



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-08043

Application	General Data	
<p><b>Project Name:</b> The Enclave at Beechfield</p> <p><b>Location:</b> The property is located along the east side of Enterprise Road (MD 193) at its intersection with John Hanson Highway (US 50).</p> <p><b>Applicant/Address:</b> Coscan-Alder LP 10480 Little Patuxent Pkwy. 400 Columbia, MD 21044</p> <p><b>Property Owner:</b> Christian Hope Ministries 4009 Enterprise road Bowie, MD 20720</p>	Date Accepted:	10/14/2008
	Planning Board Action Limit:	12/24/2008
	Plan Acreage:	83.91
	Zone:	R-E
	Gross Floor Area:	N/A
	Lots:	0
	Parcels:	1
	Planning Area:	71A
	Tier:	Developing
	Council District:	06
	Municipality:	N/A
	200-Scale Base Map:	206NE11

Purpose of Application	Notice Dates	
Planned retirement community not to exceed 400 units (250 condominiums and 150 townhouses), including a variation request from Section 24-121(a)(3) of the Subdivision Regulations.	Informational Mailing:	08/29/2008
	Acceptance Mailing:	10/07/2008
	Sign Posting Deadline:	11/18/2008

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 4-08043  
The Enclave at Beechfield, Parcel A

OVERVIEW

The subject property is located on Tax Map 53, Grid F-2 and is known as Parcel 3. The property consists of approximately 83.91 acres in the Residential-Estate (R-E) Zone, and is improved with an existing single-family detached dwelling and several accessory agricultural structures, all of which are proposed to be razed to make way for new development. An existing cemetery is located along the southern portion of the site abutting the John Hanson Highway (US 50) right-of-way. Should this application obtain approval, an easement will be established on the final plat of subdivision that will contain the existing cemetery and the required 50-foot-wide landscape bufferyard, in order to ensure its permanent protection and to provide family members with unrestricted visitation access, should the property be sold in the future.

The applicant is now proposing the development of a planned retirement community not to exceed 400 units (250 condominiums and 150 townhouses). On March 25, 2008, the District Council approved Special Exception, SE-4529 with 13 conditions, therefore authorizing the use of a planned retirement community on the subject property. The District Council's actions are contained within Zoning Ordinance No. 8-2008.

The property is proposed to be developed as a condominium regimen, with one parcel containing all 400 units, and no fee-simple lots. All common areas, including the private streets, parking compounds, stormwater management facilities/bioretention areas, and recreational areas (pool, tennis court, trail, and community center), will be maintained by the future condominium association.

A variation request from Section 24-121(a)(3) of the Subdivision Regulations has been submitted with this application along with a justification statement and exhibits. The variation request is to request direct access to Enterprise Road (MD 193), a designated arterial facility having an ultimate right-of-way width of 150-feet. The property is a corner parcel having street frontage along both Enterprise Road and US 50. The State Highway Administration (SHA), who has jurisdiction over both abutting roadways, will not allow direct access to US 50, a designated freeway. Therefore, the only remaining and logical access point to the property would be via Enterprise Road. More discussion regarding the requested variation from Section 24-121(a)(3) of the Subdivision Regulations can be found within Finding 6 of this report.

A justification statement and exhibits were also submitted which requests six impacts to the Patuxent River primary management area (PMA). Three of the proposed impacts are for the installation of stormwater management facilities and their associated outfalls in accordance with the applicant's approved stormwater management concept plan. Two of the impacts are for the installation of sanitary sewer lines to serve the proposed development. A sewer line currently exists on the property, with a majority of it being located inside the PMA. Therefore, any connection to the existing sewer would

require an impact to the PMA. One additional impact is proposed for the bridge crossing over the on-site stream system which bisects the property from north to south. The bridge is proposed to provide access to a developable portion of the property along the northeastern corner of the site. The Environmental Planning Section has stated that the bridge will be located in an area where the on-site PMA has the narrowest width in order to minimize the disturbance. The above-referenced impacts are being supported by the Environmental Planning Section because they have been deemed essential for the development of the property and have been minimized to the greatest extent possible. More discussion regarding the requested impacts can be found within Finding 2 of this report.

This property has been the subject of a prior preliminary plan of subdivision. On May 15, 2003, Preliminary Plan 4-02127 was approved by the Planning Board for a 75,000-square-foot church building and a private school consisting of 300 students. The Planning Board’s actions for Preliminary Plan 4-02127 are contained within Prince George’s County Planning Board (PGCPB) Resolution No. 03-101. However, a final plat of subdivision was not recorded prior to the expiration of the preliminary plan approval because the proper water and sewer categories could not be obtained from the Department of Environmental Resources and on September 14, 2006, the Planning Board disapproved Final Plat of Subdivision 5-06192. The Planning Board’s actions for Final Plat of Subdivision 5-06192 are contained within PGCPB Resolution No. 06-205.

**SETTING**

The property is located along the east side of Enterprise Road (MD 193) at its intersection with John Hanson Highway (US 50). To the north are three acreage parcels in the R-E Zone that are improved with detached single-family dwellings and a portion of the Marleigh Subdivision (VJ 181@56) located within the Residential Low Development (R-L) Zone, which is improved with detached single-family dwellings. Also to the north, and located within the Marleigh Subdivision (VJ 181@57), is a 6.11-acre public park owned by Maryland-National Capital Park and Planning Commission (M-NCPPC). To the south, the property abuts John Hanson Highway (US 50). To the west the property abuts Enterprise Road (MD 193). To the east are portions of the Fairwood Subdivision that is located in the Mixed Use Community (M-X-C) Zone and improved with detached single-family dwellings.

**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-E	R-E
Use(s)	Single-Family	Planned Retirement Community
Acreage	83.91	83.91
Lots	0	0
Parcels	1	1
Dwelling Units:		
Detached	1 (To be Razed)	0
Attached	0	400
		(250 Condominiums and 150 Townhouses)
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section (EPS) has reviewed Preliminary Plan of Subdivision 4-08043 and Type I Tree Conservation Plan TCPI/07/99-02, stamped as received by the Environmental Planning Section on November 14, 2008. The Environmental Planning Section recommends approval of 4-08043 and TCPI/07/99-02 subject to conditions.

### **Background**

The EPS previously reviewed this site in conjunction with Preliminary Plans of Subdivision 4-99009 and 4-02127. The former plan was withdrawn and the latter plan was approved by the Planning Board on May 15, 2003. The Planning Board's actions are contained in PGCPB Resolution No. 03-101. That preliminary plan had a Type I Tree Conservation Plan, TCPI/07/99, associated with it that showed a different configuration for a different use than that currently proposed.

The EPS also previously reviewed Special Exception SE-4529 and TCPI/07/99-01 for a planned retirement community, which was approved by the District Council on March 25, 2008. The District Council's actions are contained within Zoning Ordinance No. 8-2008. The -01 revision of the TCPI was never submitted for signature approval for this case.

The site contains numerous structures associated with residential and agricultural uses. Historically, the site has been used as a cattle ranch. This proposal is for the development of a planned retirement community consisting of 150 attached units and 250 multifamily units. The current proposal represents an -02 revision to TCPI/07/99.

### **Site Description**

A review of available information indicates that 100-year floodplain, wetlands, streams, and severe slopes are found to occur on the property. The predominant soils found to occur, according to the *Prince George's County Soil Survey*, include soils in the Bibb, Collington and Ocholockonee series. The Bibb soils are considered hydric and the remaining soils pose few difficulties for development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," published December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. This application proposes a residential use and traffic noise impacts from MD 193 and US 50 are anticipated. There are no scenic or historic roads in the vicinity of this property. The site is located in the Northeast Branch watershed of the Patuxent River basin and in the Developing Tier as designated within the 2002 *Prince George's County Approved General Plan*.

### **Environmental Issues Addressed in the 2006 Bowie and Vicinity Master Plan**

The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and stormwater management are addressed in the Environmental Review section below.

### **Countywide Green Infrastructure Plan Conformance**

The site contains regulated, evaluation, and network gap areas within the designated network of the *Approved Countywide Green Infrastructure Plan*. The site contains significant regulated, evaluation, and network gap areas along the eastern portion of the property, which according to the approved natural resources inventory (NRI), contains floodplain, wetlands, and a stream system. Regulated and evaluation areas are the focus of preservation and afforestation efforts in order for this application to be in conformance with the Green Infrastructure Plan.

### **Review of Previously Approved Conditions**

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

#### **Conformance with District Council Zoning Ordinance No. 8-2008 for SE-4529:**

- 6. Prior to the issuance of any permits, the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans that impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S.**

This condition stands and must be addressed prior to the issuance of any permit.

- 7. Prior to approval of the detailed site plan, the TCPII shall be revised to incorporate a design concept for the stormwater management ponds that addresses all comments received from the Maryland Department of the Environment and the Corps of Engineers regarding the placement of the pond off-line and the naturalization of the existing farm ponds.**

The TCPI does not reflect any revisions to address this condition, and comments from the state and federal agencies were not provided. The condition must be addressed prior to approval of the detailed site plan by the Planning Board. An off-line stormwater management pond is proposed.

- 8. Prior to approval of the preliminary plan, the Type I TCP shall show the conceptual locations of the features necessary to reduce noise levels to State standards for outdoor activity areas.**
- 9. Prior to approval of the detailed site plan, a Phase II noise impact study shall be submitted to the Environmental Planning Section. The TCPII noise impact study shall be submitted to the Environmental Planning Section. The TCP II shall show the location of the noise mitigation features necessary to reduce noise levels to State standards (65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior living areas).**

Noise impacts from both MD 193 and US 50 are anticipated in relation to both indoor and outdoor activity areas. A Phase I noise impact study was prepared on March 11, 2005. The TCPI appears to show the required dBA noise contours; however, several of the contours are not labeled.

Six recommendations of the study include noise mitigation measures to bring the indoor and outdoor activity areas to within the state noise standards. Outdoor mitigation measures include noise barriers, berms, and buildings. To meet the interior standards, upper floor façades of residential living units can be mitigated with improved acoustical building materials. Lower floor levels can be mitigated with modified windows, doors, and wall constructions as necessary. Additionally, some units are expected to receive shielding from surrounding buildings, which will reduce noise impacts to residential units.

This condition has been met by showing noise walls on the current design; however, during the review of the special exception application, it was anticipated that the layout

of the site features would be revised to address the noise issues in a comprehensive way (instead of just adding noise walls six to ten feet tall in all the locations necessary). Because the purpose of the preliminary plan is to subdivide the property and not necessarily to address all the detailed design issues, this issue can be addressed at the time of detailed site plan review.

- 10. Prior to submittal of the Type II TCP, a Certified Arborist shall evaluate specimen tree #2 to determine the viability of preserving this tree at post development. This reevaluation shall include a complete condition analysis, including an evaluation by a climber in the tree. Written recommendations shall be provided to M-NCPPC's Environmental Planning Section, and the final analysis shall be included on the Type II TCP. All recommendations for treatment, if the tree is recommended for preservation, shall be completed by the applicant. Specimen trees 6-11 shall also receive a condition analysis, and the arborist shall provide written recommendations regarding whether these trees should be preserved or removed.**

A tree analysis report, prepared and signed on October 7, 2008, by a certified arborist, has been submitted which addresses the health of specimen trees 2 and 6–11. The report includes recommendations for the removal of specimen trees 2, 6, 7, 8, and 10, and the preservation of specimen trees 9 and 11. Specific treatment recommendations are outlined in the report for the preservation of specimen trees 9 and 11 which will need to be included on the TCPII when it is prepared.

A note needs to be added to the TCPI indicating the method of location for the specimen trees shown on the plan. Specimen trees 9 and 11, and any existing specimen trees located within 100 feet of the limits of disturbance, should be survey-located prior to the submittal of the TCPII. A note stating the method of location for all specimen trees should also be added to the TCPII.

### **Environmental Review**

An approved Natural Resources Inventory, NRI/041/08, was submitted with the application. There is a PMA comprised of a stream, stream buffers, wetlands, wetland buffers, 100-year floodplain, and associated slopes on the subject property. It appears that the preliminary plan shows all the required information correctly in conformance with the NRI; however, the PMA is difficult to distinguish from other features on the TCPI due to the symbols used for steep slopes. As mentioned below, the removal of the steep and severe slopes from the TCPI would improve plan readability.

The forest stand delineation (FSD) indicates two forest stands totaling 11.76 acres and 50 specimen trees. Because the existing woodlands on-site are primarily located along the stream valley and in the environmentally sensitive areas which comprise the PMA, preservation of the woodlands on-site should be a priority in the review of this application. No further revisions are required for conformance to the NRI.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved tree conservation plan. A Type I Tree Conservation Plan (TCPI/07/99-02) was submitted with the review package.

The woodland conservation threshold (WCT) for this 83.91-acre property is 20 percent of the net tract area, or 12.47 acres, because the amount of existing woodland is less than the standard woodland conservation threshold. The total woodland conservation requirement, based on the

amount of proposed clearing, is 14.29 acres. This requirement is proposed to be satisfied with 3.08 acres of preservation and 11.21 acres of reforestation, for a total of 14.29 acres of on-site woodland conservation.

The site contains regulated, evaluation, and network gap areas within the designated network of the Countywide Green Infrastructure Plan. The regulated, evaluation, and network gap areas are located along the eastern portion of the property, and the regulated and evaluation areas are the focus of preservation and afforestation efforts. Because afforestation is proposed largely within the floodplain, appropriate wetland-type species should be selected for the proposed planting and should be addressed on the TCPII.

A portion of the property may be potential parkland dedication. Written permission from the Department of Parks and Recreation must be obtained and provided prior to signature approval of the preliminary plan, should dedication occur.

The eastern portion of the site is located within aviation policy area APA-6, which is associated with Freeway Airport. Aviation policy area APA-6 has no restrictions on woodland conservation.

The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. The PMA has been accurately reflected on the plan in accordance with the approved NRI. The proposed stormdrain and water and sewer utility structures need to be shown on the plan along with their associated easements and off-site connections. The plan shows several impacts to the floodplain, one of which is a large impact, and the worksheet accounts for only 0.09 acre of floodplain clearing. The plan and worksheet need to be revised to account for all proposed floodplain and off-site clearing as necessary. The proposed grading and the limits of disturbance (LOD) need to be shown on the plan. The LOD will sufficiently mark the edge of the proposed tree line and a separate symbol is not necessary. The proposed tree line needs to be removed from the plan and the legend.

There are numerous graphic errors that need to be corrected, such as sanitary sewer manholes that are shown outside the limits of the easements. The 20-foot-wide existing sewer easement along the east side of the property does not appear to be shown in its entirety and the easterly limits of the easement should be clarified on the plan.

The TCPI was previously approved on March 25, 2008, with Special Exception SE-4529. However, the plan was never submitted for signature approval after the District Council approved the special exception. This plan needs to be submitted for approval as the -01 revision to the TCPI. The current application for the preliminary plan will be the -02 revision of the TCPI.

The TCPI notes shown on the plan need to be updated to reflect the current version of the standard TCPI notes. All of the required and optional standard TCPI notes apply to this plan and should be shown. After the revisions have been made, the qualified professional who prepared the plan should sign and date it and update the revision box with a summary of the revision.

An approved stormwater management concept plan and approval letter dated June 11, 2008, were submitted with the subject application. The concept plan shows stormwater management requirements being met through the use of three ponds and numerous bioretention areas.

The proposed stormwater management shown on the TCPI and the preliminary plan is in general conformance with the approved concept plan; however, there are minor discrepancies between the plans. The pond labeled as Pond 1 on the concept plan is labeled as Pond 2 on the TCPI and preliminary plan. The pond labeled as Pond 2 on the concept plan is labeled as Pond 1 on the

TCPI and preliminary plan. The size and configuration of Pond 1, as labeled on the approved concept plan, is shown slightly different on the TCPI and preliminary plan. The bioretention area adjacent to Pond 1, as shown on the approved concept plan, is not shown on the TCPI.

The site is within the Patuxent River primary management area (PMA) as defined in Section 24-101 of the Subdivision Regulations. Section 24-130 of the Subdivision Regulations requires that when a property is partially or totally within the Patuxent River watershed, the preliminary plan and tree conservation plan demonstrate that the PMA is preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted describing the impacts proposed and providing an explanation as to why they are unavoidable.

A letter of justification was received on November 13, 2008, that includes all but one of the impacts shown on the plans. The impact not requested is for the reconfiguration of the existing farm ponds, and a proposed trail across what appears to be the dam embankment. The reconfiguration of the ponds is the subject of Condition 7 of the special exception approval for SE-4529. At this time, the design of the farm ponds has not been determined. The impacts to this area are herein designated as Impact 7 which is discussed below.

A trail system through the subject property was discussed at the October 31, 2008, Subdivision Review Committee (SRC) meeting and a connection to the abutting property owned by the Department of Parks and Recreation to the north was requested. A portion of the proposed trail has been conceptually shown on the TCPI; however, no connection to the north has been shown. The trail can be designed so that impacts to the PMA are avoided, therefore, no impacts have been requested.

The following is an analysis of the proposed impacts.

### **Impact 1**

Impact 1 is a permanent impact to the PMA for the installation of a bridge to provide access to a developable portion of the site. The proposed bridge is located centrally on the eastern portion of the site at a location that has the narrowest width of PMA. According to the justification, the impact is 13,000 square feet for abutments, grading, and support structures. The Environmental Planning Section does support this impact because the area of disturbance has been minimized to the greatest extent possible.

### **Impacts 2, 3, and 4**

Impacts 2, 3, and 4 are for the construction of stormwater outfalls to safely convey runoff to the stream. Impact 2 is 4,000 square feet and is located on the southwest side of Pond 3. Impact 3 is 2,150 square feet and is located southeast of Pond 2. Impact 4 is 950 square feet, located south of Pond 2, and is associated with the road drainage from the southern internal private roadway. The Environmental Planning Section does support these impacts because the proposed design limits the impacts to only those necessary for construction.

### **Impacts 5 and 6**

Impacts 5 and 6 are for the construction of sewer lines to serve the proposed development. Impact 5 is 2,300 square feet and is located centrally on the southern portion of the site. Impact 6 is 1,900 square feet and is located on the eastern portion of the site, north of the proposed bridge. According to the justification, the sewer locations will allow for the use of gravity sewer. The Environmental Planning Section does support these impacts because the proposed design limits the impacts to only those necessary for construction.



### **Impact 7**

Impact 7 is for the possible future reconfiguration of the existing farm ponds and a trail crossing the PMA. The current plans show an off-line pond to meet stormwater management requirements, implying that the reconfiguration of the ponds is no longer proposed. The farm ponds will still need to be naturalized and the banks stabilized as part of this development. In addition, it is likely that the dam embankment will need to be reconstructed, per direction from state and local agencies. The TCPI also shows a PMA impact for a trail crossing. The proposed trail may or may not be appropriately located as shown. If the dam embankment is required to be reconstructed, then a trail across the embankment would be appropriate. If this work is not required, a trail in this location would not be appropriate. Because the plans do not contain a limit of disturbance, it is difficult to determine the magnitude of this proposed impact. The Environmental Planning Section does support this impact, subject to the conditions.

### **Recommendation**

The Environmental Planning Section recommends approval of Preliminary Plan 4-08043 and TCPI/07/99-02 with conditions, approval of proposed Impacts 1 through 6, and approval of Impact 7, subject to one condition.

### **Water and Sewer Categories**

The 2001 *Water and Sewer Plan*, as amended on July 28, 2008, designates the subject property within water and sewer Category 4, and the site will therefore be served by public systems.

3. **Community Planning**—The property is located in Planning Area 71A within the Bowie community, and is located within the limits of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B*. The master plan recommends a residential low-density land use and retirement or planned residential development for the subject property. This application proposes a planned retirement community in accordance with approved Special Exception SE-4529, which is consistent with the land use recommendation within the 2006 approved master plan and adopted sectional map amendment for Bowie and vicinity.

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. This application proposes a low- to moderate-density suburban residential community that is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

This application is located under the traffic pattern for a small general aviation airport and is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance.

There is a trail along US 50, Enterprise Road, and in the middle of Northeast Branch. A public park is recommended on the eastern side of the property: Collington West Community Park (20± acres).

The 2006 Bowie and vicinity sector plan retained the subject property within the R-E Zone.

## PLANNING ISSUES

The 2006 Bowie and vicinity master plan recommends the following strategies:

“Active senior citizen developments should be provided according to the following design guidelines:

- a. Development should be located to provide easy access to commercial and cultural centers of the Bowie and vicinity planning area.
- b. Development should include linkages to shopping and services in the Bowie Regional Center or mixed-use activity centers.
- c. Development should be of sufficient size to provide amenities, such as indoor parking or garages, gardens, plazas, swimming pools, or common eating areas.
- d. Development should have direct access to a collector road or greater to allow easy access for emergency medical services.
- e. Development should be served by public transit or shuttle buses to shopping and services in the Bowie Regional Center or mixed-use activity centers.
- f. Prior to approval of new development, a market analysis should be conducted that evaluates and satisfactorily demonstrates the need for senior housing within one mile of a proposed site.
- g. Development should occur at locations in accordance with the guidelines of the Bowie and Vicinity Master Plan and/or at locations deemed appropriate by the District Council.
- h. Senior housing should be provided in locations proximate to existing residential communities.
- i. All such active senior adult residential development should be subject to site plan review.”

The Community Planning North Division has found that this application meets the guidelines recommended within the 2006 master plan. On March 25, 2008, the District Council approved Special Exception SE-4529 with 13 conditions, which authorized the use of a planned retirement community on the subject property. The District Council’s actions are contained within Zoning Ordinance No. 8-2008.

A portion of the subject property is located in Aviation Policy Area APA-6. APA regulations contain additional height requirements within Section 27-548.42 and purchaser notification requirements for property sales within Section 27-548.43 that are relevant to this application. This application should also be referred to the Maryland Aviation Administration for information and comment.

4. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the preliminary plan of subdivision application for the Enclave at Beechfield, and offer the following comments.

## FINDINGS

The applicant proposes a planned retirement community in the R-E Zone, consisting of 400 dwelling units (250 condominiums and 150 townhomes). The development proposed will result in approximately 1,195 additional residents in the community.

Section 24-134 of the Subdivision Regulations (Mandatory Dedication of Parkland) allows the Planning Board to require that 4.7 acres of the subject property be dedicated for public parkland. This acreage should be “suitable and adequate for active or passive recreation.”

The Commission conducted a level of service analyses in an effort to assess the need for parkland and recreation facilities geographically, throughout the County, and to prioritize communities according to their need/ranking. Level of service measurements for acreage and facilities for the community within the vicinity of the project area indicates that there is a need for both public parkland and recreational facilities.

The Marleigh Neighborhood Park directly abuts the northeast property line of the subject property for approximately 905 feet. This park is 6.1 acres in size and includes a playground, a fitness trail with fitness stations, a double tennis court, sitting area, gazebo, and a picnic area.

The Department of Parks and Recreation believes that the addition of 4.7 acres to the Marleigh Neighborhood Park would significantly improve the park and benefit the community overall. DPR believes that this public park will complement any private recreational facilities proposed on-site and provide great connectivity between two communities.

## RECOMMENDATIONS

The Department of Parks and Recreation recommends to the Planning Board the following conditions of approval for Preliminary Plan 4-08043:

- a. The conveyance of 4.7± acres to the M-NCPPC, as shown on attached DPR Exhibit “A.”
  - b. Land to be conveyed is subject to Conditions 1 through 10 of attached Exhibit “B.”
5. **Trails**—The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* recommends that Enterprise Road (MD 193) be designated as a Class III bikeway with appropriate signage. Because Enterprise Road is a State right-of-way, the applicant and the applicant’s heirs, successors, and/or assignees should provide the installation of one “Share the Road with a Bike” sign in accordance with State requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the State and install them in accordance with the State’s Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note should be placed on the final plat that installation will take place prior to the issuance of the first building permit.

Approved Special Exception SE-4529 requires that the development contain a “substantial trail system” (see Condition 5 of Zoning Ordinance No. 8-2008). The Transportation Planning Section has reviewed the plans and recommends that the proposed trail system be expanded to include sidewalks along internal roads, trail connections to the abutting parkland, and to the recreational uses that will be provided on the subject property.

## Recommendations

- a. Provide sidepaths or sidewalks along both sides of all internal roads.
  - b. Provide trail connections which extend from the private street along the south side of the property to the private street and tennis court area along the northern side of the property.
  - c. Utilize storm water management pond access roads for trail connections where possible to reduce impacts.
  - d. Provide a trail connection to the park located to the northeast of the development by utilizing the sidewalks or sidepath/multi-use trail along the northern internal road.
  - e. Provide one “Share the Road with a Bike” sign along the frontage of Enterprise Road in accordance with State requirements.
6. **Transportation**—The application proposes the development of a planned retirement community consisting of 400 units (250 condominiums and 150 townhouses). The applicant submitted a traffic study dated October 6, 2008. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the *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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** *The Highway Capacity Manual* (Transportation Research Board) 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.

### **Review Comments**

The application proposes the development of a planned retirement community consisting of 400 units (250 condominiums and 150 townhouses). Trip generation rates were calculated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual* for Senior Adult Housing—Detached and Attached. ITE cautions that retirement community trip rates vary from communities with very active, working residents to communities with older, retired residents. Also, the peak hour for senior housing generally does not coincide with the peak hour of the adjacent street; hence the trip rates associated with the adjacent street are assumed for this use. Based on the trip rates, the resulting new trips for the 400 senior housing units are estimated at 50 AM (20 in and 30 out) and 67 PM (41 in and 26 out) peak-hour vehicle trips.

The vehicle trips generated by the proposed use would impact several intersections along MD 193, including MD 193/MD 450, MD 193/MD 953 (Glenn Dale Road), and MD 193/Chantilly Lane. The Transportation Planning Section recently field checked these intersections during the PM peak hour. The intersection of MD 193/MD 450 is signalized. The intersection of MD 193/MD 953 is currently served by a flashing beacon to facilitate turning movements at this location.

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 193 and MD 450	1,051	1,206	B
MD 193 and MD 953*	21.7	28.1	--	--
MD 193 and Site Access	N/A	N/A	--	--
MD 193 and Chantilly Lane*	83.4	92.5	--	--

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, 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.

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 193 and MD 450	1,421	1,412	D
MD 193 and MD 953*	34.1	59.9	--	--
MD 193 and Site Access	N/A	N/A	--	--
MD 193 and Chantilly Lane*	244.4	414.2	--	--

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, 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.

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 193 and MD 450	1,423	1,420	D
MD 193 and MD 953*	36.3	66.8	--	--
MD 193 and Site Access	34.7	43.9	--	--
MD 193 and Chantilly Lane*	257.2	414.2	--	--

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, 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.

With the site trips added, the MD 193/MD 450 intersection would operate at LOS D with a CLV of 1,423 in the AM peak hour, and at LOS D with a CLV of 1,420 in the PM peak hour. Excess delays occur at the unsignalized intersections of MD 193/MD 953 (Glenn Dale Road) and MD 193/Chantilly Lane.

Comments were received from the Prince George's County Department of Public Works and Transportation (DPW&T). DPW&T concluded that the intersection of MD 193 and Lottsford Road should have been included in the traffic study. However, this intersection is not critical because it does not serve 15 percent of site-generated traffic, and it was not considered critical during the review of the underlying Special Exception Application, SE-4529.

Comments on the traffic study have not been received from the State Highway Administration (SHA) as of December 3, 2008. It is noted that comments were received from SHA on October 27, 2008, concerning the site access point on MD 193. SHA requested that a sight distance study be done by the applicant's traffic consultant. Given that this is a routine requirement by SHA for obtaining access point approval, a process fully regulated by SHA, this requirement is not being carried forward as a part of the staff recommendation. Any necessary right of way dedications were also recommended by SHA.

Enterprise Road (MD 193) is planned as a four-lane arterial roadway with a 120 to 150-foot-wide right-of-way width. Right-of-way dedication should be 75 feet from the master plan centerline of MD 193. The required right-of-way dedication appears to be shown correctly on the submitted preliminary plan.

Although adequacy has been determined for the use(s) described, the plan should be approved with a trip cap consistent with the development quantity and type that has been assumed in the adequacy finding.

### **Variation Request**

The applicant has submitted a variation request for direct access to an arterial roadway. Section 24-121(a)(3) of the Subdivision Ordinance states that, "when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road." The applicant is requesting access to MD 193, a designated arterial roadway.

The following is an analysis of the variation request. The text in **bold** represents text from Section 24-113 of the Subdivision Ordinance.

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) The granting of this request would not be detrimental to public safety, health or welfare and does not injure any other property;**

The granting of this request does not appear to be detrimental to public safety, health, or welfare, and does not injure the adjacent property. The October 2008 referral from SHA requests a sight distance analysis for the purpose of determining that the proposed access point is in the most appropriate location, and not because there is a safety concern with access to MD 193. SHA has previously requested appropriate turn lanes at the site access point to ensure public safety.

**(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties:**

The site abuts two roadways, MD 193 to the west and US 50 to the south. This property will be denied any vehicular access to US 50, therefore, leaving US 193 as the only available and logical access point. There are no available streets within the abutting subdivisions where connections could be implemented. Therefore, the variation request is unique and will not be generally applicable to other properties.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The request does not violate any applicable law, ordinance, or regulation. The applicant will need to obtain the appropriate access permits from the State Highway Administration.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The property has no available streets within the abutting subdivisions where connections could be implemented, and the property's numerous sensitive environmental features would most likely prevent such a connection from occurring if streets were available. The State Highway Administration will not allow direct access to US 50 from the subject property, leaving MD 193 as the only available access point. Without having an access point along MD 193, the property could not be developed in accordance with the underlying zoning designation, or the underlying special exception approval. Therefore the property's physical surroundings are unique and a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

**Conclusion**

For the reasons stated above, the Transportation Planning Section supports the direct access to MD 193 and recommends that the Planning Board approve the variation request from Section 24-121(a)(3) of the Subdivision Regulations.

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 Special Projects Section has concluded that the proposed development is exempt from the school facilities test. Section 24-122.02(b)(2) of the Subdivision Regulations exempts “elderly housing operated in accordance with State and Federal Fair Housing law.”
8. **Fire and Rescue**—The Special Projects Section has determined that the subject property is within the required seven-minute response time for the first due fire station, Glenn Dale, Company 18, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS 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, B) regarding sworn fire and rescue personnel staffing levels.

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

9. **Police Facilities**—The subject property is located in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 14, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-Emergency Calls
Acceptance Date October 14, 2008.	9/07 – 9/08	8 minutes	9 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on June 3, 2008.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill 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, B) regarding sworn police personnel staffing levels.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Enclave at Beechfield and has the following comments to offer.

Any abandoned septic system associated with the existing dwelling must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

Any abandoned wells found within the confines of the subject property 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. Any wells found within the property should be located on the preliminary plan.



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 any 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, 4665-2005-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Cemeteries**—An existing cemetery is located along the southwestern portion of the property, just north of the US 50 right-of-way. A meets and bounds description was not found for the Duckett Family Cemetery within the current deed for the property, or within the prior deeds researched. However, the 1911 deed describes “one square-acre of ground whereon is the family graveyard of the late Benjamin M. Duckett and his descendants, the said acre to be rectangular and the graveyard in the center thereof with the right of ingress, egress, and regress thereto on (over) the present road leading to the same.”

Section 24-135.02 of the Subdivision Ordinance specifically addresses cemeteries within proposed subdivisions. When deemed appropriate, the Planning Board may require a limited review detailed site plan in accordance with Section 27-286 of the Prince George’s County Code for the purposes of reviewing the design of the required fencing.

A 50-foot-wide landscape buffer will be established around the cemetery and an access easement will be provided out to MD 193. More information regarding the cemetery is contained within the Historic Section (Finding 13) below.

13. **Historic**—The subject property is approximately 83.91 acres in size and is situated along the northeast corner of MD 193 and US 50. The proposed development consists of one parcel for a planned retirement community consisting of 150 attached units and 250 multifamily units.

### **Findings**

A Phase I archeological survey was conducted on the subject property in August and September of 2008. Two archeological sites, 18PR955 and 18PR956, were identified. Site 18PR955 is a 19th and 20th century farmstead and possible structure located in the north central part of the property, north of the existing structures. Artifacts recovered from the site suggest that this was a house site occupied from the mid-19th to the early 20th century. Site 18PR956 is an 18th to 20th century farmstead and possible structure. Recovered artifacts suggest an initial occupation of the subject property in the late 18th century that continued through the 20th century. The extant house on site 18PR956 was built around 1956 and is probably in the same location as an earlier house that existed on the property.

Deed records indicate that Richard Jacob Duckett consolidated tracts of land from four separate land patents between 1754 and 1798 to form a 500-acre plantation. Richard Jacob Duckett is listed in the 1790 census and held 22 slaves at that time. He is again found in the 1800 census and held 12 slaves at that time. Richard Jacob Duckett died in 1803 and willed all of his real estate to his son, Basil Duckett. The 1810 census lists Basil Duckett as holding 25 slaves. Basil Duckett is not found in the 1820 census and may have died by that time. The 1830 census for Maryland was destroyed. However, the 1828 tax lists indicate that the heirs of Basil Duckett owned about 696

acres and Benjamin M. Duckett, a son of Basil Duckett, held three slaves. By 1840, Benjamin M. Duckett had acquired the interest of his siblings in his father's estate and now held 23 slaves. In 1850 Benjamin M. Duckett held 16 slaves. Benjamin Duckett died prior to 1860 and was buried on the subject property. His widow, Sophia Duckett, remarried to Alexander Hall prior to 1870. Sophia Hall died around 1900 and she willed her estate to her daughter, Mary A. Duvall. Mary A. Duvall sold her 115-acre farm to Garland S. Arnold and Harold C. Arnold in 1911. The deed reserved a one-acre parcel where the family graveyard of the late Benjamin M. Duckett and his descendants were located. The family graveyard appears on a 1954 road plat for the construction of US 50.

Historical records suggest that the subject property was occupied by the late 18th century. The original house on the property was destroyed prior to a new house being built around 1956. Members of the Duckett family, who occupied the subject property throughout the late 18th, 19th, and early 20th century, owned a number of slaves, some of whom likely resided near the original plantation house. Site 18PR956 appears to represent the location of the original plantation house, although the current 1950s house likely was built on the former house site. Construction of the newer house and several outbuildings had disturbed earlier deposits that may have been associated with the earlier residence. Therefore, no further work was recommended on site 18PR956. The Historic Preservation Section concurs that no further work is necessary on site 18PR956.

Site 18PR955 is located to the north of the former location of the Duckett house. This portion of the property could represent an area where slave quarters or outbuildings associated with the Duckett plantation house were located. Artifacts dating from the 19th through early 20th centuries were recovered from this area. The artifacts indicate a domestic occupation of site 18PR955. The Phase I report recommended no further work on this site. The Historic Preservation Section does not concur with this finding and recommends Phase II investigations of site 18PR955. This site may represent a former slave quarter from the mid-19th century that may have been occupied as a tenant house after the Civil War. This site could provide information on the transition from slavery to freedom in Prince George's County after the Civil War.

A Phase II work plan was submitted to the Historic Preservation Section on November 17, 2008, and was approved on November 18, 2008.

Section 24-135.02 of the Prince George's County Subdivision Regulations provides guidelines for the protection and preservation of historic cemeteries within development projects. The location of the cemetery is described in deed records and also appears on a 1954 road plat. Additional investigations, such as a ground penetrating survey (GPR), may be necessary to more precisely identify the boundaries of the cemetery. The applicant has indicated that the future condominium association will maintain the cemetery in perpetuity. Prior to any ground disturbance, the applicant should locate and stake the edges of the cemetery in the field. The applicant should comply with all other requirements as noted within Section 24-135.02 of the Subdivision Regulations.

### **Recommendations**

Upon receipt of the Phase I report by the Planning Department, it was determined that potentially significant archeological resources exist within the project area. Prior to Planning Board approval of any detailed site plan, the applicant should provide a plan for:

- a. Evaluating the resource at the Phase II level, or
- b. Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant should provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits.

Depending upon the significance of the archeological investigation findings (at Phase I, II, or III level), the applicant should provide an interpretive sign for the property. The location and wording should be subject to approval by the staff archeologist within the Historic Preservation Section prior to the issuance of any building permits.

Prior to the approval of the final plat, all standing structures on the property should be recorded together on a Maryland Inventory of Historic Properties (MIHP) form. The form should describe the layout of the farm and provide a more detailed description of the early 20th century barn and 1956 dwelling.

Prior to acceptance of the detailed site plan, the applicant should demonstrate that they have delineated the boundaries of the cemetery and staked the corners in the field.

Section 24-135.02(a)(4) of the Subdivision Regulations provides for a detailed site plan process to evaluate the preservation of the cemetery along the southwestern portion of the property. Because a senior housing community is proposed, a detailed site plan (DSP) is already required. The DSP should evaluate appropriate screening, planting, views, access material, the placement of a fence or wall constructed of stone, brick, metal or wood, and the possible provision of an appropriate marker for the Duckett Family Cemetery. Necessary bonding by the applicant for improvements required on the condominium association parcel should be determined at the time of DSP review.

Prior to the approval of any grading permits or ground disturbance, the applicant should protect the cemetery with a "super silt fence," which should remain in place until the permanent cemetery fencing or walls are in place and the appropriate interpretive markers are installed, inspected, and approved by the Historic Preservation Section.

## 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. Update general Note 14 to reflect how the mandatory dedication of parkland will be satisfied.
  - b. Update the revision box to reflect all revisions made to the plan during the preliminary plan process.
  - c. Label the abutting Marleigh Neighborhood Park as being owned by M-NCPPC.
2. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 4665-2005-01 and any subsequent revisions.

4. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
5. Prior to the issuance of grading permits the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
6. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a condominium association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport (Freeway Airport) within approximately one mile southeast of the community. The declaration of covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
7. Section 27-548.39(b) requires that every application for permit and preliminary plan shall demonstrate compliance with height restrictions of Section 27-548.42(b). This section restricts the height of residential structures to no greater than 50 feet unless the applicant demonstrates compliance with FAR Part 77, of the Federal Aviation Regulations.
8. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks or sidepaths along both sides of the internal private streets unless modified at the time of detailed site plan.
9. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along Enterprise Road. If the State declines the signage, this condition shall be void. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.
10. At the time of detailed site plan, a substantial trail system shall be shown which provides connections to both internal private streets, on-site recreational facilities, and the abutting parkland. The trail system shall be designed in a manner which reduces and/or eliminates impacts to the on-site sensitive environmental features to the greatest extent possible.
11. Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall submit Phase II and Phase III archeological investigations as determined by M-NCPPC staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* and must be presented in a report following the same guidelines. The plan shall provide for:
  - a. Evaluating the resource at the Phase II level, or
  - b. Avoiding and preserving the resource in place.

12. Depending upon the significance of the archeological investigation findings (at Phase I, II, or III level), the applicant shall provide an interpretive sign for the property. The location and wording shall be subject to approval by the staff archeologist within the Historic Preservation Section prior to the issuance of any building permits.
13. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits.
14. At the time of detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the Duckett Family Cemetery shall be preserved and protected in accordance with the Section 24-135.02 of the Subdivision Regulations including:
  - a. Arrangements for perpetual maintenance. A perpetual maintenance easement shall be prepared and attached to the legal deed (i.e. the parcel delineated to include the cemetery).
  - b. Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to approval of the final plat.
15. Prior to acceptance of the detailed site plan, the applicant shall demonstrate that they have delineated the boundaries of the cemetery and staked the corners in the field.
16. Prior to the approval of any grading permits or ground disturbance, the applicant shall protect the Duckett Family Cemetery with "super silt fence," which shall remain in place until the permanent cemetery fencing or walls are in place and the appropriate interpretive markers are installed, inspected, and approved by the Historic Preservation Section.
17. In accordance with Section 24-135.02(a)(4) of the Subdivision Regulations, the detailed site plan (DSP) shall evaluate the preservation of the Duckett Family Cemetery along the southwestern portion of the property. The DSP shall evaluate appropriate screening, planting, views, access material, the placement of a fence or wall constructed of stone, brick, metal or wood, and the possible provision of an appropriate marker for the cemetery. Necessary bonding by the applicant for improvements required on the condominium association parcel should be determined at the time of DSP review.
18. At the time of final plat, an access easement shall be established which extends from the Duckett Family Cemetery to Enterprise Road. The easement is intended to protect the visitation rights for relatives of the deceased.
19. Prior to the approval of the final plat, all standing structures on the property shall be recorded together on a Maryland Inventory of Historic Properties (MIHP) form. The form shall describe the layout of the farm and provide a more detailed description of the early 20th century barn and 1956 dwelling. Two copies of the MIHP form shall be submitted to the Historic Preservation Section prior to the approval of the final plat.
20. Prior to the approval of the detailed site plan, the plans shall be revised to address noise issues in a comprehensive manner. A Phase II noise study shall be prepared and submitted to justify the proposed design. Uses requiring outdoor mitigation shall be placed outside the areas where a barrier higher than six feet in height would be required. Noise barriers will be designed to be an aesthetic amenity and shall be considered as part of the overall design. All outdoor activity areas

shall be mitigated to 65 dBA Ldn or less and interior areas of all building stories shall be mitigated to 45 dBA Ldn or less.

21. Prior to signature approval of the preliminary plan, the TCPI shall be revised to provide a note below the specimen tree table which indicates the method of location (field vs. survey located).
22. Prior to the acceptance of the detailed site plan, specimen trees 9 and 11 and all specimen trees within 100 feet of the limits of disturbance shall be survey located. A note stating the method of location for the specimen trees shall be shown on the TCPII.
23. In conjunction with the detailed site plan, the preservation treatment recommendations outlined within the tree analysis report (signed on October 7, 2008) shall be shown on the TCPII.
24. Prior to signature approval of the preliminary plan, the -01 revision of the TCPI associated with Special Exception SE-4529 shall receive signature approval by the Environmental Planning Section.
25. In conjunction with the detailed site plan, the TCPII shall show a planting schedule with wetland-type species shown for the proposed floodplain planting area.
26. Should woodland conservation be proposed on land to be dedicated to the Department of Parks and Recreation (DPR), written permission from DPR shall be obtained and submitted to the Environmental Planning Section prior to signature approval of the preliminary plan.
27. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
  - a. Show the proposed stormdrain and water and sewer utility structures as well as the easements and off-site connections.
  - b. Show proposed grading.
  - c. Show the proposed limits of disturbance.
  - d. Remove the proposed tree line from the plan and the legend.
  - e. Revise the worksheet to reflect all changes made to the plan.
  - f. Revise the legend to include all symbols shown on the plan.
  - g. Revise the approval block to type in the previous -01 approval information and date of signature.
  - h. Revise the standard TCPI notes to reflect the updated standard notes. Include Notes 1 through 5 and optional Notes 6 through 8.
  - i. Correct all graphic errors and ensure that all information is shown correctly.
  - j. Show the required 50-foot landscape buffer around the Duckett Family Cemetery, as shown on the submitted preliminary plan.

- k. Clarify the limits of all utility easements by using a bolder font and address the sewer manholes along the south and west sides of Pond 3 that are not contained within an easement.
  - l. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
28. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/07/99-02). The following notes shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/07/99-02), 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.”
29. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the stormwater management structures shown on approved Stormwater Management Concept Plan 4665-2005-01.
30. At the time of detailed site plan, the TCPII shall show the following design features associated with the existing farm ponds:
- a. The proper placement of the stormwater outfall in relation to the existing dam embankment.
  - b. The reconfiguration of the farm ponds (if required by DPW&T and/or the Maryland Department of the Environment).
  - c. The naturalization of a 35-foot-wide buffer around the ponds as an afforestation area and/or the afforestation of the entire PMA (whichever is larger); and
  - d. The placement of the proposed trail, either outside the PMA around the pond, or across the reconstructed dam embankment.
31. At the time of detailed site plan, the trail connection to the abutting parkland to the north and/or to any property within the limits of the subdivision that is proposed to be conveyed to the Department of Parks and Recreation (DPR) shall be deemed appropriate. Any trail shall be designed to avoid impacts to the PMA.
32. The detailed site plan shall show the minimum amount of disturbance necessary for the construction of the bridge over the stream. It shall be limited to the area of the piers for the bridge and the necessary access for construction.

33. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the M-NCPPC 4.7 ± acres of land in accordance with DPR 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 WSSC assessment supervisor) shall be submitted to the Subdivision Section of the Development Review Division (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, 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, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Storm drain 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.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to The M-NCPPC.
  - i. 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 DPR. If encumbered, 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, or tree conservation or utility easements (other than typical public utility easements associated with the edge of public right-of-way) shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design



of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

34. **MD 193 at Site Access Road:** Prior to the issuance of any building permits within the subject property, the following road improvement 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:
  - a. Construct an exclusive southbound left turn lane, an exclusive northbound right turn lane, and a northbound acceleration lane on MD 193. Also provide additional pavement and/or a southbound bypass lane on MD 193 at the site access point if required by SHA.
35. **MD 193 at Chantilly Lane:** Prior to the issuance of any building permits within the subject property, the following road improvements 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:
  - a. Complete a traffic signal warrant study at this location and install a traffic signal if signal warrants are met after review by SHA. If a signal warrant study has already been completed at the critical intersection, SHA may waive the need for a new study.
36. **MD 193 at MD 953:** Prior to the issuance of any building permits within the subject property, the following road improvements 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:
  - a. Complete a traffic signal warrant study at this location and install a traffic signal if signal warrants are met after review by SHA.
37. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate 75 feet from the master plan centerline of MD 193.
38. Development of this property shall be limited to any permitted uses that generate no more than 50 AM peak-hour trips and 67 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
39. The final plat shall carry a note which states that any direct access to John Hanson Highway (US 50) shall be denied.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/07/99-02 AND APPROVAL OF A VARIATION FROM SECTION 24-121(a)(3) OF THE SUBDIVISION REGULATIONS.