

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 31, 2008, regarding Comprehensive Design Plan CDP-0601 for Woodside Village the Planning Board finds:

1. **Request:** The CDP application requests 1,422 to 1,496 residential units including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily units, in the R-M Zone.
2. **Location:** The subject property is located on the southern side of Westphalia Road approximately 2000 feet west of its intersection with Ritchie-Marlboro Road.
3. **Surroundings:** The site is bounded in all directions by existing or proposed residential development. To the southeast is the Marlboro Ridge development, to the southwest is the Smith Home Farm development, and to the north is the proposed Villages at Westphalia development.
4. **Design Features:** The site is generally "T" shaped, with areas indicated for single-family, townhome two over two and condominium development, green space recreational facilities, a park/school site, and a street network. The green space includes environmentally sensitive land (100-year floodplain) in the northwestern and extreme eastern and southern ends of the site, a central piece of land to be dedicated to the homeowners' association for the project and, just south of it, a future school/park site anticipated to include an elementary school, a middle school and recreational facilities, a part of the proposed "Central Park" called for in the *Approved Westphalia Sector Plan and Sectional Map Amendment*. The "Central Park" is proposed to include a lake in its design, a portion of which may be located on the subject property. The street network, including both traditional blocks and streets terminating in culs-de-sac, is determined at least in part by the presence of the floodplain and Westphalia Road to the north.

Townhome development is clustered in the central, the northeastern and southeastern portions of the site. Two over two units are located in the central and the southeastern portions, along a boundary shared with the Marlboro Ridge development. At this juncture, the lotting pattern indicated includes a number of lots straddling the property line, though they are not approved as part of the comprehensive design plan process. The applicant has indicated its intention to have a new preliminary plan approved for the Marlboro Ridge development to make this a seamless connection. These issues, however, concerning the exact lotting pattern of the subject site, are more appropriately dealt with as part of the preliminary plan of subdivision approval process, subsequent to the approval of the subject comprehensive plan. Four different varieties of single-family detached units are utilized for the remainder of the development, except for a central piece

of land bounded by proposed roads “O”, “P” and “X” which is specified as condominium development.

Recreational facilities for the proposed project will include the following:

- 2 picnic areas
- 3 sitting areas
- 4 tot lots
- 2 open play areas
- An extensive train/pedestrian network including nature trails with interpretive signage and connections to adjacent communities.
- 2 pre-teen areas
- 4 tennis courts
- 1 swimming pool with six lanes (25 meters long) with at least a 30-foot by 30-foot training area and additional area for wading for toddlers.
- 1 basketball court
- 1 volleyball court
- 1 community building including a meeting room and measuring a minimum of 5,000 square feet in addition to space occupied by pool facilities or a may be increased at time of specific design approval.

Recreational facilities for the development will be complemented both by the adjacent school site (which might be planned with a softball and soccer field, with final design determined by the Board of Education) and “Central Park” envisioned by the Westphalia Sector Plan. Of the 61 acres requested by the Department of Parks and Recreation, 30 would be allotted for the school and the remaining 31 would be utilized exclusively for park facilities and become part of “Central Park.”

Stormwater Management is indicated to be provided by nine stormwater management ponds; one located at its southern end, two near its center, two on its eastern side and four on its western side.

5. **Previous Approvals:** The project is subject to the requirements of Basic Plan A-9973. Finding 8 contains the details of conformance with the requirements of that approval.
6. **Development Data:** Woodside Village
Zone: R-M
Gross tract area: 381.96
Area within the 100-year floodplain: 15.44
Net tract area: 374.24
Residential land area: 374.24
Density (dwelling units per acre): 4
Commercial Land Area: None
FAR: Not Applicable

7. Public Benefit Features and Density Increment Factors: The comprehensive design zone encourages amenities and public facilities in conjunction with density increases. Section 27-496(b) of the Prince George’s County Zoning Ordinance provides the guidelines and criteria for calculating the density increases for the R-M Zone (base residential density 3.6 to 5.8 dwelling units/acre; maximum residential density 5.7 to 7.9 dwelling units/acre). The Woodside Village application suggests a maximum of 1,496 dwelling units per acre or 4.0 units per acre, as approved by the basic plan for the project, well within the allowed range. The following chart includes the public benefit features and density increment factors as stipulated in Section 27-509 (B) of the Zoning Ordinance and demonstrates how the subject project should be allowed to increase their density based on provision of public benefit features in the development. The application meets the other general standard of Section 27-509 regarding minimum size. While the minimum size required for residential development of land in the R-M Zone is ten adjoining acres, the project includes almost 382 acres.

	Allowed	Proposed Residential Increments	Comment
1 For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of one acre) an increment factor may be granted, not to exceed (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the project).	25% in dwelling units	25%	At a proposed maximum of 1,496 dwelling units, 3.5 acres of open space per 100 units results in a requirement of 52 acres of open space. This requirement would be met by the 60 acres of homeowners’ association land. The 25 percent density increment is justifiable for this item.
2 For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosive action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed	2.5% in dwelling units	2.5%	Enhancement of physical features is accomplished by cleaning up the site’s unkempt environmental areas, afforestation adjacent to existing woodlands and the Primary Management Area (PMA) and designing and minimizing crossings of the PMA so as to have the least possible negative impact. The 2.5 density increment is justifiable for this item.
3 For a pedestrian system separated from vehicular right-of-way, an increment factor may be granted, not to exceed	5% in dwelling units	5%	An extensive trail system (approximately 4.5 miles) separating pedestrian from vehicular traffic will serve to link the various neighborhoods to each other, to recreational and community activities on-

site and with the stream valley hiker/biker/equestrian trail providing a link to adjacent properties. The 5 percent density increment is justifiable for this item.

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| <p>4 For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed</p> | <p>10% in dwelling units</p> | <p>10%</p> | <p>Recreational facilities for the development including tennis courts, pre-teen play areas, picnic areas, open play areas, passive recreational areas, tot lots, open play areas, a volley ball court, swimming pool and community center, will be complemented both by the adjacent recreational facilities on the school site and the contiguous 148-acre Central Park. The 10 percent density increment is justifiable for this item.</p> |
| <p>5 For public facilities (except streets and open space areas) an increment factor may be granted, not to exceed</p> | <p>30% in dwelling units</p> | <p>This potential density increment was not pursued by the applicant.</p> | |
| <p>6 For creating activity centers with space provided for quasi-public services (such as churches, day care centers for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed</p> | <p>10% in dwelling units</p> | | <p>An activity center, with space provided for quasi-public services has not been provided as part of the application. Therefore, the 10 percent density increment is justifiable for this item.</p> |
| <p>7 For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed</p> | <p>5% in dwelling units</p> | <p>This potential density increment was not pursued by the applicant.</p> | |

SUMMARY OF PROPOSED INCREMENTS 42.5%

The applicant is only requesting a 12% increase over the base density to achieve the 4 dwelling units per acre.

Staff agreed with the applicant’s calculation of public benefit features and density increment factors. By this calculation, the proposed density is well within the upper limit of density permitted after application of the permitted density increments.

Findings Required by Section 27-521 of the Zoning Ordinance (Findings 8–16 below)

8. The comprehensive design plan is in conformance with the approved basic plan.

The proposed comprehensive design plan is in conformance with the approved basic plan. Relevant conditions of that approval are included below in **bold face**.

1. The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved basic plan:

DEVELOPMENT DATA:

Total area	381.95 acres
Land in the 100-year floodplain	15.69 acres
Adjusted gross area: (381.95 less half the floodplain)	374.15 acres
Density permitted under the R-M (Residential Medium Zone)	3.6–5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,347 dwellings
Maximum residential density (5.8 du/ac)	2,170 dwellings
Approved Land Use Types and Quantities:	
Residential: 374.15 adjusted gross acres at 3.8-4.0 du/ac	1,422-1,497 dwellings
Number of the units above the base density:	75-150 dwellings
Permanent open space: (31 % of original site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres minimum parkland 10 acres minimum elementary school 20 acres minimum middle school
Private open space (homeowner association and other)	60 acres

Applicant’s proposed density range of 1,422-1,496 residential units meets this requirement both in terms of density and nature of land use and the size of the park/school site is accurate.

- 3. The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:**
 - a. The Transportation Planning staff shall make Master Plan transportation facility recommendations consistent with the Westphalia Sector Plan. The CDP road alignments shall conform to road alignments in all other adjacent approved subdivisions.**
 - b. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control as well as the need for exclusive turn lanes at each location.**
 - c. The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the Comprehensive Design Plan shall conform to all other adjacent approved subdivisions.**
 - d. The Applicant shall build the MD 4/Westphalia Road interchange with the development of the subject property and this may be accomplished by means of a public/private partnership with the State Highway Administration and with other developers in the area. This partnership may be further specified at the time of Preliminary Plan of Subdivision, and the timing of the provision of this improvement shall also be determined at the time of Preliminary Plan of Subdivision.**
 - e. The CDP shall demonstrate that a majority of lots located along Westphalia Road are single-family detached lots in order to be compatible with the surrounding land use pattern and to preserve a rural character as recommended in the WCCP Study.**
 - f. The Applicant shall meet with and obtain written approval from the DPW&T to front and/or provide driveway access to any townhouse units that may be located along C-631. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley.**

Finding 19C below is the Transportation Planning Section's evaluation of Basic Plan conditions 3a-d and 3f. Although the exact lotting pattern for the proposed development will not be determined until time of preliminary plan of subdivision, the illustrative plan for the project indicates that the majority of lots located along Westphalia Road are single-family detached are in compliance with condition 3e above.

- g. The Applicant and the Applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 Master Plan and the WCCP Study:**
- (1) Provide the Master Plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.**
 - (2) Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.**
 - (3) Provide a sidepath (Class II Trail) along the subject site's entire road frontage of Westphalia Road.**
 - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.**

Finding 19g and 19e below contains the Department of Parks and Recreation's comments and 19d for those of the trails coordinator regarding condition 3g.

- h. Submit a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.**

Images and the general design guidelines mentioned above were included in the comprehensive design plan package.

- i. Provide a description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreation facilities to serve development on all portions of the subject property.**
- j. The Applicant, and the Applicant's heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) approval. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. The Applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the**

recreational facilities shall be reviewed and approved by DPR staff. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.

- k. **The Applicant shall submit a scope of services from a qualified urban park design consultant for development of a Comprehensive Concept Plan for the portion of central park in the project area. The Comprehensive Concept Plan shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of a Comprehensive Concept Plan. The Comprehensive Concept Plan shall be approved by DPR prior to approval of the Comprehensive Design Plan (CDP).**
- l. **The public recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.**
- m. **Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation Guidelines and Standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.**

Finding 19D (Trails referral comments) and Finding 19E (Department of Parks and Recreation) below contains the Board's findings with respect to compliance with conditions 3i, 3j, 3k, 3l and 3m. With respect to private recreational facilities, condition 13 requires the majority of the facilities to be centrally located on homeowners' association land and the remainder located so that some recreational facilities are easily accessible to all residents. More specifically, the recreational facilities should be located as indicated on Applicant's Exhibit #1.

- n. **Provide the site location and timing or propose a contribution for the pro-rata share of funding for the following public facilities to be reviewed and approved by the appropriate agencies and the Countywide Planning Division:**

- (1) **Fire station**
- (2) **Library**
- (3) **Police facility**
- (4) **Middle school**
- (5) **Elementary school**

Finding 19f (Referrals/Public Facilities) below contains the Board's findings with regard to Condition 3n.

- o. Submit a signed Natural Resources Inventory (NRI) with the Comprehensive Design Plan. All subsequent plan submittals shall clearly show the Patuxent River Primary Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.**
- p. Demonstrate that the Primary Management Area (PMA) has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.**
- q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.**
 - (2) Concentrate priority areas for tree preservation in areas within the framework of the *Approved Countywide Green Infrastructure Plan* such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.**
 - (3) Mitigate woodland cleared within the PMA's Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by Master Plan roads which shall be mitigated 1:25. This note shall also be placed on all Tree Conservation Plans.**
 - (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.**
 - (5) Prohibit woodland conservation on all residential lots.****
- r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.**

Finding 19g (Referrals/Environmental) below contains the Planning Board's findings regarding conditions 3o, 3p, 3q and 3r.

- s. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 and the master plan recommendations for the planned community.**

The applicant included such a plan as “Appendix L” to the subject comprehensive design plan. More specifically, the applicant stated that the range of housing types would be located within the development which would include housing of various price levels including single-family detached, townhomes, condominiums and two over two dwelling units that would each appeal to different price levels. Further, they said that the median household income for residents in the Washington metropolitan area is close to the highest in the nation. Lastly, they noted that they were willing to work with a HUD/local housing authority program involving private developers build housing that is affordable under the government’s definition. Based on the median income in this Washington metropolitan area HUD and Prince George’s County Housing Authority have determined that a family of four, with a maximum income of \$85,000 are the individuals who qualify to purchase designated affordable homes in Prince George’s County, or receive affordable home purchase credits. Based on the variety of housing types made available by Toll at Woodside Village, and assuming that there are not any other substantial credit irregularities by the homeowner, Toll will have housing opportunities for some individuals who qualify for affordable housing credits, as they seek governmental assistance to buy homes and that some of those individuals may qualify to purchase a home in the Woodside Village development under the terms of this program.

Staff had recommended a condition below that would require that .5 percent of the units be sold as affordable housing units under the terms of the above-mentioned program. However, the Planning Board adopted Condition 1(o) below that instead requires information be made available to prospective home buyers regarding a HUD sponsored affordable housing program.

- t. Present all roadway improvement plans for Westphalia Road to the Historic Preservation and Transportation Planning staff for review and comment to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved as necessary.**

Complete a Phase I archeological investigation report and submit to the Historic reservation staff for approval.

Finding 19a (Referrals/Historic and Archeological) below contains the Planning Board’s finding regarding condition 3u. As to Condition 3t, the Historic Preservation and Transportation Planning staff have deferred comment regarding to issues of scenic and historic features of Westphalia Road to the Environmental Planning Section, which regularly reviews such issues for compliance. The Environmental Planning Section, in turn, has suggested that the following condition be attached to the subject approval:

“At least 35 days prior to approval of the preliminary plan by the Planning Board, an evaluation of the right-of-way and viewshed of Westphalia Road, a designated historic road shall be submitted. Inventory information may be included on the forest stand delineation or tree conservation plan for the site if appropriate, or in a separate document, and may include text, photographs, or other items which provide information necessary to evaluate visual quality. At a minimum the preliminary plan shall show a 40-foot-wide

scenic preservation buffer outside the public utility easement along Westphalia Road. After reviewing the visual inventory other design considerations may be imposed.”

4. At the time of Preliminary Plan of Subdivision and/or prior to the first plat of Subdivision, the Applicant shall:

- c. Submit a letter of justification for all proposed PMA impacts, in the event disturbances are unavoidable.**

Finding 19g (Referrals/Environmental) below contains the Planning Board’s findings regarding Condition 4c.

- d. Submit a plan, prior to Planning Board approval of a Preliminary Plan of Subdivision, that shall provide for:**

- (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or**
- (2) Avoiding and preserving the resource in place.**

Finding 19a (Referrals/Historic and Archeological) below contains the Planning Board’s findings regarding Condition 4d.

- e. The Applicant shall dedicate 56 developable acres of public open space to M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites shall be determined at the time of CDP Plan approval. The land to be conveyed to M-NCPPC shall be subject to the following conditions:**

- (1) 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, Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.**
- (2) 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.**
- (3) The boundaries and acreage of land to be conveyed to M-NCPPC**

shall be indicated on all development plans and permits, which include such property.

- (4) 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, 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.
 - (5) 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. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - (6) 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.
 - (7) All existing structures shall be removed from the property to be conveyed, unless the Applicant obtains the written consent of the DPR.
 - (8) The Applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - (9) 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, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- f. Enter into an agreement with the DPR, prior to the first Final Plat of Subdivision, that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the

value of the in-kind services shall be determined at the sole discretion of DPR.

- g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.**

Finding 19e (Referrals/Parks) below contains the Board's findings regarding Conditions 4e, 4f and 4g.

- 5. Prior to submittal of any grading or building permits, the Applicant shall demonstrate that the Dunblane (Magruder family) Cemetery shall be preserved and protected in accordance with Section 24-135-02 of the Subdivision regulations, including:**
 - a. An inventory of existing cemetery elements.**
 - b. Measures to protect the cemetery during development.**
 - c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The Applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder family) cemetery.**
 - d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.**

Finding 19a (Referrals/Historic and Archeological) below contains the Board's findings regarding Condition 5a-d.

- 9. The proposed plan would result in a development with a better environment than could be achieved under other regulations:**

The proposed plan retains a considerable amount of open space, protects sensitive environmental features and dedicates land for two schools and a park that will have utility both for future residents of the proposed subdivision and other area residents.

10. **Approval is warranted by the way in which the comprehensive design plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The project includes both on-site and adjacent recreational facilities, including a trails network that connects to a larger one in the surrounding area. More particularly, the project includes picnic, passive recreational and open play areas, tot and pre-teen playgrounds, tennis courts, a community center, swimming pool, an extensive trail network and volleyball court. In addition, the applicant is dedicating 30 acres for a part/school site and an additional 26 for the adjacent planned “Central Park,” a public park called for in the Westphalia Sector Plan. The Department of Parks and Recreation is requesting that they increase the land to be dedicated for Central Park to 33.5 acres. Therefore, it may be said that the plan warrants approval by inclusion of design elements, facilities, and amenities that satisfy the needs of residents, employees or guests of the project.

11. **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The proposed development is compatible with the surrounding land uses as they are exclusively residential. Moreover, by providing a school/park site, the development is providing additional compatibility by providing needed facilities for the residents of the surrounding residential subdivisions.

12. **Land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to:**

- a. **Amounts of building coverage and open space;**
- b. **Building setbacks from streets and abutting land uses; and**
- c. **Circulation access points;**

A buffer of homeowner’s association/open area surrounds of the development, except for the specified deviations contained in Condition 1 below.

13. **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

Comment: The development of Woodside Village is divided into six phases. They are specified on a plan graphic entitled “Staging Plan” as follows:

Phase	Pods Involved
Phase 1	D, E, F, G, J3, K1 and K2

Phase 2	C1, C2, J1, J2, J4, M1, M2
Phase 3	M3, O, P1, P2
Phase 4	R, S, T
Phase 5	N (HOA Park Site Only)
Phase 6	A, B, H1, I1, H2, I1, H2, I2, L
Phase 7	Q (Dedication to M-NCPPC for Park/School Site)

Notes on the plan state that each stage indicates a group of units to be constructed together. Further, notes stipulate that the stage number in no way indicates the sequence of construction and that any group of units may proceed to construction in any sequence.

The CDP text states that each stage identifies groups of units and associated roadways, that will proceed concurrently to specific design plan and construction within a six-year development schedule for the project. The intent of the staging in the CDP document is to establish priority for groups of units within parcels in terms of specific design plan submissions, though the applicant retained the right to adjust the schedule and staging to accomplish a logical and economically feasible development, subject to the understanding that each stage will be capable of sustaining an environment of continuing quality and stability. Staff generally supported this assertion but was concerned that the central recreational facilities are not being introduced early enough in the staging plan. Condition below #13 requires that Phase 5 be completed prior to issuance of a building permit for the 748th building permit for the development.

14. Staging of development will not be an unreasonable burden on available public facilities;

Since each stage will be completed with its associated roadways, recreational facilities and utilities, it is not expected that the staging of development will be an unreasonable burden on available public facilities. Furthermore, in a memorandum dated March 6, 2008, the Historic Preservation and Public Facilities Planning Section stated specifically that they had reviewed the subject comprehensive design plan in accordance with Section 27-520(a)(8) of the Zoning Ordinance and that they had concluded that the staging of development of this project would not be an unreasonable burden on available public facilities.

15. When a comprehensive design plan proposal includes an adaptive use of a historic site, the Planning Board shall find that:

- a. The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**

- b. Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;**
- c. The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site:**

The subject project does not include the adaptive use of a historic site.

16. **The plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this subtitle, and where townhouses are proposed in the plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d).**

The plan incorporates the applicable design guidelines of Section 27-274 of Part 3, Division 9 and Section 27-433(d) of the Zoning Ordinance.

17. **The plan is in conformance with an approved tree conservation plan.**

A Type I Tree Conservation Plan (TCPI/006/08) was submitted and was approved, subject to conditions.

18. **Woodland Conservation Ordinance**—In a memorandum dated June 28, 2008, the Environmental Planning Section stated that the development is subject to the requirements of the Prince George’s County Woodland Conservation Ordinance, because the parcels affected by the development activity measure in excess of 40,000 square feet and contain more than 10,000 square feet of existing woodland. Also, in that memorandum after extensive environmental review, the Environmental Planning Section recommended approval of the project, subject to conditions. Those conditions have been included. Therefore, the project is in compliance with the requirements of the Prince George’s County Woodland Conservation Ordinance.

19. **Approved Westphalia Sector Plan and Map Amendment.**

The subject application is an integral part of the Approved Westphalia Sector Plan and Sectional Map Amendment as is mentioned throughout the original planning document as “a pending rezoning application” and “key development proposal.” It was contemplated during the planning process and became part of the vision for Westphalia. The subject comprehensive design plan attempts to implement that vision and is one of the first such plans to be considered under the guidance of the Westphalia Sector Plan.

More specifically, the plan included an overall development concept promoting, among other things:

- Attractive and safe residential neighborhoods with a range of housing types and densities, convenient access to schools, recreation, green spaces, and shopping...

- Residential development of approximately 17,000-18,000 units in a wide range of mixed housing types and densities...

and has a stated policy (Policy #5) to promote new residential development. It is logical that, due to the geographic location of Woodside Village, that the building lots and single-family be of modest size so as to provide a transition between the town center to the south and the more rural large lot single-family detached units to the north.

The Woodside Village development supports the overall development concept. In the process of implementing the plan, however, consistent guidance regarding the maximum percentages of townhouse and multifamily dwelling units and minimum lot area and width requirements should be established. Staff would suggest, and has included in a recommended condition the following guidance:

- That no more than 50 percent of the units included in the development be townhouse; two over two; or multi-family dwelling.
- That no townhouse yard measure smaller than 800 square feet if the unit does not have a deck and no more than 500-square feet if a deck is provided.
- That a maximum of 15 percent of the townhouse units measure a minimum of 16 feet wide, with the remainder of the townhouse units measuring a minimum of 18 feet wide.

20. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are as follows:

- a. **Historic Preservation and Archeological Review**—In a memorandum dated July 7, 2008, the Historic Preservation and Public Facilities Planning Section, noted that the subject site is subject to conditions of the approval of the Westphalia Sector Plan and Sectional Map amendment (CR-2-2007), offered the following findings:

Historic Preservation

1. The subject property includes the Dunblane Site & Cemetery (Historic Resource #78-010) which is located on the Dunblane property in the Magruder/McGregor Family Cemetery with interments and tombstones dating from 1810 to 1915. The original 18th century Dunblane House was destroyed in 1969, but because of its architectural and historical significance, its site may have archeological potential.

Dunblane was a one-and-one-half story, multi part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. Dunblane was built in 1723 by John

Magruder, grandson of Alexander Magruder, a Scottish immigrant. Three walls were brick, the fourth of logs. The house stood until a gas explosion on Good Friday, 1969. At its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s.

2. Historic Resource #78-010 has not been evaluated by the Historic Preservation Commission for potential designation as a Historic Site according to the criteria found in the Historic Preservation Ordinance (Subtitle 29 of the County Code). It is possible that with the completion of archeological investigations, the Magruder/McGregor Family Cemetery and/or the Dunblane House site could be found to meet Historic Site designation criteria.

Archeology

3. Phase I archeological survey was conducted on the five parcels comprising the Woodside Village property (Wholey, Suit, Yergat, A. Bean, and Case) from February to April 2005 and January to May 2007. Twelve archeological sites were identified on the property. Site 18PR860 is located on the Wholey Property and is a late 19th to 20th century tenant house and artifact scatter. Site 18PR891 is located on the A. Bean property and is a multicomponent prehistoric lithic scatter and historic artifact scatter. Site 18PR892 is located on the Suit Property and is a light scatter of late 19th to mid-20th century artifacts surrounding a tenant house. Site 18PR893 is located on the Suit Property and is a light scatter of late 19th to 20th century artifacts surrounding the main house on the property. Site 18PR894 is located on the Suit Property and consists of a dense scatter of brick and domestic artifacts dating from the 18th to 20th centuries. This site may represent the remains of an 18th century occupation on the property. Site 18PR895 is located on the Suit Property and consists of a tenant house and associated late 19th to early 20th century artifact scatter. Site 18PR898 is located on the Yergat Property and is a mid 19th to 20th century artifact scatter that may represent the remains of two tenant houses. Site 18PR899 is located on the Yergat Property and is a refuse disposal area dating from the late 19th to 20th centuries. Site 18PR900 is located on the Case Property and is an 18th to 20th century artifact scatter associated with the former Dunblane House (Historic Resource #78-010). Site 18PR901 is located on the Case Property and consists of a late 19th to early 20th century artifact scatter. Site 18PR902 is located on the Case Property and is a late 19th to early 20th century refuse dump associated with house site 18PR900. Site 18PR903 is located on the Case Property and is another late 19th to early 20th century refuse dump associated with house site 18PR900.
4. Staff concurs with the report's findings that no further work is necessary on sites 18PR891, 18PR892, 18PR893, 18PR895, 18PR899, 18PR902, and 18PR903. Staff also concurs that no further work is necessary on archeological site 18PR860; however, the 20th century dwelling/tenant house associated with the site should be recorded on a Maryland Inventory of Historic Properties form. In addition, staff concurs that Phase II investigations are necessary on sites 18PR894, 18PR898, 18PR900, and 18PR901. The

applicant has submitted four copies of the final reports for the Bean, Case, Suit, Wholey and Yergat properties. The reports were accepted by Historic Preservation staff on March 28 and April 8, 2008.

CONCLUSIONS

Historic Preservation

1. Based on the historic significance of the Dunblane property, and its association with the Magruder family, the Magruder/McGregor family cemetery should be protected and maintained throughout the development process. A plan for the long term maintenance and preservation of the site should be developed by the applicant, whether or not the cemetery is designated as a Historic Site. Should the archeological investigations of the property yield significant findings and features to be preserved in place, those features should also be considered for potential Historic Site designation.
2. Should the Magruder/McGregor Family Cemetery and/or an archeological feature within the developing property be designated as a Historic Site, the buffering provisions of the *Prince George's County Landscape Manual* would apply, and careful consideration should be given to the character of fencing, and landscape features to be introduced.

Archeology

3. Phase II investigations are necessary on sites 18PR894, 18PR898, 18PR900, and 18PR901. A Phase II work plan for these sites was submitted to Historic Preservation and Maryland Historical Trust staff and has been approved.

Per the recommendation of the Historic Preservation and Public Facilities Planning Section, conditions 3u, 4d, and 5 of the Westphalia Sector Plan and Sectional Amendment Zoning Ordinance No. 5-2007 have been included in this approval.

- b. **Community Planning**— In a memorandum dated May 1, 2008, the Community Planning South Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. Additionally, they stated that the proposed development plan is in conformance with the principles of the 2007 Westphalia Sector Plan for a planned community in the subject area. Lastly, they suggested that a fee of \$3,500 per new dwelling unit is appropriate for the provision of public parks facilities. A condition below requires the payment of the suggested fee prior to issuance of each building permit.
- c. **Transportation**—In a memorandum dated June 18, 2008, the Transportation Planning Section offered the following review and comment:

Upon review of the applicant's traffic study, staff concurs with its findings and conclusions as

they pertained to the analyses of the various intersections. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a May 20, 2008 memorandum to staff (*Issayans to Burton*), the DPW&T appears to be in general agreement with the study conclusions. It did however, made some recommendations, most of which affect traffic operations. Some of those recommendations are as follows:

- The developer should be required to widen Ritchie Marlboro Road for three westbound through lanes to accept the proposed third left turn lane from northbound Ritchie Marlboro Road.
- Due to the failing level of service, the applicant should also be required to provide the improvements to the intersection of Westphalia Road and Melwood Road/D'Arcy Road if Smith Farm Development does not come to fruition.
- Due to the skewed angle of Sansbury Road with D'Arcy Road and the future failing level of service, improvements should be made to improve capacity and realign Sansbury Road to 90 degrees with D'Arcy Road.
- Add an additional through lane on southbound Ritchie Marlboro and Westphalia Road to improve capacity and align the Westphalia Road to opposite Orion Lane. The proposed one-lane approach will block the right lane in addition to the through lane being blocked by left turns into Orion Lane.

In a June 3, 2008 memorandum to staff (*Foster to Burton*), the SHA also expressed its concurrence with all of the traffic study findings regarding adequacy. SHA noted however, the following additional comments:

- Twenty-five percent of the site generated traffic will utilize the I-95 at Ritchie Marlboro interchange. SHA is therefore recommending that M-NCPPC conditions the applicant to pay a pro-rata contribution towards the future reconstruction of said facility.
- The third eastbound and westbound through lanes on Ritchie-Marlboro Road at Sansbury Road intersection should extend to the west to the I-95 Northbound Ramps at Ritchie Marlboro Road roundabout

TRANSPORTATION FINDINGS

1. The application is a CDP for a single-family residential a development of:

- 451 single family units
- 689 townhouse units
- 220 multi-family units

The proposed development would generate 840 (168 in, and 672 out) AM peak-hour trips

and 832 (541 in, 291 out) PM peak-hour trips at the time of full build-out, as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

2. The traffic generated by the proposed developments would impact the following intersections and links:
 - Ritchie Marlboro Road at Sansbury Road
 - Ritchie Marlboro Road at White House Road
 - MD 4 at Westphalia Road
 - Westphalia Road at P-616 (future)
 - Westphalia Road at MC-631 (future)
 - MD 4 at Suitland Parkway
 - Ritchie Marlboro Road at Westphalia Road
 - D’Arcy Road at Westphalia Road
 - D’Arcy Road at Sansbury Road

3. None of the aforementioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007 - 2012) Maryland Department of Transportation 2008-2013 Consolidated Transportation Program (CTP) or the Prince George’s County Capital Improvement Program (CIP) with the exception of the following:
 - MD 4 at Suitland Parkway

4. The subject property is located within the Developing Tier as defined in the *Prince George’s County Approved General Plan*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

5. All of the intersections identified in Finding 2 above, when analyzed with the total future traffic as developed using the *Guidelines*, were found to be operating inadequately except the following:
 - MD 4 at Suitland Parkway

6. In consideration of the findings in number 5 above, this applicant will be required to

provide the following improvements:

- a. **Sansbury Road/Ritchie Marlboro Road Intersection (signalized)**
 - Install a third westbound and eastbound through lane on Ritchie-Marlboro Road.
- b. **White House Road/Ritchie-Marlboro Road Intersection**
 - Restripe the three approach lanes of northbound Ritchie-Marlboro Road to provide double left and a shared left thru right-turn lane.
 - Provide a third through lane along westbound Ritchie Marlboro Road to receive traffic from three left-turn lanes.
- c. **Westphalia Road/ MD 4 Intersection**
 - Provide a pro-rata contribution pursuant to a Surplus Capacity Reimbursement Procedure (SCRIP) approved by the Planning Board.
- d. **Westphalia Road and P-616**
 - Construct a standard collector section along the south side of Westphalia Road along the property frontage
- e. **Westphalia Road and Ritchie Marlboro Road**
 - Conduct a signal warrant study and install signal if deemed necessary by DPW&T.
- f. **Westphalia Road and MC-631**
 - Construct a standard collector section along the south side of Westphalia Road along the property frontage.
- g. **D’Arcy Road and Westphalia Road**
 - Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

h. **D’Arcy Road and Sansbury Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

i. **SCRIP Methodology**

Based on the findings adopted by the Planning Board (PGCPB 06-64(A)) for The Smith Home Farm, the following represents the methodology for computing the pro-rata amount for this application:

**Pro Rata Share for Subject Development:
 Base Condition**

Total cost of Construction **\$25,841,100.00**

Westphalia Road/service road:	AM CLV – 788; PM CLV – 679	
Average	733.5	
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 623; PM CLV – 620	Average 621.5
Service road/MD 4 WB ramps:	AM CLV – 569; PM CLV – 366.	Average 467.5
Interchange base statistic	$(733.5 + 621.5 + 467.5) / 3 = 607.50$	
Base Capacity:	$1450 - 607.5 = 842.50$ (capacity units)	

Allocable cost per capacity unit: $\$25,841,100.00 / 842.5 = \mathbf{\$30,671.81}$

Base Condition (with SHF + D’Arcy + Rajae + Westphalia Towns)

Westphalia Road/service road:	AM CLV – 1318; PM CLV – 1168	Average 1243
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 805; PM CLV – 1096	Average 950.5
Service road/MD 4 WB ramps:	AM CLV – 673; PM CLV – 422.	Average 547.5

Woodside Village

Interchange traffic statistic: $(1243 + 950.5 + 547.5) / 3 = 913.67$

D’Arcy (North & South) + SHF + Rajae + Westphalia Towns

Interchange traffic statistic: 890.5

Change in traffic statistic = Woodside Village – (Westphalia + D’Arcy + SHF + Rajae)

Change in traffic statistic = $913.67 - 890.5 = 23.17$

Share = Change x Allocable cost per capacity unit

Share = $11.33 \times \$30,671.81 = \mathbf{\$710,563.60}$

Cost per dwelling unit = $\$710,563.60 / 1,360 = \mathbf{\$522.47}$

It should be noted that all of the CLV computations are based on a lane configuration as shown on the most recently available construction drawings (30 percent complete) for the

proposed interchange. These computations may vary from those that were outlined in PGCPB 06-64(A)) for The Smith Home Farm since staff had to rely on a design (and lane usage) that was in the very early planning phase. As the design plans get closer to 100 percent completion, it is conceivable that the proposed lane usage and subsequently, the final CLVs for the three intersections may change yet again. staff is confident that by the time final action by the Planning Board is taken regarding the establishment of a SCRCP, staff will have available, 100 percent design plans with a definitive lane usage.

With the approval of the Smith Home Farm preliminary plan, and

- a. The establishment of SCR improvement in accordance with Section 24-124; and
- b. A methodology for computing the pro-rata payment associated with this improvement, subsequent developments; including the subject property could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

All parties must be aware that subsequent action will be needed by the Planning Board to establish a SCRCP at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCRCP prior to the passage of the SCRCP resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCRCP prior to issuance of building permits.

7. The intersections identified in Finding 6 above will operate acceptably provided all of the improvements in the traffic are implemented.

The Transportation Planning Section stated that the staging of development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Prince George's County Code if the application is approved with certain specified conditions. Those conditions have been included in this approval.

- d. **Trails**—In a memorandum dated May 27, 2008, the trails coordinator stated that the subject site falls within the jurisdiction of the *Approved Westphalia Sector Plan and Sectional Map Amendment*, which recommends several master plan trails on the site and seeks to coordinate development proposals in the area in order to ensure that trail issues are considered comprehensively. More particularly, he notes the specific master plan trail issues as identified in the Westphalia Sector Plan as follows:

- Hiker-Biker-Equestrian trail along Cabin Branch
- Sidepath (Class II Trail) along Westphalia Road
- Trail/Bikeway along Suitland Parkway extended (MC-631)
- Trail/Bikeway along P-616
- Trail/Bikeway along P-619

Additionally, the trails coordinator noted the further guidance of condition 3.g. of approved Basic

Plan A-9973 (PGCPB No. 06-112) as follows:

- g. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 master plan and the WCCP Study:
- (1) Provide the master plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.
 - (2) Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.
 - (3) Provide a side path (Class II Trail) along the subject site's entire road frontage of Westphalia Road.
 - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.

As review observation, the trails coordinator offered the following:

- It is also important to coordinate the trails and sidewalk facilities on the subject property with facilities on the adjacent Smith Home Farm and Marlboro Ridge developments. Marlboro Ridge already has a network of trails included on the previously approved Conceptual Site Plan CSP-03005 and Preliminary Plan 4-04080. This network includes the Cabin Branch Trail, as well as several trails and pedestrian connections between the Marlboro Ridge and Woodside Village. The amended basic plan submitted with the subject application adequately reflects the connectivity between the two developments.
- The trail plan shown for the Woodside Village basic plan is comprehensive, implements the appropriate master plan trail proposals, and utilizes available open space as trail corridors. Supplementing these trails are numerous connector trails. These connector trails link development pods and provide access between master plan trails. Sidewalks will also be an important component of providing a walkable community. Sidewalk connectivity will be looked at in more detail at the time of specific design plan (SDP). However, staff recommends that sidewalks be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
- Future submittals should delineate M-NCPPC trails from HOA trails. It should also be noted that the adjacent Smith Home Farm application (CDP-0501 and 4-05080) also indicates a trail along their side of Cabin Branch. Work done for the Westphalia CCP indicated that a trail may be desirable along both sides of Cabin Branch in some areas. However, this should be coordinated with the Department of Parks and Recreation and the ultimate location of the trail, as well as any necessary stream crossings, will be determined by DPR.

In order to implement the above trails recommendations, the trails coordinator suggested seven conditions that have been included in this approval.

- e. **Parks**—In a memorandum dated May 23, 2008, the Department of Parks and Recreation offered the following:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced comprehensive design plan application for conformance with the requirements of the approved Basic Plan A-9973; with amendments, limitations and conditions as described in County Council Resolution CR-2-2007, the requirements and the recommendations of the *Approved Prince George's County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment*, the current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

FINDINGS

The subject property consists of 381.9 acres of land located south of Westphalia Road. The property is bordered by the Cabin Branch Stream Valley to the south, the Smith Home Farms project to the west and the Marlboro Ridge project to the east.

The applicant's proposal includes 1,496 residential dwellings units. Using current occupancy statistics for single-family and multi family dwelling units, one would anticipate that the proposed development would result in a population of 4,005 residents in the new community.

The DPR staff finds that Planning Area 78 is currently ranked as in high need of public parkland and public recreational facilities such as football, soccer and baseball fields, basketball courts, playgrounds and picnic areas. The demand for public parkland and public recreational facilities will only grow with the extensive residential development in this region of Prince George's County.

The *Approved Westphalia Sector Plan and Sectional Map Amendment* introduced the concept of a "Central Park", a single major recreational complex to serve the entire Westphalia Area. A highly visible central park will serve as a unifying community destination and amenity. The Westphalia Sector Plan recommends developing the central park with a lake or another water feature, active and passive recreational facilities; lawn areas and bandstands suitable for public events; trail system, group picnic area and tennis facility. In addition, the Westphalia Sector Plan recommends dedication of the Cabin Branch Stream Valley including the Primary Management Area known as the Cabin Branch Greenway Park.

Section 27-507 of the Zoning Ordinance describes the purposes of the Comprehensive Design Zone R-M Zone (Residential Medium Development). This section requires establishment (in the public interest) of a plan implementation zone, in which permissible residential density is

dependent upon providing public benefit features. It states that the location of the zones must be in accordance with the adopted and approved General Plan, master plan, or public renewal plan. The purpose of R-M Zone is to encourage the provision of amenities and public facilities in conjunction with residential development and to improve the overall quality and variety of residential environments in the Regional District.

Council Resolution CR-2-2007 required the dedication of 56 developable acres of public open space to M-NCPPC (26 acres for central park, 10 acres for elementary school and 20 acres for middle school).

The applicant has provided 56 acres of public open space for parkland.

CR-2-2007, Condition 3 states: The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:

- g. The Applicant and Applicant's heirs, successors, and/or assignees shall provide the following in conformance with 1994 Master Plan and WCCP Study:**
 - (1) Provide the Master Plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.**

The applicant has shown a master plan trail hiker biker system along the Cabin Branch on dedicated parkland on the Westphalia Urban Park concept plan; however, the segment of the master planned trail along the Cabin Branch between planned road P-619 and the eastern property line adjacent to Marlboro Ridge is not shown as dedicated to M-NCPPC. The DPR staff believes that the entire Cabin Branch Stream Valley should be placed in public ownership. The DPR staff recommends that the applicant dedicate an additional 7.5 acres along the Cabin Branch (mostly Primary Management Area) to the M-NCPPC and provides hiker/biker and equestrian trails along the subject site's entire portion of the Cabin Branch Stream Valley on public land. DPR staff recommends establishing the timing and phasing of trail construction at the time SDP review and approval for the Central Park and the Cabin Branch Stream Valley Park.

- i. Provide a description of all type, amount, and general location of the recreational facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.**

The applicant provided a description of all types, amount, and general location of the recreational facilities on the dedicated parkland as shown on the approved DPR Central Park Concept Plan. The applicant's proposal also includes private recreational facilities in

five designated recreational/open space areas throughout the development including tennis courts, trails, open play areas, sitting areas, playgrounds, basketball courts, volleyball court and a private community recreation center with a swimming pool.

- j. The Applicant, and the Applicant' heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) submission. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.**

The applicant agrees to make a monetary contribution of \$3,500 per dwelling unit in 2006 dollars or to provide in-kind services for the development for the operation and maintenance of the central park. The applicant's proposal includes approximately 1,496 dwelling units; the final unit count to be determined at the time of the Preliminary Plan of Subdivision approval. Using the proposed number of dwelling units (1,496 units), the DPR staff estimates that the applicant should make a monetary contribution into the "park club" in the amount of \$5,236,000 or provide an equivalent amount of recreational facilities.

- k. The applicant shall submit a scope of services from qualified urban park design consultant for development of comprehensive concept plan for the portion of central park in the project area. The comprehensive concept plan shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of comprehensive concept plan. The Comprehensive Concept Plan shall be approved by DPR prior to approval of Comprehensive Design Plan (CDP).**

The applicant has submitted a scope of services from a qualified urban park designer. The DPR staff has reviewed the credentials of the consultant and accepted a consultant's services for the development of the comprehensive concept plan for the Westphalia Central Park. The comprehensive concept plan was prepared in cooperation with a design team from DPR and Urban Design Section and approved by staff.

- l. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.**

The public recreational facilities in the central park had been designed in accordance to *Park and Recreation Facilities Guidelines*. The concept plan for the development of a central park is shown in applicant's justification statement, Appendix-C, "Park Concept Plan."

- m. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.**

The applicant has provided a comprehensive design plan showing a multiuse stream valley trail along the subject site's portion of Cabin Branch and connector trails from the stream valley to adjacent residential development and recreational uses.

CR-2-2007, Condition 4 e, f and g, state: at the time of Preliminary Plan of Subdivision and/or prior to the first plat of Subdivision, the Applicant shall:

- e. The applicant shall dedicate 56 acres of public open space to M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites shall be determined at the time of CDP plan approval. The land to be conveyed to the M-NCPPC shall be subject to the following conditions:**
 - (1) 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 plats.**
 - (2) 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, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**

- (3) The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- (4) 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, 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.**
- (5) 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. DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
- (6) 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.**
- (7) All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**
- (8) The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.**
- (9) 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, maintenance and easement**

agreements shall be required prior to the issuance of grading permits.

The proposed CDP plan shows dedication of 56 acres to M-NCPPC. The DPR staff evaluated the proposed dedication area and found that this area is in general conformance with the Basic Plan A-9973 plan and recommendations for the parkland dedication area. However, the applicant proposes a large amount of tree conservation, afforestation and reforestation on dedicated parkland and has not obtained the written permission of DPR. DPR staff believes that the tree conservation, afforestation, reforestation easements should be removed from the dedicated parkland. This site presents many challenges for the development such as steep slopes, Marlboro Clay, floodplain and wetlands. Any additional restrictive easements on the dedicated parkland will jeopardize the vision of the master plan and Central Park Comprehensive Concept Plan. DPR staff recommends removing all tree conservation from dedicated parkland.

- f. Enter into an agreement with the DPR, prior to the first Final Plat of Subdivision that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR.**

DPR staff recommended that a draft agreement should be submitted to the DPR for review and approval prior to submission of the Preliminary Plan of Subdivision.

- g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.**

CR-2-2007 also states that the District Council intends to require submission of an SDP for the Central Park following approval of the Westphalia Sector Plan and SMA. The exact timing for the submission, approval and phasing for the Central Park shall be established by District Council in approval of the next SDP to be filed under CDP-0501 for Smith Home Farm.

The Westphalia Central Park is located within the boundaries of the Smith Home Farm and the Woodside Village projects. Twenty-six acres of the central park are located within the boundaries of the Woodside Village. The District Council recommends establishing the timing for the submission, approval of the SDP for the Westphalia Central Park and the phasing of central park construction at the time of approval of the next SDP to be filed under CDP-0501 for Smith Home Farm.

While the majority of the Central Park (148 acres) is located within the boundaries of Smith Home Farm project and a SDP will be required for the Smith Home Farm portion of the

central park, the DPR staff believes that the similar condition for the submission of the SDP for the Woodside Village portion of the central park should be established at this time. DPR staff recommends that SDP for the central park shall be submitted, reviewed and approved by the Planning Board as a second SDP to be filed under CDP-0601. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review the credentials and approve the selection of the design consultant prior to development of SDP plans.

CONCLUSION

Subject to the included conditions, the application satisfies the conditions of the approved Basic Plan A-9973 as described in County Council Resolution CR-2-2007, the requirements and recommendations of the *Approved Prince George's County General Plan and Approved Westphalia Sector Plan and Sectional Map Amendment* as they pertain to public parks and recreation.

- f. Public Facilities**—In a memorandum dated March 6, 2008, the Historic Preservation and Public Facilities Planning Section, noting that the Westphalia Sector Plan recommended the location of a fire station in a higher density location near the proposed community commercial core with access to the Suitland Parkway, stated that existing engine service to the subject property is within the travel time standard. In the same memorandum, the Historic Preservation and Public Facilities Planning Section noted that police and library facilities, according to the Westphalia concept plan, are appropriate uses in the commercial central core. Timing of the construction of these facilities will be determined in the Westphalia Financing Plan. Lastly, with respect to public schools, the Historic Preservation and Public Facilities Planning Section noted that the site plan indicates a 56-acre proposed park-school site in the central portion of the site and that the design program of the project was expected to generate 359 elementary school students, 90 middle school students and 180 high school students. In closing, the Historic Preservation and Public Facilities Planning Section suggested that the school site should be dedicated to M-NCPPC at or before a final plat is recorded for the subject site. A condition below ensures that this will occur.
- g. Environmental Planning**—In a revised memorandum dated June 25, 2008, the Environmental Planning Section offered the following:

MASTER PLAN CONFORMANCE

The current Master Plan for this area is the Westphalia Approved Master Plan and Sectional Map Amendment (February 2007). In the Approved 2007 Master Plan and Sectional Map Amendment, the Environmental Infrastructure Section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **[BOLD]** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

The majority of the land within the designated green infrastructure network is being preserved and reforestation is being proposed along portions of the network to expand the existing denuded buffers.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

With the exception of necessary road crossings, the CDP shows the PMA preserved on this site.

- 3. Place preserved sensitive environmental features within the park and open spaces network to the fullest extent possible.**

The subject application proposes to preserve these features and in some places, reforestation is also proposed. Preservation and reforestation on parkland is subject to the review and approval of the Department of Parks and Recreation (DPR).

- 4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

The current application contains extensive areas of primary management area (PMA) associated with Cabin Branch, a designated primary corridor. Portions of the associated PMA are to be included in the property to be dedicated for use for a public school or park. The other portion of the PMA associated directly with Cabin Branch is proposed to be bordered by stormwater management ponds which will service the associated proposed single family houses. Details on protecting the Cabin Branch primary corridor are discussed below.

- 5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

Impacts to the PMA were discussed above and are discussed in more detail in the Environmental Review Section below.

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

Prior to submission of this CDP, the development of the overall roadway network was discussed in detail and the road crossings were placed at the optimal locations to reduce impacts. Impacts to the primary management areas are discussed in more detail in the Environmental Review Section below.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

The use of the comprehensive design zone development standards is considered a flexible design technique.

Policy 2: Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Strategies:

1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

The current proposal provides conservation of already established wooded buffers along the streams on-site. The application also provides for reforestation/afforestation in some areas along these streams in order to increase the wooded buffer; however, additional information is needed to determine the best places to focus reforestation efforts. The tree conservation issues associated with this site are discussed in further detail in the Environmental Review Section below.

2. Require stream corridor assessment using Maryland Department of Natural Resources protocols and include them with the submission of a natural resources inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.

A signed NRI was submitted but it does not include a stream corridor assessment. The streams on-site are highly degraded from erosion of the highly erodible soils on-site and from the former agricultural uses. A stream corridor assessment is needed to determine where restoration efforts should be focused and whether or not the stream system in its current condition can handle the stormwater run-off proposed. The stormwater management design should consider the information obtained from the stream corridor assessment as part of the process of designing the overall system because a poorly design system will continue to degrade the streams on-site and result in the continuation of down-stream degradation.

3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

The subject application proposes the dedication of right-of-ways for four master-planned roads. At the time of creation of the Westphalia Master Plan, the exact locations of P-616, P-619, and MC-631 were determined for both the subject property and Smith Home Farms. These road crossings have been placed such that they reduce environmental impacts as much as possible.

4. Encourage shared public/private stormwater facilities as site amenities.

5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground facilities.

At this time there is insufficient information to fully address these standards. The CDP shows a variety of stormwater management ponds, all placed adjacent to the PMA. As stated above, a stream corridor assessment is needed to determine if the stream system will be stable enough to handle the influx of run-off. During the review of the preliminary plan, the stormwater management concept proposed will be evaluated to determine if it has been designed to include low impact development techniques and as amenities.

Policy 3: Reduce overall energy consumption and implement more environmentally-sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques shall be evaluated at time of specific design plan. The subject property does not currently contain existing buildings.

CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan, and are applicable to the subject site.

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains Regulated Areas, Evaluation Areas, and Network Gap Areas as identified in the Countywide Green Infrastructure Plan, which cover a small portion of the property, adjacent to Cabin Branch. The areas adjacent to Cabin Branch are proposed to be preserved, and where possible, enhanced by areas of reforestation.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area will be provided through the protection of the Patuxent River Primary Management Area; the application of best stormwater management practices for stormwater management; and through stream restoration efforts where necessary. It is recommended that low impact development stormwater management methods be applied on this site, to the fullest extent possible, and be designed in a comprehensive manner that ensures that proper drainage has been provided to residential portions of the site.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques to reduce overall energy consumption should be addressed.

Policy 5: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. This will be addressed in more detail during future reviews.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

There are no noise related issues associated with this development because all of the roadways within and adjacent to the site are classified below the level of arterial.

Policy 7: Protect wellhead areas of public wells.

The site is not in a wellhead protection area and does not propose any public wells.

CONFORMANCE WITH DISTRICT COUNCIL FINAL DECISION ON A-9973

On May 11, 2006, the Prince George's County Planning Board reviewed Zoning Map Amendment Petition No. A-9973 Woodside Village, requesting rezoning from R-A (Rural Agriculture) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George's County Code. The decision contains several environmentally-related conditions and considerations on the approved rezoning of the property to be applied at various review points in the process. The District Council reviewed the Zoning Map Amendment on September 18, 2006 and approved it with no additional conditions.

The text from the Prince George's County Planning Board Resolution No. 06-112 has been shown in [BOLD] typeface evaluation has been shown in standard typeface.

Environmental Conditions of the Final Decision for Basic Plan A-9973

- o. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River Primary Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.**

The PMA is clearly shown on all plan submittals per this condition.

- p. Demonstrate that the PMA has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.**

As noted above, the overall layout of the road network in this area was evaluated comprehensively before CDP submission. The Environmental Review section below will go into further detail regarding the preservation of the PMA to the fullest extent possible.

- q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:**
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.**
 - (2) Concentrate priority areas for tree preservation in areas within the framework of the Approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.**
 - (3) Mitigate woodland cleared within the PMA's Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads**

which shall be mitigated 1/4:1. This note shall also be placed on all Tree Conservation Plans.

- (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.**
- (5) Prohibit woodland conservation on all residential lots.**

The Type I Tree Conservation Plan contains several errors with regard to the calculation of the requirements of this condition. Revisions are needed to the worksheet as addressed in the Environmental Review section below.

r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.

The current review package includes plans with the approximate locations of Marlboro clay formations.

ENVIRONMENTAL REVIEW

1. A signed Natural Resources Inventory (NRI/158/06), which included detailed forest stand delineation (FSD), was submitted with the application. A revised NRI was subsequently submitted to add the Wholey property (the -01 revision). The applicant states in a June 10, 2008 letter that the figures on the -01 revision are also incorrect, and that the numbers on the TCPI are the correct numbers. At this time, staff is unable to verify the correct numbers and will review another revision to the NRI prior to approval of any more plans for this site.

The site contains four different forest stands. Stand one is approximately 51.04 acres of midsuccessional tulip poplars and sweetgums. This stand contains streams and their associated buffers along with wetlands and their associated buffers. Stand two is approximately 14.50 acres of mature mixed hardwoods, dominated by American beech, white oak, and tulip poplar. This stand contains many specimen trees and has a large area of severe slopes of 25 percent and greater. Stand three contains approximately 9.12 acres of mature tulip poplars, American beech, and white oak. This stand also contains the headwaters of the stream that originates on the property in the northeast portion of the site. Stand four contains 17.87 acres of early successional sweetgum, red maple, ash, black cherry, and tulip poplars. This stand contains extensive areas of severe slopes greater than 25 percent.

The calculations for the total site acreage, total floodplain acreage, and the total woodland in the floodplain vary between the two NRI submissions and the TCPI. The total acreage of the site is listed as 369.42 acres on NRI/158/05-01 and as 381.96 acres on

the Type I Tree Conservation Plan, TCPI/006/08. The total floodplain for the site is listed as 15.83 acres on the NRI while it is listed as 15.45 acres on the TCPI. The forested floodplain for the site is listed as 6.43 on the NRI while it is listed as 7.91 acres on the TCPI. A letter from the applicant dated June 10, 2008, states that the acreages listed on the TCPI/006/08 are correct.

2. This development is subject to the requirements of the Prince George's County Woodland Conservation Ordinance, because the parcels affected by the development activity are more than 40,000 square feet in size and contain more than 10,000 square feet of existing woodland.

A Type I Tree Conservation Plan (TCPI/006/08) was submitted and has been reviewed. It appears that a standard worksheet was not used because of the special nature of the conditions associated with the site (the use of a 25 percent threshold); however, a standard worksheet is required for all TCPs. The standard worksheet can be easily modified to provide the correct figures. The worksheet provided lacks two of the most important lines of information: the acreage cleared above the threshold and the calculations of the clearing that is required to be mitigated at a ratio of 1:1.

It appears that the woodland conservation requirement is 107.97 acres; however, this is subject to verification.

In conjunction with the above mentioned acreage discrepancies, there are technical revisions required. The areas of natural regeneration listed for the subject site shall include the following label on the plan, "Existing shrub/scrub area of natural regeneration."

Woodland preservation is proposed on the park/school site. This is not permitted without the consent of the Department of Parks and Recreation (DPR). If DPR's consent is obtained, the plans may be revised later. Update the woodland conservation calculations worksheet to exclude this preservation until written permission is obtained.

3. Marlboro clay occurs on this property. The plan does not show the existing, unmitigated 1.5 safety factor line associated with Marlboro clay. Section 24-131 of the Subdivision Regulations controls the development of potentially unsafe lands. The geotechnical study submitted, dated December 2006, states: "Based upon the available plans and subsurface information, GTA anticipates that the existing slopes on the project site generally have factors of safety for global stability greater than 1.5, and therefore, the unmitigated 1.5 line is not applicable to this site. Please refer to the attached results of the slope stability analysis for additional information. Note that as proposed grading plans are developed and revised, the "mitigated" 1.5 factor of safety line may impact the site development plans. In order to reduce this impact, the civil engineer should attempt to minimize proposed fill slopes, and stormwater management (SWM) facilities in the vicinity of the Marlboro Clay outcrops."

A more detailed review of this issue will take place during the review of the preliminary plan.

4. The property contains streams and primary management areas that run roughly north to south close to the western and southern boundaries of the site. Streams and their buffers are required to be preserved by Section 24-130 of the Subdivision Ordinance. Proposed impacts to the regulated environmental features should be limited to those necessary for carefully placed road crossings, utilities, and stormwater management outfalls. In conjunction with the stream restoration information, the impacts to the PMA will be evaluated at the time of preliminary plan review.
5. According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelphia, Bibb, Collington, Galestown, Howell, Iuka, Marr, Mixed Alluvial Land, Sassafra, and Westphalia soils series.

Bibb, Collington, Galestown, and Sassafra pose no real limitations on development. Adelphia, Iuka, and Mixed Alluvial Land may limit development due to high water tables, flooding hazards, and poor drainage. Westphalia and Marr soils may pose development difficulties due to high erodibility on slopes.

The site is generally suitable for the proposed development. Specific mitigation measures will be further analyzed during the development process by the Washington Suburban Sanitary Commission for installation of water and sewer lines; by the Department of Public Works and Transportation for the installation of street, the installation of stormwater management facilities, and general site grading and foundations; and the Department of Environmental Resources for building foundations.

- h. Zoning**—In an undated response, the Zoning Section stated that they had no comments on the subject project.
- i. Department of Public Works and Transportation (DPW&T)**—In a memorandum dated April 29, 2008, DPW&T offered the following:
 - Right-of-way dedication and frontage improvements constructed in accordance with DPW&T's urban residential roadway standards would be required for internal subdivision streets and that right-of-way dedication for all proposed public roads and existing road frontages would be required and would have to be designed in accordance with DPW&T's specifications and standards.
 - Full-width, two-inch mill and overlay for all county roadway frontages would be required.
 - Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between M-NCPPC and DPW&T

and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's specification and Standards.

- Compliance with DPW&T's Utility Policy would be required. Proper temporary and final patching and the related mill and overlay in accordance with "DPW&T's Policy and Specification for Utility Installation and Maintenance Permits" would be required.
- The proposed site development will require an approved DPW&T stormwater management concept plan.
- An access study would have to be conducted by the applicant and reviewed to determine the adequacy of access points(s) and the need for construction of an acceleration/deceleration lane.
- All improvements within the public right-of-way are to be dedicated to the County and are to be designed in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- Culs-de-sac are required to allow a minimum turning movement for a standard WB vehicle and a standard length fire truck.
- Conformance with DPW&T street tree and lighting specifications and standards.
- Design of storm drainage systems and facilities are to be designed in accordance with DPW&T's Specifications and standards.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets would be required.
- Realignment of major collector road MD 631 would be required.
- Alignment and grade study of Westphalia Road from Ritchie Marlboro Road to Melwood Road is required prior to the comprehensive design plan approvals.
- Coordination with Smith property for the extension of P-619 would be required.
- Stormwater management facilities are to include recreational features and visual amenities.
- Determination of roadway identification public or private within the site would be necessary prior to comprehensive design approval.

j. Maryland State Highway Administration (SHA)—In a letter dated April 4, 2008, SHA stated the following:

- Since the subject property is located on the County-owned Westphalia Road, coordination with DPW&T would be most appropriate.
- However, they also noted that by letter dated February 20, 2008, they commented on a traffic impact study submitted in support of the application and concurred with the study's finding that the development would negatively impact the adjacent roadway network and recommended that the applicant make a pro rata share contribution towards future roadway improvements. They noted that the counts were dated and requested new counts be done and the traffic conditions reassessed.

In a subsequent letter, dated June 3, 2008, in response to an updated traffic impact study report, SHA offered the following:

- Access to the 451 single-family detached swelling units, 689 townhouse units and 220 multifamily dwelling units is proposed from two full movement site access driveways on Westphalia Road and a connection to Presidential Parkway (all County roadways).
- The traffic report recommended the following improvements to address the negative site traffic impacts:
- Ritchie Marlboro Road at Sansbury Road - Widen eastbound and westbound Ritchie Marlboro Road to provide third exclusive through lane. The third eastbound Ritchie Marlboro Road was proposed to drop as a right turn lane at the adjacent Ritchie Marlboro Road at White House Road intersection. Modify northbound Sansbury Road approach to provide two left-turn lanes and one left through right lane.
- Ritchie Marlboro Road at White House Road – Modify northbound Ritchie Marlboro Road approach from the existing two left turn lanes and one right turn lane to two left turn lanes and one left through right lanes.
- MD4 at Westphalia Road – Contribute pro rata share towards the future grade separated interchange at this location.
- Westphalia Road at Ritchie Marlboro Road – Widen northbound Ritchie Marlboro Road approach to provide one left-turn lane and two through lanes. Widen southbound Ritchie Marlboro Road approach to provide one through lane and one right-turn lane. Widen eastbound Westphalia Road approach to provide one left-turn lane and one right-turn lane.

Further, they had the following recommendations:

- Twenty-five percent of the site generated traffic will utilize the I-95 at Ritchie Marlboro Road interchange. As noted in many other traffic reports, additional improvements will be needed beyond the currently proposed three lane roundabout. Therefore, SHA recommends that M-NCPPC condition the applicant to pay a pro rata share contribution towards the future reconstruction of the I-95/Ritchie Marlboro interchange. Regional and Intermodal Planning Division (RIPD) will be in the lead for the Interstate Access Point Approval (IAPA) study and the coordination with the concerned agencies including the FHWA Maryland Division for the I-95/Ritchie Marlboro Road interchange reconstruct. Preliminary costs for the redesigned I-95/Ritchie Marlboro Road interchange are in the \$150 to \$225 million range. Therefore, it is the hope of SHA and FHWA that significant contributions can be collected from area developments to fund this project.
- The third eastbound and westbound Ritchie Marlboro Road through lanes at the Ritchie Marlboro Road at Sansbury Road intersection (as recommended in the traffic report) should extend to the west to the I-95 Northbound Ramps at the Ritchie Marlboro Road roundabout.
- SHA concurs with a pro rata share contribution towards the future improvements at the MD 4 at Westphalia Road intersection.

Such pro rata contribution was supported by the M-NCPPC Transportation Planning Division.

- k. Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated March 18, 2008, WSSC stated that water and sewer extension will be required and that the property is in the wrong water and sewer service category. They suggested that the applicant contact Prince George's County Department of Environmental Resources for additional information.
- i. Prince George's County Fire/EMS Department** – In a memorandum dated April 25, 2008, the Prince George's County Fire/EMS Department offered information regarding the needed access for fire apparatuses, private road design and the location and performance of fire hydrants.
- l. Verizon**—In an email dated March 20, 2008, Verizon stated that they would need a ten-foot private utility easement along all public and private streets and one in front of every unit.
- m. Potomac Electric Power Company (PEPCO)**—In an email dated May 30, 2008, PEPCO stated that they were coordinating with the developer on providing service, but had no comments on the comprehensive design plan.

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 I Tree Conservation Plan (TCPi/006/08), and further APPROVED the Comprehensive Design Plan CDP-0601, Woodside Village for the above described land, subject to the following conditions:

1. Prior to signature approval of the subject CDP, the applicant shall revise the plans as follow and/or provide the specified documentation:
 - a. Provide documentation that the Department of Parks and Recreation staff shall review and approve the revised comprehensive design plan that shows approximately 61 acres of parkland dedication.
 - b. Provide the master plan Hiker-Biker-Equestrian Trail along the subject site's entire portion of the Cabin Branch Stream Valley subject to Department of Parks and Recreation coordination and approval.
 - c. Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended (MC-631), unless modified by DPW&T.
 - d. Provide an eight-foot-wide side path or wide sidewalk along the subject site's entire road frontage of Westphalia Road (C-626), unless modified by DPW&T.
 - e. Provide bicycle and pedestrian accommodations along P616, unless modified by DPW&T. The exact nature of accommodations will be determined at time of specific design plan approval.
 - f. Provide an eight-foot-wide side path or wide sidewalk along the subject site's entire road frontage of P-619, unless modified by DPW&T.
 - g. Provide standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
 - h. Provide the internal connector trails as conceptually shown on the submitted landscape and recreation plan.
 - i. The lighter orange color utilized on the comprehensive design plan graphic shall be included in the legend for the plan and correctly identified as a single-family detached use and the spelling of the adjacent Marlboro Ridge development shall be corrected.
 - j. A note shall be added to the subject comprehensive design plan document stating that:
 - 80 percent of all single-family detached models shall have a full front façade (excluding gables, bay windows, trim, and door) of brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning

Board allow other masonry materials of equivalent quality.

- At least 60 percent of all single-family attached units shall have a full front façade (excluding gables, bay windows, trim and door) of brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Every side elevation on a corner lot that is visible from the public street shall display significant architectural features as provided in one of the following options:
 1. Full brick, stone, stucco, or fiber cement board (excluding gables, bay windows, trim and door) combined with at least three windows, doors, or other substantial architectural features: or
 2. Brick, stone, stucco, or fiber cement board (excluding gables, bay windows, trim and door) with at least four windows, or one side entry door. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Architecture for the condominium buildings shall be of a balanced and harmonious design and shall include at least 80 percent brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Specific architecture for the project shall be approved at time of specific design plan approval for the project.
- k. All wood specified for the project to be used for benches and other amenities shall be replaced by a durable, non-wood, low sheen construction material to be approved more particularly at time of approval of specific design plan(s) for the project.
- l. A continuous buffer of green space/open area shall be provided at the periphery of the project. Exceptions to this requirement will be along the shared property line with the Sun Valley Estates subdivision to the west, and where roads and/or sidewalks or trails cross the site's boundaries and along the southeastern boundary where it is intended to provide a lotting pattern/street network that will dovetail with that of a replatted Marlboro Ridge.
- m. A note shall be added to the plans stating that the homeowners association park site be completed prior to the issuance of the 748th building permit for the project. In the interim, the applicant will coordinate a program by which the residents may use the community center and pool in the adjacent Marlboro Ridge development until the homeowner's association park site can be completed.

- n. A note shall be added to the plans that the following design guidelines should be adhered to for development of the townhouse lots:
 - That no more than 60 percent of the units included in the development be townhouse/two over two units.
 - That no townhouse (with the exception of rear loaded townhouses) yard shall measure smaller than 800 square feet if the unit does not have a deck and no less than 500-square feet if a deck is provided.
 - That a maximum of 15 percent of the townhouse/two over two units measure a minimum of 16 feet wide, with the remainder of the townhouse/two over two units measuring a minimum of 18 feet wide.
 - o. A note shall be added to the plans stating that the applicant shall be required to make information available to prospective homeowners regarding the Department of Housing and Urban Development (HUD) affordable housing program referred to in Appendix L of the subject Comprehensive Design Plan entitled “Plan for Housing for All Income Groups” pursuant to Condition 3s of A-9973.
2. Prior to approval of a preliminary plan for the subject site:
- a. The applicant shall prepare a draft perpetual maintenance easement for the Magruder Family Cemetery to be attached to the legal deed (i.e., the lot or parcel delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.
 - b. The applicant shall demonstrate that the Dunblane (Magruder family) Cemetery (Historic Resource #78-010) shall be preserved and protected in accordance with Section 24-135.02 of the subdivision regulations including:
 - (1) An inventory of existing cemetery elements which shall be provided to Historic Preservation staff for review and approval.
 - (2) Measures to protect the cemetery during development, which shall be provided to Historic Preservation staff for review and approval.
 - (3) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be reviewed and approved by Historic Preservation staff.
 - c. The applicant shall be conditioned to dedicate all rights-of-way for Westphalia Road as identified by the Planning Department.

- d. The TCPI shall be revised to conceptually show the proposed stormwater management ponds as amenities and be labeled as such.
 - e. The Primary Management Area shall be preserved to the greatest extent possible. Protection and restoration of these areas is a priority. Impacts shall be limited to necessary road crossings, installation of sanitary sewer lines and connections, creation of a lake, a portion of which may be located on the subject property and stormwater management outfalls. PMA impacts for the trails and future lake on property to be dedicated to M-NCPPC will be evaluated at time of preliminary plan and subsequent specific design plan review.
3. Prior to the acceptance of a specific design plan application (or applications) for the area including 18PR894, 18PR898, 18PR900, 18PR901 or the cemetery:
- a. The applicant shall provide a final report detailing the Phase II investigations on sites 18PR894, 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to MHT standards.
 - b. If an archeological site has been identified as significant and potentially eligible to be listed as a Historic Site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:
 1. Avoiding and preserving the resource in place; or
 2. Phase III Data Recovery investigations and interpretation.
 - c. The applicant's Phase III Data Recovery plan, if required, shall be approved by The M-NCPPC staff archeologist. The Phase III (Treatment/Data Recovery) final report, if required, shall be reviewed for compliance with the *Guidelines for Archeological Review* before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.
 - d. The applicant shall provide for buffering of the Magruder/McGregor Family Cemetery and/or an archeological site designated as a Historic Site, in compliance with the *Prince George's County Landscape Manual*.
 - e. The applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist.
4. Prior to the issuance of the first building permit for the development, the applicant shall:
- a. The applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata

share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$522.47 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2006).

- b. The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRIP, (which requires the Planning Board to adopt a resolution establishing the SCRIP) State CTP, Public Financing Plan approved by the Council.
- c. Prior to the issuance of any building permits within the subject property, except model homes within the subject property, the following road improvements or sections of roads shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

(1) **Sansbury Road/Ritchie Marlboro Road intersection (signalized)**

- Install a third westbound and eastbound through lane on Ritchie-Marlboro Road.

(2) **White House Road/Ritchie-Marlboro Road intersection**

- Restripe the three approach lanes of northbound Ritchie-Marlboro Road to provide double left and a shared left-thru-right-turn lane.
- Provide a third through lane along westbound Ritchie Marlboro Road to receive traffic from three left-turn lanes.

(3) **Westphalia Road/ MD 4 intersection**

- Provide a pro-rata contribution pursuant to conditions 4(a) and 4(b)

(4) **D'Arcy Road and Westphalia Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

(5) **D'Arcy Road and Sansbury Road**

- Conduct a signal warrant study and install signal if deemed necessary by

DPW&T.

- d. Prior to the initial SDP for residential units a timetable for the phasing, construction, and financing of the following road improvements shall be determined:
 - (1) **Westphalia Road**
 - Construct a standard collector section along the south side of Westphalia Road along the property frontage
 - (2) **Westphalia Road and Ritchie Marlboro Road**
 - Conduct a signal warrant study and install signal if deemed necessary by DPW&T. The timing for the installation of a signal shall be determined by DPW&T prior to the first SDP.
5. Prior to approval of the final plat that includes the park/school site acreage, the applicant shall dedicate approximately 61 acres parkland to M-NCPPC as shown on Department of Parks and Recreation Exhibit "A", which shall be conveyed to M-NCPPC subject to the conditions of DPR's Exhibit "B", included as plat notes on the final plat.
6. Prior to issuance of each building permit for a residential unit, per the applicant's proffer, the applicant and the applicant's heirs, successors and/or assignees shall make a monetary contribution or provide in-kind services in the amount of \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the "park club" or provide an equivalent amount of recreational facilities. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. Notwithstanding the above, DPR acknowledges that it prefers that the applicant provide in-kind services (such as park improvements, trails, crossing, etc.) and that DPR's approval of said services shall not be unreasonably withheld. The value of the recreational facilities shall be reviewed and approved by the Department of Parks and Recreation staff. Monetary contributions may be used for construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation.
7. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined by the DPR staff based on a cost estimate to be provided by the applicant. If not previously determined, the agreement also shall establish a schedule for payments and/or a schedule for park construction. The payment shall be adjusted from the base year of 2006 pursuant to Consumer Price Index (CPI) to account for inflation. The agreement shall be recorded in the Prince George's Land Records by the applicant prior to final plat approval.

8. The applicant shall develop a specific design plan (SDP) for the portion of Central Park on the Woodside Village Site. The SDP for the Central Park shall be submitted to the Planning Board in conjunction with the SDP containing the 225th dwelling unit for the area covered by CDP-0601. A specific design plan shall be prepared by a qualified urban park design consultant working in cooperation with a design team from the Department of Parks and Recreation. Department of Parks and Recreation staff shall review the credentials and approve the selected design consultant, prior to development of the SDP plans. The SDP shall include a phasing plan. Should the applicant seek to have the residential component of CDP-0601 included in a single specific design plan, plans for the approximately 61-acre park/school site shall be included in that plan. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and a six-foot-wide trail connectors to the neighborhoods. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Department of Parks and Recreation. Grade separated crossings shall be provided for the master planned Cabin Branch Stream Valley Trail at all major road crossings. The SDP for the Central Park shall identify the needed road crossings the value of which shall be credited to the applicant as an in-kind-contribution toward its required per dwelling park fee.
9. The recreational facilities to be constructed on dedicated parkland shall be built in phase with development but no later than the issuance of the 748th building permit.
10. Three original, executed recreational facilities agreements (RFA) for the construction of the recreational facilities on dedicated parkland shall be submitted to DPR for their approval, six weeks prior to a submission of a final plat of subdivision for any land adjoining the parkland. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
11. A performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the Department of Parks and Recreation shall be submitted to the Department of Parks and Recreation, at least two weeks prior to applying for any building permits.
12. At least 35 days prior to any public hearing for specific design plans for each portion of the property containing a stormwater management pond, the stormwater management ponds shall be designed as visual and recreational amenities to the community with features such as utilizing the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate and shall include the use of low impact development stormwater management techniques, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands and the use of native plants as approved by DPW&T.
13. Private recreational facilities for the project, the majority of which shall be located on the centrally-located homeowner's association land, shall consist of the following facilities or alternate facilities of equal value of \$1,853,600± which shall be determined at time of SDP:
 - 2 picnic areas

- 3 sitting areas
- 4 tot lots
- 2 open play areas
- 2 pre-teen areas
- 4 tennis courts
- 1 swimming pool with six lanes (25 meters long) with at least a 30-foot by 30-foot training area and additional area for wading for toddlers
- 1 volleyball court
- 1 basketball court
- 1 community building including a meeting room measuring a minimum of 5,000 square feet in addition to space acquired by pool facilities or as may be increased at the time of consideration and approval of the specific design plan for the subject project that includes the community building.

Recreational facilities not located on the centrally-located homeowners' association land shall be distributed throughout the subdivision so that all units have convenient access to a portion of the recreational facilities. Phase 5 of the deployment, which includes the centrally-located homeowners' association land, shall be completed prior to the issuance of the 748th building permits, while the remainder of the private recreational facilities shall be completed as they are included on individual specific design plans and prior to issuance of 50-percent of the building permits for units included on each respective specific design plan. Exact location of all the recreational facilities for the development shall be generally in accordance with Applicant's Exhibit #1 and confirmed at time of specific design plan approval.

14. At least 35 days prior to any Planning Board hearing on the preliminary plan,
 - a. A stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted and used to further develop the stormwater management design for the site. Outfalls shall be carefully placed to ensure stream stability. If stream restoration recommendations are appropriate, they shall be included in the report and shown on the specific design plan. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.
 - b. The applicant shall coordinate a joint meeting with the staff reviewers of DPW&T, DPR and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment and recommend the final stormwater design for the site.
 - c. The NRI shall be revised to correctly show the total acreage of the site, total floodplain acreage, and the total wooded acreage in the floodplain for the subject site. Any other figures that need to be corrected as a result of these changes shall also be revised.
15. Prior to acceptance of the review package of the SDP, it shall be evaluated to ensure that it includes a statement from the applicant regarding how green building techniques and energy conservation methodologies have been incorporated to the greatest extent possible.

16. The following note shall be placed on all future plans for the project:
NOTE: All on-site lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.
17. Prior to certification of the CDP, and at least 35 days prior to any hearing by the Planning Board on the preliminary plan, the TCPI shall be revised as follows:
 - a. Include the following label on the TCPI for the area of natural regeneration: "Existing shrub/scrub area of natural regeneration."
 - b. Remove woodland preservation located on the school/park site and revise the worksheet unless written permission from the Department of Parks and Recreation has been obtained.
 - c. Have the plan signed and dated by the qualified professional who prepared it.
18. Prior to acceptance of the preliminary plan application, the package shall be evaluated to ensure that it contains a revised geotechnical report based on the proposed grading of the site. The geotechnical report, prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resource, shall state how the grading addresses the proposed 1.5 safety factor on the TCPI. The TCPI shall show proposed grading and the resulting 1.5 safety factor line. The 1.5 safety factor line shall not occur on any proposed residential lots. The report must contain an original signature and date; a signature stamp is not allowed.
19. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
20. Prior to the issuance of a building permit for any lot immediately adjoining a lot or parcel occupied by an archeological site or cemetery, applicant shall:
 - a. Install all required signage, if any, decided at time of specific design plan approval
 - b. Install a permanent wall or fence to delineate the Dublane (McGruder/McGregor Family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission at the time of approval of the SDP that includes the cemetery.
21. The following note shall be placed on the final plat of subdivision:

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/006/08), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, July 31, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of September 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RG:bjs