

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 18, 2007, regarding Detailed Site Plan DSP-06036 for Bevard West, Lots 1-240 and Parcels A-E, the Planning Board finds:

1. **Request:** The subject application requests approval of a limited detailed site plan for Bevard West in accordance with the requirements of Conditions 3, 14, 15, 23, and 32 of the approved Preliminary Plan 4-05051 as reflected in resolution PGCBP No. 06-17(C). The conditions deal primarily with ensuring adequate private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*, and construction of the master plan trail on M-NCPPC land.

2. **Development Data Summary**

	EXISTING	PROPOSED
	R-E	R-E
Zone	Residential	Single-family detached residential
Use(s)		
Acreage	410.53	410.53
Lot	241	240*
Parcels	5	5

* The applicant agreed to remove Lot 25, Block E and dedicate the land to the Department of Parks and Recreation in order to provide public street frontage and public access to the master plan trail from public street A.

Other Development Data

	REQUIRED	PROPOSED
Private Recreational Facility Building (square feet)	NA	3,105
Outdoor Swimming Pool	NA	2,253
Parking	64	68
Handicap	3	3

3. **Location:** The site is in Planning Area 81B, Council District 9. More specifically, it is located west of MD 223, Piscataway Road, approximately 1,800 feet from the intersection of MD 223 and Windbrook Drive.

4. **Surroundings and Use:** The subject property is bounded to the northeast by R-E zoned land that is generally vacant. To the east and south is residential large lot development in the R-E Zone.
5. **Previous Approval:** The subject property is located within the limits of the 1993 Subregion V Approved Master Plan, Planning Area 81B in the Tippett Community. The master plan land use recommendation for the property is for suburban estate and low-density planned neighborhoods. The 1993 Subregion V Sectional Map Amendment rezoned the property from the R-A Zone to the R-E Zone.

On January 19, 2006, the Planning Board approved the Type I Tree Conservation Plan (TCPI/16/05), and further approved Preliminary Plan 4-05051 (PGCPB No. 06-17(C)) with 36 conditions. Conditions 3, 14, 15, 23, and 32 attached to that approval apply to the review of the subject property.

Stormwater Management Concept Plan 9089-2005-00 was approved with twelve conditions for the site on November 2, 2005. The approval will be good for three years, or until November 2, 2008.

6. **Design Features:** The property is located on the east side of Tinkers Creek, on the west side of Piscataway Road and immediately south of Mary Catherine Estates and Rivergate Estates. The site has three access points, one via a primarily 60-foot-wide public right-of-way, which will extend through the Silver Farm subdivision to the east to Piscataway Road (MD 223). Another point of access is via Solomon Way to the north from the Rivergate Estates subdivision, and the third point of access is provided from the Mary Catherine Estates subdivision to the northeast with the extension of Demmy Way.

The applicant proposes construction of a one-story community building in the northerly portion of the subdivision, on Vermillion Ridge Drive. The proposed community building is 3,105 square feet in size, 34 and one-half feet in height. The community building consists of a lounge, clubroom, kitchen, and fitness room. The exterior architectural construction materials consist of stucco siding, with cultured stone watertable and base, various height pitched roofs with asphalt shingles and windows with shutters and brick headers. The building entrance is through a covered portico. The applicant proposes a 2,253-square-foot outdoor swimming pool adjacent to the community building. The site plan shows a fence attached to the rear sides of the community building and surrounding the outdoor swimming pool area, but no specification for the fence is provided. The proposed outdoor swimming pool should be enclosed by a fence at least six feet high. The applicant is proposing to provide 1,958 square yards of public hiker/biker asphalt trails on land to be conveyed to M-NCPPC. The applicant proposes \$434,469 for private recreational facilities and \$112,704 for public recreational facilities. The cost estimate should be revised for both public and private recreational facilities. The linear feet of proposed asphalt trails will be provided prior to permits to establish the bonding amount.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-E Zone and the site plan design guidelines of the Zoning Ordinance.

The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed private on-site recreational facility (Homes Association Recreational Use) is a permitted use in the R-E Zone. However, Section 27-445, which governs homes association recreational uses, also requires submission of covenants at the time of the detailed site plan, which has not been done. A condition of approval is proposed below to require submission of these covenants.

Sec. 27-424. Swimming pools.

- (a) **All outdoor swimming pools in the R-E, R-R, R-80, R-55, R-35, and R-20 zones shall be enclosed by a fence at least six (6) feet high. If the pool is constructed above grade, and a fence or railing (the top of which is at least six (6) feet above grade) is attached to it, another separate fence shall not be required. (See Figure 51.)**

Comment: The proposed site plan shows a fence around the outdoor swimming pool, but the fence type and specification are not provided. A condition of approval is included in the recommendation section of this report to require an attractive and durable fence that complies with this section of the Zoning Ordinance.

8. **Preliminary Plan of Subdivision, 4-05051:** The Preliminary Plan 4-05051 was approved by the Planning Board on January 19, 2006. Resolution PGCPB No. 06-17(C) was adopted on February 16, 2006. The following conditions of approval apply to the review of the subject detailed site plan:

3. **Prior to the approval of final plats, a limited detailed site plan shall be approved by the Planning Board or its designee in accordance with Section 27-433 of the Zoning Ordinance for the private homes recreational uses and the construction of the master plan trail by the applicant on lands to be conveyed to M-NCPPC, prior to the conveyance to allow for a comprehensive review of the facilities.**

Comment: The proposed limited detailed site plan is in accordance with all applicable sections of the Zoning Ordinance. See Finding 6, Design Features, above for a detailed description of the private recreation facilities.

14. **Prior to the approval of the final plat a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities, and public recreational facilities (master plan trail) on lands to be conveyed to M-NCPPC, establishing appropriate bonding amounts, triggers for construction, proper siting and construction drawings in accordance with the**

***Parks and Recreational Facilities Guidelines.* General concepts for the architectural elevations of the community building shall be established with the review of the limited detailed site plan. Details and final architectural elevations shall be reviewed for conformance to those general concepts prior to the approval of the building permit for the community building.**

Comment: The applicant is proposing to provide private on-site recreational facilities, and public recreational facilities (master plan trail) on lands to be conveyed to M-NCPPC. The Department of Parks and Recreation has provided detailed comments regarding the public master plan trail in Finding 11 below. A condition of approval addressing permit triggers for construction of private recreation facilities is included as Condition 8 in the recommendation section of this report.

The applicant provided detailed architectural elevations for the community building, which are described above in Finding 6.

15. The applicant, his heirs, successors and/or assignees shall provide the following:

- a. The Adopted and Approved Subregion V Master Plan recommends a stream valley trail along Tinkers Creek. The trail shall be constructed in conformance with an approved limited detailed site plan.**

Comment: The trail along Tinkers Creek shown on the subject detailed site plan will be constructed in conformance with the Department of Parks and Recreation standards and guidelines.

- b. Provide a paved asphalt shoulder along the subject property's entire road frontage of Gallahan Road in order to safely accommodate bicycle traffic, unless modified by DPW&T.**

Comment: A condition of approval is included in the recommendation section of this report to ensure construction of a paved shoulder.

- c. Provide standard sidewalks along at least one side of all internal roads, unless modified by DPW&T.**

Comment: The trail should be constructed outside of the wetlands, steep and severe slopes, floodplain and have a minimum setback from all lot lines of 20 feet. See Trails Planning Section comments and recommendation below.

- 23. Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the implantation of the scenic easement along Gallahan Road if required. A detailed landscaping plan shall be submitted during the review of the Type II Tree Conservation Plan for the 40-foot-wide**

landscape buffers along Gallahan Road and submitted as part of the limited detailed site plan.

Comment: The Environmental Planning Section stated: "Gallahan Road is a designated scenic road. Development will have to conform to Design Guidelines and Standards for Scenic and Historic Roads. A visual inventory was not submitted; however, the appropriate treatment for development along this portion of Gallahan Road has been established during the approval of recent subdivisions. The Preliminary Plan and Type I Tree Conservation Plan show 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Gallahan Road. These easements can serve to preserve the scenic nature of these roads. Most of the proposed scenic easements are devoid of trees and significant landscaping will be required. The entire property frontage along Gallahan Road is to be dedicated to the Department of Parks And Recreation. The Department of Parks And Recreation should decide if a landscaping is required at this time." In the memo dated December 1, 2006, the DPR did not provide any comments regarding the required landscaping along the property's frontage along Gallahan Road. DPR's recommendation on this issue will be provided at the time of the Planning Board hearing.

- 32. The review of the limited detailed site plan for recreational facilities shall be approved by the Planning Board or its designee and shall include the review of the public master plan trail construction by the applicant, his heirs, successors and/or assignees on M-NCPPC land (Parcel C). Review shall include:**
- a. Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E, shall be redesigned to provide a 20-foot setback from the rear lot lines to the trail, and an appropriate buffer from the edge of the stream for the master planned trail along the Tinkers Creek stream valley.**

Comment: The applicant provided a 20-foot setback from the rear lot lines to the trail and the appropriate buffer along the Tinkers Creek stream valley for Lots 16, 17, 18, Block B, and Lots 24, 25, 26 Block E.

- b. The applicant shall construct a 10-foot-wide asphalt hiker/biker trail along the Tinkers Creek stream valley as shown on attached Exhibit A.**

Comment: The DPR stated: "The general location of the master plan trail shown on the limited detailed site plan is in conformance with Exhibit A. The specific location of the trail will be field located at the time of construction." The applicant has adequately addressed this condition.

- c. The applicant shall construct 8-foot-wide and 6-foot-wide asphalt trail connectors from the neighborhoods to the Tinkers Creek stream valley trail as shown on attached DPR Exhibit A. An 8-foot-wide trail connector shall be vehicular accessible for the park maintenance and police.**

Comment: The DPR stated: "The applicant is showing two 10-foot-wide asphalt trail connectors to the subject subdivision; one at public street A via the stormwater management parcel and one at public street B via a public trail. Current plans show the master plan trail at the southern portion of project area on HOA property Parcel D, encircling stormwater management pond B, continuing south and finally terminating on the southeastern edge of Parcel C. DPR found this connector location unacceptable and requested that the trail connection to the community occur on public property. At our meeting on 12/12/06, the applicant agreed to remove one lot (Lot 25, Block E) and dedicated the land to the parks department in order to provide public street frontage and public access to the master plan trail from public Street A. The plan should be revised to show these changes. Preliminary plan Exhibit A also included a 6-foot-wide trail connector from public street C and a 30-foot-wide swath of land to be dedicated to M-NCPPC surrounding the trail. Further review of the plans show steep grades at the point where this trail would connect to the development. DPR does not recommend requiring the applicant to include this trail connection." A condition of approval is included in the recommendation section of this report to address the issues raised in DPR's comments.

- d. The location of the trail shall be staked in the field and approved by DPR prior to construction.**

Comment: A condition of approval is included in the recommendation section of this report.

- e. Prior to issuance of the 121st building permit, a 10-foot-wide asphalt hiker/biker trail along Tinkers Creek shall be completed. An 8-foot-wide and 6-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction.**

Comment: A condition of approval is included in the recommendation section of this report.

- f. With the submission of the detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.**

Comment: The DPR stated: "DPR staff has not received a full set of construction drawings for this project. We are working with the applicant to develop construction drawings for this project." A condition of approval is included in the recommendation section of this report.

- g. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**

Comment: The DPR stated: "The applicant shows the proposed trail crossing a stream in two separate locations. The Detailed Site Plan does not show any structures for use in traversing these

streams. DPR needs to review and approve these structures and detailed construction drawings.” A condition of approval is included in the recommendation section of this report.

h. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

Comment: The DPR stated: “The trail in its current configuration does not meet handicapped accessibility recommendations in some locations. At a few points within the DSP, the trail slopes exceed the maximum recommended grade of 8 percent for a moderate/natural trail. Guidelines also recommend rest areas be provided every 900 feet throughout the course of a trail. The existing plan does not include any rest areas. DPR is working with the applicant to resolve the accessibility issues.” A condition of approval is included in the recommendation section of this report.

i. With the submission of the limited detailed site plan, the applicant shall submit to DPR, for review, all existing drawings and plans pertaining to the farm pond, this includes, but is not limited to, as-built drawings, sediment and erosion control plans, farm management plans and clean-out history. Based on submitted information and pond inspection, DPR staff will make the determination if this pond shall be retrofitted, drained or fenced.

Comment: The DPR stated: “The applicant has provided limited information about the farm pond of a very general exhibit showing the location of the pond and several pictures of existing conditions. At our meeting on December 12, 2006, the applicant agreed to provide more information regarding the farm pond so that our staff can make a determination about whether the pond should be retrofitted, drained, or fenced.” A condition of approval is included in the recommendation section of this report.

j. Prior to conveyance of the parkland to M-NCPPC, which includes existing farm pond, DPR staff shall inspect the pond condition for the public safety. If DPR staff finds that the pond needs to be retrofitted, drained or fenced, the applicant shall make all required improvements prior to issuance of the first building permit.

Comment: A condition of approval to address above item is included in the recommendation section of this report.

9. ***Landscape Manual:*** The detailed site plan is in compliance with the applicable *Landscape Manual* requirements
10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved Type I Tree Conservation Plan TCPI/16/05. The Environmental Planning Section stated: “The Planning Board approved Preliminary Plan 4-05051 and TCPI/16/05 with conditions. Because the Type II Tree Conservation Plan contains all of the 410.53-acre property,

both limited detailed site plans for smaller portions of the site are addressed in this memorandum. The 410.53-acre property in the R-E zone is located on the east side Tinkers Creek, on the west side of Piscataway Road and immediately south of Mary Catherine Estates and Rivergate Estates. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property.” The Environmental Planning Section recommends approval of DSP-06036 and TCPII/107/06.

11. **Referral Comments**

Community Planning: In a memorandum dated August 18, 2006, the Community Planning Division stated this application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the residential land use recommendations contained in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. The northern portion of this application falls within Aviation Policy Area APA-6. This application needs to demonstrate compliance with the Aviation Policy Area (APA) 6 regulations that are summarized in the following table:

APA 6	Zoning Ordinance Citation	Regulations	Proposed Uses
Density/Uses	27-548.38 (b)(4)	Same uses and density as underlying zone	Uses and density allowed by Zoning Ordinance
Use Restrictions	27-548.38 (d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned.	-
Height	27-548.42 (b)	Heights of structures to comply with federal/state regs. and may not exceed 50 ft. without additional review by MAA	Residences are proposed to be 35 ft. in height.
Notice	27-548.43	Disclosure required in HOA covenants, on final plat, with permits, and at the time of contract signing	-

As within all APA, property sellers are required to disclose to prospective purchasers information regarding their proximity to the airport.

Subdivision: In a memorandum dated August 29, 2006, the Subdivision Section stated the proposed development is subject of the Preliminary Plan 4-05051, for 242 lots and 5 parcels pursuant to PGCPB Resolution No. 06-17(C). This plan has not yet been recorded in the Prince George’s County Land Records. The Preliminary Plan remains valid until January 19, 2008.

Development of the property is subject to the conditions contained in the resolution of approval. Conditions 3, 14, 23, and 32 apply to review of this application. The Subdivision Section stated “the subject detailed site plan has been filed in response to this condition. It appears to show the required information and is in conformance with the preliminary plan.”

Transportation: In a memorandum dated December 1, 2006, the Transportation Planning Section stated:

“There is an approved subdivision for the site, Preliminary Plan 4-05051. There are several transportation-related conditions on the underlying subdivision, and the status of these conditions are summarized below:

“Condition 1b: OK. Requires the extension of a public street from the site onto Demmy Way, and this has been done.

“Condition 5: OK. The dedication of the main access roadway into the site is enforceable at the time of the initial final plat, and will be confirmed at that time.

“Condition 26. OK. The required transportation improvements in this condition are enforceable at the time of building permit.

“Condition 27: OK. Requires the submittal of a revised traffic signal warrant study for the intersection of MD 223 and Floral Park Road prior to approval of the detailed site plan. This has been done, and SHA believes that a signal will be warranted, and will require that the applicant install it.

“Condition 28: OK. Requires the submittal of a revised traffic signal warrant study for the intersection of MD 223 and Windbrook Drive prior to approval of the detailed site plan. This has been done, and SHA has requested that further analyses should be conducted so that the applicant would install the appropriate traffic control device at the time that the access to the site is permitted.

“Condition 29: OK. This condition is identical to Condition 5 above.

“Condition 30. OK. Requires dedication of right-of-way along Gallahan Road. This dedication is reflected on the site plan.

“Condition 31. OK. Requires dedication of right-of-way along MD 223. This dedication is reflected on the site plan.

“Vehicular access and circulation within the site is acceptable. MD 223 is a master plan arterial facility, and Gallahan Road is a master plan collector facility. Adequate rights-of-way consistent with master plan recommendations are shown along both roadways.

“The subject property was the subject of a 2005 traffic study, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2005 for Preliminary Plan of Subdivision 4-05051. From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan in Section 27-285.”

Trails: In a memorandum dated October 25, 2006, the Trails Coordinator offered the following:

The subject application is a limited detailed site plan including the master plan trail along Tinkers Creek. This trail is recommended in the Adopted and Approved Subregion V Master Plan. Recommendation 1 of the Trails Section of the master plan reads:

1. A multiuse hiker/biker/equestrian trail within the Tinkers Creek Stream Valley Park extending from Branch Avenue to Piscataway Creek Stream Valley Park.

This trail will provide major recreational and commuting opportunities for the connecting neighborhoods. It will also connect into another major regional trail corridor, providing access to Cosca Regional Park (Master Plan, page 167).

This trail was required at the time of preliminary plan for Bevard West. Condition 15(a) of approved Preliminary Plan 4-05051 reads:

15. **The applicant, his heirs, successors and/or assigns shall provide the following:**
 - a. **The Adopted and Approved Subregion V Master Plan recommends a stream valley trail along Tinker’s Creek. This trail shall be constructed in conformance with an approved limited detailed site plan.**

The trail shall be constructed in conformance with Department of Parks and Recreation standards and guidelines. In keeping with these guidelines, the provision of a cleared grass strip is required adjacent to the asphalt path to accommodate the equestrian portion of the master plan trail (see attached park trail specifications from the master plan). There is significant equestrian trail use in southern Prince George’s County, and numerous riding stables and equestrian centers are located in the area. The natural surface trails at Cosca Regional Park are a major destination for equestrian users, and the Tinkers Creek Stream Valley Trail will provide a major connection to the regional park and trail network. The cleared grass strip required by equestrians may be narrower depending upon the overall design of the trail, environmental features, and a desire to minimize clearing. However, it should be demonstrated on the plan to the satisfaction of DPR that the equestrian component of the master plan trail is accommodated along Tinkers Creek.

RECOMMENDATION:

In conformance with the Adopted and Approved Subregion V Master Plan and approved Preliminary Plan 4-05051, the applicant the applicant's heirs, successors, and/or assignees shall provide:

1. Construct the master plan hiker/biker/equestrian trail along the subject site's portion of Tinkers Creek in conformance with appropriate M-NCPPC park and recreation guidelines. The equestrian component of the master plan trail shall be marked and labeled on the detailed site plan consistent with park and recreation guidelines and the Adopted and Approved Subregion V Master Plan.

Comment: A condition of approval has been included in the recommendation section of this report.

Parks: In a memorandum dated December 18, 2006, the Department of Parks and Recreation offered the following:

The staff of the Department of Parks and Recreation has reviewed the above referenced Detailed Site Plan for conformance with the conditions of Preliminary Plan 4-05051 as it pertains to public parks and recreation.

FINDINGS

The previous approved phases contained conditions for park and trail development that affect the subject detailed site plan:

Condition 8 of the Preliminary Plan 4-05051, Bevard West states: "At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 38⁺ acres of land in accordance with the Department of Parks and Recreation Exhibit A..."

Comment: DPR staff has met with the applicant several times over the past month. At a meeting on December 12, 2006 we discussed several issues including some discrepancies between park dedication exhibit A and what is shown on the detailed site plan. The applicant has arranged to remove lot 25, block E and dedicate the land to M-NCPPC for construction of a master plan trail connector. DPR believes that with these changes, the plan meets the intent of the park exhibit.

- 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 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.

Comment: The applicant is showing Forest Conservation Areas F and J on property to be dedicated to M-NCPPC. Conservation area F should be removed from park property because it impacts the master plan trail.

Condition 14 of the Preliminary Plan 4-05051, Bevard West states: Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities, and public recreational facilities (master plan trail) on lands to be conveyed to M-NCPPC, establishing appropriate bonding amounts, triggers for construction, proper siting and construction drawings in accordance with the Parks and Recreational Facilities Guidelines. General concepts for the architectural elevations of the community building shall be established with the review of the limited detailed site plan. Details and final architectural elevations shall be reviewed for conformance to those general concepts prior to the approval of the building permit for the community building.

Comment: The applicant submitted the limited detailed site plan including the general trail layout. The trail is generally in the correct location. DPR is currently in the process of reviewing the trail layout, location of connector trails, slopes, setbacks and detailed construction drawings to determine if any details or minor adjustments are needed.

Condition 32 of the Preliminary Plan 4-05051, Bevard West states: “The review of the limited detailed site plan for recreational facilities shall be approved by the Planning Board or its designee and shall include the review of the public master plan trail construction by the applicant, his heirs, successors and/or assignees on M-NCPPC land (Parcel C). Review shall include:

- a. Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E, shall be redesigned to provide a 20-foot setback from the rear lot lines to the trail, and an appropriate buffer from the edge of the stream for the master planned trail along the Tinkers Creek stream valley.

Comment: The applicant has adequately set back the trail from the rear lot lines of these lots.

- b. The applicant shall construct a 10-foot-wide asphalt hiker/biker trail along the Tinkers Creek stream valley as shown on attached Exhibit A.

Comment: The general location of the master plan trail shown on the limited detailed site plan is in conformance with Exhibit A. The specific location of the trail will be field located at the time of construction.

- c. The applicant shall construct 8-foot-wide and 6-foot-wide asphalt trail connectors from the neighborhoods to the Tinkers Creek stream valley trail as shown on

attached DPR Exhibit A. An 8-foot-wide trail connector shall be vehicular accessible for the park maintenance and police.

Comment: The applicant is showing two 10-foot-wide asphalt trail connectors to the subject subdivision; one at public street A via the stormwater management parcel and one at public street B via a public trail.

Current plans show the master plan trail at the southern portion of the project area on HOA property D, encircling stormwater management pond B, continuing south and finally terminating on the southern edge of Parcel C. DPR found this trail connector location unacceptable and requested that the trail connection to the community occur on public property. At our meeting on December 12, 2006, the applicant agreed to remove one lot (Lot 25, block E) and dedicated the land to the parks department in order to provide public street frontage and public access to the master plan trail from public street A. The plan should be revised and public access to the master plan trail from public street A. The plan should be revised to show these changes.

Preliminary Plan Exhibit A also included a 6-foot-wide trail connector from public street C and a 30-foot-wide swath of land to be dedicated to M-NCPPC surrounding the trail. Further review of the plans show steep grades at the point where this trail would connect to the development. DPR does not recommend requiring the applicant to include this trail connection.

- d. The location of the trail shall be staked in the field and approved by DPR prior to construction.

DPR has no comments at this time

- e. Prior to the issuance of the 121st building permit, a ten-foot-wide asphalt hiker/biker trail along Tinkers Creek shall be completed. Eight-foot-wide and six-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction.

DPR has no comments at this time

- f. With the submission of the detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.

Comment: DPR staff has not received a full set of construction drawings for this project. We are working with the applicant to develop construction drawings for this project.

- g. All trails shall be constructed to ensure dry passage. If wet areas must be

traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

Comment: The applicant shows the proposed trail crossing a stream in two separate locations. The detailed site plan does not show any structures for use in traversing these streams. DPR needs to review and approve these structures and detailed construction drawings.

- h. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

Comment: The trail in its current configuration does not meet handicapped accessibility recommendations in some locations. At a few points within the DSP, the trail slopes exceed the maximum recommended grade of 8 percent for a moderate/natural trail. Guidelines also recommend rest areas be provided every 900 feet throughout the course of a trail. The existing plan does not include any rest areas. DPR is working with the applicant to resolve the accessibility issues.

- i. With the submission of the limited detailed site plan, the applicant shall submit to DPR, for review, all existing drawings and plans pertaining to the farm pond, this includes, but is not limited to, as-built drawings, sediment and erosion control plans, farm management plans and clean-out history. Based on submitted information and pond inspection, DPR staff will make the determination if this pond shall be retrofitted, drained or fenced.

Comment: The applicant has provided limited information about the farm pond in the form of a very general exhibit showing the location of the pond and several pictures of existing conditions. At our meeting on December 12, 2006, the applicant agreed to provide more information regarding the farm pond so that our staff can make a determination about whether the pond should be retrofitted, drained or fenced

Comment: The Department of Parks and Recreation provided four recommendations, which are included in the recommendation section of this report.

Department of Parks and Recreation (DPR) staff recommends to the Planning Board that the approval of DSP-06036 be subject to the conditions included in the recommendation section below.

Permits: In a memorandum dated August 9, 2006, the Permits Review Section offered no comment.

Environmental Planning: In a memorandum dated November 16, 2006, the Environmental Planning Section offered the following:

The Environmental Planning Section has reviewed the Detailed Site Plans for Bevard West, DSP-06036 and DSP-06068, and the revised Type II Tree Conservation Plan, TCPII/107/07, stamped as received by the Environmental Planning Section on October 18, 2006. The Environmental Planning Section recommends approval of DSP-06036, DSP-06068 and TCPII/107/06.

Background

The Environmental Planning Section previously reviewed Preliminary Plan 4-05003 and TCPI/16/05; however, those applications were withdrawn before being heard by the Planning Board. The Planning Board approved Preliminary Plan 4-05051 and TCPI/16/05 with conditions. Because the Type II Tree Conservation Plan contains all of the 410.53-acre property, both limited detailed site plans for smaller portions of the site are addressed in this memorandum.

The 410.53-acre property in the R-E zone is located on the east side Tinkers Creek, on the west side of Piscataway Road and immediately south of Mary Catherine Estates and Rivergate Estates. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. There are no nearby existing sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura, Beltsville, Bibb, Butlertown, Chillum, Croom, Galestown, Howell, Iuka, Keyport, Marr, Matapeake, Ochlockonee, Sassafras and Sunnyside soils series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey". Marlboro clay occurs on this property. According to information obtained from the Maryland Department of Natural Resources there is a bald eagle nest in the vicinity of this property. Piscataway Road is a designated historic road and Gallahan Road is a designated scenic road. This property is located in the Tinkers Creek watershed in the Potomac River basin. The site is in the Developing Tier according to the adopted General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

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- 2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.**

Discussion: A Type II tree conservation plan has been submitted with this application and is discussed in detail in the Environmental Review section below.

- 4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan 9089-2005-00 and any subsequent revisions.**

Discussion: The stormwater management facilities shown on the Type II Tree Conservation Plan are in conformance with the approved Stormwater Management Concept Plan 9089-2005-00.

- 19. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:**
 - a. Add the following note:**

“In addition to signage, a permanent fence will be installed at the edge of all woodland conservation areas that are on lots”
 - b. Eliminate the grading into the expanded stream buffer on Lot 54, Block E, or delete the lot and incorporate the area of the lot into abutting lots.**
 - c. Show the clearing required for the installation of the water main loop**
 - d. Provide written confirmation from the Department of Parks and Recreation, if woodland conservation is proposed on any land to be dedicated to M-NCPPC**
 - e. Ensure that all required off-site clearing necessary for utility construction and access is shown on the plans and accounted for in the worksheet**
 - f. Recalculate the worksheet as needed**
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan**
 - h. To accommodate the 0.12 acres proposed for a payment of fee-in-lieu on site, without jeopardizing an approved lotting pattern or usable rear and side yards.**

Discussion: All of these changes were made and the Type I tree conservation plan was signed.

21. **Prior to signature of the preliminary plan, the preliminary plan and Type I tree conservation plan shall be revised to show 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Gallahan Road, if it is to be conveyed to the HOA or an abutting property owner, but not M-NCPPC or DPW&T as part of the right-of-way.**

Discussion: These changes were made and the Type I tree conservation plan and preliminary plan were signed.

23. **Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the implantation of the scenic easement along Gallahan Road if required. A detailed landscaping plan shall be submitted during the review of the Type II tree conservation plan for the 40-foot-wide landscape buffers along Gallahan Road and submitted as part of the limited detailed site plan.**

Gallahan Road is a designated scenic road. Development will have to conform to design guidelines and standards for scenic and historic roads. A visual inventory was not submitted; however, the appropriate treatment for development along this portion of Gallahan Road has been established during the approval of recent subdivisions. The preliminary plan and Type I tree conservation plan show 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Gallahan Road. These easements can serve to preserve the scenic nature of these roads. Most of the proposed scenic easements are devoid of trees and significant landscaping will be required.

Discussion: The entire property frontage along Gallahan Road is to be dedicated to the Department of Parks And Recreation. The Department of Parks And Recreation should decide if a landscaping is required at this time.

36. **Prior to approval of the final plat a limited detailed site plan shall be approved by the Planning Board or it's designee for all lots that do not have a minimum 40-foot wide useable rear yard. The limited detailed site plan shall include at a minimum Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E, and the reconfigured areas. All lots should provide a 40-foot rear yard which has been established by the Planning Board to be the minimum appropriate and reasonable as a setback from the expanded buffer and woodland conservation.**

Discussion: The plan has been examined in detail. All lots have been designed with minimum 40-foot cleared rear yards without grading into any portion of an expanded stream buffer or into significant woodland conservation areas.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura, Beltsville, Bibb, Butlertown, Chillum, Croom, Galestown, Howell, Iuka, Keyport, Marr, Matapeake, Ochlockonee, Sassafras and Sunnyside soils series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey." Marlboro clay occurs on this property.

Maps prepared by the Maryland Geological Survey indicate other portions of the property that were mined before 1973. These gravel pit areas are of concern. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics and foundation stability is required. Additionally, portions of this property have Marlboro clay associated with steep and severe slopes. This creates a condition of potentially unsafe land that must address Section 24-131 of the Subdivision Regulations. These issues directly impact the lot layout and placement of proposed streets.

A soils reported dated July 25, 2005 and an addendum dated August 16, 2005 were submitted. The report includes a map showing the locations of 56 boreholes/test pits, includes logs for each site, has laboratory analyses of representative samples and includes slope stability analyses for critical slopes. Additionally, the report contains recommendations for the future development of the site based upon the soils described in the report. One area of potential slope failure due to Marlboro clay was identified and is clearly shown on the TCPI.

Staff have reviewed the report in detail and determined that with the layout proposed none of the proposed residential lots or active recreation areas will be affected by any of the existing areas of potentially unsafe lands on the property.

Discussion: This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

2. This site contains natural features that are protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are

substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

For the purposes of this review, the Natural Reserve includes all expanded stream buffers and isolated wetlands and their buffers. All streams shown as perennial or intermittent on the plans will require minimum 50-foot stream buffers that shall be expanded in accordance with Section 24-130(b)(6) of the Subdivision Regulations.

A Natural Resources Inventory (NRI), NRI-034-05, has been approved for this property. The NRI contains a wetlands report, forest stand delineation and delineates the expanded stream buffers and isolated wetland buffers. The expanded stream buffers are correctly shown on the detailed site plan and the Type II tree conservation plan.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

Variation requests were reviewed and approved with Preliminary Plan 4-05051. Six of the proposed impacts were for connections to existing sanitary sewer lines that are wholly within expanded stream buffers. Two proposed impacts were for outfalls associated with stormwater management facilities. One impact was for

the installation of a water main required by the Washington Suburban Sanitary Commission (WSSC).

Discussion: The impacts to sensitive environmental features as depicted on the Type II tree conservation plan are consistent with those approved by the Planning Board.

3. The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved Type I tree conservation plan. A Type II tree conservation plan is required.

A Type II tree conservation plan, TCPI/107/06, was submitted with this application. The plan proposes clearing 40.42 acres of the existing 158.42 acres of upland woodland, the clearing of 0.42 acres of the existing 20.97 acres of woodland within the 100-year floodplain and the clearing of 0.19 acres of off-site woodland. The woodland conservation threshold for this site is 91.60 acres. Based upon the proposed clearing, the woodland conservation requirement is 102.32 acres. The plan proposes to meet this requirement by providing 112.92 acres of on-site woodland conservation. An additional 5.08 acres will be preserved but not as part of any requirement.

The layout of the proposed woodland conservation is in conformance with the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan. In addition to preserving sensitive environmental features and the expanded stream buffers, the addition of upland woodland abutting these areas creates large contiguous woodlands and woodland corridors.

Comment: No further action regarding woodland conservation is required.

4. There is a bald eagle nest in the vicinity of this property. Staff has reviewed the nest location and the plans show woodland conservation for the entire area south of the stream and north of the nest site.

Comment: The proposed development will have no significant impact on the bald eagle nest in the vicinity of this project.

The Environmental Planning Section recommends approval of DSP-06036, DSP-06068 and TCPII/107/06.

Department of Environmental Resources (DER): In a memorandum dated August 2, 2006, DER stated the Detailed Site Plan DSP-06036 is consistent with the approved Stormwater Concept 4555-2006.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/107/06) and further APPROVED Detailed Site Plan DSP-06036 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the applicant, his heirs, successors and/or assignees shall:
 - a. Revise parcel boundaries to provide two parkland access points to public streets. Lot 25, Block E shall be removed and the land dedicated to M-NCPPC to provide public access to the master planned trail.
 - b. Revise the TCPII as required by the Department of Parks and Recreation to remove Conservation Area F from park property and eliminate the impact to the master plan trail.
 - c. Provide more detailed plans and drawings related to the farm pond for DPR staff review. DPR will then make a determination if this pond shall be retrofitted, drained or fenced.
 - d. Provide detail sheet and specifications for a 6-foot-high fence enclosing the community swimming pool, which fence shall be constructed of attractive and durable materials to be approved by the Urban Design Section as designee of the Planning Board.
 - e. Provide covenants for approval by the Associate General Counsel that conform to the requirements of Section 27-445(b).
2. Provide a paved asphalt shoulder along the subject property's entire road frontage of Gallahan Road in order to safely accommodate bicycle traffic unless modified by DPW&T.
3. Construct the master plan hiker/biker/equestrian trail along the subject site's portion of Tinkers Creek in conformance with appropriate M-NCPPC park and recreation guidelines. The equestrian component of the master plan trail shall be marked and labeled on the detailed site plan consistent with park and recreation guidelines and the Adopted and Approved Subregion V Master Plan.
4. Provide standard sidewalks along at least one side of internal roads, unless modified by DPW&T.
5. The applicant shall submit detailed construction drawings for the master plan trail to DPR for review and approval prior to Detailed Site Plan Certification. The trail shall be treated as follows:

- a. The applicant shall provide a master planned trail along the Tinkers Creek Stream Valley from the northern to the southern property boundaries of the subject property.
 - b. The master plan trail shall be designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
 - c. An eight-foot-wide asphalt connector trail shall be built on land to be dedicated to M-NCPPC from Street A to the master planned trail. A six-foot-wide asphalt connector trail shall be built on land to be dedicated to M-NCPPC from Street B to the master planned trail.
 - d. When trails are constructed through wooded areas, all trees shall be removed that are within two feet of the edge of the trail. Within 20 feet of the trail, 1) all trees shall be cleared of branches to allow 12-foot clearance; and 2) other vegetation obstructing the view from the trail shall be removed (e.g., shrubs, fallen trees).
 - e. When possible, the trail shall be aligned to preserve trees 12 inches or greater in caliper.
 - f. Shallow rooted species, e.g., maples, should be a minimum of 10 feet from the edge of pavement.
 - g. Two structured crossings shall be shown on the limited detailed site plan where the proposed master plan trail crosses the streams on the subject subdivision.
 - h. The trail shall be designed to meet handicapped accessibility design standards. DPR shall review and approve the trail layout and slopes to ensure it meets recommended design standards prior to certification of the DSP.
6. The location of the trail shall be staked in the field and approved by DPR prior to construction.
 7. Prior to approval of final plats, a public Recreational Facilities Agreement (RFA) shall be completed for all facilities to be constructed on public park land. A private Recreational Facilities Agreement shall be completed for facilities to be constructed on private homeowner's association land. Both RFAs shall be recorded in the land records of Prince George's County.
 8. Construction of the private recreational facilities herein shall be complete prior to the release of the 121st building permit for the proposed subdivision.
 9. Prior to issuance of the 121st building permit, a 10-foot-wide asphalt master plan hiker/biker trail along Tinkers Creek shall be completed. An 8-foot-wide and 6-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction.

10. Prior to conveyance of the parkland to M-NCPPC, which includes the existing farm pond, DPR staff shall inspect the pond condition for public safety. If DPR staff finds that the pond needs to be retrofitted, drained or fenced, the applicant shall make all required improvements prior to issuance of the first building permit.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 18, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of January 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:NR:bjs