



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

Preliminary Plan 4-04053

Application	General Data
Project Name: GRASSLYN CLUSTER Location: Northeast quadrant of the intersection of Ritchie Marlboro Road and Brown Road. Applicant/Address: Washington Management 2812 Chesterfield Place, N.W. Washington D.C. 20008	Date Accepted: 08/04/04
	Planning Board Action Limit: 02/02/05
	Plan Acreage: 60.24
	Zone: R-R
	Lots: 85
	Parcels: 2
	Planning Area: 78
	Tier: Developing
	Council District: 06
	Municipality: N/A
200-Scale Base Map: 204SE10	

Purpose of Application	Notice Dates
RESIDENTIAL CLUSTER SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 06/21/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/04/05

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04053
Grasslyn Cluster Lots 1-85 and Parcels A and B

OVERVIEW

The property is located on Tax Map 83, Grid C-2, and is known as Parcel 12. The property is approximately 60.24 acres and is zoned R-R. The property is currently improved with accessory structures and an abandoned single-family dwelling. All of the existing structures are to be razed. The sole access to the property is via an existing easement along the west property line. That access serves several other properties and is not sufficient to accommodate the development of the property as proposed. The site has no other access opportunity and does not have frontage on a dedicated public street.

In order to obtain access the applicant proposed an agreement with The Department of Parks and Recreation (M-NCPPC) that would require the applicant to dedicate and construct a 13-acre public park as well as grade for development the existing vacant Turkey Branch Neighborhood Park, which is located to the south. In return, M-NCPPC would convey to the applicant 1.2 acres of public park to the applicant for future access. The 1.2 acres is roughly a 60-foot-wide strip of land located along the western boundary of the Turkey Branch Neighborhood Park that will extend from Parcel 12, south to Brown Road.

In order to convey 1.2 acres of the public park to the applicant for future access, the Planning Board must authorize, with the approval of this preliminary plan, the Executive Director to request the full Commission (Prince George's and Montgomery Counties) to dispose of the 1.2 acres of park property. If approved by the full Commission, the land can be conveyed to the applicant. The applicant can then dedicate to public use and construct a 60-foot-wide right-of-way, from Brown Road to the subject property to obtain access. The development of this property is contingent on the applicant dedicating and ultimately constructing entrance Road A from Brown Road to the site. Without that access road, the site cannot be developed as proposed. Staff believes that the agreement negotiated between DPR and the applicant is in the public interest and benefits the citizens of the county.

The applicant is proposing to subdivide the property into 85 lots for the construction of single-family dwelling units utilizing the optional design of a cluster subdivision, as discussed further in Findings 2 and 3 of this report. The applicant has proposed two parcels. Parcel A is approximately 13.58 acres and is to be conveyed to M-NCPPC for a public park. Parcel B is approximately 4.75 acres and is to be conveyed to a homeowners association (HOA); it will contain the required stormwater management facility. The preliminary plan has gone through several significant revisions. Originally the applicant proposed a 98-lot cluster subdivision. After careful consideration and meetings with the community, the plan was revised to an 85-lot subdivision. The cluster subdivision proposed provides for mandatory dedication of parkland and cluster open space in excess of that required. However, staff has several concerns with the layout as proposed.

The applicant has not demonstrated all of the required woodland conservation on site and staff is recommending that the preliminary plan and Type I tree conservation plan be revised to accommodate all woodland conservation on site, as discussed further in Finding 5 of this report. Additionally the applicant has proposed a large stormwater management facility on Parcel B at the intersection of Road B and Court A. This location is highly visible from the proposed public park and the surrounding lots. Staff is anticipating that this facility should be developed as a main focal point for the development. The rears of Lots 1-3 are oriented toward the stormwater management facility and the main entrance road and also obstruct views of the facility and the large open space elements that surround it, from a large number of lots. Staff is recommending that Lots 1-3 be deleted. The third concern relates to the applicant’s request for the approval of a variation to the Subdivision Regulations to disturb more severe slopes than is prescribed by the Ordinance. Primarily staff supports the applicant’s request but believes that the amount of disturbance could be reduced and recommends a reduction be required at the time of review of the DSP, as discussed further in Finding 4 of this report.

Finally, the applicant has been meeting with citizens of the area and staff is aware that the applicant and the citizens may request revisions to the layout. It is staff’s understanding, based on the applicant’s open space exhibit and discussions with citizens, that more cluster open space is being requested by the citizens along the perimeter of the property, resulting in a reduction of the lot sizes. Staff believes that alterations to the layout of the preliminary plan are anticipated by the Subdivision Regulations in Section 24-137(g), and can be accommodated at the time of review of the detailed site plan (DSP) insofar as the DSP is in substantial conformance with the preliminary plan and that the approval of the DSP would not jeopardize any finding of fact made by the Planning Board in the approval of the preliminary plan.

SETTING

The property is located approximately 0.5 mile north of Brown Road in the Robshire community. The surrounding properties are primarily zoned R-A and developed with single-family dwellings on large acreage lots. To the south is R-E-zoned undeveloped M-NCPPC parkland and a portion of R-S-zoned land owned by M-NCPPC previously dedicated with the subdivision of the Winshire Estates subdivision. East of the property is a narrow strip of R-A-zoned land that previously was a railroad right-of-way. Further east is the R-R-zoned Robshire Acres subdivision developed with single-family dwellings.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant/residential	Single-family dwellings
Acreage	60.24	60.24
Lots	0	85
Parcels	1	2
Dwelling Units:		
Detached	1 (to be razed)	85

2. **Cluster Regulations Section 24-137**—Purposes of cluster development are to permit a procedure for development that will result in improved living environments, promote more economic

subdivision layout, encourage a variety of designs of dwellings, encourage ingenuity and originality in total subdivision layout and individual site and building design, encourage compatibility with surrounding properties, and preserve open space to serve recreational, scenic, and public service purposes within the densities established for the cluster net tract area. To achieve these purposes:

- (1) Modifications in net lot areas, lot coverage, frontages, and yards are permitted;
- (2) Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use; and
- (3) Procedures are established to assure protection of existing and potential developments adjoining cluster developments.

Modification of yard, frontage, lot coverage, and net lot area requirements may be permitted by the Planning Board in accordance with the pertinent provisions of the Zoning Ordinance for lots within the interior of the cluster subdivision and cannot be modified for lots at entrances to cluster developments unless a combination of cluster open space and lot areas will result in development that appears to have occurred without approval of modified development regulations. The proposed preliminary plan conforms to these requirements as demonstrated in Finding 3 of this report. In addition, the applicant has proposed lot widths that are more consistent with the lot widths required for conventional R-R zoning.

In each zone allowing cluster development, the net lot area may be reduced from the general net lot area for that zone to a specified minimum net lot area for cluster development, subject to the restrictions. All such reductions will be compensated for by an equivalent amount of land in cluster open space to be preserved and maintained for its scenic value, for recreational or conservation purposes, or for schools, community buildings, or related uses. Improvements shall be limited to serving such purposes. Up to one-third of such net lot area reductions may be located either in a 100-year floodplain, or on land dedicated for a community building or school site, or for a stormwater management facility that provides scenic or recreational amenities for the community. Cluster open space does not include areas devoted to streets. The proposed preliminary plan is consistent with these requirements as demonstrated in Finding 3 of this report.

The Subdivision Regulations require that through creative design and variety the subdivision will provide for a total environment that is better than that which would normally be achieved under standard regulations. The following are considerations when reviewing the preliminary plan:

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

Comment: Staff is recommending a reduction in the disturbance to the severe slopes on site and that the applicant meet the woodland conservation requirements on site, as discussed further in Findings 4 and 5 of this report.

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

Comment: The recreational and cluster open space elements are centrally located for their purposes and are appropriate in size and configuration.

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

Comment: The applicant has proposed the conveyance of the 100-year floodplain and primary management areas of the site to M-NCPPC and the HOA. A limited amount of these features are located on individual lots and will be protected with a conservation easement. The applicant has proposed to disturb less than 25 percent of the naturally occurring severe slopes on site and has requested a variation from Section 24-137(g)(9) to address the disturbance of manmade severe slopes.

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

Comment: The cluster open space is centrally located to the site and easily accessible by pedestrians. The applicant will be constructing trail connections from the site to the master plan trail facility located along the eastern property line on land to be dedicated to M-NCPPC. Staff is recommending that sidewalks be provided along both sides of the internal public streets. Development of this property is subject to the Americans with Disabilities Act, and conformance will be evaluated at the time of review of the DSP.

- (5) Cluster open space intended for scenic value will achieve this purpose through the retention of those irreplaceable natural features described in paragraph (3) above; or where natural features do not exist, such techniques as berms planted with trees and the use of landscaping materials may be required to eliminate visual monotony of the landscape.

Comment: The applicant has proposed conservation and conveyance of significant natural features of the property to the HOA and M-NCPPC. Additional on-site woodland conservation will assist in the retention of the scenic value of the open space. Review of the landscape and buffering on site will be reviewed at the time of DSP.

- (6) Diversity and originality in lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.

Comment: The applicant has provided a curvilinear street design that will promote the best possible relationship between the development and the land. The review of the individual building design, orientation, and location will occur with the review of the DSP.

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

Comment: Staff believes that the layout as proposed relates harmoniously with the surrounding properties and will be further improved with the review of the DSP, when house siting, landscaping, buffering, and architecture are evaluated.

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

Comment: The dwelling unit orientations, lot orientation, and on-site circulation relate internally to the subdivision. The layout is also focused on the proposed public park on Parcel A as well as the stormwater management facility on Parcel B. These orientations afford privacy and avoid adverse effects of noise and traffic.

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

Comment: Finding 4 of this report discusses the applicant's request for a variation to allow the disturbance of more than one-fourth of the 25 percent slopes on the property. Staff conditionally supports this request.

- (10) Appropriate landscaped screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development and to provide an attractive appearance from the streets. Individual lots will also be appropriately landscaped in such a manner as to provide an attractive appearance. With the preliminary plan, adequate lot sizes and open space areas have been proposed to provide for appropriate landscaping and buffering of abutting properties.

Comment: Landscape elements, buffering and entrance feature treatments will be evaluated at the time of review of the DSP.

- (11) All dwellings and other buildings will be served by public water and sewerage.

Comment: The site is within water and sewer service 3, as indicated in Finding 5 of this report.

The preliminary plan has gone through several revisions to improve recreational areas, buffering, and pedestrian circulation. Staff believes that the plan, if approved with conditions, conforms to the purposes of the cluster regulations as stated above and demonstrated in the findings below. The layout of the subdivision is unique and promotes the conservation of open space areas for recreational needs and buffering of abutting properties. The applicant has proposed a variety of lot sizes and lot widths and a design that promotes a more economic layout by clustering the needed infrastructure and generally creates a better environment than that which could be achieved through the exclusive use of a conventional design.

Through review of the required DSP, further modification and improvements can be required, as determined appropriate by the Planning Board. Staff supports the applicant's proposal to utilize the optional design technique of cluster subdivision.

3. **Cluster Development Data**

Zone R-R

Gross Tract Area	60.24
Area with Slopes Greater than 25%	5.60
Area within Preliminary 100-year Floodplain	3.14
Cluster Net Tract Area	51.50
Minimum Lot Size Permitted	10,000
Minimum Lot Size Proposed	10,000 to 41,096
Number of Lots Permitted	103
Number of Lots Proposed	85
Flag Lots Proposed	0
Cluster Open Space Required	9.76
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	6.04
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	15.84
Cluster Open Space Provided	10.98
Mandatory Dedication Required	3.75
Mandatory Dedication Proposed	13.58
Total Open Space Required (Cluster plus Mandatory Dedication)	13.51
Total Open Space Provided	18.33
Open Space to be Conveyed to Homeowners Association	4.75
Open Space to be Conveyed to M-NCPPC	13.58
Open Space to be Conveyed to Prince George's County	0
Slopes Exceeding 25% in grade	5.60
One-Quarter of Slopes Exceeding 25%	2.20
Area of Steep Slopes to be Disturbed	3.06*

*Variation required to Section 24-137(g)(9), see Finding 3

Modification in Dimensional Standards Permitted in Cluster R-R Zone	Standard in Zone	Modification Allowed	Proposed
27-443.2(c) Net Lot Coverage	25%	30%	30%
27-442(d) Lot Width at Bldg. Line	80'	75'	75'

Lot Frontage Along Street Line	70'	50'	50'
Lot Frontage Along Cul-de-Sac	60'	50'	50'

4. **Variation to Section 24-137(g)(9)**—The Subdivision Regulations require that in a cluster subdivision, no more than one-quarter of the total area of slopes of 25 percent or greater can be disturbed, without the Planning Board granting a variation. One of the stated purposes of the cluster regulations is to preserve irreplaceable natural features including steep slopes (25 percent). In this case, the total area of slopes of 25 percent or greater is 5.60 acres. Therefore, the applicant cannot disturb more than 2.20 acres (one-quarter) of the 25 percent slopes. The applicant has proposed to disturb 3.06 acres, or 53.7 percent. Originally staff indicated to the applicant that staff would not support a variation to this section of the cluster regulations. However, after careful consideration and evaluation of this particular property and the unique circumstances, staff recommends approval of the requested variation, with conditions, based on the following evaluation.

Based on the applicant’s statement of justification and site visits by staff, approximately 2.30 acres of the 5.60 acres of severe slopes were manmade as a result of prior grading activities and mining. The slope analysis exhibit submitted by the applicant demonstrates that these areas of manmade slopes (Area B) are located within the interior of the site and are not associated generally with other naturally occurring areas of slopes. To determine the accuracy of the applicant’s slope exhibit, staff visited the site. Staff found that the southeast areas of 25 percent slopes within Area B were generally unstable, and when combined with severe slopes (25 percent), generally unsafe as well as not being of significant scenic value to the development of this property.

However, portions of the manmade slopes in the northwest quadrant of Area B are contiguous to areas of naturally occurring slopes and could be supplemental to the naturally occurring slope. While staff generally agrees with the applicant’s analysis, portions of these slopes are wooded and could be of scenic value. Staff recommends that with the review of the detailed site plan (DSP), grading should be reduced in the vicinity of the northwest perimeter of Area B, specifically at the ends of Courts C and D. The DSP should reduce the length of those cul-de-sacs to the extent possible.

The applicant is proposing to disturb 24.7 percent of the naturally occurring severe slopes; and 96.4 percent of the manmade slopes, for a total of 53.7 percent of the overall 25 percent slopes. The cluster subdivision regulation does not distinguish between naturally occurring and manmade slopes, therefore, to meet the requirement of Section 24-137(g)(9) the approval of a variation is required.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific

case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in a public safety issue if the variation is not granted to allow the removal of unstable steep slopes on this property. In addition, the areas of manmade slopes are centrally located within the site and practical difficulties to the applicant could result without the approval of the variation because a significant portion of this property would not be developable.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: The granting of the variation will not be detrimentally affect surrounding properties, and is internal to the subdivision. The grading out of these slopes will benefit the public safety by removing unstable slopes.

- (2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Comment: This site is unusual in that the majority of the severe slopes are not associated with the expanded stream buffer or the PMA as is typical. The majority of the severe slopes are isolated from these protected features and are situated on the site such that avoidance would create small, disconnected pockets of development. As a result there are few alternatives to the development of the interior portion of the site where the majority of the severe slopes are located. The site is unique because of the location of the 25 percent slopes, and as such, the approval of the variation would not generally apply to other properties.

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

Comment: There are other applicable laws, ordinances or regulations that specifically protect severe slopes. However, the scope of those laws is limited to the protection of severe slopes associated with expanded stream buffers or the Patuxent River Primary Management Area (PMA). Because the slopes to be disturbed are not part of an expanded stream buffer or part of the PMA, there is no other specific protection afforded these severe slopes beyond that associated with the cluster provision of the Subdivision Ordinance. In addition, other regulations regarding grading and sediment and erosion control will result in the needed protections to off-site properties and on-site sensitive features. No other permits, variances or variations are required for the aspect of the development.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Comment: The topographic conditions of the site are quite unusual and do not allow for

the design of an orderly subdivision. If the strict letter of these regulations were carried out it would be extremely difficult to design a subdivision that addresses all issues of public health, safety and welfare. The severe slopes would remain and be a burden on future property owners. The development pods would be isolated and a cohesive neighborhood would not be created.

Staff supports the variation request to Section 24-137(g)(9) of the Subdivision Ordinance that would allow the grading of a total of 3.0 acres or 53.7 percent of the 5.60 acres of 25 percent slopes located on this property. Staff recommends that the applicant reduce the amount of grading of 25 percent manmade slopes at the time of review of the DSP. At time of review of the detailed site plan, additional opportunities to reduce the amount of severe slopes disturbed should be explored and required.

5. **Environmental**—A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found to occur within the limits of this application. There are no transportation-related noise generators located in the vicinity of this property. The soils found to occur, according to the Prince George's County Soil Survey, include Bibb silt loam, Collington fine sandy loam, Croom gravelly sandy loam, Mixed alluvial land and Shrewsbury fine sandy loam. The soils in the Bibb, Croom, Mixed alluvial land and Shrewsbury soils series have limitations with respect to slow permeability, impeded drainage, seasonally high water tables, slopes or stability. According to available information, Marlboro clay is found to occur on this property.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Western Branch and Southwest Branch watersheds of the Patuxent River basin.

The revised detailed forest stand delineation (FSD), date-stamped as received by the Environmental Planning Section on October 8, 2004, was found to address the requirements for the detailed FSD in accordance with the *Prince George's County Woodland Conservation and Tree Preservation Technical Manual*. No further information is required with respect to the detailed FSD.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Although a Type I Tree Conservation Plan, TCPI/11/00, was previously reviewed for this site, that plan was not approved because the prior Preliminary Plan of Subdivision (4-00018) case was withdrawn. The same TCPI number has been assigned to this case with a revision number to indicate that it is a new application.

A Type II Tree Conservation Plan, TCPII/188/92 was previously approved for the portion of this application on which the access road is located. No woodland conservation areas are found within the limits of the proposed access road. Because woodland will be disturbed for the construction of the proposed access road, the TCPII for this site shall include the proposed access road and address all proposed clearing on an acre for acre basis.

The revised Type I Tree Conservation Plan, TCPI/11/00-01, has been reviewed and was found to require revisions. The threshold for this site has been correctly calculated as 11.42 acres. Based upon the clearing shown, the woodland conservation requirement has been calculated as 20.17 acres; however, woodlands remaining on lots less than 20,000 square feet must be calculated as cleared, which will result in an increase in the woodland conservation requirements. The plan currently proposes the majority of the woodland conservation on-site; 16.50 acres of preservation and .36 acre of reforestation. However, the applicant has proposed 3.31 acres of off-site mitigation. Because this is a cluster subdivision, all woodland conservation should be provided on-site in order to meet the required finding of Section 24-137(g)(1) of the Subdivision Regulations and create a better environment for the residents. Staff recommends that prior to signature approval of the Type I tree conservation plan, the plan be revised to provide all woodland conservation required on-site.

The plan has several technical errors that require correction before it may be signed. Because the plan fails to show the minimum 50-foot-wide stream buffers, there is a small error in the delineation of the Patuxent River Primary Management Area (PMA); however, this error does not affect the review of the plan. The 50-foot-wide buffer from the 100-year floodplain should be removed because it is not a regulated buffer and only confuses the delineation of the regulated buffers. Woodland conservation may not be proposed on the land to be dedicated to the Department of Parks and Recreation unless express written permission has been obtained. DPR has indicated that they are not averse to allowing the applicant to provide woodland conservation on the public park.

Streams, wetlands, 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found on this property. These features, along with their respective buffers, compose the Patuxent River Primary Management Area (PMA). The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. The Type I Tree Conservation Plan shows impacts to the PMA for the construction of roads, stormwater management outfalls, a sewer outfall, and for some grading on lots. It must be noted that PMA impacts associated with infrastructure, such as roads, sewer outfalls and stormwater management outfalls, are generally supported when those impacts have been minimized to the fullest extent possible. However, impacts to the PMA that are necessary solely for the purpose of creating additional lots are generally not supported.

A letter of justification was submitted identifying each of the proposed impacts. The impacts include those required for a stream crossing to access the property from Brown Road, installation of a sanitary sewer connection to an existing sanitary sewer line within the PMA, and disturbance to two small wetlands for an internal street. With the required changes to the TCPI noted above, the proposed development will preserve the PMA in its natural state to the fullest extent possible. At the time of final plat, bearings and distances should describe a conservation easement. The conservation easement should contain the Patuxent River Primary Management Area except for areas of approved disturbance and areas to be dedicated to M-NCPPC.

The soils found on this property include Bibb silt loam, Collington fine sandy loam, Croom gravelly sandy loam, Mixed alluvial land and Shrewsbury fine sandy loam. Some of these soils have limitations with respect to impeded drainage, erodibility or seasonally high water tables. Although these limitations may affect the construction phase of this development, there are no limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

The Environmental Planning Section has identified Marlboro clay on the property with an approximate top elevation of 145 feet above sea level. The geotechnical report submitted indicates that Marlboro clay was found at elevations between 135 and 155 feet above sea level and suggests that the clay is found primarily between the elevations of 145 and 155 feet above sea level. The report indicates that the clay found at lower elevations is likely due to slope failures and erosion.

The geotechnical report failed to address potential slope stability issues even though the report clearly indicates that slope failures have occurred. The unmitigated and mitigated 1.5 safety factor lines have not been shown on the plans as submitted and the geotechnical report is not clear if the proposed grading will correct potential slope failure areas. A revised geotechnical report should be prepared based upon *Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments*. Further review of this issue can occur with the review of the required DSP and Type II tree conservation plan. Review at that time could result in a recommendation for a loss of lots.

Section 24-131 of the Subdivision Regulations controls the development of potentially unsafe land. As a matter of policy, no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line; however, a representative of the Chief Building Inspector has consented to allowing the 1.5 safety factor line on a lot if there is a minimum 40-foot separation from the rear of the house. At a minimum, a 25-foot building restriction line should be established at the time of review of the DSP along the 1.5 safety factor line.

Water and Sewer Categories

The water and sewer service categories on this site are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will be served by public systems.

6. **Community Planning**—The property is located within the limits of the 1994 Melwood Westphalia Master Plan, Planning Area 78 in the Robshire Community. The master plan recommended land use is rural residential, at approximately two dwelling units per acre. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed preliminary cluster subdivision plan is consistent with both the recommendations of the master plan and the General Plan.
7. **Parks and Recreation**—The preliminary plan application has been reviewed for conformance with the requirements of the adopted and approved master plan for Melwood-Westphalia, Planning Area 78, the Land Preservation and Recreation Program for Prince George’s County, and current subdivision regulations as they pertain to public parks and recreation. Section 24-134 of the Prince George’s County Subdivision Regulations requires the mandatory dedication of three acres of parkland suitable for active and passive recreation for this subdivision.

The proposed subdivision is adjacent to the undeveloped Turkey Branch Neighborhood Park, which is located to the south. The public recreational facilities agreement recorded for the Winshire subdivision, abutting to the east and southeast, provided for the construction of the master planned Chesapeake Beach Railroad trail throughout the Winshire development up to the northern property line with the subject subdivision.

The Melwood-Westphalia Master Plan for Planning Area 78 proposes a 50-acre community park in the vicinity of subject property. Staff evaluated the subject property for possible reservation, however, this 60-acre property includes 100-year floodplain, steep slopes, and Marlboro clay soils and is not suitable for development of the master plan community park, which requires an extensive flat area for ball fields.

The subject property is land locked and does not have frontage on a dedicated public street. In order to obtain access the applicant proposed an agreement with DPR that would require the applicant to:

- a. Convey 13.5 acres to M-NCPPC for a neighborhood park.
- b. Construct the following recreational facilities on the existing Turkey Branch Neighborhood Park and proposed Parcel A, to be dedicated to M-NCPPC:
 - i. Soccer Field
 - ii. Eight-foot-wide master planned Chesapeake Beach Railroad trail along the east property line from the north to the south property boundary. It shall include a pedestrian bridge to the Winshire trail system. See attached Exhibit "A."
 - iii. Eight-foot-wide trail connector from planned Chesapeake Beach Railroad trail to the proposed recreational facilities in the park.
 - iv. Multiage playground
 - v. 60-space parking lot
 - vi. Grading of existing parkland for the future ball fields
 - vii. Eight-foot-wide asphalt trail along the entry road connecting south and north portions of the park.
 - viii. Landscaping along the entry road between road pavement and trail

In return, the Department of Parks and Recreation (M-NCPPC) have agreed to:

- a. The conveyance of 1.2 acres from M-NCPPC to the applicant for the access road construction, along the western boundary of the undeveloped Turkey Branch Neighborhood Park, abutting to the south.

In order to convey 1.2 acres of the public park to the applicant for future access, the Planning Board must authorize, with the approval of this preliminary plan, the Executive Director to request the full Commission (Prince George's and Montgomery Counties) to dispose of the 1.2 acres of park property. If approved by the full Commission, the applicant can then dedicate and construct a 60-foot-wide right-of-way from Brown Road to the subject property to obtain access. The development of this property is contingent on the applicant dedicating and constructing entrance Road A from Brown Road to the site.

Staff would note that the Prince Georges County property located to the west of the Turkey Branch Neighborhood Park, west of Road A, was sold and is no longer available for parkland expansion as hoped by DPR staff. Further, the CIP does not include funds for the purchase of the land for a community park at the subject location. Alternative locations will be investigated to meet future needs for parkland in the area.

The applicant should prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the department of Parks and Recreation for their review at least four weeks prior to submission of the final plat of subdivision. A title report should accompany the deed for the land to be conveyed to M-NCPPC. Following approval by DPR, the deed for the property to be conveyed to M-NCPPC should be submitted to the Subdivision Section along with the final plat of subdivision. Upon receipt of a recorded deed, DPR staff will take necessary actions to convey the 1.2 acres of parkland to the applicant. The applicant should record the deeds in land records of Prince George's County.

8. **Trails**—There are two master plan trails issues identified in the adopted and approved Melwood-Westphalia master plan. The Chesapeake Beach Rail-Trail runs through the subject site. This master plan trail has been implemented or approved for construction in several subdivisions in the vicinity of the subject site, including the adjacent Winshire Estates and the nearby Foxchase and Kings Grant subdivisions. The trail has been constructed in Fox Chase and Kings Grant. It is approved for construction (SDP-9008/03) in the adjacent Winshire Estates development, and is reflected on that approved SDP. The trail is reflected on the submitted preliminary plan and should be constructed in conformance with DPR guidelines and standards. The timing for construction should be determined at the time of review of the DSP.

Staff also recommends two connector trails from the proposed subdivision to the master plan trail. It is recommended that these connections be from the end of Court E and the southern end of Road B. This will provide trail access from both the northern and southern ends of the subject site.

The master plan also recommends a trail/bikeway along Ritchie-Marlboro Road. However, due to the limited frontage of the subject site (approximately 20 feet according to the GIS property layer), no recommendations are made regarding this planned facility.

SIDEWALK CONNECTIVITY:

Staff recommends the provision of standard sidewalks along both sides of all internal roads, unless modified by DPW&T. This is consistent with the existing road cross-sections used for the nearby Kings Grant and Foxchase subdivisions.

9. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. The applicant has originally submitted a study based upon Year 2000 counts that was required by staff to be redone because it was two years old. In response, the applicant submitted a traffic study dated September 2004, and this study was referred for comment to the State Highway Administration (SHA) and the county Department of Public Works and Transportation (DPW&T). The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

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

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

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

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at five intersections:

- Ritchie Marlboro Road/White House Road (signalized)
- Brown Station Road/White House Road (signalized)
- Ritchie Marlboro Road/Brown Road (unsignalized)
- Ritchie Marlboro Road/Westphalia Road (unsignalized)
- Brown Road/Brown Station Road (unsignalized)
- Brown Road/site access (future/unsignalized)

The existing conditions for the peak period at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Ritchie Marlboro Road and White House Road	965	534	A	A
Brown Station Road and White House Road	744	913	A	A
Ritchie Marlboro Road and Brown Road	47.0*	14.0*	--	--
Ritchie Marlboro Road and Westphalia Road	17.4*	15.5*	--	--
Brown Road and Brown Station Road	19.0*	14.1*	--	--
Brown Road and site access	future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The area of background development includes eight properties in the vicinity of the subject property. It should be noted that the traffic study includes Kenwood Village, which is currently a pending comprehensive design plan with 94 lots, but excludes the 108-lot subdivision Marlboro Pointe Cluster (4-04151) that was fully reviewed and approved after this traffic study was scoped. Given its location, Marlboro Pointe is likely to send fewer trips into the study area than Kenwood Village. Because the impacts of these two developments are very nearly offsetting, staff considers the results shown in the traffic study to be fully valid for the purpose of making findings for this site. Also, background conditions assume through-traffic growth of two percent annually in the area. There are no programmed improvements in the county's Capital Improvement Program (CIP) or the state's Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
Ritchie Marlboro Road and White House Road	1,211	957	C	A
Brown Station Road and White House Road	905	1,107	A	B
Ritchie Marlboro Road and Brown Road	369.1*	31.6*	--	--
Ritchie Marlboro Road and Westphalia Road	92.1*	42.8*	--	--
Brown Road and Brown Station Road	28.5*	16.9*	--	--
Brown Road and site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 85 single-family detached residences. The site trip generation would be 64 AM peak-hour trips (13 in, 51 out) and 77 PM peak-hour trips (51 in, 26 out). With the trip distribution and assignment as assumed in the traffic study, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
Ritchie Marlboro Road and White House Road	1,253	985	C	A
Brown Station Road and White House Road	907	1,114	A	B
Ritchie Marlboro Road and Brown Road	459.5*	40.2*	--	--
Ritchie Marlboro Road and Westphalia Road	94.7*	44.4*	--	--
Brown Road and Brown Station Road	33.2*	17.4*	--	--
Brown Road and site access	10.3*	9.9*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Given these analyses, the development of the subject property would raise issues at the unsignalized intersections of Ritchie Marlboro Road/Brown Road and Ritchie Marlboro Road/Westphalia Road. In response, the applicant proposes the following at each intersection:

Ritchie Marlboro Road/Brown Road: The applicant proposes that signalization be studied. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. With a signal in place, it is estimated that the intersection would operate at LOS C in the AM peak hour with a CLV of 1,161; in the PM peak hour, it would operate at LOS A with a CLV of 894.

Ritchie Marlboro Road/Westphalia Road: The applicant proposes that signalization be studied. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. With a signal in place, it is estimated that the intersection would operate at LOS C in the AM peak hour with a CLV of 1,257; in the PM peak hour, it would operate at LOS A with a CLV of 930.

SHA suggested that additional turning lanes might be needed with signalization at both intersections, but otherwise had no comments on the study.

DPW&T agreed with the need for signal warrant studies at both intersections along Ritchie Marlboro Road. Furthermore, due to the heavy turning volumes generated by the subject development at Ritchie Marlboro Road and Brown Road, DPW&T recommends that the subject property construct the following:

1. The widening of the westbound approach to provide exclusive right-turn and left-turn lanes.
2. An acceleration lane along northbound Ritchie Marlboro Road.
3. A southbound left-turn lane along Ritchie Marlboro Road.

It is noted that these improvements would serve 60 to 70 percent of site-generated traffic and, as a means of improving general safety, should be made conditions for the subject property.

Plan Comments

The subject property is not within or adjacent to any master plan transportation facilities.

Although the layout on the preliminary plan is acceptable, it should be noted that the property does not have frontage on a public street. The plan proposes the construction of a primary residential street for access between the property and Brown Road. While this is acceptable, that primary roadway is necessary for the development of the subject property; therefore, its construction must be made a condition of approval in order for the required findings to be made.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions.

- 10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	85 sfd	85 sfd	85 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	20.40	5.10	10.20
Actual Enrollment	4395	5307	10580
Completion Enrollment	317.28	189.24	378.24
Cumulative Enrollment	10.08	1.32	2.64
Total Enrollment	4,742.76	5,502.66	10,971.08
State-Rated Capacity	5,384	4,688	8,770
Percent Capacity	88.09	117.38	125.10

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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

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

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

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets

the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Ritchie Fire Station, Company 37, located at 1415 Ritchie-Marlboro Road has a service travel time of 6.17 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Kentland Fire Station, Company 46, located at 16400 Campus Way South has a service travel time of 8.12 minutes, which is beyond the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Kentland Fire Station, Company 46, located at 16400 Campus Way South has a service travel time of 8.12 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station, Ritchie Company 37, is located at 1415 Ritchie-Marlboro Road, which is 6.17 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Because this is a matter of law, no condition is necessary.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

12. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy applicable to the application is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
13. **Health Department**—The Health Department notes that the septic tank and shallow well associated with the abandoned dwelling must both be properly abandoned. Numerous tires were found on the property that must be hauled away to a licensed scrap tire facility/recycling center. The Health Department also indicated that they found a grave marking on proposed Lot 10 that consists of a wooden cross with a child's picture on it. The applicant should be aware of this for the future development of this property.
14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. The applicant has been advised that the approval of the stormwater management concept plan is required prior to the

approval of the preliminary plan. The applicant has indicated that the approval is forthcoming and will be obtained prior to the Planning Board hearing on January 27, 2005. Failure to obtain this approval would result in a staff recommendation of disapproval. Development must be in accordance with that approved plan to ensure that disturbance of this site does not result in on-site or downstream flooding. .

15. **Historic**—Phase I archeological investigations were recommended because this property is close to and may be part of the antebellum McGregor, Bowie, and Talbot holdings. Furthermore, archeological site 18PR605 (the late 19th to early-20th century Chesapeake Beach Railway) is located close to the eastern portion of the project area. The subject property location also held the potential for the presence of prehistoric archeological resources.

A Phase I archeological survey was completed on the property and the draft report was received on November 4, 2004. Applied Archaeology and History Associates, Inc., Annapolis, MD, conducted the survey. The Historic Preservation Office reviewed the draft report and a letter with comments was sent to the archeological consultant on November 9, 2004. The consultant recommended no further work, and Historic Preservation Office staff agreed with that recommendation. However, minor revisions of the Phase I draft report should be completed to address comments in a November 9, 2004, memo and copies of the final report should be submitted with the detailed site plan (DSP). The final report should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and *American Antiquity* or *Society for Historical Archeology* style guide, and cite whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Revise the cluster data table to reflect the preliminary plan.
 - b. Delete Lots 1-3
2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan and any subsequent revisions.
4. Review of the DSP shall include but not be limited to:
 - a. Reduce grading in the vicinity of the northwest perimeter of Area B, specifically at the ends of Courts C and D.
 - b. Reduce the length of cul-de-sacs C and D to the extent possible.
5. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire

hauler to a licensed scrap tire disposal/recycling facility.

6. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 4.75± acres of cluster open space land (Parcel B). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC (Parcel A) 13.58± acres of land. Land to be conveyed shall be subject the following:
 - a. At the time of final plat, an original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to conveyance.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
 10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
 11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.

12. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
14. Prior to or in conjunction with the approval of the final plat for the subject property, the applicant shall dedicate the needed right-of-way for the construction of a primary residential public street (Road A, 60-foot-wide right-of-way) from Brown Road to the southern property line of Parcel 12 (subject site). This roadway shall serve as access for the subject property.
15. The applicant, his heirs, successors and/or assignees shall prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation for its review at least four weeks prior to submission of the final plat of subdivision. A title report shall accompany the deed for the land to be conveyed to M-NCPPC. Following approval by DPR, the deed for the property to be conveyed to M-NCPPC shall be submitted to the Subdivision Section along with the final plat of subdivision. Upon receipt of a recorded deed, DPR staff will take necessary actions to convey the 1.2 acres of parkland to the applicant. The applicant shall record the deeds in land records of Prince George's County.
16. The applicant, his heirs, successors and/or assignees shall construct the following recreational facilities on Parcel A:
 - a. Soccer Field
 - b. Eight-foot-wide master planned Chesapeake Beach Railroad trail along the east property line from the north to the south property boundary. It shall include a pedestrian bridge to the Chesapeake Beach Railroad Trail in the adjacent Winshire Community.
 - c. Eight-foot-wide trail connector from planned Chesapeake Beach Railroad trail to the proposed recreational facilities in the park on Parcel A.
 - d. Multiage playground.
 - e. 60-space parking lot.
 - f. Grading of existing parkland for the future ball fields.
 - g. Eight-foot-wide asphalt trail along the entry road connecting south and north portions of the park.
 - h. Landscaping along the entry road between road pavement and trail.

- i. Provide a trail connection to the master plan trail from the end of Court E between Lot 62 and Lot 63. This connection shall be a minimum of six feet wide and constructed of asphalt and within either HOA or DPR land at least 20 feet in width.
 - j. Provide a trail connection to the master plan trail from the southern end of Road B between Lot 90 and Lot 91. This connection shall be a minimum of six feet wide and constructed of asphalt and within either HOA or DPR land at least 20 feet in width.
- 17. The applicant shall provide standard sidewalks along both sides of all internal roads unless modified by DPW&T.
- 18. The recreation facilities on the park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- 19. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction. The location of the trails shall be staked in the field and approved by DPR prior to construction.
- 20. Prior to submission of the detailed site plan, the applicant shall submit detailed construction drawings for park facilities to DPR for review and approval. Timing for construction of all recreational facilities shall be determined at the time of review of the detailed site plan.
- 21. Prior to the approval of the initial building permit for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a signal at the intersection of Ritchie Marlboro Road and Westphalia Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by the appropriate permitting agency. This condition shall be waived upon a positive determination in writing by DPW&T that adequate recent studies regarding signal warrants have been done by the applicant or any other party.
- 22. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - A. The widening of the westbound approach to provide exclusive right-turn and left-turn lanes.
 - B. An acceleration lane along northbound Ritchie Marlboro Road.
 - C. A southbound left-turn lane along Ritchie Marlboro Road.
- 23. Prior to the approval of the initial building permit for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a signal at the intersection of Ritchie Marlboro Road and Brown Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction

of DPW&T. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by the appropriate permitting agency. This condition shall be waived upon a positive determination in writing by DPW&T that adequate recent studies regarding signal warrants have been done by the applicant or any other party.

24. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Calculate as cleared all woodland on lots of 20,000 square feet or less.
 - b. Provide all woodland conservation on-site.
 - c. Show all minimum 50-foot stream buffers.
 - d. Revise the delineation of the PMA to include all required features.
 - e. Remove the 50-foot floodplain buffer.
 - f. Submit written authorization from the M-NCPPC Department of Parks and Recreation for any woodland conservation provided on land to be conveyed to M-NCPPC.
 - g. Revise the clearing and grading for proposed uses within the forest interior dwelling species (FIDS) habitat buffer to minimize the disturbance to the fullest extent possible, and preserve the FIDS habitat.
 - h. Remove the notation "Marlboro Clay Area" from the TCPI and replace it with the unmitigated and mitigated 1.5 safety factor lines for the Marlboro clay based on a geotechnical study that meets all the technical requirements
 - i. Revise the worksheet as needed.
 - j. Have the plans shall be signed and dated by the qualified professional who prepared the plans.
25. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/11/00-01). The following note shall be placed on the final plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/11/00-01), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
26. Prior to approval of the TCPII for this site, the TCPII shall include the proposed access road and address all proposed clearing on an acre for acre basis.
27. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area except for

areas of approved disturbance and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

28. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
29. At the time of review of the DSP, the applicant shall submit a revised geotechnical report prepared in accordance with the *Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments*.
30. The DSP shall demonstrate that no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line and a 25-foot building restriction line shall be established along the 1.5 safety factor line and reflected on the DSP. The DSP shall show the location of the existing and proposed 1.5 safety factor lines based on the proposed site grading.
31. 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 M-NCPPC, Environmental Planning Section, and the Prince George’s County Department of Environmental Resources. Prior to the approval of the final plat, 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.”
32. A detailed site plan shall be approved by the Planning Board for the development of this property prior to approval of a final plat.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/11/00-01 AND A VARIATION TO SECTION 24-137(G)(9) OF THE SUBDIVISION REGULATIONS.