s significant natural or manmade features such as garden terracing, mature shade trees and ornamental plantings, and permanent structures.
13. Prior to the approval of a Detailed Site Plan application, the applicant shall provide for an entrance feature to the Historic Site to establish the presence of Oaklands and its role within the community as an amenity. The entry to and the environs of the Historic Site shall be landscaped to enhance views of the property and to provide reasonable privacy to the Historic Site and adjacent new construction.

14. Prior to the approval of a Detailed Site Plan application, the Historic Preservation Commission shall review the architectural character of the houses to be located on Lots 50-71 for their compatibility with the Oaklands Historic Site (62-03). Special attention shall be given to employing architectural styles for Lots 50-71 that are compatible with the symmetrical and balanced character of the Historic Site's late-Georgian character. Special attention shall be given to sheathing materials and decorative details of building elevations, roofs, chimneys, shutters and other exterior features and the overall organization of the facades including the locations, sizes, and types of windows used.
15. Prior to the approval of a Detailed Site Plan application, the applicant shall draft an agreement for review and approval by the Planning Board or its designee, codifying the transfer of the Oaklands Historic Site (Lot 54) to a party agreed upon by the property owner, the applicant as contract purchaser and the Historic Preservation Commission. The applicant's agreement shall include the conditions and timing of the property transfer and the conditions and timing of the \$125,000 rehabilitation funds to be conveyed to the recipient of the property.
16. Prior to the approval of the first building permit for the development, the Oaklands property (Lot 54) and its associated rehabilitation funds shall be transferred to an appropriately identified recipient at the time of the final plat for the development. The applicant shall submit evidence to the Planning Department of the transfer of the Oaklands property and the associated rehabilitation funds.
17. The Oaklands Historic Site Environmental Setting (62-03), consisting of Lot 54 and Parcel A, should be clearly labeled on all future submittals.
18. The applicant shall consult with the staff of the Historic Preservation Commission and the premise address work group of the Subdivision Section to develop street names that are reflective of more significant aspects of the history of the Oaklands property.
19. Preliminary Plan 4-02112 is null and void.
20. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 7.5± acres as designated on attached Exhibit "A." The land to be conveyed shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the **prior written consent** of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration,

repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on land 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.
21. Prior to approval of the final plat of subdivision, the applicant shall prepare plats showing the properties to be exchanged. Those plats shall be approved by DPR prior to submission of the final plat of subdivision.
22. The applicant shall prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation for its 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 existing seven acres of parkland to the applicant. The applicant shall record the deeds in land records of Prince George's County.
23. 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.
24. Subject to the approval of M-NCPPC, the Planning Board authorizes the Executive Director to take the needed actions to dispose of the seven acres of park property shown on attached Exhibit "A."
25. At the time of final plat, the applicant shall convey Parcels B and C to the homeowners association (HOA) 13± acres of cluster open space as modified by DPR Exhibit "A." Land to be conveyed shall be subject to 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 Specific Design 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 stormdrain 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. Stormdrain 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. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to M-NCPPC. If the outfalls require drainage improvements on land to be conveyed to or owned M-NCPPC, the Department of Parks and Recreation shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
26. DPR staff shall review and approve the reforestation and afforestation areas on dedicated parkland. The landscaping plan and planting list for these areas shall be submitted to DPR for review and approval prior to submission of the Detailed Site Plan.
27. The applicant shall construct the following recreational facilities on the new parkland:
- a. Soccer field (225 feet by 360 feet)
 - b. 56-space parking lot

- c. Four-foot-wide asphalt trail connector from the existing sidewalk along Contee Road to the proposed soccer field as shown on page two of the attached Exhibit "A."
- 28. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- 29. Detailed construction drawings for the recreational facilities on parkland shall be submitted to DPR for review and approval prior to submission of the Detailed Site Plan. It shall include grading and landscaping plan, construction details and equipment schedules.
- 30. The applicant shall submit three original, executed Recreational Facilities Agreements (RFA) to DPR for approval three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- 31. The applicant shall submit to DPR a performance bond, letter of credit or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by DPR, within at least two weeks prior to applying for residential building permits.
- 32. The construction of the recreational facilities shall be completed prior to the issuance of the 37th building permit for this subdivision, unless otherwise modified by DPR.
- 33. 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 along Contee 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.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCP I/66/02.