



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-04135

Application	General Data
<b>Project Name:</b> <b>SCRUGGS PROPERTY</b>  <b>Location:</b> Northeast corner of the intersection of I-495 and Martin Luther King, Jr. Highway.  <b>Applicant/Address:</b> PIMB 2200 Defense Highway, Suite #101 Crofton, MD. 21114	Date Accepted: 08/8/04
	Planning Board Action Limit: 02/02/05
	Plan Acreage: 7.65
	Zone: R-80
	Lots/Parcels: 12/1
	Election District: 20
	Planning Area: 73
	Tier: Developing
	Council District: 05
	Municipality: N/A
200-Scale Base Map: 205NE08	

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION, SINGLE-FAMILY DWELLINGS</b>	Adjoining Property Owners Previous Parties of Record Registered Associations: 07/8/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed 12/21/04

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 4-04135  
Scruggs Property Lots

OVERVIEW

The property is located on Tax Map 52 in Grid C-3 and is known as Parcel 109. Parcel 109 is an acreage parcel never having been the subject of a preliminary plan or record plat of subdivision. The property is approximately 7.65 acres and is zoned R-80. The applicant is proposing to subdivide the property into 12 lots and one parcel for the construction of single-family dwelling units in accordance with the standards for conventional development in the R-80 Zone.

The property is completely surrounded by dedicated public streets and is located in the northeast quadrant of the intersection of the Capital Beltway and Martin Luther King, Jr. Highway. Abutting the east property line is Whitfield Chapel Road, a 60-foot wide collector facility that intersects Martin Luther King, Jr. Highway, along the southeast corner of the property. Abutting to the north is Fairview Avenue, a 50-foot-wide primary residential street.

The primary access to this property is from Fairview Avenue. The applicant is proposing a 50-foot-wide dedicated public street extending south into this property from Fairview Avenue. This internal public street will serve Lots 1-9. Lots 10 and 11 will be served via Fairview Avenue and Lot 12 is proposed with direct access onto Whitfield Chapel Road. The proposed driveway is located between Fairview Avenue and Martin Luther King, Jr. Highway. Because of the greater traffic volume and higher speed of traffic along this roadway and the driveway proximity to the intersection with Martin Luther King, Jr. Highway, staff has safety concerns for the residents of Lot 12. Staff does not believe that the driveway access onto Whitfield Chapel is appropriate between Fairview Avenue and Martin Luther King, Jr. Highway.

This property is located between three transportation-related noise generators, I-95, MD 704, and Whitfield Chapel Road. A Phase I noise study date-stamped as received by the Environmental Planning Section on December 2, 2004, and a Phase II noise study prepared on March 12, 2004, were submitted with this application. The studies concluded that this entire site is located within the 65 dBA Ldn noise contours for these roadways. The studies further concluded that through the construction of a noise wall and inclusion of special structural elements for all residential structures, the adverse interior and exterior noise levels could be mitigated. However, the studies do not consider other mitigation measures that could be implemented, such as the use of berms or other means to reduce the overwhelming size of the proposed wall.

The proposed mitigation will require the construction of a 1,250-foot-long noise wall on three sides of this property with a height ranging from 6 to 14 feet. With the exception of one 30-foot segment, the entire wall will be in excess of eight feet high. The front yard of Lot 12 is proposed with a 6- to 11-foot-high noise wall along its frontage with Whitfield Chapel Road. The only opening to the street in the

front yard of Lot 12 is the driveway location. Staff does not believe that this is a desirable environment generally, but specifically for Lot 12. Because of the access location and the noise wall requirements, staff recommends that Lot 12 be deleted.

Walls and fences in excess of six feet high are considered structures by the Zoning Ordinance, and must meet main building setback requirements. The noise wall as proposed on the preliminary plan does not meet the required main building setbacks. In order to develop this property as proposed, a noise wall or other mitigation measures are necessary. The approval of variances will be required for the construction of the noise wall as proposed. However, because of the size of the site, installing berming may take too much area and may not be an option. A Detailed Site Plan review will be essential to determine the viability of the development of this property. Moreover, the applicant should not construe approval of this preliminary plan as support by the Planning Board for any variances that may be required at the time of review of the DSP.

**SETTING**

The property is located in the northeast quadrant of the intersection of the Capital Beltway, I-95, and Martin Luther King, Jr. Highway (MD 704) on the west side of Whitfield Chapel Road. The properties to the north and east, across Whitfield Chapel Road, are developed with single-family dwelling units. West across the Capital Beltway is developed industrially zoned land. To the south across Martin Luther King, Jr. Highway is generally developed with single-family dwelling units.

**FINDINGS AND REASONS FOR STAFF RECOMMENDATION**

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	O-S	O-S
Use(s)	Vacant	Single-family dwellings
Acreage	7.65	7.65
Lots	0	12
Parcels	1	1
Dwelling Units:		
Detached	0	12

2. **Environmental**—A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are not found to occur within the limits of this application. Transportation-related noise generators, I-95 and MD 704, have been identified in the vicinity of this property. The soils found to occur, according to the Prince George’s County Soil Survey, include Sunnyside fine sandy loam, Sunnyside sandy clay, and Sunnyside Urban Land Complex. The Sunnyside sandy clay soils have limitations with respect to slow permeability and high shrink/swell potential. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Cabin Branch

watershed of the Patuxent River basin and in the Cabin Branch watershed of the Anacostia River basin.

A detailed forest stand delineation (FSD) was submitted with this application. Because the FSD report, narrative and data seem to provide conflicting information with respect to the existing conditions on the site, and the narrative provided a description of the woodlands based on information gleaned from a Society of American Foresters publication, a site visit was conducted on December 8, 2004.

Staff found that this site is dominated by yellow poplar, which is the dominant tree in the canopy and accounts for the highest percentage of the trees present. Other species found on this site include red maple, black locust, sycamore, red oak, and Virginia pine with a combined stocking that accounts for less than 50 percent of the trees. Many of the trees present, especially near the western edge of the property, exhibit poor health, possibly due to the presence of invasive vine species and due to wind damage that apparently occurred after construction of the WSSC sewer line. The stand is of average quality for habitat values and low priority for retention because it is a small isolated woodland area.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site. There are no previously approved Tree Conservation Plans for this site. The revised Type I Tree Conservation Plan, TCPI/75/04, date-stamped as received by the Environmental Planning Section on December 2, 2004, was found to require significant revisions.

The TCPI as submitted for this 7.65-acre property in the R-80 Zone has a woodland conservation threshold of 20 percent, or 1.53 acres, and a replacement requirement of 1.66 acres associated with the ¼:1 and 2:1 replacement requirements because of the proposed clearing of 5.18 acres of existing woodland. The 3.19-acre requirement is proposed to be satisfied by 1.05 acres of on-site preservation on lots less than 20,000 square feet in size and by on-site preservation on the Homeowners Association (HOA) parcel, which includes the area dominated by trees of poor quality and with a high percentage of invasive species. Another 0.71 acre of the HOA parcel is proposed to be a reforestation area within the limits of what had been a temporary construction easement associated with the WSSC sewer construction. Because these woodland areas would be isolated, of generally poor quality, and portions could potentially be disturbed if future work on the WSSC sewer line is required, the Environmental Planning Section is recommending that all Woodland Conservation be satisfied by the use of off-site mitigation at a location to be determined.

This property is located between three transportation-related noise generators, I-95, MD 704, and Whitfield Chapel Road. A Phase I noise study date-stamped as received by the Environmental Planning Section on December 2, 2004, and a Phase II noise study prepared on March 12, 2004, were submitted with this application. The studies concluded that this entire site is located within the 65 dBA Ldn noise contours for these roadways. The studies further concluded that through the construction of a noise wall and inclusion of special structural elements for all residential structures the adverse interior and exterior noise levels could be mitigated. The studies do not consider other mitigation measures that could be implemented such as the use of berms or other means to reduce the overwhelming size of the proposed wall.

The proposed mitigation will require the construction of a 1,250-foot long noise wall on three sides of this property with a height ranging from 6 to 14 feet. With the exception of one 30-foot segment, the entire wall will be in excess of eight feet high. Because the Zoning Ordinance considers walls and fences, in excess of 6 feet height, structures, the construction of the walls will require variances.

Furthermore, the noise studies propose that the walls be constructed of wood, which may not be as sightly and potentially have a shorter life span than walls constructed of stone, block or concrete. The shorter lifespan of a wall constructed with wood raises concerns that prospective property owners in this subdivision will face expensive repairs in the future. The applicant should expect that staff will not support the construction of a wood 6- to 14-foot-high noise wall to be the responsibility of 12 homeowners unless it can be clearly demonstrated that effectiveness and maintenance responsibilities are comparable to stone, block or concrete. Staff may recommend that the noise wall be constructed of a significantly more substantial material than wood.

Staff recommends that review of a detailed site plan to address noise issues. A revised noise study should be submitted that considers alternative design methods for addressing the high noise levels from the adjacent roadways. Prior to preparation of the revised noise study, the applicant should coordinate a meeting with staff from the Subdivision and Environmental Planning Sections. Staff will provide direction regarding the other methods that could be explored in the study and which options should be shown on the detailed site plan for further review and evaluation.

A copy of the stormwater management concept plan and concept approval letter, date-stamped as received by the Environmental Planning Section on December 2, 2004, were submitted for review with this application. The stormwater management concept plan as approved is generally consistent with the TCPI.

Some of the soils found on this property have seasonally high shrink/swell characteristics and impeded drainage that may contribute to wet or damp basements or require special foundation designs. At the time of building permit the Department of Environmental Resources may require subsurface drainage and foundation issues to be addressed.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The property is located within the limits of the 1990 Largo Lottsford and Vicinity Master Plan, Planning Area 73, in the Enterprise Community. The master plan land use recommendation is for low suburban residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The only Largo-Lottsford master plan (1990) issues raised through the review of this application relate to the site's location adjacent to major roadways. The master plan (page 70) contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible nonresidential uses. Another guideline encourages residential structures to be

designed in a harmonious relationship to one another and to the terrain and to be situated to create interesting spaces. Review of a detailed site plan should be required to ensure conformance to these master plan recommendations.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations staff recommend that the applicant provide private on-site recreational facilities on Parcel A. The preliminary plan does not provide a location for the recreational facilities. Staff does believe that Parcel A could support private recreational facilities. A detailed site plan should be approved for siting of the facilities. If at the time of review of the DSP adequate area does not exist a loss of lots could occur for proper placement of the facilities.
5. **Trails**—The adopted and approved Largo-Lottsford master plan does not include a trail/bikeway recommendation for MD 704. However, the more recently adopted and approved Glenn Dale-Seabrook-Lanham and Vicinity master plan and the adopted and approved Landover and Vicinity master plan do recognize the importance of this road as a pedestrian and bicycle corridor. The adopted and approved Glenn Dale-Seabrook-Lanham and Vicinity master plan recommends a trail/bike facility along MD 704. This is to the north and east of the subject site. Furthermore, the adopted and approved Landover and Vicinity master plan recommends a Class II pedestrian/bike trail along MD 704. This is to the south and west of the subject site. In keeping with these recommendations, staff recommends the provision of an eight-foot-wide sidewalk or asphalt trail along the subject site’s frontage of MD 704. This facility will accommodate pedestrians along this busy road and is in keeping with M-NCPPC master plans that designate MD 704 as a trail/bicycle corridor.

#### SIDEWALK CONNECTIVITY:

There is an existing sidewalk along the subject site’s frontage of Fairview Avenue. Portions of Whitfield Chapel Road include sidewalks where frontage improvements have been made. Staff supports the provision of a standard sidewalk along the site’s frontage, as shown on the submitted plan. Staff recommends a sidewalk along one side of the internal road, unless modified by DPW&T. Pedestrian access along MD 704 will be accommodated as noted above. There is no sidewalk currently along the subject site’s frontage of MD 704

6. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did note that counts were available from the traffic study for the Hargrove Property, Preliminary Plan of Subdivision 4-03112, and these counts were less than one year old at the time of plan submittal. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the developing tier.

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

### **Staff Analysis of Traffic Impacts**

The intersection of MD 704 and Whitfield Chapel Road is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve a large portion of the site-generated traffic. Staff had available traffic counts dated 2003. These counts indicate that the critical intersection operates at LOS B, with a CLV of 1,013 during the AM peak hour. During the PM peak hour, the intersection operates at LOS A with a CLV of 918.

There are no funded capital projects at this intersection in the county's Capital Improvement Program. The state's Consolidated Transportation Program includes an improvement that would involve the reconstruction and widening of MD 450 between MD 193 and Stonybrook Drive in the City of Bowie. There are approximately 13 approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS B with a CLV of 1,106; PM peak hour—LOS B with a CLV of 1,048.

With the development of 12 residences, the site would generate 9 AM (2 in and 7 out) and 11 PM (7 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 15 percent—north along Whitfield Chapel Road, 25 percent—southwest along MD 704, and 60 percent—northeast along MD 704. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS B with a CLV of 1,112; PM peak hour—LOS B with a CLV of 1,053. Therefore, the critical intersection operates acceptably under existing, background and total traffic.

The site is adjacent to MD 704, which is a master plan arterial facility, and to I-95/I-495, which is a master plan freeway facility. Adequate right-of-way consistent with master plan recommendations exists along both facilities. Therefore, no further dedication is required of this plan. It is noted that Whitfield Chapel Road is shown on the master plan as a primary residential roadway adjacent to this site, although it is shown as a collector facility north of US 50.

Access to 11 lots is available via existing Fairview Avenue or from Ivy Court, a new secondary residential street. Access to Lot 11 also has frontage on Whitfield Chapel Road; in order eliminate the access issue, driveway access to this lot should be directed onto Fairview Avenue. No lot shall have driveway access onto MD 704.

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

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	13 sfd	13 sfd	13 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.12	0.78	1.56
Actual Enrollment	5,623	5,131	10,098
Completion Enrollment	327.84	217.62	398.97
Cumulative Enrollment	152.88	131.88	264.24
Total Enrollment	6,106.84	5,481.28	10,762.77
State-Rated Capacity	5,892	4,688	8,770
Percent Capacity	103.65	116.92	122.72

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 abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

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 Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 3.28 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Landover Hills Fire Station, Company 30, located at 68th Street and Annapolis Road has a service travel time of 6.09 minutes, which is within the 6.25-minute travel time guideline.



- c. The existing paramedic service at Landover Hills Fire Station, Company 30, located at 68th Street and Annapolis Road has a service travel time of 6.09 minutes, which is within the 7.25-minute travel time guideline.

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

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

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision
10. **Health Department**—The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other domestic trash and debris must be removed and properly discarded.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 34492-2004-00 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.
12. **Historic**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This property is close to and may be part of the antebellum W.S. Hilleary, J. Hopkins and F. Soper plantations.

It is possible the site was actively farmed and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

At the time of review of the detailed site plan and prior to approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. If necessary, the final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

## 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. SWM plan number and approval date.
  - b. Delete Lot 12 and incorporate the acreage into Lot 7, 8 and Parcel A.
2. A Type II tree conservation plan shall be approved with the DSP.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan, and any subsequent revisions.
4. Prior to the approval of the final plat, a detailed site plan shall be approved by the Planning Board or its designee to include but not be limited to the review of the following:
  - a. Assure proper placement of the private on-site recreational facilities on Parcel A, establishing bonding amounts and triggers for construction. Modification to the lotting pattern and/or a loss of lots could occur.
  - b. Evaluate views of this property from surrounding roadways.
  - c. Submit a Phase I archeological investigation and if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the DSP and final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
  - d. Show the location of the mitigated 65 dBA Ldn noise contour at six feet above ground level for each rear yard area.
  - e. Show the mitigated exterior dBA Ldn at the second floor of each habitable structure.
  - f. Show the location of the proposed mitigation measures and the associated grading.
  - g. Provide details showing the proposed mitigation measures paying particular attention to cross-sections, construction material, and design so as to encourage functionality and appearance.
  - h. The mitigation measures shall be constructed of materials that have a life span of no less than 30 years so as to minimize cost associated with maintenance.
  - i. A cross-section from the noise sources to each habitable structure shall be provided to show the existing and proposed topography, the noise mitigation measure locations, and

the location of the mitigated 65 dBA Ldn noise contours at ground level and at the second floor elevation.

5. Development of this property shall be in conformance with approved Stormwater Management Concept Plan 34492-2004-00 and any subsequent revisions.
6. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
7. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval for construction of recreational facilities on homeowners land, prior to the submission of final plats, and upon approval by DRD, the RFA shall be recorded among the County Land Records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to building permits.
9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association 3.8± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
10. The applicant, his heirs, successors and/or assignees shall:
- a. Provide an eight-foot-wide sidewalk or asphalt trail along the subject site's entire frontage of MD 704, per the concurrence of SHA. This sidewalk or trail should be separated from the curb by a grass or landscaped strip, with the concurrence of SHA.
  - b. Provide a standard sidewalk along one and/or both sides of the internal road, as reflected on the submitted preliminary plan, with the concurrence of DPW&T.
11. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
12. The record plat shall indicate denied access from this site to MD 704, the Capital Beltway and Fairview Avenue.
13. Prior to signature approval of Type I Tree Conservation Plan TCPI/75/04, the plan shall be revised as follows:
- a. Reflect all woodlands on lots as being cleared and show a reasonable limit of disturbance for the construction of the proposed noise wall. All existing woodland areas that are retained and not counted toward meeting the requirements, that are less than 35 feet wide, shall be considered as woodlands cleared.
  - b. Revise the plan to reflect all woodland conservation requirements as being satisfied by the use of off-site mitigation.
  - c. Revise the worksheet as necessary after the other revisions have been completed.
  - d. After the plan revisions have been completed the plans shall be signed and dated by the qualified professional who prepared the plans.
14. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/75/04). The following notes shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/75/04), 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.”

15. A revised noise study shall be submitted with the detailed site plan that considers alternative and combination design methods for addressing the high noise levels from the adjacent roadways. Prior to preparation of the revised noise study, the applicant shall coordinate a meeting with staff from the Subdivision and Environmental Planning Sections. Staff will provide direction regarding the other methods that should be explored in the study and which options should be shown on the detailed site plan for further review and evaluation.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/75/04.