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# Preliminary Plan

# 4-07086

Application	General Data
<b>Project Name:</b> Norbourne Property  <b>Location:</b> Located along the southwest corner of Marlboro Pike and its intersection with Woodyard Road.  <b>Applicant:</b> Woodyard Land, LLC 2200 Defense Highway, Suite #101 Crofton, MD 21114  <b>Property Owner/Address:</b> Woodyard Land, LLC 2200 Defense Highway, Suite #101 Crofton, MD 21114	Date Accepted: 2/13/08
	Planning Board Action Limit: 7/2/08
	Plan Acreage: 27.5
	Zone: R-T
	Gross Floor Area: N/A
	Lots: 165
	Parcels: 19
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Election District: 15
	Municipality: N/A
	200-Scale Base Map: 208SE09

Purpose of Application	Notice Dates
Residential Subdivision consisting of 165 one-family, metropolitan dwelling units	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/13/07 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 5/20/08

Staff Recommendation		Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision, 4-07086, Norbourne Property  
Lots 1-9, Block A, Lots 1-8, Block B, Lots 1-26, Block C, Lots 1-47, Block D,  
Lots 1-10, Block E, Lots 1-20, Block F, Lots 1-17, Block G, Lots 1-9, Block H,  
Lots 1-10, Block I, Lots 1-5, Block J, Lots 1-4, Block K, and Parcels A-S

OVERVIEW

The subject property is located on Tax Map 100, Grid A-3 and is known as Parcel 5. The property consists of approximately 27.5 acres in the R-T Zone, and is currently improved with several sheds, outbuildings, and a detached single-family dwelling that are proposed to be razed to make way for new development. The applicant is now proposing to subdivide the existing acreage parcel into 165 lots and 19 parcels, and proposes the development of one-family attached metropolitan dwelling units. The site will be served by both public and private streets, with the private streets and common areas being conveyed to the future homeowners association. The overall development proposes twenty-nine building groups ranging from four attached units to eight attached units, and consists of a mixture of front and rear loaded units. Only .93 acre of the 27.5-acre tract is currently wooded. The property has never been the subject of a prior preliminary plan of subdivision.

This property was the subject of Zoning Map Amendment A-9977, which rezoned the subject property from the R-R Zone to the R-T Zone. The Prince George's County District Council approved Zoning Map Amendment A-9977 on July 23, 2007, which limited the development on this property to one-family metropolitan dwelling units. The District Council's actions for Zoning Map Amendment A-9977 are contained in Zoning Ordinance No. 8-2007.

The 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* shows a relocation of Marlboro Pike, C-629, traversing the southeast and southern portion of the site. A portion of this facility has already been constructed within the abutting Belmont Crest Subdivision to the west. Final plats REP 208@95, 96 and 97 were recorded for the abutting Belmont Crest Subdivision on October 21, 2005, which dedicated relocated Marlboro Pike (C-629) to public use. At this time, C-629 has been constructed within the abutting Belmont Crest Subdivision and was stubbed along the common property line which separates Belmont Crest from the Norbourne property. Relocated Marlboro Pike, a designated urban collector roadway having an 80-foot-wide right-of-way width, will now be extended through the southern limits of the Norbourne property, and will connect to Woodyard Road approximately 1,400 feet south of the existing Marlboro Pike/Woodyard Road intersection, as envisioned by the master plan.

The Transportation Planning Section has stated that the C-629 facility is correctly shown on the submitted preliminary plan, and that once constructed, the master-planned roadway will provide access and circulation within the site and to adjacent properties. At this time, the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA) have not fully

determined if the existing Woodyard Road/Marlboro Pike intersection will remain functional, or if the site's access point with Woodyard Road will be the future relocated Marlboro Pike/Woodyard Road intersection. Should the operating agencies ultimately determine that the existing Marlboro Pike/Woodyard Road intersection will no longer be operational, then the existing portion of Marlboro Pike that abuts the subject property's northern property line will be terminated into a new cul-de-sac just west of the existing intersection.

When the abutting Windsor Park Subdivision was constructed to the south, Richmanor Terrace, an urban primary residential roadway having a right-of-way width of 50 feet was stubbed along the common property line which separates the Norbourne Property and the Windsor Park Subdivision. Within this property, the master plan also proposes the extension of Richmanor Terrace (P-614) to the new relocated Marlboro Pike. This connection was recommended as a means of providing alternative access to the Windsor Park Community and an alternative to utilizing Woodyard Road as the sole access point into the subdivision. As traffic has grown along MD 223, that need has been increased. Although the extension of Richmanor Terrace was not reflected on the plans initially submitted for this application, the P-614 connection has now been adequately reflected on the revised plans, and four lots, originally proposed in this location, have been shifted further eastward to allow the connection to the Windsor Park Subdivision to be implemented.

The mandatory dedication of parkland requirements are being fulfilled on this site utilizing three different methods. The applicant is proposing (a) the dedication of 1.23 acres of land that will be added to the existing Windsor Park neighborhood playground that is currently owned by M-NCPPC (b) private recreational facilities along the northern side of relocated Marlboro Pike, to include picnic areas, gazebos, walking trails, and the installation of fountains in both of the stormwater management ponds (c) the provision of additional public facilities in the form of improvements to the Windsor Park neighborhood playground. The improvements, as proposed, include an access road from relocated Marlboro Pike to the Windsor Park neighborhood playground, the construction of a 10-space parking compound for the general public, a 130-foot by 200-foot open play area, landscaping and fencing to screen the parkland from the adjacent townhomes, and two walking trails from the proposed community to the existing trail system within the Windsor Park neighborhood playground.

The applicant has worked closely with the Department of Parks and Recreation (DPR) to establish the amenities package stated above, and DPR believes that fulfilling the mandatory dedication of parkland requirements through a combination of land dedication and private and public recreational facilities will provide the most benefit for the general public and for future residents of the proposed subdivision.

The proposed improvements to the Windsor Park neighborhood playground will be constructed on both current parkland, and land that is proposed to be dedicated to the M-NCPPC. At this time, only pedestrian access exists to the Windsor Park neighborhood playground, which is provided via Welshire Court within the abutting Windsor Park Subdivision. With the additional land area being added to the Windsor Park neighborhood playground, public parkland will occupy the entire southern quadrant of the new relocated Marlboro Pike/Woodyard Road intersection, including street frontage along both roadways. Direct vehicular access to the park will be provided from relocated Marlboro Pike, and the existing pedestrian access from the Windsor Park Subdivision will remain in its current location.

The applicant is proposing a majority of the access roads within the subdivision be private, and therefore, be maintained by the future homeowners association. The master-planned roadways that are being implemented within the site, including relocated Marlboro Pike (C-629) and the extension of Richmanor Terrace (P-614), will be public roads that are maintained by the DPW&T.

On June 3, 2008, staff from the Subdivision and Historic Preservation Sections performed a site visit to determine the existing conditions of the numerous outbuildings, storage sheds, and barns which currently occupy the property. All of the existing structures are proposed to be razed to make way for new development. The existing dwelling and the remaining structures were all determined to be in poor condition, and the southern portion of the property was previously impacted by the construction of a trailer park. The Historic Preservation Section has stated that the property is not subject to the Historic Preservation Ordinance. However, because the existing dwelling is over 50 years old, the Historic Preservation Section has requested that a scaled and detailed graphic documentation of the layout for the dwelling be submitted prior to its demolition.

A Phase-I Archeological Survey was completed on the property in 2006, and at that time, the late 19<sup>th</sup> century dwelling was recorded on a Maryland Inventory of Historic Properties (MIHP) form. No archeological sites were identified within the Phase-I Archeological Survey. The Historic Preservation Section does agree with the final report submitted by the applicant, and all archeological requirements for the property have now been fulfilled. The Historic Preservation Section has requested that the applicant explore the possibility of salvaging any in tact and potentially reusable features of the main house and to donate those materials to the Newel Post, the County's architectural salvage depot.

The abutting Windsor Park and Belmont Crest Subdivisions consist of detached single-family dwellings. Therefore, a landscape bufferyard is required along the western and southern property lines in accordance with Section 4.7 of the *Landscape Manual* (20-foot-wide buffer, 10-feet of which is landscaped). At the Subdivision Review Committee (SRC) meeting held on March 7, 2008, staff requested that the required landscape bufferyards be added to the plan for planning purposes to ensure that development is not proposed within areas where landscape bufferyards are required. In two separate referral memos prepared for this case, and provided to the applicant after each plan submission, the Urban Design Section identified the need for the landscape bufferyards to be added to the plan.

Since the time of the SRC meeting, the applicant has submitted two preliminary plan revisions; however, none of the revised plans demonstrated the landscaped bufferyards and building setbacks required by Section 4.7 of the *Landscape Manual*. At this time, the plan demonstrates three separate locations where the proposed private roadways would encroach into the required bufferyard. The required bufferyard would extend onto some of the proposed lots within Block J, along the southern property line, and Blocks A and B along the western property line. With a majority of the proposed lots having net lot areas that are less than 3,000 square feet, staff would discourage encumbering any of the lots with required landscape bufferyards.

A 50-foot-wide landscaped bufferyard is required along Woodyard Road, a designated arterial roadway, and a 35-foot-wide landscape bufferyard is required along relocated Marlboro Pike, a designated urban collector roadway. The bufferyards are required to insure that the rear yard and the lowest story of the rear outside wall of any one-family attached or detached dwelling is screened from the view of any street classified as collector or higher. The plan does reflect the required 50-foot bufferyard adjacent to Woodyard Road; however, portions of the eastern stormwater management pond are located within the required 50-foot bufferyard. The plan does not reflect the 35-foot bufferyard that is required adjacent to relocated Marlboro Pike. End-treatments that are provided for turn-around capability along several of the private stub streets, adjacent to relocated Marlboro Pike, would encroach into the required bufferyard, as well as, several of the lots themselves along the northern and southern sides of relocated Marlboro Pike.

The approval of a detailed site plan by the Planning Board is required for all attached dwellings in accordance with Part 3, Division 9 of the Zoning Ordinance. Any structures that remain within a required landscaped bufferyard will require the approval of an alternative compliance application at the time of

detailed site plan. In order to fulfill the requirements of the *Landscape Manual*, particularly along relocated Marlboro Pike, the loss of some of the lots at the time of detailed site plan is anticipated. The need for additional visitor parking may also be determined by the Urban Design Section at the time of detailed site plan and result in further modifications to the layout.

Section 27-433(d)(2) of the Zoning Ordinance states the following:

“There shall be not more than six (6) nor less than four (4) dwelling units in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but no more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width”.

The applicant has submitted a statement of justification to allow five of the proposed building groups to exceed six dwelling units. Four of the five building groups will contain eight units and one will contain seven dwelling units. With a total of 29 building groups proposed, only five of the building groups (20 percent or less) contain more than six dwelling units, if deemed appropriate by the Planning Board. Staff does agree with the applicant’s justification statement, that allowing five of the proposed 29 building groups to exceed six dwelling units would help avoid the monotony of similarly designed or sited rows of attached dwellings. This will also encourage variety in the number of dwelling units per building group, allow for additional open space, and create a more attractive living environment and streetscape.

The applicant is proposing one impact to the PMA for the construction of stormwater management outfall along the western portion of the property, as discussed further in the Environmental Planning Section of this report. The justification statement and exhibit submitted by the applicant describes the area of impact as being .019 acre. The Environmental Planning Section supports this impact because it is essential for the development of the property, and because the stormdrain outfall is being required by other county agencies in order to fulfill stormwater management requirements.

## SETTING

The subject property is situated along the west side of Woodyard Road and the south side of Marlboro Pike. To the north is undeveloped land within the R-R Zone (on the west side of MD 223), and undeveloped land in the C-O and O-S Zones (on the east side of MD 223). To the south is the Windsor Park Subdivision, (NLP 120@49, 127@71, 134@92 and 93), a cluster subdivision consisting of single-family detached dwellings within the R-R Zone. To the west, and across Woodyard Road, is a large undeveloped acreage parcel located within the R-A Zone. To the east is the Belmont Crest Subdivision, (REP 208@95, 96 and 97), a cluster subdivision that is still under construction, and consists of single-family detached dwellings within the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-T	R-T
Use(s)	Undeveloped	Metropolitan Dwelling Units
Acreage	27.5	27.5
Lots	0	165
Parcels	1	19
Dwelling Units:		
Detached	1 (To be Razed)	165 (Attached)
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for the Norbourne Property, 4-07086, and the Type I Tree Conservation Plan, TCPI/007/08, stamped as received on May 28, 2008. The Environmental Planning Section supports the letter of justification for the single impact proposed for the reasons stated in this memorandum, and recommends approval of Preliminary Plan 4-07086 and TCPI/007/08 subject to conditions.

**Background**

The area included in this application was previously reviewed by the Environmental Planning Section in conjunction with the approval of Zoning Map Amendment A-9977. The 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* rezoned the subject property from the Residential-Agricultural (R-A) Zone to the Rural-Residential (R-R) Zone. The Prince George’s County District Council approved Zoning Map Amendment A-9977 on July 23, 2007, which rezoned the subject property from the R-R Zone to the R-T Zone.

The Environmental Planning Section previously reviewed the subject property as Natural Resource Inventory NRI/071/07. The current application is a preliminary plan proposing the subdivision of 27.50 acres into 165 lots and 19 parcels, and proposes the development of one-family metropolitan dwelling units.

**Site Description**

The site contains a small pocket of non-tidal wetlands and its associated buffer located along the western border of the property. Woodyard Road is a designated arterial roadway and traffic-generated noise is anticipated. No scenic or historic roads are affected by this application. According to the Maryland Department of Natural Resources, Wildlife and Heritage Service, no rare, threatened, or endangered species occur on or within the vicinity of this property. According to the *Prince George’s County Soils Survey* the predominant soil types on-site are in the Adelphia and Westphalia series. The site is located within the Developing Tier according to the General Plan.

## Environmental Issues Addressed in the Subregion VI Master Plan

The property is within the limits of the 1994 Melwood-Westphalia Master Plan and Sectional Map Amendment. In the approved master plan and sectional map amendment, the Environmental Envelope section contains goals, objectives and guidelines. 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.

1. **An open space and conservation area network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

**Comment:** Review for conformance with the *Approved Countywide Green Infrastructure Plan* will address this guideline.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

**Comment:** This subject property proposes conventional development practices. The Type I tree conservation plan shall be reviewed for conformance with the Woodland Conservation and Tree Preservation Ordinance. Cluster subdivisions are no longer a legal approach in Prince George's County; however, the proposed development will be reviewed through the detailed site plan process.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreation facilities should not consist solely of floodplains or other parts of the Natural Reserve Areas.**

**Comment:** The recreational facilities are proposed on both private land, and public parkland. However, none of these facilities will include any property that is encumbered by floodplain.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and the use of properties should be based on environmental considerations.**

**Comment:** This subject property proposes conventional development practices. The Type I tree conservation plan shall be reviewed for conformance with the Woodland Conservation Ordinance.

5. **All public and private development proposals shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.**

**Comment:** The subject site only contains a small quantity of woodlands and an isolated wetland. The majority of the site is currently fallow field. The plan proposes only necessary impacts to the isolated wetland. The protection of natural assets on-site is discussed in further detail in this report.

6. **Woodland associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

**Comment:** The TCPI submitted with this application has been evaluated for the protection of priority woodland areas. Additional information regarding woodland preservation can be found in the Environmental Review Section of this report.

7. **To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

**Comment:** The TCPI submitted with this application will be evaluated later in this memorandum for protection of contiguous blocks of woodlands in order to minimize forest fragmentation, maximize interior woodlands, if possible, and minimize the edge/area ratio.

8. **The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and similar uses. Land filling should normally be discouraged. Where permitted for special reasons, all necessary conditions should be imposed.**

**Comment:** The current plan shows a wetland buffer adjacent to the isolated nontidal wetland that is required to be protected under state regulations. The proposed impacts to this feature must be minimized. No land filling is proposed in the current application. The preliminary plan has been evaluated for its proposed impacts to the isolated wetland and its buffer.

9. **All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, and development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

**Comment:** The Countywide Green Infrastructure Plan supersedes the Natural Reserve Area designations in the master plan. An evaluation of the proposal for conformance with the Green Infrastructure Plan is provided below. Open space parcels are proposed to be owned by the future homeowners association.

10. **Development plans and permits for development within the Conditional Reserve Area should be carefully reviewed for adherence to regulations regarding physiographic constraints and natural processes of the land.**

**Comment:** The Countywide Green Infrastructure Plan supersedes the Natural Reserve Area designations in the master plan. An evaluation of the proposal for conformance with the Green Infrastructure Plan is provided below.

11. **In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes and libraries that are sensitive to noise intrusion, air pollution, and other characteristics of excessive vehicular traffic shall be protected by suitable construction techniques and by the enforcement of legally mandated standards.**



**Comment:** The noise, air pollution, and traffic impacts related to the current application for residential development will be addressed in the Environmental Review section of this memorandum.

- 12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

**Comment:** Woodyard Road is classified as arterial and is therefore regulated for noise impacts. Noise impacts will be addressed within the Environmental Review section of this report.

### **Conformance with the Green Infrastructure Plan**

This site is not within the designated network of the Countywide Green Infrastructure Plan.

### **Environmental Review**

The preliminary plan application has a staff-signed Natural Resources Inventory (NRI/071/07) that was included with the application package. The NRI indicates that there is a wetland and its associated buffer located on-site. The forest stand delineation notes that there is one forest stand located on-site with a total of 0.93 acre of immature bottomland forest dominated by black locust, elm, and black cherry. The site contains 20 specimen trees. The one area of isolated nontidal wetlands is located along the western border of the property. No further action regarding the NRI is required.

This property is subject to provisions of the Prince George's County Woodland Conservation Ordinance because the property is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A tree conservation plan is required.

A Type I Tree Conservation Plan, TCPI/007/08, was submitted with the preliminary plan of subdivision package. The TCPI correctly calculates the woodland conservation required for this proposal as 5.50 acres based upon the woodland conservation threshold and the amount of clearing proposed. The plan proposes to meet the requirement by providing 2.03 acres of reforestation and afforestation on-site. The plan also proposes 3.03 acres of off-site mitigation. The worksheet has been calculated correctly based on the design shown.

There are several afforestation or reforestation areas on the TCPI that do not meet the minimum 35-foot width requirement. Afforestation Area 4 and Reforestation Area A are both too small and should be eliminated. Part of Afforestation Area 3 that does not meet the 35-foot width should also be eliminated. Afforestation Area 2 is isolated and provides no meaningful connection to other reforestation areas and should be eliminated. The other afforestation or reforestation areas not mentioned may remain because they are large enough to meet minimum standards. An alternative is to provide a block of woodlands that is connected to off-site areas of woodlands. The worksheet should be updated to correctly reflect the new values.

Due to the site's proximity to Woodyard Road, a designated arterial roadway, and because the afforestation areas will be subject to possible future intrusions both during construction and after the site is built, larger caliper stock is recommended to be planted. The following areas should provide a caliper stock of one inch or greater in double staggered rows along all outer edges of

the designated areas: Afforestation Areas 1 and 3 and Reforestation Area A. The afforestation and reforestation should be planted at the beginning of the project to ensure survivability long-term and their full establishment before the homeowner's association must take over maintenance. A note regarding these recommendations has been added to the TCPI, but should be changed to reflect the correct afforestation and reforestation labels.

This property is located on the western side of Woodyard Road (MD-223), classified as arterial, and on the south side of Marlboro Pike, a classified primary roadway. Because of the projected traffic levels, Woodyard Road is considered to be a source of transportation generated noise, while Marlboro Pike is not.

The submitted TCP shows the location of the unmitigated 65 dBA Ldn ground level noise contour. It appears that the rear activity areas of Lots 8, 9, and 10 in Block D will be affected by traffic-related noise above the state standard. Portions of these properties lie within the 65 dBA Ldn unmitigated noise level. A Phase II noise study should be required to address these lots at the time of detailed site plan.

An isolated wetland was found to be located on this property that is part of an off-site stream system. This feature, along with its respective buffer, comprises the Patuxent River Primary Management Area (PMA) on-site. Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

A letter of justification dated February 22, 2008, was submitted to request impacts to the PMA located on-site. The one proposed impact to the PMA on-site is to accommodate the proper installation of a stormwater management outfall. The Environmental Planning Section does support this impact because it is essential to development of this site.

### **Summary**

The Environmental Planning Section recommends approval of Preliminary Plan 4-07086 and TCPI/007/08 subject to conditions.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources. An application to amend the sewer category from Category-5 to Category-4 was included within the December, 2007 Legislative Cycle of Amendments. The council resolution that approved the December, 2007 Legislative Cycle of Amendments, CR-4-2008 (DR-2), was adopted by the District Council on April 15, 2008, and was signed by the County Executive on April 22, 2008. The site will therefore be served by public systems.

3. **Community Planning**—The property is located in Planning Area 82A within the Melwood/Westphalia Community, and is located within the limits of the 1994 Melwood-Westphalia Master Plan and Sectional Map Amendment. The development proposal does not conform to the 1994 Melwood-Westphalia Master Plan and Sectional Map Amendment which recommended a Rural-Residential land use at up to 2.6 dwelling units per acre. However, the

property was subsequently rezoned to R-T (Residential-Townhouse) through Zoning Map Amendment A-9977, which was approved by the District Council on July 23, 2007.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable and pedestrian accessible. This application proposes a moderate-density suburban residential community that is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

**SMA/Zoning:** The 1994 sectional map amendment for the Melwood-Westphalia Study Area Master Plan retained the subject property within the R-R Zone. However, the property was subsequently rezoned to R-T (Residential-Townhouse) through Zoning Map Amendment A-9977, which was approved by the District Council on July 23, 2007.

4. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed Preliminary Plan of Subdivision 4-07086, for the Norbourne Property, and has the following comments to offer:

DPR review considered the recommendations within the approved master plan and sectional map amendment for Melwood-Westphalia, the Land Preservation and Recreational Program for Prince George's County, the subdivision regulations and the existing conditions within the vicinity of the proposed development.

### **Findings**

The applicant is proposing 165 one-family metropolitan dwelling units. Using current occupancy statistics for single dwelling units, the development will provide approximately 495 new residents. The mandatory dedication of parkland requirement for this subdivision is 3.04 acres. DPR's analysis shows that the proposed subdivision is in a community that has a "high need" for recreational facilities.

Directly south of the proposed subdivision is the Windsor Park Neighborhood Playground, which currently consists of a 3.5-acre park containing a trail, playground and sitting area. The Master Plan recommends an expansion of this playground to extend to re-aligned Marlboro Pike, which bisects the subject property from east to west.

The Department of Parks and Recreation's original memo recommended to fulfill the mandatory dedication requirements through the provision of parkland dedication (1.88 acres) and included private recreational facilities along the northern portion of the site.

On May 19, 2008, DPR staff met with the applicant to discuss the options available for fulfilling the mandatory dedication of parkland requirements. At the meeting, DPR staff and the applicant developed a mutually acceptable package (1) of mandatory dedication and (2) public recreational facilities. The applicant was able to dedicate a smaller portion of land (1.23+/- acres) to M-NCPPC in order to preserve four townhouse lots that encroached into the area originally recommended for dedication by DPR staff, and by providing the following recreational amenities on existing parkland property and on the land proposed for dedication, in accordance with DPR Exhibit "C."

- The construction of a 130-foot by 200-foot open play area on land to be dedicated to M-NCPPC.
- The provision of a ten-space parking lot to be constructed on land proposed for dedication, and on the existing parkland currently owned by M-NCPPC.
- The provision of two walking trails from the proposed community, to the existing trail system within the Windsor Park Neighborhood Playground.
- Providing adequate landscaping to buffer the parkland from Marlboro Pike, Woodyard Road, and the proposed townhouse development.
- The construction of a six-foot-high board on board privacy fence along the eastern side of the townhouse units which are located adjacent to the parkland (Lots 1–4, Block K).

After meeting with the applicant, DPR staff believed that if the applicant was willing to construct facilities on dedicated parkland and provide an attractive, usable expansion to the Windsor Park Neighborhood Playground, then the benefit of these additional facilities would outweigh the need to receive additional acreage for parkland dedication.

In addition to the dedication of parkland and the construction of public facilities, the applicant proposes private recreational facilities along the northern portion of the development (north of realigned Marlboro Pike). The DPR believes that this package of parkland dedication, coupled with public and private recreational facilities, will fulfill the mandatory dedication requirement and master plan recommendations for parks and recreation.

In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, the Development Division of the Department of Parks and Recreation recommends approval of Preliminary Plan 4-07086 subject to conditions.

5. **Trails**—The approved Melwood-Westphalia Master Plan recommends a master plan trail along Woodyard Road (MD 223). This trail has been approved for construction as part of the nearby Equestrian Estates development (DSP-03005). The trail will be constructed along MD 223 for the entire frontage of Equestrian Estates. Equestrian Estates is approximately 1,500 linear feet south of the subject property. This trail will be parallel to the road and within the public right-of-way, but behind the curb. Staff recommends that the trail be constructed along the subject application’s entire frontage of MD 223 consistent with this prior approval. This trail will also provide access to the adjacent M-NCPPC parkland in the Windsor Park subdivision.

There is a public use hiker-equestrian easement shown on the adjacent Belmont Crest development (4-03060). This easement connects to the Windsor Park subdivision to the south and does not impact the subject property. Consistent with the Belmont Crest approval, staff also recommends that standard sidewalks be provided along both sides of all internal roads including the realignment of Marlboro Pike. Although the internal roads are proposed to be private, staff still believes that sidewalks are still appropriate due to the density of the subject application.

**Recommendation:**

In conformance with the adopted and approved Melwood-Westphalia Master Plan, the applicant, the applicant’s heirs, successors and/or assignees should provide an eight-foot-wide, Class II asphalt trail in accordance with the Maryland State Highway Administration (SHA) standards

along the subject property's entire street frontage of Woodyard Road (MD 223) unless modified by the SHA. In addition, the applicant should provide standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by the Department of Public Works and Transportation (DPW&T).

6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for the Norbourne Property. The applicant proposes a residential development of 165 metropolitan dwelling units.

The Transportation Planning Section had determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated April, 2008. The resulting study has been referred to the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

### **Growth Policy-Service Level Standards**

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

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

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

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

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- MD 223 and Dower House Road (signalized)
- MD 223 and Marlboro Pike (signalized)
- MD 223 and Melwood Road/Old Marlboro Pike (unsignalized)
- MD 223 and MD 4 WB Off-Ramp (unsignalized)
- MD 223 and MD 4 EB Off-Ramp (unsignalized)
- Marlboro Pike and site access (unsignalized)
- MD 223 and site access (unsignalized)

Existing traffic conditions were based on traffic counts completed in October, 2007. Existing conditions within the study area are summarized as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Dower House Road	1,071	1,340	B	D
MD 223 and Marlboro Pike	1,308	1,317	D	D
MD 223 and Melwood Road/Old Marlboro Pike	21.4*	12.7*	--	--
MD 223 and MD 4 WB Off-Ramp	22.3*	20.4*	--	--
MD 223 and MD 4 EB Off-Ramp	21.3*	20.8*	--	--
Marlboro Pike and site access	Future			
MD 223 and site access	Future			
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 1.5 percent annual growth factor for through traffic along MD 223. Given the large component of approved development included, this factor is consistent with historical data.
- Background developments in the area: It should be noted that approximately 450,000 square feet of non-residential development is included in the study, along with over 1,000 approved but un-built residences as background.

Background conditions are summarized as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 and Dower House Road	1,333	1,682	D
MD 223 and Marlboro Pike	1,579	1,632	E	F
MD 223 and Melwood Road/Old Marlboro Pike	28.0*	13.7*	--	--
MD 223 and MD 4 WB Off-Ramp	36.0*	41.7*	--	--
MD 223 and MD 4 EB Off-Ramp	27.4*	32.5*	--	--
Marlboro Pike and site access	Future			
MD 223 and site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development as a residential subdivision consisting of 165 single-family attached residences. The site trip generation would be 115 AM peak hour trips (23 in, 92 out) and 132 PM peak hour trips (86 in, 46 out). With the trip distribution and assignment, as assumed in the traffic study, the following results are obtained under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 and Dower House Road	1,337	1,689	D
MD 223 and Marlboro Pike	1,593	1,648	E	F
MD 223 and Melwood Road/Old Marlboro Pike	28.0*	13.7*	--	--
MD 223 and MD 4 WB Off-Ramp	36.4*	44.5*	--	--
MD 223 and MD 4 EB Off-Ramp	27.8*	33.6*	--	--
Marlboro Pike and site access	13.4*	16.5*	--	--
MD 223 and site access	66.2*	106.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Given these analyses, three critical intersections would operate unacceptably in at least one peak hour.

### ***MD 223 and Marlboro Pike***

In response to the inadequacy at this intersection, the traffic study recommends the following improvements:

- A. On the southbound MD 223 approach, construct an additional southbound left-turn lane.
- B. Also on the southbound MD 223 approach, construct a free-right-turn lane.

With these improvements in place, the intersection is projected to operate as follows: AM peak hour, LOS B with a CLV of 1,052; and PM peak hour, LOS D with a CLV of 1,364.

### ***MD 223 and Site Access***

The traffic study has analyzed this intersection with a northbound left-turn lane into the site, a southbound right-turn lane into the site, and separate right-turn and left-turn lanes leaving the site. Even with the lane configuration assumed, it is determined that the intersection operates unacceptably as an unsignalized intersection. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. The traffic study states that the side street traffic would not be sufficient to meet signal warrants. Nonetheless, the transportation planning staff would recommend that a signal warrant study be completed at this location.

DPW&T comments indicating that the role of existing Marlboro Pike west of MD 223, in relation to the relocation of Marlboro Pike being constructed through the subject site, was not well understood with the reading of the traffic study. The applicant is dedicating and constructing the C-629 facility through the subject site. This roadway, in combination with street construction being done by the Belmont Crest community, immediately west of the site, will provide a relocated link of Marlboro Pike as envisioned by the master plan.

At this time, the public agencies have not affirmatively determined if existing Marlboro Pike would be closed west of MD 223. Such a change could change the scope of improvements needed at the MD 223/Marlboro Pike intersection; it would also alter the likelihood of a new signal at the MD 223/site access intersection (which is also MD 223/C-629). Therefore, at the time of detailed site plan review, the final condition of existing Marlboro Pike west of MD 223 should be determined (i.e., whether it connects to MD 223 as exists, or ends in a cul-de-sac with no connection), and the transportation improvements reviewed and adjusted accordingly to ensure that adequacy is maintained.

### ***MD 223 and Dower House Road***

In response to the inadequacy at this intersection, the traffic study provided no recommendation. Since submittal of the traffic study, discussions have occurred regarding the provision of a free-right-turn lane along the eastbound Dower House Road approach, and the applicant verbally agreed that this could be a part of the recommendation. There is an issue of available right-of-way at this location.



With this improvement in place, the intersection is projected to operate as follows: AM peak hour, LOS D with a CLV of 1,337; and PM peak hour, LOS D with a CLV of 1,379.

DPW&T has reviewed this traffic study and offered several concerns:

- At the Dower House Road intersection, DPW&T expressed a desire to have the free-right-turn lane implemented. It was also noted that the length of the right-turn lane along Dower House Road is very limited. Staff recommends that a free-right-turn lane be installed at this location.
- Regarding MD 223 at Marlboro Pike, it is not fully clear if the existing intersection is currently planned to remain operational, or if the MD 223/site access intersection will be the future relocated Marlboro Pike intersection. With the design of the improvements and the discussions that are noted above, it is believed that the DPW&T concerns can be fully addressed at the time of detailed site plan.

### **Plan Comments**

The 1994 Melwood-Westphalia Master Plan shows a relocation of Marlboro Pike, C-629, traversing the southeast and southern portion of the site. The facility is correctly reflected on this plan, and is proposed for dedication to provide access and circulation within the site and to adjacent properties.

The same master plan shows P-614, an extension of Richmanor Terrace to new Marlboro Pike. This connection was recommended as a means of providing alternative access for communities south of the subject property. This connection was seen as very important in providing an alternative to MD 223 for access to those subdivisions, and as traffic has grown along MD 223, that need has been increased. The P-614 connection is adequately reflected on this plan.

MD 223 is a master plan arterial facility. It appears that sufficient right-of-way consistent with master plan requirements has been either deeded or otherwise obtained. Therefore, no further dedication along MD 223 is required of this plan.

The SHA has reviewed the submitted traffic study and that agency offered several concerns:

- The site trip distribution provided by SHA is more consistent with other studies than the distribution used in this study. Nonetheless, the distribution used by this applicant was deemed acceptable at the time of scoping, and is accepted as the basis for making findings for the subject application.
- Incorrect lane configurations were used at two intersections within the study area. At both locations, the lane configurations were verified with aerial information prior to referring the traffic study; these have been confirmed with newer aerial photographs since that time and it is believed that the intersections were analyzed correctly.
- Regarding the issue of whether concurrent northbound and southbound left-turn movements can be accommodated if a dual southbound left-turn lane is implemented, design issues that will be addressed by the applicant when the improvements are designed, and permitted by SHA.

- Weaving would be a concern between the MD 4 Off-Ramp and the Marlboro Pike intersection, and requested that a weaving analysis be done as a part of the traffic study. Given the brief time remaining for review of this application along with the legitimacy of the concern, the weave has been analyzed. Under total traffic conditions, it is determined that the weave operates at LOS B in the AM peak hours and LOS E in the PM peak hours. It should be noted that the “Guidelines” cite no standard regarding a policy level-of-service for weaving sections, and therefore, is not a finding for adequacy. It would be observed that the upper limit of LOS E is generally considered to represent a capacity situation; therefore, it would be stated the weave between the MD 4 Off-Ramp is operating at or near capacity.

**Transportation Staff Conclusions**

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

7. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed the preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, Prince George’s County Council Bill CB-30-2003 and Prince George’s County Council Resolution CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	164 DU	164 DU	164 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	39.36	9.84	19.68
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	174.96	56.94	94.68
Total Enrollment	4,261.12	6,124.78	9,991.36
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	112.99%	100.17%	96.14%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill, CB-31-2003, establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section have reviewed the preliminary plan of subdivision for fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Public Facilities Planning Section has determined that this property is within the required 7-minute response time for the first due fire station, Marlboro Company No. 20, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The subject property is located in Police District V. The response time standard for priority calls is 10 minutes and 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan application was accepted for processing by the Planning Department on February 13, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date February 13, 2008	12/06 - 12/07	9 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met on February 27, 2008. The Police Chief has reported that the Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Norbourne Property and has the following comments to offer:

Any abandoned wells found within the subject property (three potential shallow wells were observed) must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit process. The location of the wells should be clearly delineated on the preliminary plan.

Any abandoned septic tanks found within the subject property should be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of any existing septic systems should be clearly delineated on the preliminary plan.

Prior to the removal of any of the existing structures, a raze permit should be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan which requires that the structure be razed and the well and septic systems properly abandoned prior to the release of the grading permit.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #43660-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.
12. **Urban Design**—The Urban Design Section has reviewed the revised preliminary plan of subdivision for the Norbourne Property. On July 23, 2007, the District Council approved the rezoning of subject property from the R-R Zone to the R-T Zone for the development of metropolitan dwelling units in accordance with Section 27-433(d) of the Zoning Ordinance. Based on the Urban Design Section’s review of the above preliminary plan, the following comments are offered:

#### **Conformance with the *Landscape Manual***

Along the property’s west and south boundary areas, where the subject property is adjacent to the existing or future single-family detached houses, a Section 4.7 bufferyard is required. However, several private roads are within the bufferyard along the site’s west boundary areas. Alternative compliance must be obtained for any intrusion into the required bufferyard at the time of detailed site plan.

#### **Private Recreational Facilities**

For 165 single-family attached units in Planning Area 77, a total value of approximately \$190,000 in private recreational facilities is recommended for this subdivision. The applicant should identify the location for the on-site recreational facilities. Specific type, quantity, orientation of the on-site recreational facilities will be reviewed at the time of detailed site plan.

#### **Other Design Issues**

- a. In order to improve the on-site vehicular circulation, staff recommends extension of private road “A” on Parcel J to relocated Marlboro Pike, which is a public street.
- b. Visitor parking spaces should be provided and should be strategically located to serve each building cluster.
- c. Two private streets, Private Roads B and E, end as a stubbed street without providing any turn-around treatment. Turning treatment should be provided at the ends of the private streets to facilitate vehicle movement.

## Urban Design Section Recommendations

Based on the foregoing analysis, the Urban Design Section recommends approval of the preliminary plan of subdivision subject to conditions.

13. **Historic**—The subject property includes Norbourne Farm (No. 77-003), a late 19<sup>th</sup> century dwelling associated with the William D. Bowie and Richmond Irving Bowie families. This house was built for Richmond Irving Bowie in the late 1870's or early 1880's. The 1878 Hopkins map is the first historical map that shows a house at this location. In addition, 13 outbuildings are located on the property to the south of the house. The house and outbuildings are in poor condition and most of the southern area of the property has been impacted by the construction of a trailer park on the property. The property was originally proposed for inclusion in the Historic Sites and Districts Plan in 1981, but ultimately was not included in the inventory associated with the plan. Therefore, the property is not currently subject to the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the County Code). However, because of the historic significance of the property, staff recommends that (1) the applicant demonstrate exploration of the possibility of salvaging any intact and potentially re-usable features of the main house and donate those materials to the Newel Post, the county's architectural salvage depot, and (2) the applicant provide the Historic Preservation Section with scaled and detailed graphic documentation of the layout of the historic farmstead prior to its demolition.

A Phase I archeological survey was completed on the 30.42-acre property in 2006. A total of 346 shovel test pits were excavated across the property to identify any cultural remains or features on the property. No archeological sites were identified in the survey. The southern portion of the property was disturbed by the construction of a trailer park in that area. A final report entitled, "*A Phase I Archeological Survey of the Sauerwein Property, Prince George's County, Maryland, Preliminary Plan #06-164 File #A-9977,*" has been received by the Historic Preservation and Public Facilities Planning Section and was accepted on February 22, 2007. No further work was recommended on the Norbourne property since no archeological sites were identified. The Historic Preservation Section concurs with the report's findings that no further archeological work is necessary on the property. The archeological conditions for this property have been fulfilled.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Provide the locations of any abandoned wells found within the subject property (three potential shallow wells were observed by the Health Department).
  - b. Provide the locations of any abandoned septic tanks found within the subject property.
  - c. Show any required storm drain structures on the TCPI. The infiltration trench along the north side of Marlboro Pike, at its intersection with Woodyard Road, and the swale along the southern property line are not reflected on the TCPI in accordance with approved Stormwater Management Concept Plan, 43660-2007-00.

- d. Provide turn-around capability at the end of Private Roads B and E.
  - e. Delineate the limits of the required landscaped yard and building setback, in accordance with Section 4.7 of the *Landscape Manual*, along the entire southern and western property lines abutting the Belmont Crest and Windsor Park Subdivisions. If any structures remain within the required landscaped yard or building setback, they shall be clearly identified on the preliminary plan, and a general note provided stating that approval of alternative compliance is required at the time of detailed site plan.
  - f. Provide the total acreage of land that is being conveyed to the homeowner's association.
  - g. Revise the boundary limits of Parcel "R" to reflect the 1.23 acres that is being conveyed to the Department of Parks and Recreation in accordance with DPR's Exhibit "A".
  - h. Update the Site Data notes for the mandatory dedication of parkland to remove the word "None," and revise the note to indicate that this requirement will be met through a combination of private on-site recreational facilities, public recreational facilities, and the dedication of 1.23 acres of land.
  - i. If the applicant will be pursuing alternative compliance at the time of detailed site plan, a general note should be provided on the preliminary plan which demonstrates this.
  - j. Update the total number of sticks provided on Sheet No. 1 to 29 sticks, and update the allowed and provided percentage of building groups that exceed six units.
2. At the time of detailed site plan, a Type II tree conservation plan shall be approved.
  3. Development of this site shall be in conformance with Stormwater Management Concept Plan, No. 43660-2007-00 and any subsequent revisions.
  4. The applicant, the applicant's heirs, successors and/or assignees shall construct an eight-foot-wide, Class II asphalt trail in accordance with SHA standards along the property's entire street frontage of Woodyard Road (MD 223) unless modified by the State Highway Administration.
  5. The applicant, the applicant's heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal streets (excluding alleys), unless modified by the Department of Public Works and Transportation, at the time of issuance of street construction permits.
  6. Any abandoned wells found within the subject property (three potential shallow wells were observed) must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit process. The location of the wells should be clearly delineated on the preliminary plan.
  7. Any abandoned septic tanks found within the subject property must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of any existing septic systems should be clearly delineated on the preliminary plan.
  8. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan which requires that the

structure be razed and the well and septic systems properly abandoned prior to the release of the grading permit.

9. Prior to final plat approval, the applicant, the applicant's heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. If necessary, alternative compliance for Section 4.7 of the *Landscape Manual* should be reviewed in conjunction with the detailed site plan.
10. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the revised stormwater management concept plan, signed by DPW&T, which reflect the current lotting pattern, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
11. At the time of final plat, the applicant, the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 9.88 +/- acres of open space land (Parcels A-Q, and Parcel S). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of the unrecorded special warranty deed, for the property to be conveyed, shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, MD along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of DRD or be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or

owned by M-NCPPC, the Department of Parks and Recreation (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.

- i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
  - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
12. Prior to the approval of building permits, the applicant, the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  13. The applicant, the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFAs shall be recorded among the County Land Records.
  14. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
  15. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* at the time of detailed site plan approval.
  16. At the time of final plat, the applicant, the applicant's heirs, successors and/or assignees shall convey to the M-NCPPC 1.23 +/- acres of land (Parcel R), in accordance with the DPR's Exhibit "A." Land to be conveyed shall be subject the following:
    - a. An original, special warranty deed for the property to be conveyed, signed by the Washington Suburban Sanitary Commission (WSSC) Assessment Supervisor, shall be submitted to the Subdivision Section of the Development Review Division of The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
    - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
    - c. The boundaries and acreage of land to be conveyed to The M-NCPPC shall be indicated on all development plans and permits, which include such property.
    - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by The M-NCPPC



development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to The M-NCPPC.
  - i. The land to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of the DPR. If encumbered, the DPR shall review the location, the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
  - j. No stormwater management facilities, tree conservation or utility easements (other than typical public utility easements (PUE) associated with the edge of public rights-of-way) shall be proposed on land owned by or to be conveyed to The M-NCPPC without prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
17. The applicant, the applicant's heirs, successors and/or assignees shall submit three original public recreational facilities agreements (RFA) to the Park Planning and Development Division for the construction of recreational facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by PP&D, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
18. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of grading permits.
19. Prior to the approval of the 82<sup>nd</sup> building permit, the applicant, the applicant's heirs, successors and/or assignees shall construct the following recreational facilities on dedicated and existing parkland in accordance with DPR Exhibit "C."
- a. An eight-foot-wide trail connector.
  - b. A six-foot-wide asphalt trail connector.

- c. A 130-foot by 200-foot open play area.
  - d. A ten-space asphalt parking lot and a 22-foot-wide access road along realigned Marlboro Pike.
  - e. Landscaping to buffer the parkland from Marlboro Pike, Woodyard Road and the proposed townhouse development.
  - f. A six-foot-high board on board privacy fence along the eastern side of Lots 1–4, Block K.
20. No building permits shall be issued for Lots 1–4, Block K until the public park facilities have been permitted by the Department of Parks and Recreation (DPR).
  21. The public recreational facilities shall be constructed in accordance with the standards outlined within the *Park and Recreation Facilities Guidelines* and the accessibility guidelines within the latest edition of the Americans with Disability Act for the Outdoor Development Areas.
  22. The construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the DPR staff prior to approval of the detailed site plan.
  23. The applicant shall submit to the DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreational facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.
  24. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
    - a. Indicate that all afforestation and reforestation areas shall provide one-inch or greater caliper stock at the outer edges.
    - b. All areas of afforestation or reforestation that do not meet the minimum woodland standards shall be deleted.
    - c. The TCP worksheet shall be revised to correctly reflect all changes.
    - d. Have the revised plans signed and dated by the qualified professional who prepared them.
  25. 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/007/08), 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 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, Prince George’s County Planning Department.”

26. All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. Certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each afforestation area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
27. Prior to the acceptance of the detailed site plan, the package shall be evaluated to ensure that it includes a Phase II noise study which details how interior noise levels will be mitigated to 45 dBA Ldn or less for interior areas, and to 65 dBA Ldn for all rear outdoor activity areas. If a noise wall is proposed, it shall be placed on an HOA parcel with a minimum of ten feet of unencumbered area on each side of the wall for future access and maintenance.
28. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
29. The applicant, the applicant's heirs, successors and/or assignees shall provide the Historic Preservation Section with scaled and detailed graphic documentation of the layout of the existing farmstead prior to its demolition.
30. At the time of final plat, the applicant, the applicant's heirs, successors and/or assignees shall dedicate right-of-way along relocated Marlboro Pike (C-629) of 80 feet from centerline, as shown on the submitted plan.
31. At the time of final plat, the applicant, the applicant's heirs, successors and/or assignees shall dedicate right-of-way along the extension of Richmanor Terrace, as shown on the 1994 Melwood-Westphalia Master Plan, in accordance with "Public Street F," as shown on the submitted plan.
32. **MD 223 and Marlboro Pike:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the County's capital program, (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:
  - A. On the southbound MD 223 approach, construct an additional southbound left-turn lane.
  - B. Also on the southbound MD 223 approach, construct a free-right-turn lane.
33. **MD 223 and Dower House Road:** Prior to the issuance of any building permits within the subject property, the following road improvement shall (a) have full financial assurances through either private money or full funding in the County's capital program, (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:
  - A. Provision of a free-right-turn lane along the eastbound Dower House Road approach.

34. **MD 223 and Site Access (Marlboro Pike Relocated):** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the County's capital program, (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:
- A. On the northbound MD 223 approach, construct a left-turn lane into the site.
  - B. On the southbound MD 223 approach, construct a right-turn lane into the site.
  - C. On the eastbound approach, construct separate right-turn and left-turn lanes leaving the site.
  - D. The applicant shall submit an acceptable traffic signal warrant study for the intersection of MD 223 and the site access (Marlboro Pike Relocated) to the State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the agencies. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the responsible operating agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.
35. At the time of detailed site plan, the final design of existing Marlboro Pike, west of MD 223 shall be determined (i.e., whether it connects to MD 223 as exists, or ends in a cul-de-sac with no connection), and the transportation improvements shall be reviewed (and adjusted accordingly) to ensure that adequacy is maintained. Documentation of the final design of Marlboro Pike, along with any resulting changes, shall be submitted by the applicant.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/007/08.