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## Preliminary Plan 4-04106

Application	General Data
<b>Project Name:</b> <b>TURNER'S TRACE</b>  <b>Location:</b> East side of Molly Berry Road, opposite the eastern terminus of Edgemeade Road.  <b>Applicant/Address:</b> Turner & Associates, L.L.C. 13602 Gresham Court Bowie, MD. 20720	Date Accepted: 10/20/04
	Planning Board Action Limit: 03/23/05
	Plan Acreage: 95.48
	Zone: O-S
	Lots: 18
	Parcel: 1
	Planning Area: 86A
	Tier: Rural
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 216SE12

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

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 4-04106  
Turner's Trace Lots 1-18 and Parcel A

OVERVIEW

The subject property is located on Tax Map 137, Grid C-4 and is known as Parcel 20. The property is approximately 95.48 acres and zoned O-S. The applicant is proposing to subdivide this property into 18 lots and 1 parcel for the construction of an equestrian-themed single-family subdivision utilizing the varying lot size standards provided for in Subtitle 27 and discussed further in Finding 12 of this report. The site is developed with two single-family residences, one directly on Molly Berry Road (to be removed), the other interior to the site (to remain). Two barns and a shed in the northwest section of the site are proposed for retention as part of Parcel A, which is to be a pasture for horses and conveyed to a homeowners association. The applicant is also showing a 12-foot-wide bridal trail easement meandering through the property as well as a "Community Lake Easement" for a lake on the site shown to be divided across three lots. Staff discusses this arrangement in Finding 14 of this report.

The proposed subdivision is south of and adjacent to Brookefield of the Berrys Historic Site 86A-20 (Parcel 53). Staff is recommending the review and approval of a limited detailed site plan to ensure that the development of this property does not adversely affect the abutting historic site.

SETTING

The subject property is located on the east side of Molly Berry Road opposite the eastern terminus of Edgemeade Road. The surrounding properties are generally rural in character and zoned Open Space.

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	O-S	O-S
Use(s)	Residential	Residential
Acreage	95.48	95.48
Lots	0	18
Parcels	1	0
Outparcels	0	0
Dwelling Units:	2	18
	(1 to remain)	(17 new)

2. **Environmental**—There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately one-sixth wooded, with the remainder in agricultural fields. The soils

found on this property include Adelphia, Bibb, Donlonton, Marr, Sandy land, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes and erodibility. Marlboro clays are not found to occur in the vicinity of 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, no endangered species are found to occur in the vicinity. The portion of Molly Berry Road that fronts on the subject property is a designated historic road. The property is also adjacent to Brookfield of the Berrys (86A-020), a National Register Historic Site. The existing treed driveway to the historic site runs adjacent to the north boundary line of the subject property. The property is located in the Mataponi watershed of the Patuxent River basin, and is in the Rural Tier as reflected in the adopted General Plan.

### **Woodland Conservation**

A revised detailed forest stand delineation (FSD) plan and text were submitted with the most recent package. Four forest stands and four located specimen trees have been identified on the site for a total of 15.33 acres of woodlands.

Stand A is comprises 5.35 acres of mixed bottomland hardwood forest. The stand has an average tree diameter of 17 inches. A field inspection by the FSD preparer concluded that specimen trees were found within this stand; however, none of these trees was flagged because they were more than 100 feet from the proposed limit of disturbance. Due to numerous significant environmental features, this stand was classified as a Priority 1 save area.

Stand B is comprises 5.45 acres of mixed hardwood forest dominated by yellow poplar. The stand has an average tree diameter of 14 inches with an estimated 439 trees per acre. A field inspection concluded that specimen trees were found within this stand; however, none of these trees was flagged because they were more than 100 feet from the proposed limit of disturbance. Stand B also contains significant environmental features and was classified as a Priority 2 save area.

Stand C is comprises 3.05 acres of mature hardwood forest dominated by yellow poplar and swamp chestnut oak. The stand has an average tree diameter of 22 inches with an estimated 147 trees per acre. Stand B also contains significant environmental features and was classified as a Priority 2 save area.

Stand D is comprises 1.48 acres of mixed hardwood forest dominated by sweet gum. The stand has an average tree diameter of 12 inches with an estimated 374 trees per acre. No specimen trees were found within this stand. Stand D lacks significant environmental features and was classified as a Priority 3 save area.

In summary, forest stands A, B, and C contain the highest priority woodlands for preservation to meet the woodland conservation requirements.

The woodland on the southern boundary of the subject property is part of a contiguous large block of forest interior dwelling species (FIDS) habitat that connects to Patuxent River Park to the east of the subject property. The State Forest Conservation Technical Manual describes priority retention areas as: "Contiguous forest is either 100 acres or larger, or is 300 feet or more in width and connects to forest area located off-site which is 100 acres or more."

The Woodland Conservation Policy Document for Prince George's County states that: "The following areas shall have priority for consideration as preservation and enhancement through reforestation or afforestation:

"Large contiguous wooded areas that connect the largest undeveloped or most vegetated tracts on land within or adjacent to the property and diverse forest stands in wooded areas."

The preservation of FIDS habitat is also addressed by the Patuxent River Primary Management Area preservation area as defined in Section 24-101(b)(10) of the Subdivision Ordinance as follows:

- (10) **Patuxent River Primary Management Area Preservation Area:** A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which as a minimum include:
  - (A) All perennial streams and a minimum of 50 feet of preserved or established vegetation on the side of each bank;
  - (B) The 100-year floodplain;
  - (C) All wetlands adjacent to the perennial stream or the 100-year floodplain;
  - (D) All areas having slopes of 25 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain or streamside wetlands;
  - (E) All area having highly erodible soils on slopes of 15 percent or greater abutting the perennial stream, the 100-year floodplain or streamside wetlands;
  - (F) **Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.**" (emphasis added)

FIDS habitat is a sensitive wildlife habitat area and a high priority for preservation, and its delineation along with the 300-foot-wide buffer is necessary for an evaluation leading to an accurate delineation of the PMA on the preliminary plan and Type I tree conservation plan.

To assist the Environmental Planning Section in completing this evaluation, the FSD should graphically illustrate areas of forest interior woodland habitat and the 300-foot-wide buffers. The FSD plan has been revised to delineate FIDS habitat and buffers.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/8704) was submitted with the preliminary plan application.

Tree Conservation Plan TCPI/87/04 has been reviewed. The afforestation threshold for this site is 15.48 (20 percent of the net tract). The amount of required woodland conservation based on the amount of clearing currently proposed is 16.47 acres.

The TCPI proposes to meet the requirement with 7.26 acres of on-site preservation and 9.59 acres of afforestation/reforestation. This meets the requirements of the Woodland Conservation Ordinance after correcting woodland preservation to 7.06 acres, which is the correct quantity of woodlands remaining after the amount of clearing currently proposed.

The subject property contains many areas of unforested PMA. After the preservation of priority woodlands, afforestation has been targeted in the PMA. A table of woodland conservation on a lot-by-lot basis has been provided, but it does not include all appropriate categories of information.

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot buffer, clearing should be minimized and fragmentation of the existing forest should be avoided. The TCPI shows no disturbance to the FIDS habitat or the 300-foot-wide FIDS buffer.

Afforestation is proposed in order to partially fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation should be completed prior to the issuance of building permits for each lot, and permanent tree protection devices should protect all afforestation.

### **Wetlands, Streams and Other Natural Features**

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, slopes from 15 percent to 25 percent on highly erodible soils, and identified FIDS habitat compose the Patuxent River primary management area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The elements that compose the Patuxent River PMA appear to be fully and correctly identified on the TCPI and preliminary plan. The site contains significant natural features that are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance.

A wetland study was submitted with the preliminary plan application to support the wetlands delineation shown on an associated map. The study was found to be complete and provides an accurate delineation of wetlands on the site. The delineated streams and wetlands may be regulated by federal and state requirements. No impacts to delineated wetlands or wetland buffers are currently shown, but the extent of improvements necessary to the pond or the pond embankment has not been determined.

### **Soils**

The soils found on this property include Adelphia, Bibb, Donlonton, Marr, Sandy land, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes and erodibility. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

## **Historic/Scenic Roads**

Molly Berry Road was identified as a designated historic road in the *Historic Sites and District Plan*. The functional classification for Molly Berry Road is a rural collector along the impacted segment. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation.

On this site, the existing viewshed is largely of open agricultural fields within the viewshed of the road. One significant visual feature along the historic road is the treed driveway leading to the National Register Property, Brookefield of the Berrys (86A-020) located just north of the subject property. An inventory of significant visual features for the frontage of the subject property located on Molly Berry Road will be required to determine if other significant and/or complementary visual features occur on the site.

To preserve the scenic viewshed along the historic road, a scenic easement, with a minimum width of 40 feet located outside of the ultimate right-of-way and exclusive of the public utility easement, was delineated on the preliminary plan and the TCPI. Within the scenic easement, protection of significant visual elements, preservation of existing woodlands, limiting of access points, building restriction lines, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and complement the desired rural character. A limited detailed site plan is recommended to address conservation of the scenic viewshed.

Entrance feature easements are proposed adjacent to Derby Court and Preakness Place. Monumental roadside features of this type are inappropriate in the Rural Tier adjacent to historic roads and should be removed from the TCPI and preliminary plan.

Two access points from Molly Berry Road into the subdivision are proposed. The limiting of access points is generally recommended along designated scenic and historic roads to maintain the rural character of the roadway, and in this case, the conservation of the existing treed driveway just north of this site must also be taken into consideration. The Environmental Planning Section will work closely with the Historic Preservation Section to coordinate the best approaches to conserving the historic roadway and protecting significant visual features along the roadway.

The preliminary plan proposes the placement of four lots, Lots 1, 15, 16 and 17, which are less than five acres in size, along the frontage of Molly Berry Road. The placement of lots less than five acres in size close to the historic road does not support the desired appearance in the Rural Tier, where the preservation of rural character is strongly encouraged. To retain the rural character of the viewshed along historic Molly Berry Road, it is desirable for any lot adjacent to the road to provide the five-acre minimum lot size and to provide vegetative buffers to screen views of the proposed dwelling. Lot 1 is perhaps less problematic than the others since it adjoins a large area to be retained in open space. If the five-acre lots cannot be reasonably accommodated, a greater building setback from Molly Berry will need to be employed. It is also recommended that a 100-foot building restriction line be delineated along Molly Berry Road in order to enhance the rural character of the roadway viewshed, expanded to 150 feet for any lot less than five acres in area, and that no monument sign be built at either entrance.

The preliminary plan proposes to place one lot less than five acres in size within the immediate viewshed of the adjacent National Historic Site. Careful consideration should be given to the size of the lots, the orientation of the lots, and the location and appearance of the architecture proposed adjacent to the historic site. A landscape buffer equivalent to a "D" bufferyard is also required along the entire legal boundaries of the historic site.

## **Community Lake**

The preliminary plan includes an existing farm pond on two of the proposed lots and a parcel, and proposes a community lake easement. First, the status of the pond with regards to having an approved embankment is unclear at this time. Clear zones may be required from the embankment that would require additional clearing, or limit desirable afforestation in the PMA. If the embankment needs to be rebuilt to retain a pond on the site, additional clearing may also be required.

## **Water and Sewer Categories**

The water and sewer service categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the site will, therefore, be served by private systems.

3. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI study area, Planning Area 86A, in the Marlton Community. The land use recommendation for the property is low-rural residential. The 2002 General Plan locates this property in the Rural Tier. One of the visions of the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation, agricultural pursuits, and preservation of the rural character and vistas that now exist. The proposed preliminary plan is consistent with both the master plan and the General Plan.

The Subregion VI study area master plan discusses the proposed type of large-lot residential development where a key-planning objective is to preserve the rural character of this part of the county. The master plan points out that “conventional low-density O-S development continues to erode the rural landscape.” (Plan, page 77) Rural community character will ultimately be subsumed into a suburban, albeit low-density, development pattern when the area is fully built-out under existing five-acre residential zoning. Therefore, the master plan contains guidelines to further the objective of preserving rural character in this area. On pages 80-82, the master plan provides the following pertinent guidelines:

- “2) The retention of woodlands for recreation and conservation should be encouraged. Any vacant, undeveloped land not wooded should be adequately stabilized by vegetative coverage.
- 3) Large-scale clearing and grading of land should be carefully controlled to prevent the unnecessary destruction of woodlands.
- 4) ...Every effort should be made in order to preserve scenic roads during road improvements.
- 5) The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- 6) Land developers should be encouraged to capitalize on natural assets by the retention and protection of trees, streams, and other ecological features. All development should be sensitive to the topography and should minimize the damage to natural vegetation cover....

- 7) Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.
  - 8) The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the County and the gravel streets will be in concert with the rural landscape. Streets should follow the natural contours to the extent possible, and homes should be sited as close to existing grade as possible.
  - 9) Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
  - 10) A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions.”
4. **Parks and Recreation**—Pursuant to Section 24-134(a) of the Subdivision Regulations, the development is exempt from the requirements of the mandatory dedication of parkland because each of the lots proposed exceeds one-acre.
  5. **Trails**—One master plan trail issue is identified in the adopted and approved Subregion VI Master Plan. Molly Berry Road is designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and a paved asphalt shoulder. No other trail recommendations impact the subject property. There is a hiker-equestrian trail recommended along a stream valley just north of the subject property. However, the proposed trail alignment does not intersect the subject property. Existing roads in the vicinity of the subject site are open section with no sidewalks.

The adopted and approved Subregion VI Master Plan recommends that Molly Berry Road be designated as a Class III bikeway with appropriate signage. Because Molly Berry Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note should be placed on the final record for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.

6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 18 dwelling units. The proposed development would generate 14 AM (3 in, 11 out) and 16 PM (11 in, 5 out) peak-hour vehicle trips as determined using “The Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The property is located on the east side of Molly Berry Road, approximately one mile south of the Molly Berry Road/Croom Road (MD 382) intersection and opposite Edgemeade Road.

The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of Molly Berry Road and Croom Road (MD 382). This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program.



The subject property is located within the Rural Tier as defined in the 2002 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

The Molly Berry Road/Croom Road (MD 382) intersection, when analyzed with existing traffic was found to be operating with a delay of 10.0 sec/car during the AM peak hour, and 10.2 sec/car during the PM peak hour. Both delays are well below the 50-second threshold. With the inclusion of 75 additional dwelling units from background developments within the study area, the subject intersection was analyzed and found to have delays of 10.5 and 10.7 sec/car during the AM and PM peak hours respectively. In combining the effect of the proposed site-generated trips to the existing and background traffic, the results of the analysis showed delays of 10.6 and 10.9 sec/car during the AM and PM peak hours respectively. Staff found no circulation issues with this application.

**TRANSPORTATION STAFF CONCLUSIONS**

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George’s County Code if the application is approved.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	229.44	217.38	435.24
Total Enrollment	5,949.12	5,566.96	10,934.13
State-Rated Capacity	5,384	4,688	8,770
Percent Capacity	110.5	118.75	124.68

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

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

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

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 9.88 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 9.88 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 9.88 minutes, which is beyond the 7.25-minute travel time guideline.

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. Since this is a matter of existing law, no condition is necessary.

In order to mitigate the ambulance and paramedic response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution towards the construction of the planned Croom-Naylor Services Facility.

2006 Service Area Population/Workers is 3,541  
\$1,537,000 /3541=\$434 per resident/employee.  
3.0 Planning Area household size x \$434=\$1,302 per dwelling  
No of Dwellings (18) x \$1,302 = \$23,436

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

9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board’s current test for police adequacy applicable to the subject property is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The property is located in water and sewer service category 6, which requires that the development be served by private water and sewer service. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to ensure that adequate water and sewer facilities are available to serve the residents of the community.

At the writing of this staff report the Health Department has reviewed the perk tests and has submitted a referral dated November 5, 2004, with specific comments for nearly all of the proposed lots. Recent conversations with the Health Department reveal that additional testing has been completed and should address outstanding concerns. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
12. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 18 lots for the construction of single-family dwellings. Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the O-S Zone as follows:

- a. **The minimum lot size for 60% of the lots is 5 acres,**

Comment: Of the 18 lots proposed, 11 meet or exceed five acres, or 61 percent.

- b. **One (1) two acre lot is permitted for each 50 acres of tract area,**

Comment: The site is 95.48 acres; one 2-acre lot is permitted. The applicant is not proposing any two-acre lots.

- c. **All remaining lots must be a minimum of 3 acres,**

Comment: The remaining seven lots are each over three acres.

- d. **All lots created shall be restricted to single-family dwellings or agricultural uses, and**

Comment: The lots are proposed for the construction of single-family dwelling units.

- e. **No portion of the subdivided tract shall be resubdivided unless under certain circumstance.**

Comment: A new preliminary plan of subdivision would be required to divide the property further ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards.

- 13. **Historic**—The subdivision is adjacent to Brookefield of the Berrys, Historic Site 86A-20. This historic site is listed in the National Register of Historic Places. The property submitted for subdivision was once part of the larger Berry family estate. Brookefield of the Berrys has two distinct building periods: the first from circa 1810 and the second from 1840. It is a large 2-story, side-gabled frame dwelling with freestanding brick chimneys, a 2-story veranda, and a 1-story kitchen wing. The house incorporates elements of both the Federal and Greek Revival styles. The house was begun circa 1810 by merchant John Duvall, but not finished until 1840 after it was purchased by John T. Berry; members of the Berry family remained at Brookefield until 1976. The house, recently restored, exemplifies the sequential construction of a fine plantation house of an important county family. The property includes a number of outbuildings including a meat house, corn crib, smoke house, granary, and carriage house.

Per the requirement of the Prince George's County *Landscape Manual*, a "D" Bufferyard is required on all lots adjacent to the historic site. The submitted plan shows a 40-foot "D" Bufferyard; this note is incorrect. A number of the proposed lots will be visible from the historic site. These include Lots 2, 3, 4, and 5. Prior to the issuance of any building permits or revisions to building permits for Lots 2, 3, 4, and 5, the siting, massing, architecture, rooflines, and landscaping should be reviewed within the context of a Limited Detailed Site Plan (LDSP).

The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Due to its proximity to Brookefield of the Berrys and since it was once part of the larger Berry family property, staff review of the Maryland Historical Trust's archeological site files and The Prince George's County Historic Sites and Districts Plan indicates that there are or may be prehistoric and/or historic archeological resources in the area of proposed development. Development activities may have an adverse effect on these archeological resources.

The applicant has completed a Phase IA archeological assessment of the property in response to the Planning Board directive and staff's request. The submittal describes archival research, pedestrian walkover, finds, and conclusions for the subject property. A qualified archaeologist conducted all investigations and followed *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994). Phase IB must be completed and, depending on the results, Phase II and III studies may be required.

- 14. **Open Space**—The applicant is proposing two areas of open space to be conveyed to a homeowners association (HOA). The first is the 7.04-acre Parcel A to be used for pasture and

stabling of horses. The second is a “Community Lake Easement” across three lots (Lots 9, 10 and 11) that contain the large existing pond. To split the lake between three lots and then convey an easement to a HOA, while necessary to avoid the loss of a lot, is not good planning practice. The area shown as an easement around the lake should either be made a continuation of Parcel A or made a separate entity to avoid potential conflicts between property owners. This will undoubtedly result in the loss of a lot.

## **RECOMMENDATION**

APPROVAL, subject to the following conditions:

1. Prior to approval of the preliminary plan, the plan shall be revised to show the location of the D Bufferyard on Lots 3, 4, 5, and along the remaining portions of the shared property line with the historic site.
2. The location and name of the Brookefield of the Berrys Historic Site 86A-020 and the existence of the landscape buffers shall be noted on the final plat for Lots 3, 4, and 5.
3. Prior to the issuance of any building permits or revisions to building permits for Lots 2, 3, 4, and 5, the siting, massing, architecture, rooflines, and landscaping shall be reviewed for each lot, either singularly or on a collective basis, within the context of a limited detailed site plan. This limited detailed site plan shall be approved by the Planning Board or its designee and shall include:
  - a. Architectural elevation drawings showing dimensions and roof lines of the proposed houses,
  - b. A description of materials and color of the roofs,
  - c. A landscape plan showing the number and type of plant materials being planted in the D bufferyard along with an implementation schedule that assures the entirety of the planting at one time.
4. Prior to approval of the final plat, the applicant shall complete a Phase IB archeological survey to test for cultural resources in four identified survey areas. These areas are: one area of prehistoric potential in the south area; and three areas of historic potential in the north area, one surrounding the house on Molly Berry Road, one surrounding the existing barns, and one at the upper corner of proposed Lot 4. These excavations of the areas of moderate sensitivity shall be performed at 50-foot intervals on a systematic grid.
5. The final Phase IA Archeological Report should be submitted and approved by staff prior to Planning Board approval of the preliminary plan.
6. If it is determined that potentially significant archaeological resources exist in the project area, prior to final plat, the applicant shall provide a plan for:
  - a. Evaluating the resources at the Phase II level, or
  - b. Avoiding and preserving the resources in place.

Such a plan shall be approved by the Planning Board and reviewed by the HPC through a limited detailed site plan to be reviewed prior to final plat.

7. A Type II Tree Conservation Plan shall be approved with the limited detailed site plan prior to the issuance of any permits.
8. Development of this site shall be in conformance with and approved Stormwater Management Concept Plan or any subsequent revisions.
9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Molly Berry Road, designated as a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
10. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners' association (HOA) 7.04± acres of open space land (Parcel A), plus additional acreage necessary to encompass the lake. Land to be conveyed shall be subject to 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.

11. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common area has been conveyed to the homeowners association.
12. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the stormwater management concept approval letter and indicate the approval date and number on the preliminary plan. Development must be in accordance with the approved plan or any revision thereto.
13. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the proposed Croom-Naylor Fire Station, and acquisition of an ambulance. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$1,302 per lot.
14. The area shown as an easement around the lake shall be made a continuation of Parcel A.
15. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
  - a. Revise the worksheet to correct the area of woodland preservation and total woodland conservation provided;
  - b. Revise the lot-by-lot woodland conservation chart to include the amount of 100-year floodplain, net lot area, clearing proposed, and woodland conservation by proposed methodology (preservation, reforestation or afforestation) for each lot, parcel, and for the right-of-way; and
  - c. Have the plan signed and dated by the qualified professional who prepared it.
16. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/87/04), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
17. All afforestation/reforestation and permanent tree protection devices shall be installed prior to the issuance of the building permit for each lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
18. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area 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.”

19. Prior to the issuance of any permits which impact 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.
20. Prior to signature approval of the preliminary plan, an inventory of significant visual features for the frontage of the subject property on Molly Berry Road shall be submitted.
21. Prior to signature approval of the preliminary plan, “entrance easements” shall be removed from the delineated scenic easement adjacent to Molly Berry Road.
22. A limited detailed site plan shall be required for Lots 1, and 14-18 prior to the issuance of permits. The limited detailed site plan shall address, but not be limited to views from the historic road, landscaping and/or woodland conservation in the scenic easement, and building setbacks.
23. At time of final plat, a scenic easement shall be established adjacent to Molly Berry Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

“Molly Berry Road is a county-designated historic road. The scenic easement described on this plat is an area where the installation of structures and roads and/or 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.”
24. At time of final plat, a building restriction line shall be established adjacent to Molly Berry Road as delineated on the preliminary plan and TCPI.
25. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that lots adjacent to Molly Berry Road are a minimum of five acres in area. If the five-acre lots cannot be reasonably accommodated, a building restriction line of 150 feet from the right-of-way shall be established at time of final plat. Any lot five acres or larger shall delineate a 100-foot building restriction line along Molly Berry Road to enhance the rural character of the roadway viewshed at time of final plat.
26. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised, if necessary, to reflect the status of the farm pond embankment as determined through a written assessment from DER.
27. Prior to signature approval of the preliminary plan, the long-term ownership and liability responsibilities for the farm pond, embankment, and open space parcels proposed on the preliminary plan shall be determined.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/87/04.