



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

Preliminary Plan 4-06006

Application	General Data
Project Name: ARDMORE ROAD PROPERTY Location: North side of Old Ardwick-Ardmore Road, approximately 200-feet north of its intersection with Shekar Court. Applicant/Address: Bortreger, Christopher & Tara 1004 Ardwick-Ardmore Road Upper Marlboro, MD. 20774-2521	Date Accepted: 04/4/06
	Planning Board Action Limit: 09/22/06
	Plan Acreage: 3.90
	Zone: R-80
	Lots: 6
	Parcels: 1
	Planning Area: 73
	Tier: Developing
	Council District: 05
	Municipality: N/A
200-Scale Base Map: 205NE09	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 01/26/06
	Sign(s) Posted on Site and Notice of Hearing Mailed: 08/14/06
Staff Recommendation	Staff Reviewer: John Ferrante
APPROVAL	APPROVAL WITH CONDITIONS
	X
DISAPPROVAL	DISCUSSION

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06006
Ardmore Road Property, Lots 1-6, Parcels A & B

OVERVIEW

The subject property is located on Tax Map 52, Grid F-4 and is known as Parcel 10. The property is zoned R-80 and consists of approximately 3.90 acres. The applicant is proposing to subdivide the property into six lots for detached single-family dwellings in accordance with the conventional standards for the R-80 Zone. The property has never been the subject of a prior preliminary plan of subdivision application. One of the proposed six lots, (Lot 1), will contain the existing dwelling that fronts Ardwick-Ardmore Road which is proposed to remain. A 50-foot-wide internal street (Ardmore Hill Court) is proposed along the eastern portion of the subject property that will provide access to all six lots. The existing dwelling on Lot 1 currently has direct access to Old Ardwick-Ardmore Road, which is a designated historic road. However, due to the 40-foot historic buffer required along Old Ardwick-Ardmore Road, access to Lot 1 will have to be provided from the proposed internal street. The proposed lots range in size from 9,963 to 33,376 square feet. All of the proposed lots meet or exceed the 9,500 square foot minimum net lot area required in the R-80 Zone.

There is an existing stream located directly behind the subject property. The 50-foot stream buffer and the Patuxent River Primary Management Area Preservation Area (PMA) buffer associated with the Bald Hill Branch do extend onto the subject property. This environmentally sensitive area will remain undisturbed. There are two parcels proposed on the preliminary plan. Parcel A will contain the environmentally sensitive areas within the Bald Hill Branch stream valley, which consists of approximately .95 acres. Parcel B will consist of approximately 989 square feet, and will serve as an access point for the future residents of this subdivision to access the adjacent parkland property. Both parcels will be dedicated to M-NCPPC at the time of any final plat.

A majority of the surrounding properties have already been through the subdivision process. These adjacent properties have already dedicated the land within the Bald Hill Branch stream valley to M-NCPPC at the time of their final plat, some of which are large tracts of land. The subject property is the only property in the immediate area where the stream valley has not been dedicated to M-NCPPC. Should this application obtain approval, the large tracts of existing parkland that are located on both sides of the subject property, will become one continuous and uninterrupted parkland owned and maintained by M-NCPPC. The preliminary plan proposes parkland dedication consisting of 42,236 square feet (0.97 acres), to occur at the time of final plat.

The Adopted and Approved Largo-Lottsford Master Plan does recommend a stream valley trail along the Bald Hill Branch. Although, no portions of this planned stream valley trail have been constructed, the proposed dedication of the land along the Bald Hill Branch to the Department of Parks and Recreation will accommodate this planned stream valley trail.

An off-site impact consisting of .17 acres is proposed to sensitive environmental features (PMA) on the adjacent Parks property for a connection to the existing sanitary sewer. While a variation request is not necessary because the proposed PMA impact is off-site, a letter of justification was required by Environmental Planning Section and the Department of Parks and Recreation. Staff from the Environmental Planning Section and the Department of Parks and Recreation have reviewed the proposed impact and the letter of justification and support the proposed impact due to its necessity for the development of the site.

The proposed internal street that will serve the subdivision will extend to the site's southern property line and will be located directly adjacent to the existing rear yards of Lots 1 thru 5 within the adjoining Vista Woods Subdivision, (NLP 138 @ 24). At the Subdivision Review Committee meeting on April 21, 2006, staff had expressed some concerns to the applicant regarding the relationship of the proposed internal street with the rear yards of the adjoining subdivision. The alignment of the proposed internal street is very limited due to the property having only 200-feet of street frontage with an existing dwelling located on proposed Lot 1. As currently designed on the preliminary plan, there is only 25-feet between the existing dwelling located on Lot 1 and the northern edge of the proposed right-of-way for the internal street. A 25-foot building setback from all streets is required in the R-80 Zone in accordance with Section 27-442(e) of the Zoning Ordinance. Therefore, if the proposed street were to shift northward by even one foot, a variance would be required from the Board of Zoning Appeals, as the dwelling could not meet the required building setbacks from the street.

To further address concerns regarding the alignment of the proposed internal street and the application in general, the applicant scheduled a citizens meeting on August 24, 2006, at 6:00 p.m., so that any questions or concerns from the adjoining property owners could be addressed by the applicant's engineer, who would be present. Certified letters were sent to the adjoining property owners that provided the time, date, and location of the citizens meeting and included a copy of the submitted tree conservation plan, as well as the scheduled Planning Board Hearing date of this application. However, none of the adjoining property owners attended the scheduled citizens meeting. A copy of the mailing list and letter that was sent to the adjoining property owners has been included in the backup provided with this staff report.

SETTING

The subject property is located on the north side of Old Ardwick-Ardmore Road, approximately 200-feet north of its intersection with Shekar Court. To the north is one acreage parcel improved with a single-family dwelling and zoned R-80, one recorded parcel, (Condee's Tract, WWW 34 @ 6), improved with a single-family dwelling and zoned R-80, and one recorded subdivision (Quiet Glen, NLP 99 @ 86), improved with 12-single-family dwellings and zoned R-80. To the south is the Vista Woods Subdivision, (NLP 138 @ 24), improved with 18 single-family dwellings and zoned R-80. To the east is the Willow-Wood Estates Subdivision (WWW 63 @ 92), which consists of approximately 88 single-family dwellings within the R-R Zone. To the west and across Old Ardwick-Ardmore Road is the Flowers High School (formally Lyndon B. Johnson Senior High School, CEC 91 @ 80), located on 39.7 acres within the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING	PROPOSED
	R-80 1-Detached Residential Dwelling	R-80 6-Detached Residential Dwellings
Acreage	3.90	3.90
Lots	0	6
Parcels	1	2
Dwelling Units: Detached	1 (To remain)	6 (5 New)
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-06006, and the associated Type I Tree Conservation Plan, TCPI/16/06, received by the Environmental Planning Section on August 2, 2006. The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision, 4-06006, and Type I Tree Conservation Plan, TCPI/16/06, subject to conditions.

The Environmental Planning Section has no previous records for this site. The proposal is for six residential lots and two parcels in the R-80 Zone. This 3.9-acre property is located on the northeast side of Old Ardwick-Ardmore Road approximately 350 feet northwest of its intersection with Ardwick-Ardmore Road. Streams, 100-year floodplain, and severe slopes, are found to occur on the property. There are no nearby transportation-related noise generators. The soils found to occur according to the Prince George=s County Soil Survey include Bibb, Collington fine sandy loam, and Sandy Land. 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. Old Ardwick-Ardmore is a designated scenic and historic road. This property is located in the Bald Hill Branch subwatershed of the Patuxent River Basin and in the Developing Tier as reflected in the 2002 approved General Plan.

ENVIRONMENTAL REVIEW

A staff signed Natural Resources Inventory, NRI/022/06, was submitted with the application. There are streams and 100-year floodplain on the property. The FSD indicates two mixed-hardwood forest stands totaling 2.53 acres and notes the species, size and condition of 18 specimen trees on the site. The NRI correctly shows all of the required information. The regulated features as shown on the preliminary plan and TCPI are consistent with the NRI.

The approved Countywide Green Infrastructure Plan identifies regulated areas, evaluation areas, and gap areas on this property that are within the network. Woodland on this site has high priority for preservation. Proposed impacts to regulated areas are discussed below. Old Ardwick-Ardmore Road is a designated historic road as identified in the Historic Sites and District Plan. Approximately 200 linear feet of the subject site currently fronts this road. Improvements along Old Ardwick-Ardmore Road are required to address the “Design Guidelines and Standards for Scenic and Historic Roads” prepared by the Prince George’s County Department of Public Works and Transportation. The revised TCPI and preliminary plan

correctly show a 40-foot-wide scenic easement, exclusive of the 10-foot-wide public utility easement that is adjacent to the ultimate right-of-way.

The easement as shown contains the proposed entrance, and a portion of proposed Lot 1. The viewshed inventory report, received on August 2, 2006, shows that frontage along Old Ardwick-Ardmore Road consists of a few scattered trees, a recently installed white vinyl split-rail fence, and a concrete driveway associated with Lot 1. The existing woodlands and scenic viewshed of the area within the easement should be preserved, but should not be restricted to additional tree planting because the required easement will only affect Lot 1. If any future improvements occur on this property, the reestablishment of the historic character associated with this road shall be considered.

At time of final plat, a scenic easement should be established adjacent to Old Ardwick-Ardmore Road as delineated on the preliminary plan and TCPI, and a note should be placed on the final plat.

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

The TCPI as submitted shows one off-site PMA impact associated with a sewer connection. A letter of justification was received on August 2, 2006. The associated exhibit shows a 0.17-acre impact for connection to an existing sewer line. This impact is necessary for the development of the site and is supported by staff. No further action is required with regard to impacts to sensitive environmental features on this site.

This property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland.

A Type I Tree Conservation Plan, TCPI/16/06, has been submitted. This 3.9-acre site has a net tract area of 2.98 acres and a Woodland Conservation Threshold (WCT) of 20 percent, or 0.6 acres of the net tract. There is also a replacement requirement of 0.62 acres for clearing above and below the threshold, and 0.17 acres for clearing off-site. The plan proposes to meet the 1.38-acre requirement by providing 1.38 acres of off-site mitigation. The site will not contain any woodland conservation areas. Given the acreages of Lots 2-6, which are all less than 16,000 square feet, staff supports the proposal to meet the entire requirement off-site because the future homeowners should not be burdened with the encumbrance of woodland preservation on lots of this size.

The site contains regulated areas, evaluation areas, and gap areas within the network of the Green Infrastructure Plan. The TCPI shows the entire area of the PMA that is on-site will be preserved. This area should be placed in a conservation easement to limit future disturbance to the area. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/16/06.

The stormwater management concept approval letter and plan were received on July 24, 2006. The TCPI and preliminary plan are consistent with the conceptual plan. No further information is required with regard to stormwater management.

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.

3. **Community Planning**—The property is within the limits of the 1990 Approved Master Plan and Sectional Map Amendment for Largo-Lottsford and Vicinity, Planning Area 73, within the Northampton Community. The 1990 Largo-Lottsford SMA classified this property within the R-80 Zone, (One-Family Detached Residential). Therefore, this application conforms to the land use recommendation for residential suburban uses within the 1990 Approved Master Plan and Sectional Map Amendment for Largo-Lottsford and Vicinity.

The 2002 General Plan locates this property 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. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and for centers and corridors.

4. **Parks and Recreation**—The subject subdivision includes a portion of Bald Hill Branch Stream Valley. The applicant proposes dedication of approximately one acre that lies within the stream valley and provides access to Bald Hill Branch Valley Park from subject subdivision. The preliminary plan shows a proposed sanitary sewer extension through adjacent M-NCPPC property. DPR staff reviewed the concept plan and has no objections at this time to this proposal. However, such utility connections are subject to detailed review and approval by DPR.

In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends for the above referenced subdivision that the following stipulations be required of the applicant, his successors and/or assignees as conditions for approval:

- a. The dedication to the M-NCPPC of 1± acre as shown on the Department of Parks and Recreation (DPR) Exhibit "A."
 - b. Land to be dedicated subject to Conditions 1 through 9 of attached Exhibit "B."
 - c. Approval of the preliminary plan of subdivision does not imply that the extension of any utility connections through existing parkland will be approved. Such utility connections are subject to review and approval by the Department of Parks and Recreation (DPR). In those instances when the applicant needs water and sewer line extensions or connections through existing parkland in order to subdivide the subject property, the applicant shall submit all necessary information, along with a request for a permit, to DPR for their review and approval prior to signature approval of the preliminary plan. The applicant shall be responsible for restoration of parkland in accordance with the plans approved by DPR. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
5. **Trails**—The Adopted and Approved Largo-Lottsford Master Plan recommends a stream valley trail along Bald Hill Branch. The M-NCPPC DPR currently owns the land along the stream

valley on both sides of the subject site. No portions of this planned stream valley trail have been constructed. Staff recommends the dedication of the land along the Bald Hill Branch to DPR to accommodate this planned stream valley trail. Details regarding stream valley dedication will be determined by DPR.

SIDEWALK CONNECTIVITY:

The existing culs-de-sac on both sides of the subject site include standard sidewalks along both sides. The cul-de-sac proposed on the subject site has lots on only one side. Staff recommends sidewalks on one side of the cul-de-sac on the subject site, unless modified by DPW&T. Where frontage improvements have been made along Old Ardwick-Ardmore Road, a standard sidewalk has been provided.

RECOMMENDATION:

6. **Transportation**—The following are the Transportation Planning Section’s comments concerning site access, geometric design and traffic impact of the subject application. These comments and findings are final.

The subject application involves six proposed lots, one of which is already improved with a residential unit. The proposed subdivision will net equivalent of five new residential lots, which would have a minimal impact on adjacent roadways. A traffic study was not required.

Site Access Evaluation:

The access to all lots should be via the proposed new secondary street with a 50-foot right-of-way width. (Ardmore Hill Court).

Geometric Evaluation: N/A

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation:

No impact on any master plan rights-of-way. The plan needs to show a total of 30-feet of dedication from the existing centerline of Old Ardwick-Ardmore Road.

Site Location:

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George’s County.

TRANSPORTATION STAFF FINDINGS

The application is a proposal for a residential subdivision of six lots, of which one is already improved with a residential unit. Therefore, the proposed development would generate only 5 AM and 5 PM additional peak hour vehicle trip as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The Guidelines state that the Planning Board may find that the traffic impact of a very small development, defined as a development which generates 5 or fewer peak hour trips, is a de-minimus or insignificant impact.

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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	5 sfd	5 sfd	5 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.20	0.30	0.60
Actual Enrollment	6,327	7,218	10,839
Completion Enrollment	132	112	223
Cumulative Enrollment	11.28	235.92	472.92
Total Enrollment	6,471.48	7,566.22	11,535.52
State Rated Capacity	6,339	6,569	8,920
Percent Capacity	102.09%	115.18%	129.32%

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

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be 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 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 & 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 Kentland, Company 33, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The preliminary plan is located in Police District II.

The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 4, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-03/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on March 5, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

10. **Health Department**—A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings (garage). Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

The existing house at 10004 Ardwick Ardmore Road is currently served by an on-site sewage disposal system. The existing house is located on proposed Lot 1 and the sewage disposal system is located on proposed Lot 2 as well as in the proposed roadway. The end of the drainfield is

located seven feet from the garage. The applicant must either delete proposed Lot 2 and readjust the road to meet all distance requirements or the existing house must be connected to the public sewerage system prior to any grading/building permit approval. The location of the septic system should be located on the preliminary plan. If/when the septic system is abandoned, the septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place.

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, #44478-2005-00 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**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability for the presence of archeological sites is low.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the following technical corrections shall be made:
 - a. Delineate a proposed standard sidewalk along the property's entire street frontage of Old Ardwick-Ardmore Road.
 - b. Revise the proposed standard sidewalk along Ardmore Hill Court to further continue around the cul-de-sac bulb and terminate adjacent to Parcel B to provide pedestrian access to the adjacent parkland property.
 - c. Label the centerline of the proposed internal street and provide a 25-foot setback from the centerline to the property line.
 - d. Provide a general note that states that rare, threatened, or endangered species are not found to occur in the vicinity of this property.
 - e. Label the 10-foot public utility easement along the proposed internal street.
 - f. Provide a general note that references the companion Tree Conservation Plan (TCPI/16/06).
 - g. Label the existing concrete slab w/jacuzzi that is within the 10-foot PUE on Lot 1 "To be removed," or "To be relocated to the property line."

- h. Relocate the underlying parcel and owner information within the cul-de-sac to a legible area on the plan. This information should also be provided within the title box.
 - i. Provide internal distances between Parcel B and the P.M.A. Buffer, and between Lot 5 and the P.M.A. Buffer for reference purposes.
 - j. Demonstrate that the existing dwelling on Lot 1 meets the required 25-foot setback from the proposed internal road.
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, #44478-2005-00 and any subsequent revisions.
 4. At the time of final plat, a scenic easement shall be established adjacent to Old Ardwick-Ardmore Road as delineated on the preliminary plan and TCPI, and a note shall be placed on the final plat as follows:

“Old Ardwick-Ardmore 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. Additional tree planting is not required; however, if any future improvements occur on this property the reestablishment of the historic character associated with this road shall be considered.”
 5. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/16/06). 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/16/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
 6. At the time of final plat, a conservation easement shall be described by bearings and distances on the plat. The conservation easement shall contain all of the Patuxent River Primary Management Area except for approved impacts. 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.”
 7. Prior to the removal of the existing shed/garage, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located within the structure must be removed and properly stored or discarded prior to the structure being razed.

8. Prior to the issuance of grading permits for Lots 1 and 2, the applicant, his heirs, successors, and/ or assignees shall demonstrate that the abandoned septic system located on Lots 1 and 2, and within the proposed internal street, has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed scavenger and witnessed by a representative of the Health Department.
9. Prior to the issuance of any building permit for Lot 2, the applicant, his heirs, successors, and/or assignees shall submit documentation to the Subdivision Section that demonstrates that the existing dwelling on Lot 1 has been connected to public water and sewer.
10. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along the property's entire street frontage unless modified by the Department of Public Works and Transportation.
11. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along the northwestern side of the proposed internal public street which shall terminate directly adjacent to Parcel B, unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
12. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcels A & B, 0.97 ± acres of land in accordance with DPR Exhibit A. Land to be conveyed shall be subject to the following:
 - a. At the time of final plat an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
13. Prior to signature approval of the preliminary plan of subdivision, the applicant, his heirs, successors and or assignees shall submit all necessary information to the Department of Parks and Recreation (DPR) for the proposed water and sewer line extensions or connections through the existing parkland property, along with a request for a permit. Such utility connections are subject to review and approval by DPR. The applicant shall be responsible for restoration of parkland in accordance with the plans approved by DPR. DPR may require a performance bond and easement agreement prior to issuance of grading permits. Approval of the preliminary plan of subdivision does not imply that the extension of any utility connections through existing parkland will be approved.
14. Prior to the issuance of grading permits for Lots 1 and 2, the applicant, his heirs, successors and/or assignees shall demonstrate that the abandoned well on Lot 1 has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller and witnessed by a representative of the Health Department.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/16/06