

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 1, 2005, regarding Detailed Site Plan DSP-05011 for Marlboro Pointe Cluster Subdivision, the Planning Board finds:

1. **Request:** The subject application requests approval of a detailed site plan for a 108-lot cluster subdivision in the R-R Zone.

2. **Development Data Summary**

| | EXISTING | PROPOSED |
|---------|-----------------|-----------------|
| Zone | R-R | R-R |
| Use(s) | Vacant | Residential |
| Acreage | 74.97 | 74.97 |
| Parcels | 2 | 4 |
| Lots | 0 | 108 |

3. **Location:** The site is in Planning Area 79 and Council District 6. More specifically, it is located on the east side of Ritchie Marlboro Road, approximately 727 feet from its intersection with Foyette Lane.
4. **Surroundings and Use:** The subject property is bounded to the north by parkland and existing single-family detached residential development beyond; to the west and south by vacant land to be developed for single-family detached residential use; and to the east by an impound lot.
5. **Previous Approvals:** The site is the subject of an approved stormwater concept plan 35158-2003 and Preliminary Plan of Subdivision 4-04151, as formalized in PGCPB Resolution 04-286.
6. **Design Features:** The proposed subdivision is triangular in shape with Ritchie Marlboro Road as its hypotenuse. Access to the subdivision is provided from two points along Ritchie Marlboro Road. The northerly access, for the purposes of the detailed site plan application, is known as "Street A" and feeds through the subdivision, past the first stormwater management pond and the main recreational facility for the subdivision—a tennis court—to its terminus in the subdivision's northeastern corner where it intersects with "Street F" and creates a cul-de-sac. The southerly access from Ritchie Marlboro Road, "Street C," also extends back into the subdivision, past the second stormwater management pond and the open space of Parcel C, to its terminus in a mirror image cul-de-sac at the opposite end of "Street F." Streets "B," "D," and "E," like "F Street," are strung like the steps of a ladder between the two entrance streets, "Street A" and "Street C."

“Street B,” the street running most proximate to and roughly parallel to Ritchie Marlboro Road, extends beyond “Street A” in a northwesterly direction and beyond “Street C” in a southeasterly direction to terminate in culs-de-sac and provide additional frontage for lots. Lots are stacked back-to-back on both sides of all streets throughout the subdivision except for the central portions of the northern side of “Street A” and easterly side of “Street C,” where environmental features, inclusion of necessary stormwater ponds, and recreational facilities and open space provide some visual relief.

In addition to the tennis court already mentioned, recreational features planned for the subdivision include:

- A passive recreational area including benches and a gazebo
- A 1,100-foot, eight-foot-wide off-site hiker/biker trail
- A 1,000-foot, eight-foot-wide on-site hiker/biker trail

The architecture for the project includes a selection of well-designed single-family homes ranging from 2,482 square feet to 4,421 square feet. More particularly, the architecture for the proposed project includes:

| Model Name | Total Base Finished Area (Square Feet) |
|----------------------|---|
| Aaron Burr | 4,388 |
| Francis Scott Key II | 2,712 |
| James Monroe | 3,254 |
| Independence | 3,120 |
| The Victory | 2,523 |
| Abraham Clark II | 2,482 |
| Molly Pitcher | 2,702 |
| John Rutledge | 2,705 |
| Barrington Manor | 4,421 |
| Dorchester | 3,640 |
| Wellington | 4,100 |
| Fairwood | 3,670 |
| Manchester II | 4,351 |
| St. Ives | 4,133 |
| Winslow | 3,598 |
| Rosemont | 3,741 |
| Sheffield | 3,158 |
| Huntley | 3,799 |
| South Hampton | 4,221 |

In order to improve the general appearance of the general architecture of the subdivision, staff is suggesting that 60 percent of the units in the subdivision have brick fronts. In addition, staff suggests that on highly visible lots that the brick should wrap to the sides that are visible and that three, rather than two minimum endwall features be required. These suggestions are reflected in

the recommended conditions below.

The lot sizes are distributed in the proposed subdivision as follows;

DSP-05011-Marlboro Pointe Cluster

| Lot Size (Square Feet) | Number of Lots |
|-------------------------------|-----------------------|
| 10,000-12,000 | 39 |
| 12,001-14,000 | 30 |
| 14,001-16,000 | 26 |
| 16,001-18,000 | 9 |
| 18,001 and larger | 4 |
| Total Number of Lots | 108 |

Landscaping for the project includes:

- An off-site “D” bufferyard exceeding the requirements of the *Landscape Manual* in width for the Section 4.7, Buffering Incompatible Uses, buffer between the impoundment yard and the subject project. Whereas a 40-foot buffer is required by the *Landscape Manual*, the applicant has, in this case, provided a 50-foot buffer. The Prince George’s County Office of Central Services has, in a letter dated November 1, 2005, expressed its willingness to grant a tree conservation easement for the Marlboro Pointe subdivision. Recommended condition 1(n) below ensures that such easement is recorded in the Land Records of Prince George’s County prior to signature approval of the subject detailed site plan.
- 4.7 Historic Bufferyard Planting for Ritchie Marlboro Road. Pursuant to Section 4.7(d) of the *Landscape Manual* which stipulates that if a developing lot adjoins a designated historic site, the developing lot shall provide a “D” buffer along the entire shared property line.
- 4.6 Buffering Residential Development from Streets.
- Section 4.1 Residential Requirements

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed cluster subdivision is a permitted use in the R-R Zone.

- b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones.

8. **Preliminary Plan of Subdivision, 4-04151:** Preliminary Plan 4-04051 was approved by the Planning Board on December 9, 2004. The resolution of approval, PGCPB Resolution 03-222, was adopted on January 6, 2005. The preliminary plan remains valid until January 6, 2007, or until a final record plat is approved. The following conditions of approval apply to the review of the subject detailed site plan. Staff has included the Planning Board condition in **bold** type, followed by Urban Design staff's comments:

3. **In conformance with the adopted and approved Melwood-Westphalia Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. **A trail connection from the subject site to the existing master plan trail on the adjacent M-NCPPC land at a location agreeable to the Department of Parks and Recreation.**

Comment: The trail connection from the subject site to the existing master plan trail on the adjacent M-NCPPC land is shown on the plans adjacent to the tennis court on the north central portion of the site. Recommended Condition 3 below requires that the trail be constructed prior to the issuance of the 54th building permit.

- b. **Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works & Transportation.**

Comment: Standard sidewalks are shown on both sides of all internal roads on the detailed site plan.

8. **At the time of final plat approval, the applicant shall dedicate right-of-way along Ritchie Marlboro Road of 60 feet from the master plan right-of-way centerline of pavement.**

Comment: Right-of-way to be dedicated at the time of final plat is correctly shown on the detailed site plan.

22. **Prior to the issuance of any permits, the Type II tree conservation plan and the technical stormwater management plan shall be consistent. A copy of the approved technical stormwater management plan shall be submitted to the Environmental Planning Section for inclusion in the TCPII file prior to the issuance of any grading permits. In the event the TCPII and technical stormwater management plans are not consistent one or both plans shall be revised as necessary prior to the issuance of the grading permits.**

Comment: This preliminary plan condition has been included in the recommended conditions below to ensure that it is carried out prior to issuance of any building permits for the subject project.

- 25. The following certification shall be placed on all building permits and shall be signed and dated by an engineer with expertise in acoustical engineering: “The construction shown on this building permit has been evaluated and will result in interior noise levels of 45 dBA Ldn or less.”**

Comment: This preliminary plan condition has been included in the recommended conditions below to ensure that it is carried out prior to the issuance of any building permits for the subject project.

- 29. The applicant shall submit a complete Phase I investigation with the application for DSP that shall include research into the property history and archeological literature, approximate dates, condition and character, as well as digital photographs of the buildings labeled “to be removed.” At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by Planning Department staff as needed. Depending on the results of any study required, the Historic Preservation staff may schedule a hearing before the Historic Preservation Commission to evaluate Historic Resource 79-000-36 and/or require a historic marker or other interpretive devices be placed at the site. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must 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. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.**

Comment: The applicant has submitted all materials required by staff. The staff archeologist’s comments and those of the Historic Planning Section have been incorporated as necessary into the recommended conditions below.

- 30. The applicant, his successors and/or assignees, shall provide adequate, private and public recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail.**

Comment: The applicant has provided adequate recreational standards in accordance with the standards of the Parks and Recreation Facilities Guidelines. In addition, a recommended condition below will require to note on the detailed site plan assuring dry passage along all trails.

- 31. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting at the time of review of the detailed site plan.**

Comment: The location and adequacy of the private recreational facilities proposed for the subdivision have been reviewed and found acceptable by the Urban Design Section.

- 32. The applicant, his successors and/or assignees shall construct an eight-foot-wide asphalt trail, connecting the subject property to the existing trail system in the adjoining King's Grant Community Park.**

Comment: Such trail has been included in the plans and a recommended condition establishes a time table for its construction.

- 33. The applicant, his successors and/or assignees, with submission of the detailed site plan, shall submit construction drawings for the construction of the trail on adjacent parkland for DPR review and approval. The DSP shall include a grading plan, limit of disturbance, and construction details for trail construction on park property. The location of the trail shall be staked in the field and approved by DPR prior to construction. All trails shall be constructed to assured dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail. Review shall include a determination of appropriate triggers for construction of the trail.**

Comment: The Department of Parks and Recreation (DPR) has indicated that acceptable plans have been submitted for the trail. Conditions of approval assure that DPR shall approve the location of the trail prior to construction, that the trails shall ensure dry passage, and that the trail will be completed in a timely fashion.

Please see environmental referral comments in Finding 11 for a more detailed discussion of preliminary plan of subdivision Conditions 4, 17-23, 24, 26-28 relating to environmental issues.

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.1, Section 4.6, and Section 4.7 of the *Landscape Manual*.

The Urban Design staff reviewed the proposed landscape plan, including a letter dated November 1, 2005, from the Office of Central Services of Prince George's County to Whitney Chellis of the Subdivision Review Section, reflecting the willingness of Prince George's County to grant an easement on its land for an off-site Section 4.7 buffer. Staff has found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince

George's County Woodland Conservation Ordinance because the property has an approved tree conservation plan. A Type I Tree Conservation Plan, TCP11/27/04, was approved together with Preliminary Plan 4-04151. Type II Tree Conservation Plan TCP II/122/05 was submitted together with the subject detailed site plan and has been recommended for approval subject to conditions. Such conditions are included in the recommendation section of this report. Therefore, it may be said that the proposed detailed site plan is in conformance with the requirements of the Prince George's County Woodland Conservation Ordinance.

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

Historic Preservation and Archeological Review—In comments dated August 30, 2005, the Historic Planning Section and the consulting archeologist found that Historic Resource 79-000-36 (site of the Navajo Tenant House) is located on the subject property in Block C. They noted that, though the general notes refer to the historic resource, its location has not been delineated on the submitted plans. They also noted that the developing property is part of a larger farmstead called "Acreage of Navajo." Further, they noted that the applicant has submitted a Phase IB archeological report, though its final version has not been submitted. They said that with the submittal of four copies of the revised final report, no additional archeological investigations would be required. In closing, they mentioned that the proposed project would be scheduled for Historic Preservation Commission review in October, prior to Planning Board review of the detailed site plan application. Depending on the results of the field analysis, staff may recommend to the Historic Preservation Commission that any historic barns be retained and incorporated into lots. However, they stated, if no significant archaeological resources exist and all the existing buildings are modern, Historic Resource 79-000-36 may be recommended for deletion from the Inventory of Historic Resources and to require that a historic marker or other interpretive devices be placed at the site. In a separate e-mail, dated September 30, 2005, the staff archeologist indicated that there were no outstanding archeological issues raised by the subject project.

In revised comments, however, dated November 15, 2005, the Historic Planning Section stated that the following items should be conditions of approval:

1. The applicant shall identify the Historic Resource 79-000-36, Site of the Navajo House.

Urban Design Comment: The historic resource is correctly identified on the revised detailed site plan.
2. The applicant shall work with staff from the Department of Parks and Recreation and determine if material from the barns can be reused, and if so it shall be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county's architectural salvage depot.

Urban Design Comment: A condition to this effect has been included in the Recommendation section of this report.

3. The applicant shall place a historic marker or other interpretive device at the site of the Historic Resource 79-000-36, site of the Navajo Tenant House and consult with Historic Preservation staff on the design and wording.

Urban Design Comment: A condition to this effect has been included in the Recommendation section of this report.

Community Planning—At the time of this writing, the Community Planning Section has not offered comment on the proposed project.

Transportation—In comments dated August 31, 2005, the Transportation Planning Section noted the several transportation-related conditions in the approval of Preliminary Plan 4-04141 (Conditions 1f, 7a, 7b, 7c, 8 and 9). They found the proposed detailed site plan to be in compliance with all but Condition 7b, which required a traffic signal warrant study for the intersection of Ritchie Marlboro Road and Westphalia Road. However, the applicant subsequently submitted the required traffic signal warrant study. In addition, the Transportation Planning Section, mentioning that vehicular and pedestrian access to and within the site is acceptable, found that the subject property will be adequately served within a reasonable period of time with transportation facilities that are existing, programmed, or will be provided as a part of the development if the development is approved.

Subdivision—In comments dated October 31, 2005, the Subdivision Section stated the following:

The property is the subject of Preliminary Plan 4-04151, approved by the Planning Board on December 9, 2004. The resolution of approval, PGCPB Resolution 03-222, was adopted on January 6, 2005. The preliminary plan remains valid until January 6, 2007, or until a final record plat is approved.

The property is subject to the conditions contained in the resolution of approval. That resolution contains 33 conditions. For a detailed discussion of these conditions, please see Finding 8 and Finding 11 (Environmental) of this report.

Trails—In a memorandum dated August 31, 2005, the senior trails planner stated that the adopted and approved Subregion VI Master Plan recommends a master plan trail within the M-NCPPC property immediately behind the subject site and that the trail has been completed through several of the subdivisions immediately adjacent to the subject site and connects to existing Foyette Lane and the existing Kings Grant development. Noting that the Department of Parks and Recreation has come to an agreement with the applicant for a connecting trail between the site and the existing master plan trail, the senior trails planner endorsed the location of that connecting trail and stated that it will provide residents of the development with access to an existing master plan trail, as well as the recreational facilities located along the trail. He suggested

that the Department of Parks and Recreation confirm that the placement of the trail is in agreement with its understanding with the applicant. The senior trails planner also noted that the trail/bike facility recommended along Ritchie-Marlboro Road recommended by the adopted and approved Melwood-Westphalia Master Plan has been provided on the west side of Ritchie Marlboro Road by the recently approved site plan for the nearby Clagett Farm property and, therefore, will not be required for the subject project's Ritchie Marlboro Road frontage.

The trails planner further stated with respect to sidewalk connectivity that the subdivision to the north includes sidewalks along at least one side of all internal roads and the nearby Kings Grant subdivision includes sidewalks along both sides of all internal roads. The existing Ritchie Marlboro Road is an open section roadway with no sidewalks in the vicinity of the subject site and staff recommends provision of standard sidewalks along both sides of all internal roadways, unless modified by DPW&T, providing pedestrian and bicycle access for the residents of the proposed development to adjoining trails and facilities.

The senior trails planner's recommendations are included in the recommended conditions below.

Parks—The Department of Parks and Recreation has verbally informed Urban Design staff that the proposed detailed site plan includes construction drawings for trails on the adjacent parkland and recommends a condition that construction of the section of connector trail on adjacent parkland be completed prior to the issuance of the 54th building permit. Such condition has been included in the recommendation section of this report.

Permits—In a memorandum dated August 24, 2005, the Permit Review Section offered numerous comments that have either been addressed in revisions to the plans or in the recommended conditions below.

Public Facilities—In a memorandum dated August 16, 2005, noting that their findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities." The Public Facilities Section stated that the existing fire engine service, ambulance and paramedic at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.25 minutes, which is within all travel time guidelines. Additionally, they stated that the proposed development will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, paramedic and ladder truck services. Lastly, the Public Facilities Section also stated that the local police district would adequately serve the population generated by the proposed residences. Please note that this is provided for informational purposes only. Findings of adequacy of public facilities are made at the time of approval of a preliminary plan of subdivision for the affected property.

Environmental Planning—In a memorandum dated November 3, 2005, the Environmental Planning Section offered the following comments:

Review of Previously Approved Conditions

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

PGCPB No. 04-286, File No. 4-04151

4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan No. 35758-2003-00, and any subsequent revisions.

Comment: The stormwater management facilities shown on the detailed site plan and the Type II tree conservation plan are consistent with CSD 35758-2003-00. Stormwater management is reviewed in detail in the Environmental Review section below.

17. The Type II tree conservation plan planting schedule shall include a mixture of plant sizes for all reforestation areas within 100 feet of residential lot lines. At a minimum, the planting schedule shall provide at least 35 percent of the planting stock as being one- to two-inch caliper trees. The planting schedule for afforestation areas more than 100 feet from lot lines shall provide at least 10 percent of the planting stock at one-inch caliper or greater.

Comment: Type II Tree Conservation Plan TCPII/122/05 has been submitted with this application and is reviewed in the Environmental Review section below.

18. All afforestation areas abutting residential lot lines shall be fenced with permanent fencing such as split-rail or the equivalent prior to the issuance of the use and occupancy permit for the adjacent lots. All required fencing shall be shown on the TCPII and a detail of the fencing shall be provided.

Comment: Type II Tree Conservation Plan TCPII/122/05 has been submitted with this application and is reviewed in the Environmental Review section below.

19. Prior to submittal of the detailed site plan, the applicant shall meet with the Environmental Planning Section to evaluate alternatives that may allow for a reduction in the extent of the proposed PMA impacts associated with the widening of Ritchie Road and the construction of proposed Street B. Those alternatives determined to be feasible shall then be incorporated into the detailed site plan.

Comment: This meeting was held and the DSP shows the reduced impacts.

- 23. Prior to approval of the detailed site plan, the geotechnical engineer shall sign a statement on the detailed site plan indicating that the site grading has mitigated all potential slope failure areas and that there are no slopes with a slope safety factor of less than 1.5 located on any portion of any residential lot.**

Comment: The detailed site plan has been so certified by a geotechnical engineer.

- 24. As part of the detailed site plan submittal, a Phase II noise study shall be submitted addressing the proposed noise attenuation measures necessary for the mitigation of transportation-related noise impacts for proposed lots located within 170 feet of the centerline of Ritchie Road. All mitigation measures and areas of disturbance for installation of noise attenuation measures shall be shown on the detailed site plan and Type II tree conservation plan, on HOA lands. Any lots where interior and/or exterior noise levels cannot be mitigated to meet the state noise standards shall be eliminated.**

Comment: A Phase II noise study was submitted with this application and is discussed in the Environmental Review Section below.

- 26. The detailed site plan shall address the specific landscape treatments proposed for the 40-foot scenic easement and show how those treatments are coordinated with the proposed noise attenuation measures.**

Comment: The Type II tree conservation plan submitted with this application shows the noise wall and proposed plantings. This issue is discussed in detail in the Environmental Review Section below.

- 27. At time of detailed site plan, the applicant shall reduce the disturbance of naturally occurring slopes to 1.62 acres (25 percent) or by a minimum of 2,178 square feet. Additional opportunities to reduce the amount of severe slopes disturbed shall be explored and implemented by the applicant's engineer and reviewed by applicable agencies.**

Comment: The TCPII shows the minimum grading consistent with the need for positive drainage and road construction as required by County Code.

- 28. In accordance with Part III, Division 9, of the Zoning Ordinance, a detailed site plan shall be approved prior to final plat approval. A Type II tree conservation plan shall be approved at the time of approval of the DSP.**

Comment: A Type II Tree Conservation Plan, TCPII/122/05, has been submitted with this application and is reviewed in the Environmental Review section below.

ENVIRONMENTAL REVIEW

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has an approved tree conservation plan. Type I Tree Conservation Plan TCPI/27/04 was approved with Preliminary Plan 4-04151.

A Type II Tree Conservation Plan, TCPII/122/05, has been submitted with this application. The plan proposes clearing 14.36 acres of the existing 23.67 acres of upland woodland, no clearing of any woodland within the 100-year floodplain, and off-site clearing of 0.16 acres of woodland. The woodland conservation threshold for the project is 14.79 acres and the woodland conservation requirement is 22.63 acres. The plan proposes to meet the requirements by providing 8.96 acres of on-site preservation, 13.38 acres of on-site planting, and 0.30 acre of off-site conservation. An additional 0.36 acre of woodland will be preserved on-site but not part of any requirement.

The plan shows the preservation and planting of the highest priority areas on the site. The overall pattern will serve to create large contiguous stream valley woodlands and enhance exiting abutting parkland. The planting of a strip along Ritchie Road will provide screening between the residences and help preserve the scenic qualities of Ritchie Road. The overall concept is consistent with the Green Infrastructure Plan and the goals of the Woodland Conservation Ordinance.

There are some technical errors with the plan that need to be addressed before the detailed site plan can be certified. The plan shows the proposed noise walls within a proposed planting area; however, the walls effectively break the planting areas and the very narrow strips located between the walls and the lots cannot be used to meet any part of the woodland conservation requirement. The plan proposes to use off-site conservation for 0.30 acre; however, obtaining an off-site easement for such a small area is not generally feasible and the use of fee-in-lieu for less than 1.00 acre is acceptable.

Recommended Action: The Environmental Planning Section recommends approval of TCP II/122/05 subject to the following condition:

1. Prior to certification of the detailed site plan, the Type II Tree Conservation Plan shall be revised to:
 - a. Not count the planting areas between the proposed noise walls and lots as meeting any part of the woodland conservation requirement.
 - b. Add a note that fee-in-lieu may be substituted for off-site conservation, if the total is less than 1.00 acre.

- c. Remove post-planting note 6.C. on sheet 2 of 14 regarding a deer management plan.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan
2. Streams, wetlands, 100-year floodplain, severe slopes in excess of 25 percent and steep slopes between 15 and 25 percent on highly erodible soils are found on this property. These features, along with their respective buffers, compose the Patuxent River Primary Management Area (PMA). The Environmental Planning Section concurs with the conclusions of the wetland study submitted for review, with respect to the presence and extent of the wetlands on this site. Although a 100-year floodplain study was not submitted, the information available to the Environmental Planning Section and reflected on the approved stormwater management concept plan indicates that the 100-year floodplain as shown on the plans is generally accurate and is contained within the limits of the 50-foot stream buffer. Some of the areas of steep slopes with highly erodible soils and severe slopes are appropriately not included within the limits of the Patuxent River PMA because these areas are somewhat removed from the stream buffers, wetlands, wetland buffers, and 100-year floodplain. Each of these features that compose the PMA and the associated buffers are clearly shown on the plans, along with the ultimate limit of the PMA that has been accurately reflected on the plans.

The impacts to the PMA are consistent with those approved with Preliminary Plan 4-04151 and as further reduced by the meeting required by Condition 19 of PGCPB. No.04-186.

Discussion: No further action regarding sensitive environmental features is required with regard to the review of this detailed site plan.

3. A copy of approved Stormwater Management Concept Plan 35758-2003 is generally consistent with the Type I tree conservation plan. There are some discrepancies with the lot layout but the overall concept is reasonably similar. During subsequent reviews, the discrepancies between the two plans will be refined so that the stormwater management technical plan approval and the Type II tree conservation plan approval will be consistent prior to the issuance of any permits.

Comment: Condition 22 of PGCPB. No. 04-286 states:

“Prior to the issuance of any permits, the Type II Tree Conservation Plan and the Technical Stormwater Management Plan shall be consistent. A copy of the approved Technical Stormwater Management Plan shall be submitted to the Environmental Planning Section for inclusion in the TCPII file prior to the issuance of any grading permits. In the event the TCPII and Technical Stormwater Management Plans are not consistent one or both plans shall be revised as necessary prior to the issuance of the grading permits.”

No further action regarding stormwater management is required with regard to the review of this detailed site plan.

4. This property is located along Ritchie Road, a master planned arterial roadway that is an identified transportation-related noise generator. The Phase I noise study submitted with Preliminary Plan 4-04151 was found to address the projected noise impacts to this site. The projected 65 dBA Ldn noise contour is located 170 feet from the centerline of Ritchie Road and will impact 13 of the proposed lots. Although some lots will be subjected to both exterior and interior noise impacts above the state noise standard (Lots 1A, 1B, 14B, 48B, 1G, 1H, 7H and 8H), other lots will experience exterior noise impacts only (Lots 10-13B and 15B). The noise study proposes the use of noise barriers and structural components to address these adverse impacts to the residential lots noted above.

Condition 24 of PGCPB [Resolution?] No. 04-286 reads:

“As part of the detailed site plan submittal, a Phase II noise study shall be submitted addressing the proposed noise attenuation measures necessary for the mitigation of transportation-related noise impacts for proposed lots located within 170 feet of the centerline of Ritchie Road. All mitigation measures and areas of disturbance for installation of noise attenuation measures shall be shown on the detailed site plan and Type II tree conservation plan, on HOA lands. Any lots where interior and/or exterior noise levels cannot be mitigated to meet the state noise standards shall be eliminated.”

A Phase II noise study was submitted with this application. The noise study has established that walls are required to mitigate traffic-generated noise associated with improvements to Ritchie Road. The walls proposed are on HOA parcels and are mostly more than 45 feet from the dedication for Ritchie Road. The mitigated 65 dBA (Ldn) noise contour shown on the TCPII indicates that none of the future residential structures will be significantly impact by future traffic-generated noise and that each proposed lot will have an outdoor activity area at least 40 feet deep that is not significantly impacted future traffic-generated noise.

Comment: No further action regarding noise attenuation is required with regard to the review of this detailed site plan.

5. Ritchie Road is a designated scenic and historic road. A viewshed analysis is typically requested to provide baseline information for the evaluation of the proposed development. Because an analysis was recently prepared for the Addison property on the opposite side of Ritchie Road and a site visit was conducted during July 2004, it is not necessary that another evaluation along this segment of the road be prepared. The existing vegetation along the frontage of this property is dominated by a narrow strip of trees and vines that do

not meet the definition of a woodland and would likely be cleared for any road

improvements.

A 40-foot scenic buffer easement is shown on the Type II tree conservation plan. As noted during the review of the TCPII, the plan shows planting of the 40-foot scenic buffer except for those areas where the noise attenuation wall is to be constructed. The wall is mostly more than 45 feet from the dedication for Ritchie Road. When mature, the plantings will effectively screen the noise wall from Ritchie Road.

Comment: The noise wall and plantings shown on the TCPII meet the requirements of Condition 26 of PGCPB Resolution No. 04-286 and retain the scenic and historic qualities of Ritchie Road.

The Environmental Planning Section requested inclusion of certain recommended changes to the TCP II that are included in the recommendation section of this report.

Department of Environmental Resources (DER)—In comments dated August 12, 2005, DER stated that the site plan for Marlboro Pointe Cluster, DSP-05011, is not showing the bioretention ponds that are on the approved stormwater concept plan, 35758-2003. The need for compliance with the approved stormwater concept plan is addressed in the recommended conditions below.

Fire Department—In a memorandum dated September 19, 2005, the Prince George's Fire Department offered comment regarding required accessibility for fire apparatuses, road design, and the location and performance of fire hydrants.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated September 1, 2005, DPW&T stated:

- Right-of-way dedication and frontage improvements in accordance with DPW&T's urban arterial road standards are required for Ritchie Marlboro Road.
- Right-of-way dedication and frontage improvements in accordance with DPW&T's specifications and standards are required for the proposed internal subdivision streets.
- Full width, two-inch mill and overlay for all county roadway frontages is required.
- Conformance with DPW&T's street tree and street lighting standards is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the county's Road Ordinance.
- All storm drainage systems and facilities are to be designed in accordance with DPW&T's and the Department of Environmental Resources' requirements.
- An access study shall be conducted by the applicant and reviewed to determine the

adequacy of access point(s) and the need for acceleration/deceleration and turning lanes and a by-pass lane with dedication of the necessary additional right-of-way.

- A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required.

Please note that DPW&T's requirements are enforced through their separate permitting process. **Maryland State Highway Administration (SHA)**—In a letter dated August 26, 2005, SHA stated that they have no objection to the approval of Detailed Site Plan DSP-05011.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/122/05) and further APPROVED Detailed Site Plan 05011 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall provide the additional specified materials or revise the plans as follows:
 - a. Applicant shall indicate the bioretention ponds as shown on approved Stormwater Concept Plan 35758-2003 and submit revised referral comments from DER stating that the subject detailed site plan is consistent with the relevant approved stormwater concept plan.
 - b. Applicant shall bond and install the proposed recreational facilities in accordance with the following schedule. The schedule shall be included on the plans and in public and private recreational facilities agreements, as appropriate:

| Recreational Facility | Bonded By | Completed By |
|--|--|---|
| Sitting Area including benches and a gazebo | Issuance of the first building permit for the proposed subdivision | Issuance of the 27 th building permit for the proposed subdivision |
| 1,000-foot on-site eight-foot-wide hiker-biker trail | Issuance of the first building permit for the proposed subdivision | Issuance of the 40 th building permit for the proposed subdivision |
| Multipurpose | Issuance of the first | Issuance of the 54 th |

| | | |
|---|--|---|
| Court | building permit for the proposed subdivision | building permit for the proposed subdivision |
| 1,100 foot off-site eight-foot-wide hiker/biker trail | Issuance of the first building permit for the proposed subdivision | Issuance of the 81 st building permit for the proposed subdivision |

- c. The building height on each house type shall be included on the template sheet.
- d. The dimensions for all options on all house types shall be indicated.
- e. The applicant shall include a parking schedule including one space per recreational court and one per picnic table and shall show the required parking spaces on the plan.
- f. The applicant shall include a Section 4.6 *Landscape Manual* schedule ensuring that the lots backing up to Ritchie Marlboro Road shall have adequate buffering.
- g. Applicant shall include top and bottom elevations for all retaining walls. Retaining walls over 18 inches shall include a safety fence and walls above 6 feet with a safety fence shall meet main building setbacks. The Urban Design Section shall review and approve plans for the retaining walls as designee for the Planning Board.
- h. Gateway signs shall be reviewed and approved by the Urban Design Section as designee for the Planning Board to ensure that:
 - i. Maximum lettering area per gateway sign is 12 square feet.
 - ii. Maximum height is six feet above grade.
 - iii. The sign is located at the entrance to the subdivision, set back from the roadway to maintain unobstructed lines of vision for 500 feet in all directions of travel.
 - iv. Attractive year-round landscaping shall be provided at the base of the gateway sign.
 - v. The applicant has entered into a maintenance agreement approved by DER.
- i. The applicant shall correctly identify the location of Historic Resource 79-000-36, site of the Navajo Tenant House on the detailed site plan.
- j. Applicant shall revise the plans to include a trail connection from the subject site to the existing master plan trail on the adjacent M-NCPPC land at a location agreeable to the Department of Parks and Recreation.

- k. Applicant shall revise the plans to indicate standard sidewalks along both sides of all internal roads (including Street A and Street C between Street B and Ritchie-Marlboro Road, unless modified by DPW&T.
- l. The Department of Parks and Recreation shall confirm that the connection with the adjacent master plan trail is located as was agreed to between the applicant and the Department of Parks and Recreation.
- m. Applicant shall provide evidence that they have recorded an easement to accommodate a 50-foot landscape buffer containing the plantings required in a “D” buffer as defined in the Prince George’s County *Landscape Manual* along its eastern boundary shared with land owned by Prince George’s County and used to impound automobiles. In no event shall the width of the buffer be reduced from 50 to the 40 feet normally required for a “D” buffer in the *Landscape Manual*. Additionally, if existing woodland is to partially or entirely meet the requirements of the *Landscape Manual*, the applicant shall provide staff with a letter from a licensed forester or other qualified professional stating that the existing woodland meets the requirements of the *Landscape Manual* with respect to the type and quantity of plantings required and/or specifying the exact type and quantity of plantings necessary to augment the existing woodland to meet the requirements of the *Landscape Manual*. The purpose of this condition is to provide an effective screen between the county-owned impoundment lot and the proposed subdivision. If such an easement cannot be obtained, the site plan shall be redesigned and may involve a loss in the number of lots in the subdivision in order to accommodate the required buffer on-site. Any structure located within the easement, if obtained, must be removed or Alternative Compliance must be pursued and obtained by separate application.
- n. Applicant shall add a note to the plans stating that if wet areas must be traversed, suitable structures shall be constructed to ensure dry passage along the trail.
- o. A note shall be added to the plans stating that the applicant shall work with staff from the Department of Parks and Recreation and determine if material from barns can be reused and if so it shall be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county’s architectural salvage depot.
- p. A note shall be added to the plans stating that the applicant shall place an historic marker or other interpretive device at or near the site of Historic Resource 79-000-36 Site of the Navajo Tenant House and shall consult with Historic Preservation staff on design, location and wording.
- q. A note shall be added to the detailed site plan stating that a minimum of 60 percent of the units shall have front facades constructed entirely of brick. Applicant shall provide a brick tracking chart on the detailed site plan.
- r. All facades shall have a minimum of two architectural features. Highly visible side

facades of highly visible units in the subdivision shall have a minimum of three architectural features. A list of highly visible units shall be developed by the Urban Design Section as designee of the Planning Board.

2. Prior to the issuance of any building permits for the proposed project, the applicant shall provide the additional specified materials or shall revise the plans as follows:
 - a. The proposed house type shall be indicated on the subject lot(s).
 - b. Front, side and rear setbacks shall be indicated on the plans.
 - c. A chart indicating the percentage of lot coverage for each lot shall be shown on the plans. Lot coverage is to include dwelling, driveway, any covered steps, porches or options.
 - d. Applicant shall submit a recorded declaration of covenant with the building permit application. Such document shall identify the area on the lot(s) by bearings and distances where landscaping is required by Section 4.6, and the specific parties committed to maintain that landscaping in perpetuity.
 - e. Prior to the issuance of any permits, the Type II tree conservation plan and the technical stormwater management plan shall be consistent. A copy of the approved technical stormwater management plan shall be submitted to the Environmental Planning Section for inclusion in the TCPII file prior to the issuance of any grading permits. In the event the TCPII and technical stormwater management plans are not consistent one or both plans shall be revised as necessary prior to the issuance of the grading permits.
 - f. The following certification shall be placed on all building permits and shall be signed and dated by an engineer with expertise in acoustical engineering: "The construction shown on this building permit has been evaluated and will result in interior noise levels of 45 dBA Ldn or less."
3. Prior to certification of the Type II tree conservation plan, it shall be revised as follows:
 - a. Not to count the planting areas between the proposed noise walls and lots as meeting any part of the woodland conservation requirement.
 - b. Add a note that fee-in-lieu may be substituted for off-site conservation, if the total is less than 1.00 acre
 - c. Remove post-planting note 6.C. on sheet 2 of 14 regarding a deer management plan.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 1, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of December 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk