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Preliminary Plan 4-04086

Application	General Data
Project Name: SWAMIDOSS SUBDIVISION Location: East side of MD 410, Veterans Parkway, at the southern terminus of Sunrise Drive. Applicant/Address: J&A Builders 116 Defense Highway, Suite #102 Annapolis, MD. 21401	Date Accepted: 5/6/04
	Planning Board Action Limit: 10/24/04
	Plan Acreage: 6.22
	Zone: R-80
	Lots: 7
	Outparcel: 2
	Planning Area: 69
	Tier: Developed
	Council District: 03
	Municipality: N/A
200-Scale Base Map: 207NE06	

Purpose of Application	Notice Dates								
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record 03/22/04 Registered Associations: (CB-58-2003)								
	Sign(s) Posted on Site: 09/21/04								
Staff Recommendation	Staff Reviewer: Del Balzo/Chellis								
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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04086
Swamidoss Subdivision, Lots 1 – 7

OVERVIEW

The subject property consists of approximately 6.22 acres of land in the R-80 Zone. It is undeveloped and wooded. The entire property is within the expanded stream buffer. The applicant proposes to subdivide the property into seven lots for development with single-family detached dwelling units.

Originally, the applicant proposed to subdivide the property into 12 lots. However, staff had many concerns with the 12-lot proposal. Given that the property is entirely within the expanded buffer, the question was how much impact would be appropriate. The application has been revised to seven lots as a result of staff meetings with the applicant. The development proposed greatly reduces the amount of disturbance and preserves much of the woodland on the property.

The applicant has proposed two outparcels (4.07 acres) to be conveyed to a homeowners association. The entire site is within the expanded buffer. These outparcels are to contain the woodland conservation and environmental features not included in the lots. These outparcels should be relabeled as parcels.

SETTING

The property is located on the east side of Veterans Highway (MD 410) at the southern terminus of Sunrise Drive. To the north are single-family homes in the R-55 Zone. To the east is undeveloped land in the R-80 Zone. To the south are single-family homes in the R-80 Zone. To the west is MD 410, Veterans Highway.

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-80	R-80
Use	Vacant	Single-family detached dwellings
Acreage	6.22	6.22
Lots	0	7
Outparcels	0	2
Detached Dwelling Units	0	7

2. **Environmental**—This 6.22-acre property is characterized by terrain sloping toward the southwest and drains into unnamed tributaries of the Brier Ditch watershed in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and steep slopes on erodible soils associated with the site. There are streams, 100-year floodplain, and highly erodible soils on the site. There is no Marlboro clay found to occur on the subject property. Veteran's Parkway (MD 410) is an arterial roadway that generates noise onto adjacent properties.

The soils found to occur on the site, according to the Prince George's County Soil Survey, are Bibb, Sassafra, Sunnyside Urban Complex and Sunnyside. These soil series generally exhibit severe to moderate limitations to development due to high water table, flood hazard, poor drainage, and steep slopes. Based on the information from the Maryland Department of Natural Resources Natural Heritage Program publication titled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property.

The forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for detailed forest stand delineation in compliance with the Woodland Conservation Ordinance. An examination of recent and historic aerial photos suggests that the site is predominantly wooded, traversed by streams, and pervaded with severe and steep slopes as shown on the FSD map. A site visit on May 19, 2004, confirms these findings.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Type I Tree Conservation Plan TCPI/41/04 has been reviewed and was found to require revisions to conform with the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 1.04 acres of the net tract. An additional 0.64 acre is required due to the removal of woodlands under the current proposal, for a total woodland conservation requirement of 1.68 acres. The plan shows the requirement being met with 2.40 acres of on-site preservation, which exceeds the requirement. Minor revisions to the TCPI are needed prior to signature approval. The limit of disturbance shown does not include areas that will be required to be cleared for the installation of a proposed storm drain outfall.

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request. The site contains two streams in the southwest corner of the property; one that is somewhat parallel to the western property line. All sensitive environmental features have been properly shown on the plans with their required buffers. The expanded stream buffer is shown to encompass the entire site. A variation request was submitted for the subject application dated September 7, 2004. In a situation such as this where the regulated area encompasses the entire site and no developable land area remains, it is possible that the regulations could result in a taking of private land for public benefit without proper compensation. This being the case, staff recommends approval of a variation to allow a reasonable development of the property.

The area of impact is for the construction of seven building lots with the residue property being placed in outparcels. The proposed impact area within the expanded stream buffer is 2.50 acres,

as based on the current application. The area of disturbance will be approximately 2.70 acres when all areas of necessary clearing are shown.

Impacts to the buffer are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. 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. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

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 injurious to other property;**

The variation is required to address the regulations associated with the expanded stream buffer which is designed to promote public safety and health and to ensure no off-site properties are damaged. The limited amount of proposed development is located approximately 300-400 feet from the existing stream. The proposed design will be required to meet all existing regulations regarding soil stability and erosion controls. These regulations are designed to prevent detrimental affects on other properties.

- (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;**

The conditions of the property are unique with respect to the location of the existing stream and its associated buffer. It is extremely rare for a property to contain no area outside the required buffers.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other Zoning Ordinance variances, departures, or waivers are required with regard to the development proposed. No violations of applicable laws would result from the approval. All appropriate federal and state permits must be obtained before the construction can proceed.

- (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 the strict letter of these regulations is carried out;**

Due to the configuration of this site, the location of the stream, and the fact that no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations. Disapproval of the variation would result in a hardship to the applicant because it would result in no residential use of the property.

Staff recommends approval of the variation.

Noise is a consideration in the review of this proposal due to the residential use proposed. Veteran's Parkway (410) is an arterial highway regulated for noise. Based on projected traffic (Average Daily Traffic or ADT projected 10 years) data supplied by the State of Maryland, the Environmental Planning Section Noise Model has projected the 65 dBA (Ldn) noise contour to be 247 feet from the centerline of the roadway. A noise study was submitted with the review package. The noise contour shown on the plan meets the requirements. Because the 65 dBA Ldn does not encroach into the outdoor activity areas on the proposed lots, the state noise standards are being met with the proposed design.

Water and Sewer Categories

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

3. **Community Planning**—This property is located in the Developed Tier as described in the 2002 General Plan. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The application is not inconsistent with the 2002 General Plan development pattern policies for the Developed Tier.

The 1994 Bladensburg-New Carrollton and Vicinity master plan recommends residential land use at the suburban density of 3.4 to 4.5 dwellings per acre. The master plan map shows the entire site as wooded, partially within a Natural Reserve area, and within the 65 dBA or greater noise contour for Veterans Highway. The Natural Reserve area contains floodplain in the south and western portions of the property, with steep (15–25 percent) and severe (exceeding 25 percent) slopes over most of the property. The 1994 Bladensburg-New Carrollton and Vicinity sectional map amendment retained the property in the R-80 Zone. This application is in conformance with the 1994 Bladensburg-New Carrollton and Vicinity Master Plan.

This property has extensive environmental constraints. Extreme care must be exercised in designing a subdivision that minimizes noise impacts from Veterans Highway, the loss of trees, destabilization of steep and severe slopes, and degradation of the floodplain. Plan review has included review to address the following master plan recommendations:

- Noise Attenuation—to require berms and/or other sound attenuation measures for properties within the 65 dBA contour of highways (page 20)

- Woodland Preservation—to establish 20 percent woodland cover through retention of existing woodlands in new developments (page 22)

In addition, the following master plan guidelines from pages 23 and 24 should be considered:

- Guideline 6—urges restricting development on property with floodplain and other areas unsuitable for development, except for recreational and other nonstructural uses.
 - Guideline 7—recommends that development proposals provide effective means for the preservation and protection of Natural Reserve Areas.
 - Guideline 12—recommends that a noise study be required to demonstrate compliance with noise regulations.
4. **Parks and Recreation**—The proposal is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Staff recommends a fee-in-lieu of parkland dedication because land available is unsuitable due to its size, location and environmental features.
 5. **Trails**—No master plan trails impact the subject property. The Adopted and Approved Bladensburg-New Carrollton and Vicinity Master Plan recommends a trail/bicycle facility along MD 410, but this will be off the subject site and within the road right-of-way.

SIDEWALK CONNECTIVITY

Surrounding communities, including existing Sunrise Drive, have sidewalks along both sides of the street. Staff recommends this along the planned section of Sunrise Drive as well.

6. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, a traffic count for the intersection of MD 450 and Finns Lane/Harkins Road was used to determine adequacy. The count was taken in June 2004. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In

response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The application is a plan for a residential development of seven single-family dwelling units. The proposed development would generate 5 AM (1 in, 4 out) and 6 PM (4 in, 2 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The traffic generated by the proposed plan would primarily impact the intersection of MD 450 (Annapolis Road) and Finns Lane/Harkins Road, which is signalized. A recent traffic count indicates that the critical intersection operates at LOS A (CLV 804) during the AM peak hour and LOS A (CLV 820) during the PM peak hour.

Staff has assumed an annual growth rate of 3 percent on MD 450 and Finns Lane/Harkins Road. With background growth added, the critical intersection would operate at LOS A (CLV 821) during the AM peak hour and LOS A (CLV 835) during the PM peak hour.

With site traffic added, the critical intersection would still operate within the policy standard of LOS E (CLV 1,600) for intersections within the Developed Tier. Under total traffic conditions, the critical intersection would operate at LOS A (CLV 823) during the AM peak hour and LOS A (CLV 837) during the PM peak hour.

Site access is planned from an extension of Sunrise Drive. The proposed extension of Sunrise Drive will have a right of way width of 50 feet, which is acceptable. No additional dedication of land is required for MD 410 (Veterans Parkway).

Transportation Conclusion

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	36,236	11,113	16,710

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	293.28	73.32	146.64
Total Enrollment	36,741.20	11,239.30	16,953.89
State-Rated Capacity	38,817	10,375	14,191
Percent Capacity	94.65%	108.33%	119.47%

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

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the 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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at West Lanham Hills Fire Station, Company 28, located at 7609 Annapolis Road, has a service travel time of 2.24 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Landover Hills Fire Station, Company 30, located at 68th Street and Annapolis Road, has a service travel time of 3.95 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Landover Hills Fire Station, Company 30, located at 68th Street and Annapolis Road, has a service travel time of 3.95 minutes, which is within the 7.25-minute travel time guideline.

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

9. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department reviewed the application and offered no comments.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Historic**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site.

It is possible the site was actively farmed as part of the Murpity property and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to approval of the final plat the applicant should submit a Phase I archeological investigation to the DRD staff for review and concurrence, and a Phase II and Phase III investigation if determined appropriate. The final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources if necessary. All investigations must be conducted by a qualified archaeologist 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.

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
14. **Lot Size Averaging**—The applicant had proposed the use of lot size averaging as provided for in Section 24-121(a)(12) of the Subdivision Regulations. However, the Zoning Ordinance requires that at least 50 percent of the lots in a lot size averaging plan meet the minimum lot size required in the zone. In the R-80 Zone, the lots must be at least 9,500 square feet. The applicant has proposed only one of seven lots at least 9,500 square feet. In addition to the proposed lots not meeting the minimum standards for lot size averaging, the applicant has not provided adequate justification for the use of lot size averaging. Staff recommends that the preliminary plan be revised prior to signature approval to provide conventional lot sizes in the configuration proposed on the preliminary plan. This revision could result in a loss of lots.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The preliminary plan shall be revised:
 - (1) So that all lots are at least 9,500 square feet in size outside of the 65 dBA. This may result in the loss of one or more lots.
 - b. Relabel outlots as Parcels A and B.
 - c. Submit documentation from DPW&T of approval of street alignment.
 - d. Submit a copy of the approved stormwater management concept approval letter and plan and note the approval number and approval date.
 - e. Indicate if 65 dBA is mitigated or unmitigated.
 - f. Accurately reflect required zoning standards for conventional R-80 lots.
2. The applicant, his heirs, successors and/or assignees shall construct standard sidewalks along both sides of Sunrise Drive, per the concurrence of the Department of Public Works and Transportation.
3. Prior to the issuance of building permits the applicant, 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.
4. At the time of final plat, the applicant, heirs, successors and/or assignees shall convey to the homeowners association (HOA) 4.07 ± acres of open space land (Parcels A and B). 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 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.
5. A Type II tree conservation plan shall be approved prior to grading permits and shall ensure that no lots are encumbered by the 65 dBA noise contour from MD 410.
6. Prior to signature approval of the Type I Tree Conservation Plan (TCPI/41/04) the plan shall be revised as follows:
- a. Remove from the plan and the legend the proposed tree line; use only the limit of disturbance.
 - b. Revise the plan to show all required clearing and revise the worksheet to correctly reflect all the calculations.
 - c. Have the revised plan signed and dated by the by the qualified professional who prepared the plan.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/41/04). 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/41/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the streams and their associated buffers, except for areas of approved variations, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”

9. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by DRD staff. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist 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.

Prior to the approval of grading or building permits, the applicant shall determine the extent of the land that shall be the subject of a Phase I archeological investigation with the concurrence of DRD. If any portion of the property is determined to be subject, the applicant shall complete a Phase I investigation that may include research into the property history and archeological literature. At that time staff will determine if archeological resources exist in the project area, and if so the applicant shall be advised of the requirement of a Phase II or Phase III archeological investigation.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/41/04 AND A VARIATION TO SECTION 24-130