



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

Preliminary Plan 4-05093

Application	General Data
Project Name: POPLAR GROVE Location: South side of Dyson Road, opposite Owens Way. Applicant/Address: Chesapeake Custom Homes 6196 Oxon Hill Road, Suite #340 Oxon Hill, MD. 20745	Date Accepted: 12/6/05
	Planning Board Action Limit: 03/1/06
	Plan Acreage: 20.69
	Zone: R-R
	Lots: 26
	Parcel: 1
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 217SE08	

Purpose of Application	Notice Dates
SINGLE-FAMILY RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 09/7/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/24/06

Staff Recommendation		Staff Reviewer: JOHN FERRANTE	
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 4-05093
Poplar Grove Lots 1-26, Parcel A

OVERVIEW

The subject property is located on Tax Map 145, Grid B-1 and is known as Parcel 7. The property is approximately 20.69 acres, zoned R-R and is currently undeveloped. The property is within the limits of the Approved and Adopted Subregion V Master Plan and is located in the Developing Tier.

The applicant is proposing to subdivide the property into 26 lots for single-family detached dwellings in accordance with the conventional standards for the R-R Zone. One parcel is also proposed that will preserve the environmental features within the subject property. The minimum lot size in the R-R Zone is 20,000 square feet. All of the proposed building lots exceed the minimum of 20,000 square feet and six of the proposed lots are 24,000 square feet or larger.

There are no streams or 100-year floodplain on the property. There are wetlands on the property that eventually drain into the Mattawoman Creek in the Potomac River watershed. The proposed parcel will preserve the wetland areas as well as the extended wetland buffer area and consists of approximately 5.12 acres. The preliminary plan originally submitted by the applicant provided no internal access to this parcel, which will be dedicated to the homeowners association. Staff believed that internal access to the homeowners association parcel should be provided for safety and maintenance reasons. Therefore any maintenance of the property could be achieved without parking alongside US 301. The applicant did submit an exhibit plan (Exhibit A) that demonstrates an internal access area to the parcel.

The preliminary plan submitted does not provide for private on-site recreational facilities, which are recommended by staff pursuant to Section 24-134 of the Subdivision Regulations. In order to accommodate private on-site recreational facilities, a loss of one lot would be necessary. Only Parcel A, which will contain the environmental features on the property, will be conveyed to the homeowners association, therefore leaving no useable recreational area for future homeowners. Staff is recommending that one building lot adjacent to Parcel A be removed from the preliminary plan, and the square footage of that lot be absorbed directly into Parcel A, and that area should contain the private on-site recreational facility. The expansion of Parcel A for the on-site private recreational facility will provide the homeowners association with a useable recreation area that is outside the extended wetland buffer area as recommended in Finding 4 of this report. The applicant has revised the exhibit plan to remove one building lot (original Lot 7) to accommodate room for the on-site private recreational facility. Limited detailed site plan approval will be required for the private recreational facility as set forth in the conditions section of this report.

The Conner property, which abuts the entire northern property line of the proposed subdivision, is a working farm for general agriculture. General agriculture is a low impact use in accordance with

Section 4.7 of the Prince George’s County *Landscape Manual*, and therefore not a compatible use with single-family detached dwellings. A bufferyard between the two adjacent uses is required that consists of a 30-foot-wide minimum building setback, 20-feet of which will be a landscaped yard that will contain the required plant units as specified in Section 4.7 of the Prince George’s County *Landscape Manual*. The Exhibit A submitted by the applicant does demonstrate the required bufferyard between these two uses. The plant units required for the bufferyard will be determined for each individual lot at the time of building permit.

A 35-foot-wide landscape bufferyard has been provided along Dyson Road in accordance with Section 4.6 of the Prince George’s County *Landscape Manual*. The purpose of these requirements is to ensure that the rear yard and the lowest story of the rear outside wall of any one-family detached dwelling is screened from the view of any street classified as a collector or higher. The master plan would upgrade US 301 to a freeway, but in this location the freeway would follow the northbound lanes, while the southbound lanes, which abut the proposed subdivision, would function as a local roadway. Therefore, this section of US 301 would also be classified as a collector road. A 35-foot-wide landscape bufferyard has also been provided along US 301 in accordance with Section 4.6 of the Prince George’s County *Landscape Manual*.

SETTING

The property is located on the south side of Dyson Road, just opposite of Owens Way. To the south is the Brandywine Special Education Center fronting on Dyson Road, developed on a 10-acre parcel (NLP 99@89), and the Thomas property, developed with a single-family dwelling unit that fronts US 301. To the north is the Conner property, which is a working, general agriculture farm. To the east is the Brandywine Landing Subdivision, which will consist of single-family dwellings. All surrounding properties are zoned R-R. To the south are the southbound lanes of Robert S. Crain Highway (US 301). In this area, the northbound and southbound lanes are physically separated by a wide and developed median. The master plan would upgrade US 301 to a freeway, but in this location the freeway would follow the northbound lanes, while the southbound lanes would function as a local roadway. Access to the proposed subdivision will be provided from Dyson Road. There is no direct vehicular access to US 301 proposed.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential (single family)
Acreage	20.69	20.69
Lots	0	26
Outlots	0	0
Parcels	1	1
Dwelling Units:	0	26
Detached	0	26
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05093, for Poplar Grove, the revised Type I Tree Conservation Plan, TCPI/54/05, the revised forest stand delineation and the revised natural resources inventory stamped as received on January 26, 2006. The Environmental Planning Section recommends approval of 4-05093 and TCPI/54/05 subject to conditions. The Environmental Planning Section

has no records of any previous applications for the subject property. The proposal is for 26 lots and one parcel in the R-R Zone.

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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development.

A signed natural resources inventory (NRI), NRI-081-05, was submitted with the application. There are no streams or 100-year floodplain on the property. The site eventually drains into Mattawoman Creek in the Potomac River watershed. There is an area of wetlands in the southern portion of the site. A simplified forest stand delineation (FSD) and wetland report were submitted with the NRI. The FSD indicated one forest stand totaling 20.63 acres and no specimen trees. An analysis of aerial photos from 1930, 1965, and 2000 clearly indicated that there is more than one forest stand on-site. Two large areas dominated by evergreens are obvious. Staff was concerned that these may be mature Virginia pines that are subject to windfall and required the preparation of a revised FSD and revised NRI.

The revised FSD and NRI have been reviewed. The plans show woodland dominated by mature Virginia pines in the vicinity of Lots 19 through 24. Retention of these trees would create a potential hazard because mature Virginia pines are subject to windfall when new grading creates a new woodland edge.

According to the Green Infrastructure Plan, most of the property is an evaluation area. Based upon this analysis, the only priority woodlands on-site are associated with the wetlands and areas contiguous to them. No impacts to any sensitive environmental features are proposed.

US 301 is the nearest source of traffic-generated noise and is designated as a freeway. The current southbound lanes are designated in the master plan as a collector and the future US 301 will be too far away to have any traffic-generated noise impact.

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.

The Type I Tree Conservation Plan, TCPI/54/05, has been reviewed and was found to require revisions. The plan proposes clearing 10.29 acres of the existing 20.62 acres of woodland. The woodland conservation threshold is 4.14 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 6.71 acres. The plan proposes to meet the requirement by providing 6.46 acres of on-site preservation and a fee-in-lieu for 0.26 for a total of 6.71 acres.

The lotting pattern shown on the TCPI is different from that shown on the revised preliminary plan and should be revised in accordance with Exhibit A. The plan proposes woodland conservation areas on lots that are only marginally larger than 20,000 square feet in area. Woodland conservation on lots this small is discouraged. The *Landscape Manual* often requires a bufferyard between residential use properties and adjacent institutional use property; however, staff has determined that because of the distance to the active areas on the Brandywine Special Education Center property, a bufferyard is not required. Bufferyards are required along US 301, Dyson Road and the Connor Property. The use of existing woodland to meet requirements of the

Landscape Manual should be evaluated as part of the Type II tree conservation plan. The plans show woodland dominated by mature Virginia pines in the vicinity of Lots 19 through 24. Retention of these trees would create a potential hazard because mature Virginia pines are subject to windfall when grading creates a new woodland edge. Note #6 on the TCPI plan needs to have the approved CSD# and approval date.

At a minimum, the proposed limit of disturbance should be revised to clear all of the woodland dominated by mature Virginia pine. All other woodland retained on lots outside of any buffer required by the *Landscape Manual* should be calculated as cleared.

Woodland conservation on Parcel A will provide the threshold on-site, protect sensitive environmental features, create contiguous woodland and fulfill the design guidelines of the Green Infrastructure Plan.

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Elkton and Leonardtown series. Beltsville soils are highly erodible and may have perched water tables and impeded drainage. Elkton soils are in the D-hydric group, may have wetlands, and have high water tables and poor drainage. Leonardtown soils are in the D-hydric group, have perched water tables, exhibit poor drainage and may have wetland inclusions. A soils report in conformance with CB-94-2004 is required by the Prince George's County Department of Environmental Resources during the permit process review. Marlboro clay does not occur in this area.

The Environmental Planning Section recommends approval of TCPI/54/05 subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public systems. Water and Sewer Category 3 must be obtained before approval of a final plat.

3. **Community Planning**—The subject property is located within the limits of the 1993 master plan for Subregion V, Planning Area 85A in the Brandywine Community. The master plan-recommended land use is for low-suburban residential density. The proposed development of detached single-family dwellings is consistent with the master plan recommendation, as set forth in this report.

The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The proposed preliminary plan is consistent with the recommendations of the 2002 General Plan, as set forth in this report.

The subject site is located in an area recommended by the Approved and Adopted Subregion V Master Plan with a proposed floating elementary school symbol. Staff has determined the subject site would not make a suitable location for an elementary school. It is located adjacent to a major roadway and has nontidal wetlands on-site.

4. **Parks and Recreation**—Staff of Department of Parks and Recreation (DPR) has reviewed the submitted subdivision plans and made the following findings in accordance with Section 24-135(b) of the Subdivision Regulations.

The applicant, his successors, and/or assignees, should provide adequate private recreational facilities on site in accordance with the standards outlined in the “Parks and Recreation Facilities Guidelines.”

The applicant has submitted an Exhibit “A” Plan that provides appropriate and developable area for the private recreational facilities on homeowners association (HOA) open space land. A building lot was removed from the site plan to allocate room for the private recreational facility. However, the exhibit plan does not designate the area or the limits of the private recreational facility. The preliminary plan should be revised to clearly designate the limits of the private recreational facility and should be reviewed by the Urban Design Review Section of DRD for adequacy and property siting through a limited detailed site plan as set forth in the conditions of approval.

5. **Trails**—The Adopted and Approved Subregion V Master Plan designates Dyson Road as a planned trail corridor. Several previously approved subdivisions along Dyson Road have required the construction of this master plan trail. These include the approved preliminary plans for 4-99048, 4-03130, and 4-04093. Preliminary Plan 4-99048 is along the east side of Dyson Road to the south of the subject site. Condition 9 a. of the approved Preliminary Plan 4-99048 requires the construction of this trail along that site’s frontage of Dyson Road. Upon its completion, this trail will provide safe bicycle and pedestrian access to the nearby Gwynn Park High School, Gwynn Park Middle School, and a portion of the Piscataway Creek stream valley park.

The properties along Dyson Road immediately to the north of the subject site are open section with no sidewalks. Staff recommends a sidewalk along at least one side of the internal road to accommodate residents walking to the master plan trail and the nearby school facilities.

6. **Transportation**— Due to the size of the subdivision, staff has not required that a traffic study be done, nor was one submitted. Traffic counts in the area were available to staff from the traffic study for Renard Lakes, Preliminary Plan 4-05048. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

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 traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

The staff’s traffic analysis for this site included the following critical intersections:

US 301 SB/Dyson Road (unsignalized)

US 301 NB/Dyson Road (unsignalized)

Traffic from this development clearly can travel in several directions from the site, including to MD 5 via Lusby Lane and via Dyson Road. The Renard Lakes traffic study showed 80 percent of site traffic using the US 301/Dyson Road intersections, however, and while the impact of this development on these intersections might be smaller due to its location, it is believed that it still would be the critical intersection.

The existing conditions at the critical intersections are summarized below:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301 SB and Dyson Road	49.4*	200.7*	-- --
US 301 NB and Dyson Road	275.9*	39.7*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.			

The area of background development includes many properties in the vicinity of the subject property encompassing approximately 3,000 residences and 11,000,000 square feet of nonresidential development. Background conditions also assume through traffic growth of 2.0 percent annually along US 301. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301 SB and Dyson Road	+999*	+999*	-- --
US 301 NB and Dyson Road	+999*	+999*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.			

The site is proposed for development as a residential subdivision. The site was analyzed for the development of 27 single-family detached residences. The site trip generation would be 20 AM peak hour trips (4 in, 16 out) and 24 PM peak hour trips (16 in, 8 out).

The site trip distribution is estimated as follows:

- 35 percent—northbound along US 301
- 20 percent—southbound along US 301
- 15 percent—northbound along MD 5 (via Lusby Lane)
- 30 percent—northbound along MD 5 (via Dyson Road)

With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301 SB and Dyson Road	+999*	+999*	-- --
US 301 NB and Dyson Road	+999*	+999*	-- --
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>			

The traffic analysis conducted by staff identifies an inadequacy at the unsignalized intersections of US 301 and Dyson Road during both peak hours. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. It is noted that conditions for physical improvements and signal warrant studies have been imposed on other developments, including Renard Lakes, at the US 301/Dyson Road intersections. For that reason, this intersection will receive conditions at this location as well. These conditions will be consistent with those imposed on the Renard Lakes development.

Dyson Road is a master plan collector. Dedication of 25 feet along the site frontage appears to be acceptable; however, the plan must be modified to show the centerline of Dyson Road so that dedication of 40 feet from centerline can be clearly demonstrated.

The site is adjacent to the southbound lanes of US 301. In this area, the northbound and southbound lanes are physically separated by a wide and developed median. The master plan would upgrade US 301 to a freeway, but in this location the freeway would follow the northbound lanes, while the southbound lanes would function as a local roadway. Therefore, no further dedication along US 301 is required of this plan.

Transportation Staff Conclusions

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

- 7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	27 sfd	27 sfd	27 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.48	1.62	3.24
Actual Enrollment	4,145	5,489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	377.28	96.12	192.24
Total Enrollment	4,625.76	5,650.74	9,486.48
State Rated Capacity	3,771	6,114	7,792
Percent Capacity	122.67%	92.42%	121.75%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I- 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

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 public 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/EMS**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Brandywine, Company 40, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on December 6, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05093 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure”.

10. **Health Department**—The Prince George’s County Health Department, Environmental Engineering Program has reviewed the preliminary plan of subdivision for Poplar Grove and has no comments to offer.
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, # 44738-2005-00 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 property appears to have been part of the plantation of Gwynn Park. The historic site Gwynn Park (standing structure) (85A-013) is located slightly less than ½-mile southwest of the subject property. According to records, at one time the farm was 700 acres in size (1.09 square miles). A Phase I archeological investigation was recommended as part of the subject application.

The applicant completed the investigation and submitted four copies of a final report, *A Phase I Archeological Investigation of the Poplar Grove (Spinks) Property*, on December 19, 2005. No archeological resources were identified as a result of the Phase I archeological investigation.

No further archeological investigations are recommended on the subject property.

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. The preliminary plan shall be revised to reflect the lotting pattern and landscape bufferyards demonstrated on the Exhibit "A" Plan submitted, (Ben Dyer Associates Drawing No. 51.001-Y), (last revised 2/7/06).
 - b. General note #2 shall be revised on the preliminary plan to correctly indicate that the proposed number of lots is 26, that a 4.6 bufferyard is also required along US 301, and to remove the information regarding Outlot A, which is no longer proposed.
 - c. A general note must be added to the preliminary plan that states that the mandatory dedication of parkland requirement is being fulfilled by providing an on-site private recreational facility.
 - d. The limits of the private recreational facility on a Parcel to be conveyed to the homeowners association shall be clearly delineated on the preliminary plan.
 - e. The approved stormwater management concept approval number and date.
 - f. Provide the zones and uses of all adjoining properties.
 - g. The centerline of Dyson Road must be shown so that the dedication of 40-feet from centerline can be clearly demonstrated.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 44738-2005-00 and any subsequent revisions.
4. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$98,280 (\$3,780 x 26 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor

of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

5. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along at least one side of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
6. The applicant, his heirs, successors and or assignees shall construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.12 ± 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 limited detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. Prior to the approval of the final plat a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities,

establishing appropriate bonding amounts and determining triggers for construction, in accordance with the Parks and Recreational Facilities Guidelines.

9. 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 areas have been conveyed to the homeowners association.
10. The applicant, his heirs, successors and/or assignees shall submit three (3) original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
12. Prior to signature of the preliminary plan, the revised natural resources inventory shall be signed.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and their buffers and be reviewed by the Environmental Planning Section prior to certification. 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.”
14. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Clear or count as cleared all woodland dominated by mature Virginia pine
 - b. Calculate all woodlands retained on lots, outside of any bufferyard required by the *Landscape Manual*, as cleared
 - c. Use no more than 1.00 acres as fee-in-lieu
 - d. Provide off-site conservation as needed
 - e. Correct the worksheet as needed
 - f. Revise note #6 to have the CSD# and approval date
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan
 - h. Conform to the lotting pattern demonstrated on Exhibit A
15. The Type II tree conservation plan shall include the review of any existing woodlands used to fulfill the requirements of Section 4.7 of the *Landscape Manual*.

16. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/54/05), 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 Ordinance.”

17. At the time of building permit, the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the installation of traffic signals at both intersections of Dyson Road at US 301 if required by the State Highway Administration (SHA). The applicant will also be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road as required by SHA. This condition includes any alternative physical improvements required by SHA at US 301 and Dyson Road if either or both intersections remain unsignalized. The improvements—either signalization or physical improvements—must be bonded and permitted with SHA prior to building permit. The requirement to prepare and submit a traffic signal warrant study may be waived by SHA if sufficient recent studies have been conducted.
18. At the time of final plat approval, the applicant shall dedicate right-of-way along Dyson Road of 40 feet minimum from centerline.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/54/05