



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

Preliminary Plan 4-04099

Application	General Data
Project Name: WOLFE FARM Location: North and south sides of Thrift Road between Broken Lane Court and Tippet Road. Applicant/Address: Sevag Balian 6525 Becrest Road, Suite #205 Hyattsville, MD. 20782	Date Accepted: 05/18/04
	Planning Board Action Limit: 11/04/04
	Plan Acreage: 333.62
	Zone: R-A & R-E
	Lots: 158
	Parcels: 5
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215SE04

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION, this case was continued from the Planning Board hearing of October 28, 2004 at the request of the applicant.	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	04/1/04
	Sign(s) Posted on Site: 09/28/04

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04099
Wolfe Farm Lots 1-23, Block A; Lots 1-31, Block B; Lots 1-47, Block C; Lots 1-57,
Block D; and Parcels A-E

OVERVIEW

The property is located on both the north and south side of Thrift Road in the Tippet Community, Councilmanic District 9. The property is 333.62 acres and zoned R-E and R-A. The applicant is proposing a total of 158 lots for the construction of single-family dwelling units. The R-A zoned portion of the property is located on the south side of Thrift Road and is approximately 165.29. The applicant is proposing 57 lots in the R-A Zone utilizing the varying lot size (VLS) standards provided for in the Zoning Ordinance. Varying Lot Size is permitted by right and without additional findings being made by the Planning Board at the time of subdivision. Development of the R-A zoned portion of the property conforms to the standards of development for VLS in the R-A Zone, as indicated on the preliminary plan of subdivision.

The R-E zoned portion of the property is located on the north side of Thrift road and is approximately 168.33 acres. The applicant is proposing to develop this portion of the property utilizing lot size averaging (LSA). In order for the applicant to utilize lot size averaging the Planning Board must make three specific findings. Of significance is the finding that the use of lot size averaging creates a better environment than what could be achieved utilizing conventional development. Staff does not believe that the applicant has demonstrated any benefit other than an increase in density. Staff has no adversity to an increase in density, but only when the increase is balanced with a benefit, as required by the finding for the use of LSA. Staff does not believe that the use of LSA has resulted in a better environment that what should be achieved using conventional lot standards and recommends disapproval of the use of LSA, as discussed further in Finding 12 of this report.

The applicant has proposed the creation of 5 parcels totaling 101.43 acres. Parcels A through D are to be conveyed to a homeowners association (HOA) for open space. Parcels A and B are located on the north side of Thrift Road and total 58.01 acres. Parcels C and D are located on the south side of Thrift Road and total 18.63 acres. Parcel E (24.79 acres) is located along the southern property line and will primarily contain the 100-year floodplain and is to be conveyed to M-NCPPC for inclusion in the Piscataway Stream Valley Park. The applicant has proposed two private on-site recreational facilities, each centrally located on each side of Thrift Road. The applicant has also agreed to construct a portion of the master plan stream valley park trail within the lands to be dedicated to M-NCPPC. While the trail is a public trail, the applicant has proposed two connections internal to the subdivision that will provide benefit to the residence, generally on the south side of Thrift Road. The applicant has entered into negotiations with M-NCPPC Department of Parks for the construction of the trail and the ability to locate woodland conservation on park property.

The preliminary plan was filed by the applicant and accepted for review on May 18, 2004. A Subdivision Review Committee (SRC) meeting was held On June 4, 2004, in attendance was the applicant and the applicant's representative. At that meeting the applicant was advised that additional information was required to evaluate the proposed preliminary plan of subdivision. At the writing of the staff report for the October 28, 2004 Planning Board, adequate based information was not submitted to complete a review of the environmental impact of the proposed development. In addition, the Transportation Planning staff concluded that a finding of adequate transportation facilities could not be made at that time. The traffic study submitted by the applicant failed to identify the intersection of MD 223/Old Branch Avenue/Brandywine Road as a critical intersection, when the intersection was deemed to be critical by staff. The applicant proposed evidence in the traffic study that the proposed trip distribution avoided the need to identify MD 223/Old Branch Avenue/Brandywine Road as a critical intersection for this development. Staff did not believe that adequate base information had been provided in the Traffic Study to support the applicants' conclusion. Staff was compelled to recommend disapproval to the Planning Board at the October 28, 2004 Planning Board hearing.

In order to address the staff recommendation of disapproval, the applicant requested a one-week continuance to November 4, 2004 to provide additional time to submit additional information originally requested by staff in June 2004, and provide supplemental information to the Transportation Planning, Environmental Planning and Subdivision Sections. This information has been submitted to staff, including a revised preliminary plan, TCPI and wetlands report.

November 4, 2004, is the end of the mandatory action time frame required by the Subdivision Regulations for the subject preliminary plan. The Planning Board must take an action on the preliminary plan at the November 4, 2004 hearing or the preliminary plan is defacto approved as submitted, as set forth in Section 24-

The preliminary plan proposed is a significant development on land that contains priority woodlands and significant environmental features that should be preserved to the fullest extent possible. Adequate review time is essential. Throughout the review process there has been an inconsistency in the based information submitted by the applicant. The final plans submitted by the applicant left staff with less than a week to review and formulate a recommendation. There exist several significant concerns regarding the development of the property, which staff believes requires additional review time, as discussed further in Finding 2 of this report. As a result staff is recommending the approval of a detailed site plan (DSP) by the Planning Board prior to final plat.

SETTING

The property is located on the North and south of Thrift Road, between Broken Lane Court and Tippet Road. The Piscataway Stream Valley is located on the property along the southern property boundary. Existing M-NCPPC property abuts the southeast and southwest property lines. All of the properties abutting the southern half of the site are zoned R-A, saving the parkland which are zoned R-O-S. All of the properties abutting the north half of the site are zoned R-E. The surrounding properties are rural in character, generally undeveloped and made up of large acreage parcels and lots.

A preliminary plan for property abutting the northwest R-E zoned portion of the site is currently pending. That subdivision is known as the Waterford East Subdivision, Preliminary Plan 4-04063 and is proposing 318 lots, with a tentative Planning Board hearing date in January 2005.

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-E (168.33) R-A (165.29)	R-E (168.33) R-A (165.29)
Use(s)	Vacant	Single-family dwellings
Acreage	333.62	333.62
Lots	0	158
Parcels	2	5
Dwelling Units:		
Detached	0	158

2. **Environmental**—Refer to Environmental Planning Section memorandum attached.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81B in the Tippet Community. This preliminary subdivision is proposed on property planned for low-density development, with Thrift Road as a boundary line between two levels of intensity. The master plan land use recommendations is as follows:

North of Thrift Road - Suburban Estate/Low-Density Planned Neighborhood residential land use as up to 1.5 dwelling units per acre.

South of Thrift Road - Large-Lot/Alternative Low-Density residential land use at up to 0.9 dwelling units per acre.

The proposed development conforms to the Suburban Estate/Low-Density Planned Neighborhood and Large-Lot/Alternative Low-Density residential land use recommendations of the 1993 *Subregion V Master Plan* for this area. However, due to the proximity of the portion south of Thrift Road to the Piscataway Creek stream valley and its designation as a Large-Lot/Alternative Low-Density Development Area, consideration should be given to the possible impact of development in this area, particularly concerning construction impacts such as runoff and erosion. On page 49, the master plan recommends “As development occurs, the emphasis should be to minimize the disruption of natural features in the stream valleys by consolidating home sites and construction activity.” The Department of Environmental Resources has indicated that an approval of the conceptual stormwater management plan is forth coming, however, an approved plan has not been submitted to ensure that the proposed development on the preliminary plan is consistent with the stormwater management plan.

The submitted preliminary subdivision plan indicates that large portions of blocks A, C, and D feature areas of steep and severe slopes which may pose a significant challenge to development on a number of lots. On page 54, the master plan recommends that “18. Residential structures should be designed in harmonious relationships to one another, to the terrain, to adjacent

roadways, and should be sited to create interesting, useable spaces.” Consideration should be given to reconfiguring those lots, particularly in Blocks A and D, that are most affected by severe slopes.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations staff recommend the dedication of Parcel E (24.79 acres) to M-NCPPC for the fulfillment of the mandatory dedication of parkland requirements. The portion of this property located on the south side of Thrift Road, zoned R-A and 165.29 acres, and is located in the Brandywine/Cedarville Area of Subregion V. The property is bordered by Piscataway Creek on the southeast.

The proposed residential development is located in the Brandywine/Cedarville Area of Subregion V. The subject property is bordered by Piscataway Creek on the south. The Adopted and Approved Subregion V Master Plan identifies Piscataway Creek Stream Valley Park on the south of the property as a stream valley park and shows a master-planned hiker-biker-equestrian trail along Piscataway Creek.

The applicant is proposing a combination of parkland dedication, public recreational facilities and private recreational facilities to address the Master Plan recommendations and the mandatory dedication of parkland requirement.

The applicant is proposing to dedicate 24.79± acres of the 100-year floodplain to the Commission as an addition to the Piscataway Creek Stream Valley Park. This dedication will connect the existing parkland along the stream on the east and west of subdivision. The applicant agreed to construct a master-planned trail along the dedicated portion of the Piscataway Creek and the trail connectors to the subdivision. The master-planned trail will provide access to the adjacent parkland on the east (undeveloped portion of Cosca Regional Park) from that point the master planned trail will eventually be extended to the existing recreational facilities in the Cosca Regional Park. In addition, the applicant is proposing to provide private on-site recreational facilities on homeowner’s association land.

5. **Trails**—The Adopted and Approved Subregion V Master Plan recommends four trail/bikeway facilities that impact the subject site:

- A stream valley trail along Piscataway Creek
- A bikeway along Thrift Road
- A master plan trail along A-65, if implemented

The master plan trail along A-65 will be completed at the time of road construction, if required. No recommendations regarding this trail are made at this time. The bikeway along Thrift Road can be accommodate with “Share the Road with a Bike” signage and paved asphalt shoulders, per the concurrence of DPW&T.

The Department of Parks and Recreation (DPR) has acquired a significant amount of land along Piscataway Creek, and has been studying the best location for this major stream valley trail. Staff supports the dedication of the land along Piscataway Creek to DPR. The final determination on the location of the trail, and if trail construction is required at this time.

It should also be noted that M-NCPPC owns several properties in the vicinity of the subject site. Nearby Cosca Regional Park provides miles of hiking and equestrian trails, as well as a nature center

and other recreational facilities. Many properties along Piscataway Creek have been acquired, including along both sides of the subject site. In addition, one of the properties immediately to the east of the subject site has been acquired. In extensive network of trails are proposed within this land. A stream valley trail is proposed for the entire length of Piscataway Creek, and a trail connection is proposed from Piscataway Creek to the existing trail network in Cosca Regional Park.

SIDEWALK CONNECTIVITY:

Sidewalks are present along most recently constructed subdivision streets, including the nearby Windbrook and Boniwood subdivisions. If a closed road cross section is used, staff recommends the provision of a standard sidewalk along one side of all internal roads.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	158 sfd	158 sfd	158 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	46.80	11.70	23.40
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	154.56	44.04	88.08
Total Enrollment	4477.84	4830.96	8923.55
State Rated Capacity	4214	5114	7752
Percent Capacity	106.26%	94.47%	115.11%

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

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

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 interstate highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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

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

8. **Fire and Rescue**— The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is beyond the 5.25-minutes travel time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is beyond the 6.25-minutes travel time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is within the 7.25-minutes travel time guideline for Block B Lots 1-22; Block C Lots 1-14, 35-44; Block D Lots 18-21, 43-63. All other Lots are beyond.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The above 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*.

9. **Police Facilities**— The proposed development is within the service area for Police District V-Clinton. 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 additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**— The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including discarded roofing shingles and empty tar buckets must be removed and properly discarded.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but not yet approved. The applicant has proposed low-impact development techniques with no stormwater management facilities and DER has

indicated that the approval is forthcoming. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan and the approved plan submitted. Stormwater management facilities cannot be added at a later date.

Staff was concerned that this approval was not secured prior to the writing of the staff report. At the June 4, 2004 Subdivision Review committee meeting staff requested that the applicant submit the approval letter and approved plan 30 days prior to the Planning Board hearing. With the significant site constraints and lotting pattern proposed careful site planning and evaluation should be benefited by the approved stormwater management plan and associated information.

12. **Lot Size Averaging**— The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the R-E zoned portion of the property (168.33 acres), north of Thrift Road.

Approximately 168.33 acres of the 333.62 acres of this subdivision are in the R-E Zone. Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet) or 183 lots.
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet) or 51 lots, the remaining lots must be created with a minimum lot size of 30,000 square feet.

For the 168.33 acres located in the R-E Zone, 183 lots would be allowed based on gross tract area. The applicant proposes 101 lots; of the proposed lots 51 or 50 percent meet or exceed 40,000 square feet. The remaining 50 lots range in lot size between 30,000 and 40,000 square feet in size. Therefore, the proposed subdivision meets the minimum technical zoning ordinance standards for lot size averaging.

However, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: Staff believes that the use of lot size averaging in this case does not protect or enhance the existing natural features of the property. In fact the use of lot size averaging has increased the density by allowing “clustering” of the lots on the top of the steep and seer slopes. This has resulted in an excessive amount of grading.

The applicant’s contention that the use of lot size averaging increases the protection of the environmental features is based on an assumption that the Subdivision Regulations does not already require such protections. In fact in this case the use of lot size averaging only increases density. The Subdivision Regulations requires the preservation and protection of environmental features of a site.

Therefore, the applicant's contention that the use of lot size averaging increases preservation is incorrect. The use of lot size averaging in this case only provides for an increase in the density of the site and does not provide a better environment that could be achieved by the exclusive use of standard lots. With a conventional development and less density there is less potential for the excessive grading proposed under this plan.

B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

The applicant proposed conventional lots along the perimeter of the site and therefore provides adequate transitions between lot sizes and locations of lots and adjacent residential parcels.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The plan provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels

Staff **does not support** the applicant's proposal to utilize the LSA provision for the development of this property because the use of lot size averaging does not result in a better environment than that which could be achieved with the exclusive use of conventional lots.

13. **Historic Preservation**—North and east of the subject property is Wyoming, Historic Site 81B-4. Wyoming is a large, three-part frame plantation house, built in sections circa 1760, 1800 and 1850. The gambrel-roof main block was built circa 1760 for the Marbury family. The early nineteenth-century kitchen building, with heavy timber framing and brick nogging, was connected circa 1850 to the main block by a two-story addition, forming a picturesque example of telescoping. Members of the Marbury family that lived at Wyoming for over two centuries are buried in the small family cemetery on the grounds. The present Environmental Setting of the Wyoming Historic Site is 50 acres.

Part of the eastern boundary of the subject (developing) property adjoins the western boundary of the Environmental Setting of Wyoming, Historic Site 81B-4. General Note #6 on the preliminary plan incorrectly indicates "no known Historic Site within or adjacent to proposed preliminary plan." The *Prince George's County Landscape Manual* requires that a 50-foot bufferyard on the developing property wherever it adjoins a Historic Site. The bufferyard is indicated on the preliminary plan.

The present Wyoming Historic Site was part of a large plantation owned by the Marbury family. During the early nineteenth century, the Wyoming plantation comprised well over 700 acres, including much of the surrounding acreage, and at least part of the subject property.

The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Because the subject property was part of the Wyoming

plantation, it should be investigated before development to be sure that any evidence of slave quarters or burials, or of Native American occupation, is documented and possibly preserved.

Prior to the approval of the preliminary plan of subdivision, the applicant shall complete the documentary background research on the property, and prepare a design plan for Phase I archaeological investigation of the property. The applicant's findings shall be submitted to the staff of M-NCPPC for review and approval. Upon completion of the Phase I work, staff of M-NCPPC as to whether further investigation is needed shall make a determination.

If it is determined that archeological resources exist in the project area, the applicant shall provide a plan for avoiding and preserving the resource in place, such as adjustments of the lotting to avoid disturbance of significant features; or provide a plan for mitigating the adverse effect upon these resources by conducting Phase II and Phase III investigations as needed prior to final plat approval.

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 shall be presented in a report following the same guidelines.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the net tract area for the R-E zoned portion and R-A zoned portion of the property.
 - b. Provide the approval date of the stormwater management plan.
 - c. Provide a general note regarding 27-442(b) Footnote 5(D)(E).
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to approval of the final plat and in accordance with Part 3 Division 9 of the Zoning Ordinance a Detailed Site Plan shall be approved by the Planning Board. Review shall be limited to the following:
 - a. Grading;
 - b. House siting;
 - c. Recreational facilities to be constructed on HOA land and M-NCPPC land;
4. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. The Adopted and Approved Subregion V Master Plan recommends that Thrift Road be designated as a Class III bikeway with appropriate signage. Because Thrift Road is a County

right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged along both sides of Thrift Road within the subject site.

- b. If a closed road cross-section is used, provide standard sidewalks along one side of all internal roads, unless modified by DPW&T.
 - c. Dedicate the land along Piscataway Creek to the M-NCPPC Department of Parks and Recreation. A final determination regarding trail construction will be made by the Department of Parks and Recreation.
5. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 76.64 ± acres of open space land (Parcels A, B, C, D). Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
7. The applicant, his heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
9. The applicant, his heirs, successors and/or assignees shall to the Park Planning and Development Division submit three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
10. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
11. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
12. Prior to approval of the final plat of subdivision and/or any disturbance 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.
13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 24.79± acres of open space land (Parcel E). Land to be conveyed shall be subject the following:
 - a. The conveyance to the M-NCPPC of 26± acres of parkland as shown on the Department of Parks and Recreation (DPR) Exhibit A.
 - b. Land to be conveyed subject to conditions 1 through 9 of M-NCPPC Exhibit B.
 - c. The subdivider, his successors and/or assigns shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to the M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.

- d. The applicant shall construct a 10-foot-wide asphalt hiker/biker trail along the Piscataway Creek as shown on attached Exhibit A.
- e. The applicant shall construct an 8-foot-wide asphalt trail connectors from the subdivision to the stream valley trail as shown on attached DPR Exhibit A.
- f. Prior to submission of Detailed Site Plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master planned trails along the Cabin Branch and Back Branch Stream Valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.
- g. The location of the trail shall be staked in the field and approved by DPR prior to construction.
- h. The applicant, his successors, and/or assigns, shall construct the trails in phase with development, no building permits shall be issued for lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 50 percent of residential building permits, a 10-foot-wide asphalt hiker/biker trail along the Piscataway Creek shall be completed. An 8-foot-wide feeder trails shall be constructed in phase with development.
- i. With the submission of the Detailed Site Plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- j. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
- k. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

**STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN
TCPI/53/04 AND DISAPPROVAL OF THE USE OF LOT SIZE AVERAGING**