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## Preliminary Plan 4-04131

Application	General Data
<b>Project Name:</b> <b>MOLLY BERRY PROPERTY</b>  <b>Location:</b> East side of molly Berry Road, north of the intersection with Edgемеade Road.  <b>Applicant/Address:</b> Haverford Homes 6525 Belcrest Road, Suite #205 Hyattsville, MD. 20782	Date Accepted: 10/7/04
	Planning Board Action Limit: 03/10/05
	Plan Acreage: 133.08
	Zone: O-S
	Lots: 20
	Parcel: 2
	Planning Area: 86A
	Tier: Rural
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 216SE12	

Purpose of Application	Notice Dates
<b>This case was continued from the Planning Board hearing of February 24, 2005, to March 3, 2005, at the request of the applicant.</b>	Adjoining Property Owners Previous Parties of Record Registered Associations: 08/20/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/25/05

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 4-04131  
Molly Berry Property Lots 1-20 and Parcels A and B

OVERVIEW

The subject property is located on Tax Map 137, Grid D-3 and is known as Parcel 20. The property is approximately 133.08 acres and zoned O-S. The applicant is proposing to subdivide this property into 20 lots and 2 parcels for the construction of single-family dwelling units utilizing the varying lot size standards provided for in Subtitle 27 and discussed further in Finding 12 of this report.

The proposed subdivision is north of and adjacent to Brookefield of the Berrys Historic Site 86A-20 (Parcel 53) and contains a frame tenant/slave structure once associated with the Berry plantation. The applicant is proposing to create Parcel A (1 acre) to contain the slave quarters. Further investigations of this site have the potential to yield significant intact historic deposits relating to slavery and to the lives of free African-Americans in the early 20th century. These investigations are expected to greatly increase the knowledge of African-American history in Prince George's County. In addition, this particular type of building, if further research proves it to be an earthfast tenant/slave quarter with no obvious source of heat, has not been previously recorded in Prince George's County. It is a unique building and should be documented and interpreted appropriately. Staff is recommending the review and approval of a limited detailed site plan to address the process by which the slave quarters can be preserved and to ensure that the development of this property does not adversely affect the abutting Brookefield of the Berrys Historic Site 86A-20.

On October 22, 2004, staff requested that the applicant submit the deed for the property and a copy of an easement referenced on the plan. The historic site on Parcel 53 is land locked with no frontage on a public street. Access to Parcel 53 is across the subject property along the southern property line via a private ingress and egress easement (Liber 5308 Folio 659) that should be evaluated in the context of this preliminary plan. The applicant has proposed the conveyance of Parcel B (.53 acres) to the owners of Parcel 53 and contain the ingress/egress easement; however, a copy of the easement has not been submitted.

At the writing of this staff report, the applicant has not submitted the deed for the property demonstrating that the current configuration of Parcel 20 was created pursuant to a legal division of land. The part of Parcel 20 (now known as Parcel 66) was conveyed to the abutting property owner of Parcel 92, and both parcels are now under the ownership of Lloyd E. and Caroline S. Bond, according to current tax assessment records. Parcel 92 has frontage on Molly Berry Road, to the north. Parcel 66 is approximately 16 acres and is behind Parcel 92, to its east. The applicant has not yet provided evidence that the conveyance of part of Parcel 20 was a legal conveyance. Moreover, the property (16 acres) could have been legally conveyed through a deed adjusting the common boundary line between Parcels 92 and Parcel 20. Prior to signature approval of the preliminary plan, the applicant should correct this illegal division of Parcel 20 and appropriately record a boundary line adjustment deed between Parcel 20 and Parcel 92 in accordance with Section 24-107(c)(9) of the Subdivision Regulations or demonstrate a legal

conveyance pursuant to Section 24-107 (c)(6). In this case, conditioning this action would allow the applicant to move forward with the plans for the development of this property and provide for an important public purpose to be served in the preservation and interpretation of the slave quarters located on the subject property. The applicant has indicated but not yet provided evidence that Parcel 66 was conveyed pursuant to 24-107 (c)(6) for agricultural purposes.

**SETTING**

The subject property is located on the east side of Molly Berry Road approximately 2,800 feet south of its intersection with Van Brady 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	133.08	133.08
Lots	0	20
Parcels	1	2
Dwelling Units:		
Detached	1	20
	(to remain unoccupied)	(new)

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision and Type I Tree Conservation Plan stamped as accepted on February 4, 2005. The Environmental Planning Section recommends approval of Preliminary Plan 4-04131 and Type I Tree Conservation Plan TCPI/86/04 subject to conditions listed at the end of this memorandum. The Environmental Planning Section has not reviewed the subject property as part of any previous application.

There are streams, wetlands, and 100-year floodplain found on this property. The site is approximately two-thirds wooded and contains areas of agricultural fields on the other one-third. The soils found on this property include Adelphia, Bibb, Galestown, Howell, Marr, Matapeake, Sandy land, Shrewsbury 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 crosses the subject property adjacent to the southwest property line. The trees along this access easement are generally in poor condition and eclipsed by evasive plant species. The property is located in the Mataponi watershed of the Patuxent River basin. The property is located in the Rural Tier as reflected in the approved General Plan.

A revised Detailed Forest Stand Delineation (FSD) plan and a text were recently submitted. The map and text continue to require revisions and/or additional information in order to meet all requirements. The steep and severe slopes have been shaded in the legend, but the shading is not legible on the plan print. Steep slopes (15 to 25percent slopes) have not been limited to those on highly erodible slopes. The FSD text should be signed and dated by the qualified professional who prepared it.

Three forest stands and three specimen trees have been identified on the site. Stand F-1 is comprised of sweetgum, red maple and yellow poplar as dominant and co-dominant species. Trees are mostly 12 to 20 inches in diameter at breast height, with a total basal area range from 80 to 90 square feet per acre. The preservation priority is moderate, except on steep slopes and in stream buffers, where the preservation priority is high.

Stand F-2 is comprised of yellow poplar with some sweetgum and beech sharing the dominant and co-dominant species canopy structure. Dominate trees are mostly 12 to 20 inches in diameter at breast height, with a total basal area range from 80 to 90 square feet per acre. Understudy and woody plants in the 3-foot to 20-foot height zone include poplar, red maple, sweetgum, beech, spicebush, honeysuckle, Virginia creeper, and poison ivy. The preservation priority is moderate, except on steep slopes and in stream buffers, where the preservation priority is high.

Stand F-3 occupies the bottomland area associated with the streams through the eastern portion of the property. Sweetgum and red maple are the most common dominant and co-dominant species. Canopy trees are mostly 12 to 20 inches diameter breast height. The total basal area range is 80 to 110. Understory species are sweetgum, red maple, river birch, and yellow poplar. Preservation priority is high because this stand encompasses the stream.

The woodland on the southern boundary of the subject property is part of a contiguous block of Forest Interior Dwelling Species (FIDS) habitat which connects to the Patuxent River Park to the east of the subject property. 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 includes:
  - (E) Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.”(emphasis added)

Forest Interior Dwelling Species habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffer is necessary for 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 be revised to graphically illustrate areas of forest interior woodland habitat and the 300-foot-wide buffers. Where existing woodlands extend to the property line, the delineation of the existing tree line outside of the subject property should be expanded from 100 feet to 300 feet. This expanded off-site tree line allows for edge effect from outside to be evaluated.

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/86/04) was submitted with the preliminary plan application.

The Tree Conservation Plan (TCPI/86/04) has been reviewed. The Woodland Conservation Threshold for this site is 60.67 acres (50 percent of the Net Tract). The amount of required woodland conservation based on the amount of clearing currently proposed is 65.15 acres. The TCPI has proposed to meet the requirement with 56.22 acres of on-site preservation, which does not meet the requirements of the Woodland Conservation Ordinance. There is additional on-site preservation that can be used to fulfill the woodland conservation requirement. All woodland conservation requirements should be met on-site because high quality woodlands exist, the varying lot size option is being used and because the property is located in the Rural Tier.

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 includes a large area located on Lot 13, which is labeled as "Not counted towards preservation or as cleared." If the intention is that this will be used as an off-site woodland mitigation bank, then this intention should be clearly stated on the TCPI and included in the woodland conservation worksheet. This cannot be considered as an off-site mitigation easement until all woodland conservation requirements for the site have been satisfied on-site.

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 comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. At this time the PMA has been sufficiently delineated to allow staff to conduct an adequate review of this plan.

The Subdivision Regulations require that the PMA be preserved to the fullest extent possible. Impacts to the PMA are generally supported only for the construction of necessary public road crossings and utilities. Impacts for the creation of lots and/or grading for lots are generally not supported. Based on the revised plan, it appears that impacts to the PMA on lots can be eliminated through the relocation of septic recovery areas and building footprints. PMA impacts are also proposed for the extension of the public right-of-way accessing the property off of Molly Berry Road. This impact is necessary for the construction of the public road and appears to have been minimized to the extent possible.

The TCPI and Preliminary Plan should be revised to eliminate to the extent possible all proposed impacts to the PMA on lots for the placement of septic fields and structural footprints, and to minimize to the greatest extent possible impacts resulting from the construction of the necessary public road and public utilities.

A Letter of Justification dated February 1, 2005, from Roy Gauzza to Alan Hirsch was submitted and includes four PMA impacts. Exhibit A proposes 5,185 square feet of impacts for the installation of a storm drain on Lot 19. Exhibit B proposes 4,410 square feet of PMA impacts for the installation of a storm drain on Lots 17 & 18. Exhibit C proposes 5,520 square foot of

impacts for the installation of a storm drain on Lots 2 & 5. Exhibit D proposes 13,019 square foot of PMA impacts for construction of the public right-of-way crossing.

A wetland study was submitted to support the wetlands delineation shown on an associated map. The plan submitted with the wetlands study was entitled “Preliminary Plan” and shows the proposed lotting pattern, site design, location of recovery fields, and wetlands. The sampling points were not identified and wetlands have not been identified by type. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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 adjacent 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 of open fields backed by woodlands on proposed Lots 3 and 4, and a combination of woodlands and open fields on Lots 1 and 2.

One significant visual feature on this site is the treed driveway leading to the National Register Property, Brookefield of the Berrys (86A-020) located on the property to the south. An inventory of significant visual features for the frontage of the subject property located on Molly Berry Road was requested and submitted to document significant and/or complementary visual features occurring 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, has been 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 and supplemental landscaping are appropriate to conserve and enhance the viewshed of the historic road and complement the desired rural character. Inclusion of the review of the scenic viewshed in the review of the Limited Detailed Site Plan is appropriate to address conservation of the scenic viewshed on Lots 1, 2, 3 and 4 that are highly visible from the historic road.

The subject property is located in the Rural Tier, where the preservation of rural character is 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 a five-acre minimum lot size and to provide vegetative buffers to screen views of the proposed dwelling. It was 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, which has been shown on the TCPI and preliminary plan.

The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/86/04 subject to conditions.

### **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 will therefore be served by public/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 plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.

6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 20 dwelling units. The proposed development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 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.

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 was 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.

The applicant should provide dedication of 40 feet from the center line, along the properties frontage with Molly Berry Road, a master plan collector facility, and as delineated on the preliminary plan.

**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	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.28	1.32	2.64
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	222.24	137.94	276.36
Total Enrollment	5,912.88	5,487.76	10,775.73
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.82	117.06	122.87

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 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 abut 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 Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 9.89 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 9.89 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 9.89 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.

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.

In order to mitigate the ambulance 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.

The fee amount is based upon the total cost of the facility \$1,275,000, ambulance (\$131,000) and paramedic unit (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$1,302 per dwelling unit, for ambulance and paramedic service.

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 (20) x \$1,302=\$26,040

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 recommends approval of all of the 20 lots proposed and has advised staff that all of the lots have displayed a proven minimum 10,000-square-foot recovery area (RA) for septic system use. However, to accommodate this the Health Department has verbally indicated that they have required adjustments to the lot layout. These revisions have not been reflected on a plan to date. Prior to signature approval of the preliminary plan, the applicant should provide evidence of the Health Department's approval of the recovery field areas and the lotting pattern proposed.

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, 38673-2004-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

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 12 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 20 lots proposed, 12 meet or exceed five acres, or 60 percent.

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

Comment: The site is 133.08 acres; two-acre lots are permitted. The applicant is proposing one 2.03-acre lot.

**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 proposed subdivision is north of and adjacent to Brookefield of the Berrys Historic Site 86A-20. The subject property contains a frame tenant/slave structure once associated with the Berry plantation. The 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. The house at Brookefield of the Berrys is a large 2-story, side-gabled frame dwelling with freestanding brick chimneys, a 2-story veranda, and a 1-story kitchen wing. It has two distinct building periods: the first circa 1810 and the second from 1840 incorporating 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 John T. Berry purchased it. Members of the Berry family remained at Brookefield until 1976. The house, restored in the 1980s, 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. A tenant/slave structure originally associated with the main house is located outside the boundaries of the historic site on proposed Parcel A, within the subject site.

Consistent with the requirement of the Prince George's County *Landscape Manual*, a D bufferyard will be required on all lots adjacent to the historic site. The bufferyard should be delineated on the preliminary plan for planning purposes and would be required on Lots 4, 5, 7, 8, and 13. The applicant has provided a conceptual site plan that proposes additional landscaping on Lots 3 and 4 (Lot 3 is within the viewshed of the historic site abutting Molly Berry Road) to address buffering and viewsheds from the historic site. However, staff is recommending that a limited detailed site plan be reviewed and approved to evaluate the development of this property and more specifically the preservation of the existing slave quarters on Parcel A and the impact of this development on the historic site.

The frame tenant/slave structure is in a state of severe deterioration. Staff and the applicant's consultant are unable to determine how much of the original structure remains on the site. A controlled demolition could record the construction methods and materials of the structure and would allow for intensive documentation beyond what is currently possible considering the building's current condition. This deconstruction and documentation of the building, coupled with a Phase II archeological investigation, would contribute greatly to the understanding of the architecture of such structures in general and the lives of the slave quarter's occupants, before and

after emancipation. A qualified archeologist should monitor the controlled demolition so that any disturbance of soil or artifacts can be mitigated.

The scope of the excavations conducted during the Phase I testing make it difficult to determine precisely that this structure is in fact a slave quarters from the former Berry plantation. The Phase I report and the Architectural Assessment suggests, however, that given the background research on this property the evidence for this conclusion is strong. Further investigations in this area (Locus 1) have the potential to yield significant intact historic deposits relating to slavery, and to the lives of free African Americans in the early 20th century. These investigations are expected to greatly increase the knowledge of African-American history in Prince George's County. In addition, this particular type of building, if further research proves it to be an earthfast tenant/slave quarter with no obvious source of heat, has not been previously recorded in Prince George's County. It is a unique building and should be documented and interpreted appropriately.

The applicant has revised the plan so that all lots (Lots 4, 7 and 8) adjacent to the historic site are at least five acres. Lot 5 shares only a common point, intersecting the boundary of the historic site (Parcel 53).

A Phase I (Identification) archeological survey was completed by Greenhorne & O'Mara on the subject property at four loci that had been identified as high probability for archeological remains.

Locus 1 was identified as a tenant/slave structure related to the National Register Brookefield of the Berrys Historic Site 86A-20, which includes a collection of outbuildings in addition to the slave residence.

Locus 2 was identified by Richard Bergren, the owner of the historic site, as the former site of the 18th century Brooke house (owners of the property prior to the Berrys), their family cemetery, and potential slave burials.

Further research showed that the Brooke house site is located outside of the project area, within the environmental setting of the historic site. It is not on any developing property and is located east of Brookefield of the Berrys, south of the subject property. Six shovel test pits (STP) were excavated at the location identified by Mr. Bergren as potential slave burials, and additional STPs were dug to provide a wider coverage area. None of the tests revealed any evidence of burials or any other historic features or artifacts. The soil profiles were undisturbed. No further work was recommended at Locus 2. The remaining two loci were tested and no further work was recommended. Historic preservation staff concurs with these recommendations for no further work at Loci 2, 3, and 4.

In regard to Locus 1, the applicant has completed an architectural assessment of the tenant/slave structure on Parcel A in response to staff requests. This structure is shown on the site plan.

The architectural assessment, performed by the Ottery Group, shows that the structure located on Parcel A is a probable tenant/slave quarter that was once part of the larger Berry family plantation. The parcel of land containing the slave quarters was subdivided from the Brookefield of the Berrys plantation house parcel in the early 1980s. The structure was in fair condition when last photographed approximately ten years ago. It was still standing and the area surrounding it was cleared of vegetation. The structure has substantially deteriorated in the last few years, mostly due to the growth of invasive vegetation in and around the building.

The following excerpt comes from the architectural assessment of the frame tenant/slave structure located on proposed Parcel A, dated December 2004:

“The structure is in very poor condition and access to all exterior and interior section was not possible ... the house measures approximately 20 feet long by 16 feet wide at the west and east gable ends. The rectangular structure was once a two-story possible dwelling with a steeply pitched end-gable roof ... The structure is overall lacking decorative architectural details that suggest this is a functional and secondary structure, such as a tenant/slave quarter. The construction method, if it were determined to be a true post-in-ground structure, would be consistent with secondary structures in this region. However, this construction method, also called the Virginia House Style, does not typically last over 20-30 years due to the direct contact of the wood structural members with moist soil. The Virginia House style was first used by Chesapeake colonists in the 1660s and was commonly used for the next two centuries.... Previous research of this property indicated that, at least as far back as 1839, the owners of the plantation also owned and utilized slave labor, as indicated by the 1840 sale of the estate. The use of machine cut nails also indicates that the structure could have been constructed in the early or mid-nineteenth century. This structure could predate the Civil War, and, if so, could have been used as a slave or servant’s quarter. Overall, the frame structure is in very poor condition. The roof and second floor have collapsed and most of the wood members show signs of rot and decay. The building is not structurally sound and not completely accessible. Clearing brambles and brush from the exterior could possibly result in a complete collapse of the structure. It is not likely that the building will remain standing for more than a couple years, at most. Because of the severe deterioration of materials, it is not likely that much of the historic fabric can be salvaged and reused.”

The driveway access for the historic site is part of the Molly Berry Property, provided pursuant to a recorded access easement (Liber 5308, Folio 659). The applicant has proposed to create Parcel B (.53 acres) to convey to the owners of Parcel 53 consistent with the existing access easement, which is to remain. At the time of final plat, an executed deed for conveyance of Parcel B to the owners of Parcel 53 should be submitted. The easement would remain on Lots 3 and 4 crossing the southern boundary lines from Parcel 53 to Molly Berry Road, if the owners of Parcel 53 do not agree to the conveyance.

The Historic Preservation Section presented a staff report to the Historic Preservation Commission (HPC) at its meeting on January 25, 2005, for the subject site. The HPC reviewed the staff report, and heard comments from the applicant and the owners of the Brookefield of the Berrys Historic Site. The HPC discussed a number of issues, including the viewsheds, the maintenance of buffer areas, and particularly the issue of the appropriateness of documentation of restoration/reconstruction of the slave quarters, and how such structures might be maintained if rebuilt.

In order to ensure the perpetual ownership and maintenance of Parcel A the HPC and staff have reviewed possible scenarios that may include ownership by a homeowners association, with an easement for perpetual maintenance through the creation of a “Friends” group and/or the “adoption” of the site by local church groups.

Following this discussion, the HPC voted 7-0 to forward the following recommendations to the Planning Board. The following have been incorporated into staff recommendations on this preliminary plan where and as appropriate. Staff has recommended that Lot 8 be included in a review of a limited detailed site plan:

1. Prior to approval of the preliminary plan, the plan shall be revised to show the location of the D bufferyard on Lots 7, 8, and 13.

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, 5, 7, 8, 13 and Parcel A.
3. Prior to final plat, the siting, massing, architecture, rooflines, and landscaping of the house planned for Lots 3, 4, 5, and 7 shall be reviewed within the context of a limited detailed site plan. The Planning Board or its designee shall approve this limited detailed site plan.

The limited detailed site plan for Lots 3, 4, 5, and 7 shall include:

- a. Architectural elevation drawings showing dimensions and roof lines of the proposed houses on Lots 3, 4, 5, and 7,
- b. A description of materials and color of the roof,
- c. A landscape plan showing the number and type of plant materials being planted in the "D" bufferyard.
- d. A landscape plan showing the number and type of plant materials being planted on Lots 3, 4, and 5. The landscaping for these lots will require approval by the Alternative Compliance Committee.

An intensive Phase II (Evaluation) archeological investigation is recommended at Locus 1 (which includes the slave quarters) to identify further the vertical and horizontal boundaries of the known archeological site. Staff recommends that until this evaluation is completed, Lots 6 and 7 and Parcel A should not be taken to final plat. These lots and parcel may be subject to recommendations for lot adjustments with the review of a limited detailed site plan beyond the lotting configuration proposed on the preliminary plan, to ensure appropriate area for the retention of the slave quarters as an interpretive site. This could also result in a loss of one or both of the lots.

These investigations should also collect additional archival and archeological information to determine whether the site is eligible for the National Register of Historic Places (63 CFR 60.4), the Maryland Register (Maryland Department of Housing and Community Development Title 05.08.06.13) or the Prince George's County Inventory of Historic Resources (Subtitle 29, Prince George's County Code). These investigations should also provide recommendations for future treatment.

A research design should be submitted to the Prince George's County Historic Preservation Section prior to beginning archeological fieldwork. Phase II investigations should not be conducted until the Prince George's County Historic Preservation Section is notified and has given written approval of the submitted research design. Phase II investigations should be completed by a qualified archeologist meeting the Secretary of the Interior's standards (36 CFR 61), and all work must be performed in accordance with the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994). The report must be prepared in accordance with the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994), and following the American Antiquity or Society for Historical Archaeology style guide.

Staff is recommending that the applicant should undertake a controlled demolition, to be performed by qualified architectural historians, of the frame tenant/slave structure in Locus 1 to determine

the construction methods and approximate date of building materials that remain on the site. A qualified archeologist should monitor the controlled demolition, so that any disturbance of soil or artifacts can be mitigated. This work should be done in preparation for a detailed reconstruction/rebuild of the structure. A qualified architectural historian or preservation architect should monitor this reconstruction work.

Combined with the archeological investigations, this architectural analysis should establish a date, or period, for the construction of this tenant/slave structure and determine its use in the context of the Berry Plantation. These combined investigations should document through analysis of the material evidence collected, documentary research, oral history, and other methods deemed appropriate, the history of the occupants who lived and worked on the Berry Plantation. This history should be interpreted on-site, on Parcel A.

Prior to final plat, the results of the Phase II archeological investigation in Locus 1, the controlled demolition of the structure, and the plans for reconstruction, shall be reviewed within the context of a limited detailed site plan. This limited detailed site plan should be approved by the Planning Board or its designee and reviewed by the Historic Preservation Commission.

The goal of the limited detailed site plan for Parcel A should be:

- a. To ensure for the perpetual ownership and maintenance of the site
- b. To ensure that the site is properly interpreted,
- c. To ensure adequate access to the site,
- d. To determine eligibility for listing in the National Register of Historic Places, Maryland Register, and Prince George's County Inventory of Historic Resources. If it is deemed to meet the eligibility criteria, this site could be recommended for listing as a Prince George's County Historic Site at the time that the Historic Sites and Districts Plan is updated or amended.

If it is determined that culturally significant antebellum archeological resources exist in the project area, the applicant should provide a textual and graphic plan for avoiding and preserving the resource in place for approval by the Planning Board or its designee and review by the Historic Preservation Commission. These plans for the perpetual maintenance and interpretation of the site should be prepared for the limited detailed site plan submittal.

Locus 1 should remain fenced with protective blaze fencing until completion of all archeological and architectural studies. No grading or building activity should be permitted in Locus 1 until the completion and approval of the limited detailed site plan (LDSP) for Parcel A, and appropriate timing for implementation of the LDSP is in place to ensure protection of the site.

The applicant has provided alternative landscaping to buffer the views from Lots 3 and 4. This landscaping would allow for the views to the new house sites to be partially buffered, while still maintaining the open space that currently exists between the historic site and Molly Berry Road. Strict adherence to the requirements of Section 4.7 of the Prince George's County *Landscape Manual* would require the applicant to plant the required D bufferyard on the western boundary of the historic site; this would effectively screen the view of the new houses, but would also eliminate the open vista that has existed between the historic site and Molly Berry Road for nearly 200 years. The applicant's proposed buffering for Lot 4 would require approval by the



Alternative Compliance Committee. If carefully reviewed in the context of a LDSP review, this landscaping could be considered as a viable alternative to normal compliance of Section 4.7 of the *Landscape Manual*.

The following guidelines were established in the adopted and approved master plan for Subregion VI (page 59, Historic Preservation Guidelines) and should be addressed with the review of a limited detailed site plan:

“Proposals for development of properties abutting historic resources must be reviewed by the Planning Board (or its designee) to ensure that the land use or new construction does not detract from the architectural characteristics and environmental setting of the historic resource. Views from the historic resource should be considered in establishing the configuration and size of open space buffer in new developments. Sensitive and innovative site design techniques, such as careful siting, variation in orientation, roof shape, building materials, screening, landscaping, berming, and open space shall be incorporated into the proposal to minimize any adverse impacts to the resource.”

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Provide the conceptual stormwater management approval number and date.
  - b. Provide a varying lot size table, which includes standards A-E of Footnote 5, Section 27-442(b) Table I.
  - c. Clearly delineate the dedication to the public use of 40 feet from the center line of Molly Berry Road.
2. A Type II Tree Conservation Plan shall be approved with the limited detailed site plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 38673-2004-00 and any subsequent revisions.
4. 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.
5. Prior to final plat approval, a limited detailed site plan shall be approved for Lots 3, 4, 5, 7 and 8 by the Planning Board or its designee to review house siting, massing, architecture, rooflines, and landscaping and shall include the following.

Establishing conceptual guidelines for the evaluation of a, b, and c below.

- a. Architectural elevations relating to dimensions and roof lines of the proposed houses on Lots 3, 4, 5, 7 and 8.
- b. A description of optional building materials and color of the roof.
- c. House siting and massing.
- d. A detailed landscape plan showing the number and type of plant materials being planted in the “D” bufferyard for Lots 7 and 8.
- e. A landscape plan showing the number and type of plant materials being planted on Lots 3, 4, and 5 in lieu of the required D bufferyard on Lot 4. The landscaping for these lots may require approval by the Alternative Compliance Committee.

Conformance to the LDSP shall be evaluated at the time of review of the building permit for each lot.

- 6. Prior to final plat approval, a LDSP shall be approved by the Planning Board or its designee for Parcel A, and may expand to include Lots 6 and 7. The LDSP shall include a Phase II (Evaluation) archeological investigations at Locus 1 to identify further the vertical and horizontal boundaries of the known archeological site. A determination shall be made whether this site is eligible for the National Register of Historic Places (63 CFR 60.4), the Maryland Register (Maryland Department of Housing and Community Development Title 05.08.06.13) or the Prince George’s County Inventory of Historic Resources (Subtitle 29, Prince George’s County Code). These investigations shall also provide recommendations for future treatment. Lot line adjustments to Parcel A and Lots 6 and 7 may result from the review of the LDSP and could also result in a loss of lots. The applicant shall submit a proposal for the maintenance and interpretation of the structure. The LDSP shall ensure that Parcel A (Locus 1) will be protected from all building, grading, and landscaping activity during the completion of the Phase II archeological investigation.
- 7. Pursuant to the LDSP, the applicant shall undertake a controlled demolition, to be performed by qualified architectural historians, of the frame tenant/slave structure in Locus 1 to determine the construction methods and approximate date of building materials that remain on the site. The controlled demolition should be monitored by a qualified archeologist so that any disturbance of soil or artifacts can be mitigated. This work should be done in preparation for a detailed reconstruction/rebuild of the structure. This reconstruction work should be monitored by a qualified architectural historian or preservation architect.
- 8. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a copy of the recorded deed adjusting the common boundary line between Parcel 20 and Parcel 92, in accordance with Section 24-107(c)(9) of the Subdivision Regulations or demonstrate a legal conveyance of Parcel 66 from Parcel 20 pursuant to Section 24-107 of the Subdivision Regulations.
- 9. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a copy of the private ingress and egress easement (Liber 5308 Folio 659).

10. If determined appropriate with the review and approval of the LDSP for Parcel A, the applicant shall:
- A. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners' association (HOA) .53± acres of open space land (Parcel A), which may include additional acreage as determined by the LDSP. 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
    - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
    - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
    - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
  - B. 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.
  - C. Shall submit three original Agreements to DRD for implementation of the conditions of the LDSP for the interpretive site on Parcel A. Upon approval by the DRD and Historic Preservation Section, the Agreement shall be recorded among the County Land Records.

- D. Shall submit a performance bond, letter of credit, or other suitable financial guarantee for the implementation of LDSP interpretive site as set forth in the Agreement.
11. Prior to signature approval of the preliminary plan, the applicant shall demonstrate Health Department approval of the lotting pattern. Minor adjustments may be necessary to address the Health Department guidelines.
12. Prior to signature approval of the Type I Tree Conservation Plan, revise the Detailed Forest Stand Delineation plan and text as follows:
- a. Show all severe slopes and steep slopes on erodible soils;
  - b. Limit steep slopes (15 to 25 percent slopes) to those on highly erodible soils and correctly label in the legend;
  - c. Complete the delineation of the Forest Interior Dwelling Species (FIDS) Habitat and the 300-foot-wide buffer; and add both graphic symbols and labels to the legend
  - d. Have the text and revised plan signed and dated by the qualified professional who prepared it.
13. Prior to signature approval of the Type I Tree Conservation plan, it shall be revised as follows:
- a. Correct labels in the legend to identify the methods of woodland conservation proposed.
  - b. Provide the disposition of specimen trees in the specimen tree table.
  - c. Fulfill the complete woodland conservation requirement through preservation on-site.
  - d. Correct the label in the legend to indicate that all severe slopes and steep slopes on highly erodible soils are shown, and revise the plan if necessary to show them.
  - e. Reconcile the area of the 100-year floodplain with the quantity of woodlands in the 100-year floodplain.
  - f. Revise the woodland conservation worksheet to reflect the required revisions.
  - g. Have the plan signed and dated by the qualified professional who prepared it.
  - h. Provide a total row on the lot-by-lot table.
14. Prior to signature approval of the TCPI Tree Conservation Plan, the plan shall be revised to maximize the preservation of priority woodlands and FIDS habitat retained on the site and to meet the full requirements through preservation of existing woodlands.
15. 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/86/04), 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.”

16. Prior to signature approval of the preliminary plan and the Type I Tree Conservation Plan they shall be revised so that the Patuxent River Primary Management Area (PMA) delineation will include all associated environmental features after severe slopes and steep slopes on highly erodible soils and FIDS habitat have been correctly delineated. Impacts to the Patuxent River Primary Management Area shall be limited to those necessary for storm drain outfalls and the primary road crossing.
17. A conservation easement shall be described by bearings and distances and reflected on the final plat. The conservation easement shall contain the delineated Patuxent River Primary Management Area except for any approved impacts 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.”
18. Prior to signature approval of the Type I Tree Conservation Plan, the wetlands study plan shall be revised as follows:
  - a. Label the plan as “Wetlands Study Delineation;”
  - b. Show the location of wetland sampling points and include the graphic and label in the legend;
  - c. Include soils boundaries and a soils table on the plan;
  - d. Identify the wetland by the label shown in Table 2 of the Wetland Summary Table and Table 3 of the Stream Summary Table included in the text;
  - e. Label the delineated wetlands areas by wetland type;
  - f. Label the delineated streams; and
  - g. Remove the proposed houses, septic fields, driveways and lotting pattern.
19. Prior to the issuance of any permits that 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. 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.”

21. A limited detailed site plan shall be approved by the Planning Board or its designee for Lots 1, 2, 3 and 4 prior to the issuance of permits to address preservation of the rural viewshed character from the historic road.
22. At time of final plat, a 100-foot building restriction line shall be established adjacent to Molly Berry Road as delineated on the preliminary plan, and reflected on the Limited Detailed Site Plan for Lots 1-4.
23. Prior to the approval of the final plat the applicant shall submit an executed deed of conveyance of Parcel B to the owners of Parcel 53. If the owners of Parcel 53 will not accept the conveyance, Parcel B is to be deleted and the final plat reflect the existing access easement (Liber 5308 Folio 659).
24. The applicant, his heirs, successors and/or assignees 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 each building permit, the fair share fee is \$1,302 per lot, or shall be paid in full prior to the issuance of the first building permit.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/86/04.