

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 8, 2005, regarding Specific Design Plan SDP-0414 for Forest Hills, the Planning Board finds:

1. **Request:** The subject specific design plan is for the approval of 112 single-family detached dwelling units on 167.70 acres in the R-L Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-L	R-L
Use(s)	Vacant	Single-family detached
Acreage	167.70	167.70
Lots	0	112
Parcels	0	8
Square Footage/GFA	N/A	N/A

3. **Location:** The subject site is located in Planning Area 79 of Council District 6. The site is located on both the west and east sides of MD 202, between Kent Drive and Crescent Drive.
4. **Surroundings and Use:** The property is bounded to the north by developed and undeveloped land in the R-E Zone; to the west by R-U-zoned property; to the south by undeveloped land in the R-R and R-E Zone; and to the east by undeveloped land in the R-S Zone.
5. **Previous Approvals:** On May 24, 1994, the Prince George's County District Council approved Sectional Map Amendment A-9952 and the accompanying basic plan for the subject site (CR-54-1994) with 18 conditions and one consideration for 153 single-family dwelling units.

On July 25, 2002, the District Council approved Comprehensive Design Plan CDP-9901 with seven conditions for 119 single-family dwelling units.

On January 15, 2004, the Planning Board approved Preliminary Plan 4-03071 (PGCPB No. 04-06) with 23 conditions.

6. **Design Features:** The proposed specific design plan consists of 112 single-family detached dwelling units with a variety of lot and dwelling unit sizes, the dedication of approximately 105 acres of land to M-NCPPC, the construction of master-planned hiker-biker and equestrian trails, and private recreational facilities.

The architecture consists of the following models and their corresponding base finished square footage:

Ashley	3,600 SF
Bennington	2,450 SF
Bennington II	3,001 SF
Concord	2,354 SF
Lancaster	3,082 SF
Morrison III	2,600 SF
New Castle	2,478 SF
Sareen	4,395 SF
St. Albans	4,650 SF
St. James	3,852 SF
Windsor	3,350 SF

Building materials for the architecture include a combination of brick, stone, vinyl siding, asphalt shingles, and standing-seam metal roofs, and a variety of styles and roof pitches. A stone entry feature has been provided on the west side of the development in conjunction with a required noise attenuation wall. Matching stone piers should be provided as entry features on the east side of MD 202 as well.

CONFORMANCE WITH EVALUATION CRITERIA

7. **Basic Plan:** The proposed specific design plan is in conformance with the Basic Plan, A-9895, and all applicable conditions of approval.
8. **Zoning Ordinance:** The proposed development is in conformance with the Zoning Ordinance and the requirements of the R-L Zone. The proposed density is below the base density allowed by the basic plan; therefore no public benefit features are required.
9. **Comprehensive Design Plans:** The District Council approved Comprehensive Design Plan CDP-9901 on July 25, 2002, with seven conditions. The specific design plan is in general conformance with the CDP. The following condition warrants discussion:
 4. **During the Specific Design Plan review, the applicant shall:**
 - a. **Submit additional rear elevations for the rear yards of the houses facing MD 202. The design of the houses shall be as attractive as the front elevations with respect to details, number of design features, and articulation. The chimneys of the houses along MD 202 (not including gas vent enclosures for gas fireplaces) shall be constructed of masonry.**

b. Submit architectural drawings with noise mitigation measures for review and approval by the Environmental Planning Section.

The applicant has met the above requirements. Additionally, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way should employ a minimum of three standard architectural features on those elevations, such as windows, doors, and fireplace chimneys, and these features shall form a reasonably balanced composition.

With regard to conformance to CDP Condition 5 for detailed construction drawings for master planned trails, see Finding 18 below.

10. **Preliminary Plan of Subdivision:** The Planning Board approved Preliminary Plan 4-03071 (PGCPB No. 04-06) with 23 conditions on January 15, 2004. The specific design plan is in general conformance with the approved preliminary plan. Conditions of approval that warrant discussion are as follows:

Conditions 3-7 related to environmental issues are discussed in Finding 13 below.

Condition 10 related to the Department of Parks and Recreation is discussed in Finding 17 below.

Conditions 17 and 20–23 related to transportation issues are discussed in Finding 14 below.

Condition 14 is in regard to private recreational facilities. The site plan is in general conformance to this requirement.

11. **Landscape Manual:** The proposal is subject to the requirements of Section 4.1 (Residential Requirements) and Section 4.6 (Buffering the rear yards of lots from streets) of the *Landscape Manual*. The landscape plan generally meets the requirements of the *Landscape Manual*; however the bufferyards along MD 202 should clearly be delineated on the site and landscape plans.
12. **Woodland Conservation Ordinance:** The Environmental Planning Section recommends approval of the Type II Tree Conservation Plan (TCPII/162/04) submitted with the specific design plan for conformance with the Woodland Conservation Ordinance. For further information with regard to the Environmental Planning Section's comments, see Finding 13 below.

REFERRAL COMMENTS

13. In a memorandum dated October 28, 2005 (Stasz to Wagner), the Environmental Planning Section provided the following comments:

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with the approvals of Basic Plan A-9895; Comprehensive Design Plan CDP-9901; Preliminary Plan of Subdivision 4-95088; Type I Tree Conservation Plan TCPI/64/95; Preliminary Plan of Subdivision 4-03071; and Type I Tree Conservation Plan TCPI/64/96-01.

Site Description

This 167.70-acre property in the R-L Zone is located in the both sides of Largo Road (MD 202) approximately 0.2 mile north of Crescent Drive. Elevations range from 12 feet above sea level along the Western Branch in the southwestern corner of the site to 150 feet above sea level near the center of the northern boundary. The feeder tributaries in the eastern half of the site drain into the main stem of Collington Branch and in the western half of the site into the main stem of Western Branch. The property is situated within the Patuxent River drainage basin and is therefore subject to the stringent buffer requirements of the Patuxent River Policy Plan.

According to the 1967 "Prince George's County Soil Survey," the soils on the site primarily belong to the Collington-Adelphia-Monmouth, Westphalia-Evesboro-Sassafras, and Westphalia-Marr-Howell associations. The soils are characterized as: deep; nearly level, to strongly sloping; well-drained to moderately well-drained; formed in upland areas from sediments containing glauconite; and well-drained to excessively well-drained on moderately sloping to steeply sloping land. Portions along the southeast and northwest are composed of Sandy Land, a miscellaneous soil type consisting of fine sandy sediments formed along the steep slopes of stream valleys. The Westphalia and Sandy Land soils have erodibility factors in excess of 0.35 and are thus considered highly erodible. In accordance with the Patuxent River Policy Plan and the Subdivision Ordinance, any highly erodible soils on slopes of 15 percent or greater must be incorporated into stream buffers. The site also contains a massive Marlboro Clay layer. This massive clay layer is the cause of many geotechnical problems.

Significant transportation-related noise impacts associated with existing and realigned Largo Road (MD 202) have been identified. There are no scenic or historic roads impacted by the development proposed in the subject plans.

During the review of CDP-9407 for Beech Tree in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of the Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less-developed Collington Branch subwatershed. A site visit on August 25, 1995, determined that a population of Stripeback Darter (*Percina notogramma*) exists in the main stem of Collington Branch adjacent to the eastern boundary of the property. Staff of the Environmental Planning Section have discovered populations of Yellow Water-Crowfoot (*Ranunculus flabellaris*), listed as endangered by COMAR 08.03.08, Coville's Phacelia (*Phacelia covillei*), listed as endangered by COMAR 08.03.08, Narrow Melicgrass (*Melica mutica*), listed as

threatened by COMAR 08.03.08, and Red Turtlehead (*Chelone obliqua*), listed as threatened by COMAR 08.03.08 on the property. All of the populations are located on land to be dedicated to the Department of Parks and Recreation. Development of trails and other park facilities should avoid significant impact to the populations of these or any other species listed in COMAR 08.03.08.

Of the 167.70 total acres, about 30.6 acres (18 percent) are currently 100-year floodplain and 23.93 acres (78 percent) of the floodplain is forested. The upland 137.1 acres, while under agricultural uses since colonial times, has 65.52 acres of woodlands (49 percent of the upland).

Review of Previously Approved Conditions

The approval of the basic plan and comprehensive design plan by the District Council, and the approval of the preliminary plan of subdivision by the Planning Board, included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this preliminary plan of subdivision are addressed below. The respective conditions are in **bold** type, the associated comments are in standard type, and the required revisions and/or required information are in *italics*.

Basic Plan, A-9895, PGCPB No. 94-24, January 26, 1994.

- 6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.**

Comment: The TCPI as revised shows the preliminary trail locations that are not restricted by woodland conservation. Woodland conservation is discussed in detail in the Environmental Review section below.

- 8. The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be shown on the plan delimiting the 1.5 safety factor line.**

Comment: The geotechnical report submitted on December 9, 2003, was reviewed. It accurately locates the 1.5 safety factor line for potential slope failure areas on the preliminary plan of subdivision. Marlboro clay is discussed in detail in the Environmental Review section below.

- 9. A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.**

Comment: A stormwater management concept plan was approved by the Department of Environmental Resources prior to the approval of the CDP. Stormwater management is discussed in detail in the Environmental Review Section below.

11. The applicant shall obtain approval of the 100 year floodplain elevations from the Department of Environmental Resources, prior to preliminary plan approval.

Comment: Prior to the approval of the preliminary plan, a 100-year floodplain study approved by the Department of Environmental Resources was submitted.

12. Lots shall be adjusted to allow a structure to be placed outside of the noise zone [at least 395 feet from the centerline of proposed MD 202] or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.

Comment: The noise study submitted for review of the CDP on November 17, 2003, was reviewed and was found to provide accurate information with respect to the location of the unmitigated 65 dBA Ldn noise contour on the west side of MD 202. However, this condition specifies that this information be based on the centerline of proposed MD 202. Based on the data provided, it appears that proposed Lots 1-9, Block "A" would be less impacted by the revised alignment, while Lots 1-5, Block "F" will be more impacted. A Phase II noise study should be reviewed at the specific design plan stage. A Phase II noise study has been submitted with the SDP and is discussed in detail in the Environmental Review section below.

CDP-9901, PGCPB No. 02-184, September 5, 2002.

1. Prior to certification of the Comprehensive Design Plan,

a. The Comprehensive Design Plan drawings and text shall be revised to incorporate the following:

(1) lots between the existing and future MD 202 eliminated and the area of the lots incorporated into the homeowners' open space and/or used for tree conservation purposes.

(3) the proposed berm along MD 202 eliminated to avoid impacts to existing trees.

b. The applicant shall submit a recently approved stormwater management concept plan for the proposed stormwater management on the subject property.

- c. **The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the Department of Parks and Recreation to remove woodland conservation areas from portions of the proposed parkland where development may occur.**
- d. **The applicant shall submit information regarding avoidance of significant impacts on the population of any species listed in COMAR 08.03.08 due to the development of parks and trails.**

Comment: All of these requirements were fulfilled and the CDP was certified.

2. Prior to approval of the Preliminary Plan, the applicant shall:

- a. **Submit a conceptual layout of water and sewerage services to and within the site and an analysis of the impact of the construction of these facilities. The layout shall minimize the impact of construction to the extent possible.**

Comment: The revised Type I Tree Conservation Plan, TCPI/64/95-01, that was reviewed with Preliminary Plan 4-03071 included the conceptual layout of water and sanitary sewer connections. The layout was reviewed and found to minimize impacts to the PMA. Impacts to the PMA are discussed in detail in the Environmental Review Section below.

- b. **Obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources.**

Comment: A 100-year floodplain study approved by DER was submitted and a copy is in the Environmental Planning Section TCPI file.

Preliminary Plan 4-03071, PGCPB No. 04-06, February 12, 2004.

1. Prior to signature approval of the Preliminary Plan:

- a. **The plan shall be revised to include the correct 65 dBA Ldn noise contour, to extend from the centerline of proposed MD 202, not existing MD 202.**
- c. **The “Preservation Area” identified on the Preliminary Plan and the TCPI shall be correctly labeled as “PMA” on the plan and in the legend.**
- e. **The Type I Tree Conservation Plan, TCPI/64/95-01, shall be revised as follows:**

- (1) **The off-site mitigation being provided for Tippet Estates, TCPII/75/94, shall be provided at a rate of two acres for every acre**

required in accordance with the Annotated Code of Maryland, for a total of 20.28 acres.

- (2) All Woodland Conservation Areas shall be removed from lots less than 20,000 square feet in size.**
- (3) Eliminate all references to “Future Woodland Conservation Mitigation Areas” from the TCPI.**
- (4) The revised plans shall be signed and dated by the qualified professional who prepared the revised plans.**

Comment: All of these changes were made and the TCPI was signed on May 10, 2004.

- 3. A Phase II Noise Study addressing specific noise attenuation measures for proposed Lots 1-9, Block “A,” and Lots 1-5, Block “F,” shall be included as part of the Specific Design Plan application package.**

Comment: A Phase II Noise Study has been submitted with the SDP and is discussed in detail in the Environmental Review section below.

- 4. No woodland conservation for other future projects shall be permitted on this site.**

Comment: A Type II Tree Conservation Plan has been submitted with the SDP. The TCPII does not propose woodland conservation for any project except for Tippet Estates. This mitigation bank was approved prior to the submission of Preliminary Plan 4-03071 and the condition is intended to prohibit any additional use of the woodlands on the property as a mitigation bank. The woodland conservation is discussed in detail in the Environmental Review section below.

- 6. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.**

Comment: A Type II tree conservation plan has been submitted with the SDP. Woodland conservation is discussed in detail in the Environmental Review section below.

- 7. The proposed PMA impacts shall be further evaluated and minimized to the extent possible during the review of the Specific Design Plan.**

Comment: Impacts to the PMA are discussed in detail in the Environmental Review Section below.

- 9. The Type I Tree Conservation Plan, TCP-I 64/95-01, shall be revised in consultation with the DPR staff to remove excess woodland conservation easement areas on dedicated parkland.**

Comment: The consultation was done and TCPI/64/95-01 was signed on May 10, 2004 after required changes were made.

- 18. Development of this site shall be in conformance with the approved stormwater management concept plan, #8000900-1996-00, or any approved revisions thereto.**

Comment: The SPD shows stormwater management facilities that are consistent with CSD 8000900-1996-00. Stormwater management is discussed in detail 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 there is a previously approved tree conservation plan. The detailed forest stand delineation (FSD) submitted with the previous applications for this property were reviewed and were found to be acceptable in accordance with the requirements for an FSD as found in the woodland conservation and tree preservation technical manual. A Type I Tree Conservation Plan, TCPI/64/95, was approved with CDP-9901. A revised Type I Tree Conservation Plan, TCPI/64/95-01, was reviewed and approved with Preliminary Plan 4-03071.

The Type II Tree Conservation Plan, TCPII/81/05, has been reviewed. The plan proposes clearing 10.57 acres of the existing 95.23 acres of upland woodland. The clearing of 0.304 acre of the existing 22.00 acres of woodland within the 100-year floodplain and the clearing of 0.06 acre of woodland off-site. The site also provides 20.28 acres as mitigation for Tippet Estates. The woodland conservation threshold for this site is 34.20 acres. Based upon the proposed clearing, the woodland conservation requirement is 37.20 acres. The plan proposes to meet this requirement by providing 37.49 acres of on-site woodland conservation and the preservation of an additional 47.17 acres that is not part of any requirement.

The layout of the proposed woodland conservation is in conformance with the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan. In addition to preserving sensitive environmental features and the expanded stream buffers, the addition of upland woodland abutting these areas creates large contiguous woodlands and woodland corridors.

Recommended Action: The Environmental Planning recommends approval of TCPII/81/05.

2. The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area (PMA) is comprised of all streams, the 50-foot stream buffer, wetlands, the 25-foot wetland buffer, adjacent areas of slopes in excess of 25 percent and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. All of these features are found within the limits of this application.

The Type II TCP and the SDP fail to show all of the required features used to determine the full extent of the PMA. As noted earlier, no areas of severe slopes or steep slopes containing highly erodible soils are shown on the plan or in the legend. A review of the PMA line shown on the plans has portions that are clearly in error.

Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification proposing four distinct PMA impacts was submitted with Preliminary Plan 4-03071. The proposed impacts are associated with stormwater management facilities, sewer outfalls, and the proposed trails. These impacts have generally been minimized to the fullest extent possible. However, it was found that a more integrated design of the trails and the stormwater management outfalls impacts could be further reduced and Condition 10 of PGCPB. No. 04-06 requiring consultation with the Department of Park and Recreation addressed this concern. The impacts proposed on SDP-0414 and TCPII/81/05 for trail construction and installation of required infrastructure appear to minimize impacts to the PMA.

Comment: No further action regarding sensitive environmental features is required with regard to the review of this specific design plan.

3. The subject property is bisected by existing MD 202, a primary roadway and proposed realigned MD 202, a planned expressway, both of which are transportation-related noise generators. The Phase I traffic noise analysis submitted for the review of Preliminary Plan 4-03071 on November 17, 2003, was reviewed by the Environmental Planning Section and was found to be accurate with respect to the location of the 65 dBA Ldn noise contour based on existing MD 202; however, the study did not address future impacts based upon the realignment of MD 202. Condition 3 of PGCPB No. 04-06 resulted from the finding that some residential lots would be severely impacted unless mitigation could be provided and this condition requires a Phase II noise study.

A Phase II noise study, dated June 15, 2005, has been reviewed. The study addresses future impacts based upon the realignment of MD 202 and mitigation for the noise impacts by providing a noise barriers up to eight feet in height. The locations of the proposed noise barriers are shown on the revised SDP and the revised Type II TCP. Spot elevations for the noise wall are required to determine if it meets the setbacks required by

the Zoning Ordinance for structures. Because the noise barriers are to serve then entire community, they may not be located on lots.

Comment: The SDP and Type II tree conservation plan appropriately show the required noise barriers on parcels to be dedicated to the HOA.

4. During the review of CDP-9407 for Beech Tree in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed. A site visit on August 25, 1995, determined that a population of Stripeback Darter (*Percina notogramma*) exists in the main stem of Collington Branch adjacent to the eastern boundary of the property. Staff of the Environmental Planning Section have discovered populations of Yellow Water-Crowfoot (*Ranunculus flabellaris*), listed as endangered by COMAR 08.03.08, Coville's Phacelia (*Phacelia covillei*), listed as endangered by COMAR 08.03.08, Narrow Melicgrass (*Melica mutica*), listed as threatened by COMAR 08.03.08, and Red Turtlehead (*Chelone obliqua*), listed as threatened by COMAR 08.03.08 on the property. All of the populations are located on land to be dedicated to the Department of Parks and Recreation. Development of trails and other park facilities should avoid significant impact to the populations of these or any other species listed in COMAR 08.03.08.

The Maryland Department of Natural Resources, Natural Heritage Section, is aware of all of these species on the property and will be consulted by the Maryland Department of Environment prior to the issuance of any Maryland wetland permit for the property.

Recommended Condition: Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

5. The Prince George's County Department of Environmental Resources has approved Stormwater Management Concept CSD 8000900-1996-01. Because of the presence of Marlboro clay, infiltration is not permitted. All lots must be located so that the 1.5 safety factor line is off of the lots. A detailed underdrain system is to be provided with each concept plan. Due to extensive Marlboro clay on the east side of the project site, the pond on the west side must be designed to overcompensate for flows on the east side. All stormdrains through Marlboro clay are to convey the 100-year storm and be rubber-gasketed. All flows in yard areas are to be picked up at two-cubic-feet per second. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter. All water quality ponds shall be reviewed for safety issues.

The stormwater management facilities shown on the SDP and TCPII are consistent with those required by CSD 8000900-1996-01.

Recommended Condition: Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). If revisions to the TCPII are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.

6. Marlboro clay presents a special problem for development of this site. Basic Plan Condition 8 of PGCPB No. 94-24 was adopted to address this issue. The greatest concern is the potential for large-scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during the installation of the base for all roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Sideslopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay.

A copy of the geotechnical report addressing the Marlboro clay was reviewed with Preliminary Plan 4-03071 and was found to address the criteria for a Marlboro clay geotechnical evaluation including showing the location of the 1.5 safety factor line. Preliminary Plan 4-03071 and TCPI/64/95-01 did not propose the creation of any residential lots or parts thereof within the potential slope failure areas identified by the 1.5 safety factor line. The revised SDP and revised TCPII show all 1.5 safety factor lines on the plans and in the legends. All 25-foot building restriction lines are shown on the SDP and TCP.

Section 24-131 of the Subdivision Regulations requires the platting of a 25-foot building restriction line from all 1.5 safety factor lines. Lots 15-17 on Sheet 4 of 17 of the TCPII and Lots 16 and 17 on Sheet 13 of 17 of the TCPII have the 1.5 safety factor line on the lots; however, according to the approved Stormwater Concept Plan, CSD 8000900-1996-01, no portion of any 1.5 safety factor line is allowed on any lot.

Recommended Condition: The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-

foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”

14. In a memorandum dated May 27, 2005 (Jenkins to Wagner), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the application referenced above. The application is for a residential subdivision of 113 single-family dwelling units located along both sides of MD 202, approximately one mile north of MD 725. The site consists of 167.70 acres of land in the R-L Zone. Access to the site will be from existing MD 202 at a new four-way intersection.

Preliminary Plan 4-03071 for Forest Hills was presented to the Planning Board on January 15, 2004, and was approved with conditions by PGCPB Resolution No.04-06 on February 12, 2004. Transportation related conditions are set forth below.

- 1.d. The plan shall be revised to show 80-foot-wide-right-of-way at all access points from MD 202.**

The site plan was revised correctly and shows an 80-foot right-of-way at both access points on MD 202 and within the area reserved for the future realignment of MD 202.

- 17. If closed section roadways are used within the subdivision, standard sidewalks shall be provided along one side of all internal roads, per the concurrence of DPW&T.**

Sidewalks are shown on both sides of the closed section roadways within the subdivision, which meets this condition, are shown as four feet wide. This is DPW&T's Urban Secondary Residential Road Standard 100.07.

- 20. At the time of final plat approval, the applicant...shall dedicate right-of-way along MD 202 of 35 feet from the centerline of the existing pavement.**

This is not shown on the submitted SDP, but it must be reflected on the final plats. This will affect lots along existing MD 202, and the plan should be modified accordingly.

- 21. The applicant...shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of MD 202. Additional right-of-way dedication to SHA may be required for these improvements.**

Sufficient right-of-way dedication appears to be provided along MD 202 for frontage

improvements. The actual turn lanes are not depicted on the SDP and will need to be approved by SHA during that agency's access review process. Any right-of-way needs must be coordinated by the applicant with SHA.

22.a. Construct a third approach lane on westbound MD 193 at MD 202.

This is a required off-site transportation improvement needed before building permits are released and will be enforced at that time.

23. As described in PGCPB No. 02-184 and CPP-9901, the following improvements shall be funded in part by the payment of \$100,000 to the State Highway Administration by the applicant, his heirs, successors and/or assignees:

- a. The widening of MD 202 to four lanes between MD 725 and Black Swan Drive.**
- b. The installation of a traffic signal within the study area at a location to be determined by the State Highway Administration. The location will be chosen to best serve traffic flow along MD 202 between MD 725 and Black Swan Drive with consideration given to side street delays as well as mainline traffic flow.**

Payment will be made to the State Highway Administration at the time of building permit.

In consideration of the above review, the transportation staff finds that the subject application does indeed conform to the approved subdivision plan, the approved comprehensive design plan, and the approved basic plan from the standpoint of transportation.

The subject property is required to make or fund roadway improvements pursuant to a finding of adequate public facilities made in 2004 and supported by traffic studies and analyses done in 2002 and 2003. These conditions are enforceable with the submission of building permits.

To summarize, the Transportation Planning Division finds that the subject application does conform to the approved subdivision plans, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation. Furthermore, the transportation staff finds that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development.

15. In a memorandum dated May 6, 2005 (Harrell to Wagner), the Public Facilities Planning Section offered the following comments:

The Historic Preservation and Public Facilities Planning Section has reviewed the specific design plans for adequacy of public facilities and concluded the following.

The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 7.25-minute travel time guideline.

The proposed specific design plan will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above 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*.

Police Facilities

The proposed development is within the service area for Police District II- Bowie. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of 1/2/05, the county has 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed single-family residential use on the Forest Hills complex.

16. In a memorandum dated April 13, 2005 (Bailey to Wagner), the State Highway Administration offered the following comments:

Staff has completed their review and evaluation of the specific design plan and land use approval. Based on the information presented, the following comments are offered:

- The subject property is located at the east and west side of MD 202 (Largo Road). Our highway location reference guide indicates MD 202 is a principle arterial two-lane highway with an annual average traffic volume of 18,075 vehicle trips per day.
- A sight distance profile must be developed indicating that the desired location for access is consistent with State Highway Administration (SHA) requirements.

- A traffic study or traffic data may be required to establish the appropriate improvements for safe and efficient ingress/egress. A submission of a storm drainage design and computations or approval by the local authority may be necessary.
- A full-depth pavement entrance channeled with a Type “A” curb is required at the locations shown on the plan. Acceleration/deceleration lanes and left-turn lanes with pavement widening is necessary for vehicle ingress/egress. These improvements must be approved by the SHA Engineering Access Permits Division prior to issuance of building permits.
- Coordination with this office is necessary for access onto MD 202. The improvements must be consistent with the rules and regulations of SHA. A permit must be issued to the owner/building for work performed within the state right-of-way.
- The term “No Direct Access” needs to be placed on the final record plat along those lots that abut MD 202.
- Dedication along the property fronting MD 202 for the required SHA improvements may be necessary. The applicant’s engineer needs to determine the full scope of these requirements and if needed the identified area placed on the final records as “Dedicated to the State of Maryland.”

17. In a memorandum dated November 21, 2005 (Asan to Wagner), the Department of Parks and Recreation offered the following comments:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced specific design plan application for conformance with the requirements of Comprehensive Design Plan CDP-9901 and Preliminary Plan 4-03071 conditions as they pertain to public parks and recreation.

Findings

The following is a summary of the CDP-9901 and Preliminary Plan 4-03071 conditions relating to the park issues:

CDP-9901, Condition 5: Prior to approval of the first specific design plan for the development on the west side of the MD 202, the applicant shall:

- a. Submit detailed construction drawings for trail construction to DPR for review and approval. The recreational facilities on park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*. The trail construction drawings shall ensure the following:

- i. Dry passage for all trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - ii. Handicapped accessibility of all trails shall be in accordance with applicable ADA guidelines.
- b. If determined to be necessary by DPR, submit construction drawings for a ten-foot-wide equestrian trail along the Western Branch. The trail shall be turf-surfaced, the trees and branches shall be cleared a total of 12 feet in height along the trail. The location of the trail shall be determined by DPR.
- c. Submit drawings showing the exact location of the two trail connectors.

Preliminary Plan 4-03071, Condition 10 states: Prior to submission of the specific design plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignments of the master plan trails along the Western Branch and of connecting trails from the development area of Forest Hill to the trail along the Western Branch. The specific design plan shall upon submission reflect the alignment agreed to by DPR.

Discussion

The applicant proposes dedication of 105 acres to M-NCPPC for parkland and master planned hiker/biker and equestrian trail construction on dedicated parkland. DPR staff reviewed the alignment of the trails along the Western Branch and found that acceptable. However, there are no construction details provided on the plans that show how the trails will be built in steep slope areas. Details showing cross sections, retaining walls and safety fencing should be included on the plan. Further, the applicant should provide rest areas along the trail to address ADA requirements. The submitted plans should be revised to incorporate construction details.

The applicant proposes maintenance access to the stormwater management ponds next to the park via the main park access trail. Given the steep slopes on the property and possible negative impact to environmentally sensitive areas of the site, which would result from building a separate driveway, DPR staff agreed to recommend allowing maintenance access to the ponds via parkland. In the opinion of staff, the final plat of subdivision should show an easement over the parkland for maintenance access to the SWM pond. The language of the easement should be reviewed by DPR and approved prior to approval of the final plat of subdivision.

18. **Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action).**

The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.

As stated in Findings 9 and 11, the proposed specific design plan will be in conformance with the approved comprehensive design plan and the applicable standards of the *Landscape Manual* when the conditions in the Recommendation section are met.

The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

As explained in Findings 14 and 15 above, this required finding has been met.

Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

In a memorandum dated April 29, 2005 (Rea to Wagner), the Department of Environmental Resources indicated that the site plan is consistent with the approved stormwater management concept plan # 8000900-1996-01.

The Plan is in conformance with an approved Tree Conservation Plan.

Compliance with this requirement has been demonstrated in Finding 13 above.

19. In a letter dated December 7, 2005, the Town of Upper Marlboro indicated opposition to the proposed site plan.

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/81/05), and further APPROVED Specific Design Plan SDP-0414 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan, the following revisions or information shall be provided:
 - a. The 75-foot-wide landscape buffer shall be provided on both sides of MD 202 and shall be clearly delineated on both the site and landscape plans.
 - b. A list of all private recreational facilities shall be provided on the landscape plan. Details of all facilities shall be provided.
 - c. Matching stone piers shall be provided as entry features on the east side of MD 202.
 - d. Add minimum lot coverage and minimum lot width requirements for the front building line and the front street line to the Lot Standards on the cover sheet of the SDP.

- e. Show the required acceleration/deceleration lanes and left-turn lanes necessary for vehicular ingress/egress by SHA.
2. Prior to issuance of building permits, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors, and fireplace chimneys, and these features shall form a reasonably balanced composition.
3. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located. Facilities shall be constructed prior to the issuance of the 30th building permit in the pod in which the facilities are located.
4. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). If revisions to the TCPII are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.
6. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
7. Prior to certificate approval of the specific design plan, DPR staff shall review and approve the construction drawings for the recreational facilities on dedicated parkland.
8. The final plat of subdivision shall include an easement over the parkland for maintenance access to the SWM pond. The language granting the easement shall be reviewed and approved by DPR prior to consideration of the final plat.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk