

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on May 14, 2009, regarding Detailed Site Plan DSP-03033/01 for East Marlton, Sections 18, 21 and 22, the Planning Board finds:

1. **Request:** The subject application is for approval of 304 townhouses in the R-T and R-P-C Zones.

2. **Development Summary:**

	EXISTING	APPROVED
Zone(s)	R-T and R-P-C	R-T and R-P-C
Use(s)	vacant	304 townhouses
Acreage	89.69	89.69
Lots	304	304
Parcels	5	5
Square Footage/GFA	0	N/A

a. Single-family attached lots, shown on Preliminary Plan of Subdivision 4-93078 and approved pursuant to the Subdivision Regulations, are a permitted use in the R-T Zone and are subject to all the requirements of the R-P-C Zone. Sections 18, 21 and 22 are part of East Marlton. The community, known as Marlton, was placed in the R-P-C (Residential Planned Community) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale planned communities. An Official Plan, which includes zoning subcategories, and a detailed development plan provide the overall framework for the development of the community. The zoning of the properties east of the Potomac Electric Power Company (PEPCO) line, known as East Marlton was amended via Zoning Map Amendment A-9730-C in 1990.

3. **Location:** The subject site is located in Planning Area 82A, Council District 9, and it is comprised of five parcels and 304 lots. East Marlton's Sections 18, 21 and 22 are located on proposed East Marlton Avenue which will become an extension of Heathermore Boulevard, northwest of the developing site. Also, the subject site is located on the northwest side of Croom Road (MD 382) and the northeast side of the Marlton Town Center. It is a part of the Charles Branch watershed, and the Patuxent River Basin.

4. **Surrounding Uses:** The uses surrounding East Marlton, Sections 18, 21 and 22 are primarily

residential and open space. Sections 18 and 21 boundaries are connected together off proposed East Marlton Avenue. Directly across the street from Sections 18 and 21 is a potential school site (Board of Education). At the rear of the lot dedicated to the Board of Education is a proposed 100-acre linear park owned by M-NCPPC. Along the linear park's western edge is the Pennsylvania Railroad and PEPCO easement. Located at the northern part of Section 18 is farmland. Section 22 is to the south and across East Marlton Avenue from Sections 18 and 21. The uses surrounding Section 18 are proposed residential development and the potential school site (Board of Education).

5. **Previous Approvals:** The subject detailed site plan is a portion of the Marlton Recreation-Planned-Community (R-P-C) most of which was zoned on February 26, 1969 (District Council Resolution No. 92-1969). An amendment to the zoning was approved in 1990 for East Marlton, a 431.5-acre portion of the R-P-C, on April 2, 1990. Application was made for three preliminary plans of subdivision and Type I tree conservation plans in 1990 for four sections of the R-P-C: East Marlton, Section 18 Preliminary Plan of Subdivision 4-90113 and Type I Tree Conservation Plan TCPI/147/90); East Marlton, Section 19 (4-90093 and TCPI/136/90); and East Marlton, Sections 20 and 21 (4-90081 and TCPI/146/90). The preliminary plan and TCPI for East Marlton, Section 18 (4-90113) were withdrawn prior to approval; Preliminary Plans 4-90093 and 4-90081 and Tree Conservation Plans (TCPI/136/90) and (TCPI/146/90) were approved by the Planning Board but never proceeded to record plat. Subsequently, a Preliminary Plan of Subdivision (4-93078) and Type I Tree Conservation Plan (TCPI/48/93) were submitted for East Marlton, Sections 18 through 22, which incorporated the three previously submitted preliminary plans and tree conservation plans and superseded all previous approvals. The conditions of approval for preliminary plan 4-93078 are contained in PGCPB Resolution No. 94-112 and are the conditions applicable to this DSP.

Detailed Site Plan DSP-03033 incorporated the previous detailed site plan for Section 21 (previously DSP-03038) and the detailed site plan for Section 22 (previously DSP-03064). A revised Type II tree conservation plan was also reviewed with the detailed site plan, which expanded the TCPII plan area to encompass the entire extent of the East Marlton development. A hearing was held before the Planning Board on April 15, 2004 and the Planning Board disapproved Detailed Site Plan DSP-03033 and Type II Tree Conservation Plan TCPII/143/03/01.

The applicant appealed the Planning Board's decision to the District Council for review of the detailed site plan. As a result, the District Council remanded the case to the Planning Board on November 22, 2004 to allow the applicant to revise and resubmit DSP-03033 concurrently with DSP-03035 to reflect the results of a negotiated agreement between the applicant and parties of record and to allow the staff to review the revised plans.

Subsequently, the Planning Board held a second hearing on DSP-03033 on April 21, 2005, evaluated the issues contained in the order of remand, and approved Detailed Site Plan DSP-03033 and Type II Tree Conservation Plan TCPII/143/03-01 subject to conditions contained in Amended Resolution PGCPB Resolution No. 04-73(A). The Planning Board decision was affirmed by the District Council on March 13, 2006 subject to conditions contained in the Notice

of Final Decision of the District Council. The detailed site plan was certified on August 22, 2007.

The current application is requesting reapproval of Detailed Site Plan DSP-03033 for East Marlton, Section 18, 21 and 22, which expired on March 12, 2009 because development did not move forward. The detailed site plan is the same plan that previously received certificate approval as fulfilling all conditions of approval of the Notice of Final Decision. The current application, DSP-03033/01, differs from the previous approval only by the addition of proposed townhouse architecture.

The proposed development conforms to the zoning subcategories of the official plan. Sections 18, 21 and 20 conform to the detailed development plan. The proposed development was also reviewed for conformance with the conditions of approval of A-9730 embodied in Zoning Ordinance No. 10-1990, which rezoned 431.5 acres of land to the R-P-C (R-R, R-80, R-35, R-T and R-10) Zones.

6. **Design Features:** East Marlton, Sections 18, 21 and 22 will comprise 304 townhouses of different architectural styles. The front façade design of the townhouses will vary considerably. All brick, all stone, all vinyl siding, as well as half brick and half vinyl siding front façades are offered. Side and rear elevations propose only vinyl siding. The proposed lot size minimum for the townhouses is 1,500 square feet. Each three-story townhouse has a maximum lot coverage of 40 percent. The proposed layout of the townhouses is consistent with the previous approval of DSP-03033 in that all units are front-loaded. There are no rear-loaded garages. Final information for each lot, such as exact model selected by the buyer, will be shown at time of building permit.

The total number of townhouse units proposed in Sections 18, 21 and 22 with and without garage is as follows:

- Section 18 with garage=49; without=111 total = 160
- Section 21 with garage=13; without=43 total = 56
- Section 22 with garage=42; without=46 total = 88

Grand Total = 304

The following is the architectural model name and square footage of the total base finished area of the proposed units:

Model Name	Total Base Finished Area
Hazelton (no garage)	2,109
Fairmont (no garage)	1,320
Fairgate	1,911
Brentwood	2,580
Adams-Morgan	2,386
Adams I	2,040
Adams Garage	2,040
Gladstone	2,151
Triangle Homes Townhouse	1,752

7. **The Marlton Official Plan, A-6696-C, A-9730-C and A-9731, as amended**

Sections 18, 21 and 22 part of the development known as “East Marlton Phase I,” which is a part of a larger community known as Marlton. It was placed in the Planned Community (R-P-C) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale, planned communities. An Official Plan, which includes zoning subcategories and a detailed development plan provides the overall framework for the development of the community. The zoning of the properties generally east of the Potomac Electric Power Company (PEPCO) line, and known as East Marlton, was amended via Zoning Map Amendment A-9730-C in 1990.

The proposed development conformed to the requirements of the zoning sub-categories of the Official Plan and the Detailed Development Plan. The proposed development was also reviewed for conformance with the conditions of approval of A-9730 as specified in Zoning Ordinance No. 10-1990, which rezoned 431.5 acres of land to the R-P-C (R-R, R-80, R-35, R-T, and R-10) Zone.

8. **Preliminary Plan of Subdivision 4-93078:** Preliminary Plan of Subdivision 4-93078, was approved by the Planning Board on March 31, 1994. The resolution of approval, PGCPB Resolution No. 94-112, was adopted on May 5, 1994. Since that time, several extension requests have been approved by the Planning Board to extend the validity period of preliminary plan 4-93078. PGCPB Resolution No. 04-224, adopted by the Planning Board on October 28, 2004, is the only adopted resolution that is associated with one of the prior approved extension requests. On April 24, 2008, the Planning Board approved a one-year extension request. On March 19, 2009, the applicant was granted a one-year extension for the preliminary plan. The property is subject to the conditions contained in the resolution of approval, (PGCPB Resolution No. 94-

112). That resolution contains 26 conditions.

9. **The requirements of the R-P-C and R-T Zones, as stated in the Zoning Ordinance.** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-T and R-P-C Zones and the site plan design guidelines of the Zoning Ordinance.

The subject application is in conformance with the requirements of Section 27-433(a)(2), R-T Zone (Townhouse), which governs permitted uses in residential zones. The application is also in conformance with the requirements of Section 27-538, R-P-C Zone (Planned Community). The purpose of the R-P-C Zone is to provide for large-scale, planned, and complete community development and provide a procedure for addressing the future development and use of land in existing R-P-C Zones.

10. **The Requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance:**

- a. No forest stand delineation (FSD) was submitted with this application, nor was one available in the Preliminary Plan of Subdivision (4-93078) files. The approved resolution contains no finding concerning the submittal of an FSD, but does state that a TCPI was previously approved for Sections 18 through 22. The TCPII for Sections 18 through 22 is in general conformance with the approved TCPIs, and the Environmental Planning Section will not require additional information at this time.

A Detailed FSD will be required for the remainder of TCPII/143/03 with future development applications.

- b. The TCPIs approved for East Marlton are based on the boundaries of the proposed subdivision plans, but the total limits of TCPI/48/93 does not have preliminary plans of subdivision and has not been platted. The boundaries of the TCPII, therefore, consisted of the boundaries of all legal parcels affected by the proposed development. In some areas land has been legally separated due to the dedication of East Marlton Avenue. The total area of the TCPII is, therefore, much larger than the limits of the detailed site plans under review.

TCPII/143/03 consisted of Parcels 97, 98, 99, 107, 109 and 139, and East Marlton Section 19 and 20, for a total acreage of 582.17 acres. The Planning Board agreed with the delineation of the boundaries of the TCPII as shown on Sheet 1 of 65 of the Type II tree conservation plan. Parcel 97 is a 77.03-acre parcel that is zoned I-3 and has a 15 percent woodland conservation requirement. The remaining parcels, totaling 503.40 acres, are in the R-T, R-R, R-35, and R-10 Zones with a 20 percent woodland conservation requirement. There are 57.58 acres of floodplain on the residentially zoned properties, and 1.11 acres of floodplain on Parcel 97 (I-3), for a total floodplain area of 58.69 acres and a net tract area of 521.74 acres. The net tract area will require verification by the submittal of a 100-year floodplain study approved by the Department of

Environmental Resources (DER).

The woodland conservation threshold for this TCPII is 100.55 acres (19.27 percent of the net tract) plus additional acres due to any clearing that is proposed on the site plus off-site grading impacts required to implement this plan, such as grading on Conrail property or Board of Education (BOE) sites. The TCPII proposed to meet all woodland conservation requirements on site through preservation on homeowner's association parcels, private lots, and on the proposed 100-acre linear park. The woodland conservation requirement for East Marlton is proposed to be handled as an "umbrella TCPII" as opposed to individual tree conservation plans linked to a detailed site plan, where both plans address the same acreage. The "umbrella TCPII" will use a single, multizoned woodland conservation worksheet to track the amount of clearing approved and the amount of woodland conservation provided as detailed site plans are approved for individual sections.

The TCPII as submitted will need to be revised to reflect this single, multizoned approach, as called for in Condition No. 19 of this DSP approval. This will require removal of individual woodland conservation worksheets and their replacement with a single, multizoned "umbrella" worksheet. Woodland conservation areas will be designated within the limits of individual detailed site plans as specific development plans allow the clear delineation of where preservation is desirable and feasible. The limits of the detailed site plans shall be shown and labeled on the TCPII plans.

The TCPII takes into account all of the clearing required for the construction of East Marlton, Sections 18 through 22, which proposed 111.36 acres of clearing on the net tract, 8.52 acres of clearing in the 100-year floodplain, and 5.46 acres of off-site impacts, resulting in a woodland conservation requirement of 142.37 acres.

The TCPII proposes to meet this requirement with 142.37 acres of woodland preservation, located within Sections 18 through 22, and "banked" on the remainder of the TCPII plan.

- c. The TCPII has been revised to contain 65 sheets in its current form, and all sheets are at a scale of one-inch equals 30 feet. As future phases are added to the TCPII, only those sheets affected will be revised. All revisions to the TCPII will be noted and dated in the revision box.

Tracking of revisions on a large scale TCPII of this sort necessitates the application of various mapping conventions, which have been proffered by the applicant. The TCPII has been revised so that each sheet represents a defined polygon (or polygons) with a specific area; match lines have been provided to indicate how all the polygons fit together; the outside boundary of the TCPII has been clearly delineated and emphasized; a woodland conservation summary chart has been provided on each sheet; and a clear and complete legend has been provided on each sheet.

The TCPII, as submitted, included superfluous soils boundaries and labels that will be shown only on the FSD. The TCPII required numerous minor revisions. Conditions of approval below require revisions that will remedy these deficiencies.

- d. The detailed site plan shows a limit of disturbance for a haul road connecting to Croom Road for construction access for the tunnel under the railroad tracks. No clearing has been shown in conjunction with the construction of the haul road on the TCPII. Any clearing in this area is subject to the prior approval of a detailed site plan for infrastructure. The limits of disturbance shown on the DSP and TCPII must be in conformance prior to certificate approval.
- e. Many of the TCPII plan sheets are outside of the area of the approved preliminary plans for Section 18 and 22 and do not have any primary management area (PMA) delineated, although some of the plan sheets delineate individual environmental features. The plans sheets have used varying notes to express this. A consistent note should be added to each of these sheets indicating that a full delineation of the Patuxent River primary management area has been deferred until submittal of detailed forest stand delineation, which is required prior to the submittal of any additional preliminary plans within East Marlton.
- f. The TCPII has been revised to show the location of the cemetery on the BOE site, and a determination has been made that there are no grading impacts to the cemetery or its environmental setting as part of the current proposal.
- g. Off-site grading impacts are proposed with the extension of the existing Heathermore Boulevard across the PEPCO right-of-way and Conrail tracks, including impacts to adjacent TCPIIs.
- h. Prior to the issuance of grading permits, conformance between the limits of disturbance shown on the approved sediment and erosion control plans, the detailed site plan, and the TCPII shall be found.
- i. The preliminary plan for Section 18 shows a “35' L.S. Buffer” and a “50' Noise Buffer” along the frontage of Section 18 adjacent to East Marlton Avenue. These buffers have been delineated on the detailed site plan and the TCPII.

The detailed site plan and TCPII shows a treatment appropriate to their intended purpose for the 35-foot-wide landscape buffer and the 50-foot-wide noise buffer along the frontage of Section 18, adjacent to East Marlton Avenue.

- j. The preliminary plan for Section 22 indicated that there is a “35-foot Buffer” along the frontage of Section 22 adjacent to East Marlton Avenue, and a “40-foot Buffer” located on the northern property line. These buffers have not been delineated on the detailed site

plan or the TCPII.

11. **The requirements of the *Prince George's County Landscape Manual*:** The proposed construction of the East Marlton development, Sections 18, 21 and 22 single-family (townhouse) attached lots in the R-T and R-P-C Zones are subjected to the *Prince George's County Landscape Manual*.

East Marlton Section 18 will be subject to Section 4.1 Residential Requirements, Section 4.3 Parking Lots Requirements and Section 4.6 Parking Lot Landscaped Strip (Option 4) of the Landscape Manual.

East Marlton Section 21 will be subject to Section 4.6 Parking Lot Landscape (Option 4), Section 4.7 Parking Lot Landscape Strip (Option 5), and 4.3 Parking Lot Requirements of the Landscape Manual.

East Marlton Section 22 will be subject to Section 4.1 Residential Requirement, Section 4.7 Buffering Incompatible Uses, Section 4.6 Buffering Residential Development from Streets and Section 4.3 Parking Lot Requirement of the Prince George's Landscape Manual.

12. District Council Order affirming the Planning Board decision as to Detailed Site Plan DSP-03033.

Condition 30 and 31 of this order require that architectural elevations be submitted and evaluated in accordance with several specific criteria, as outlined below:

30. Prior to approval of any building permits, the plan shall demonstrate that a minimum of 60 percent of all townhouse units shall have a front façade (excluding gables, bay windows, trim and doors) of brick, stone, or stucco.

31. Prior to approval of any building permits, a revision to the Detailed Site Plan for the approval of architectural elevations shall be approved, and the plans shall demonstrate the following:

a. All endwalls of units shall have a side façade (excluding gables, bay windows, trim and doors) of brick, stone, or stucco.

All endwalls of units are proposed to be brick, but the side elevations do not illustrate this with sufficient clarity. Additional labels clarifying the location of brick should be provided prior to certification of the plans.

b. A minimum of sixty-six percent of interior lots shall be 22 feet wide.

Eighty-eight percent of the townhouse units' interior lots are at least 22 feet wide.

- c. A minimum of sixty-six percent of end units shall be 24 feet wide.**

A total of four of the townhouse end units are less than 24 feet wide, which translates to seven percent, well within the limit set by this condition.

- d. To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, color and material.**

Numerous different styles of architecture for the townhouses have been proposed and are expected to result in substantial variety and visual interest in the development.

- e. To give careful attention to the exterior finish materials and the aesthetic appearance of the offset of buildings.**

In order to ensure that the offsets of adjoining townhouses do not detract from the overall appearance of the development Condition 3.f., below, requires the offsets of units with brick fronts to also feature brick.

- f. The minimum finished living area, which shall include all interior space except garage and finished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet.**

The minimum finished living area of units proposed ranges from 1,320 square feet to 2,580 square feet.

- g. Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural features. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwall treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone or stucco.**

Proposed endwall elevations show a reasonable number of features and a generally attractive appearance. Some of the endwall features are shown as optional. However, units located on high visibility lots should provide all features shown as standard features. Rear elevations show little architectural interest and

would be improved by the addition of shutters beside the windows on rear elevations which are visible from public streets and other public areas.

- h. Above-grade foundation walls shall either be clad with finish materials compatible with the primary façade design, or shall be textured or formed to simulate a clad finish material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited. On highly visible lots, as viewed from the public right-of-way, where walkout basements are proposed, the endwall exterior materials shall extend to grade.**

All foundation walls will be stamped and painted concrete and the paint color will match that of the siding. Notes to this effect have been placed on the architectural elevations.

13. **Planning Board Analysis:** The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:

Verizon—On March 3, 2009, Verizon provided a comment for the entire development stating that there is a need for Public Utility Easement (PUE) to all units free and clear of all obstructions.

Environment—In anticipation of detailed site plan approval, the applicant applied to the Maryland Department of the Environment for stream and wetland permits for proposed impacts. Subsequent to that application, in September 2005, the Maryland Department of Natural Resources Natural Heritage Program requested that a survey of the property be conducted for a state-listed threatened plant, the Single-headed pussytoes (*Antennaria solitaria*). A survey was conducted by Brent W. Steury in April 2006, and eight individual populations of the plant were identified on the East Marlton site. Seven of the populations were located along steep banks bordering the main stem of Southwest Branch within the regulated primary management area, but one population was located in Section 21 of East Marlton, just west of Lots 1 through 8, on the north side of Charles Branch Drive (Sheet 9 of 16) which falls within the proposed limit of disturbance for the development.

In a letter dated March 12, 2007, McCarthy and Associates, the environmental consultants for the subject property, requested permission to transplant the population to an alternative habitat on the site. Katherine McCarthy, of the Natural Heritage Program and M-NCPPC staff visited the site in early April 2007 to assess the proposal. Her recommendations are contained in a letter to the applicants consultants dated April 12, 2007 as follows:

“As we discussed at the site, the Natural Heritage Program’s recommendation for conserving this population is to minimize impacts by providing a 100 foot undisturbed buffer to the population...”

“The Natural Heritage Program does not support transplanting the population...Our approach to conservation of rare plant species is to pursue the conservation of the habitats that support Maryland’s populations of these species. Conserving the existing populations and their habitats, including the natural physical and biological processes that sustain the population, is the most effective means to maintain rare species. This approach to conserving rare plants is supported by the Forest Conservation Act and associated regulations [COMAR 08.19.04.07 (C) (3)], which require that rare plant habitats be identified as priority retention areas...To meet the requirement of the Forest Conservation Act, the forest conservation plan should be revised so that all areas inhabited by Single-headed pussytoes including an undisturbed 100-foot buffer are included within the forest retention area and are protected by the forest conservation easement” (Letter from McCarthy to Klebasko).”

After being informed of this recommendation by the Natural Heritage Program, the applicant began to work with M-NCPPC staff to determine the extent of revisions which would be necessary to provide the required undisturbed buffer for the threatened plant population, and to consider whether portions of Section 21 could be redesigned to provide the needed buffer by the relocation of lots. The applicant was aware that they would not be granted the required stream and/or wetlands permits necessary for the development of this site unless the threatened plant population was protected. Because the presence and location of the threatened plant population was not known during the initial review of the detailed site plan and was not addressed, it was determined that protection of the threatened plant population would be addressed in this revision to the DSP and TCPII.

The current revision to the detailed site plan does not include the revisions necessary to protect the threatened plant population, and proposes no changes to the previously approved grading. As previously discussed, the purpose of the current application is to allow the applicant to move forward with the resolution of complex outstanding issues for the site which have delayed development. The site development cannot move forward without the stream and wetland permits that will be withheld by the state until protection of the threatened plant population is demonstrated in conformance with the state’s April 12, 2007 letter to the applicant.

The area that remains unprotected is limited to a portion of Section 21. The other populations are on other sections of East Marlton and will be addressed as necessary during future reviews.

Community Planning—This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and the application conforms to the Low Urban residential land use recommended in the September 1993 *Approved Master Plan and Sectional Map Amendment for Subregion IV Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)*.

Marlton is a residential planned community (R-P-C) located south of Croom Road and east of US 301. The provisions set forth approved for Marlton allowed 6,192 single-family and multifamily dwellings units not to exceed 16.8 persons per acre approved through Zoning Map Amendment

A-6696-C. The approved plan was for a mix of housing densities and types throughout the site. The area included multifamily high density residential (R-10), medium-family medium density (R-18), townhouse (R-T), and any combination of single-family residential uses (R-80 and R-R) ranging from two to four units per acre and commercial uses (C-1 and C-2). Marlton has always had a center commercial core and an area for employment as it was envisioned as being a completely self-sufficient and sustainable community in the then-rural countryside. Over the past 40 years there have been a number of amendments to this approved R-P-C making changes to the mix of uses and the density allowed in some areas. The January 2009 *Preliminary Master Plan and Proposed Sectional Map Amendment for Subregion 6* will consolidate conditions contained in previous Zoning Map Amendments, A-6696-C, A-9730-C and A-9731-C, and make minor amendments to the Marlton R-P-C Official Plan to create one set of development standards applying to all future development.

The proposed detailed site plan is consistent with R-T zoning and with the development pattern recommended for Sections 18, 21 and 22 within the Marlton R-P-C and the Living Area chapters in both the 1993 approved master plan as well as the 2009 preliminary master plan.

Subdivision—All of the property is the subject of Preliminary Plan 4-93078, approved by the Planning Board on March 31, 1994. The resolution of approval, PGCPB Resolution No. 94-112, was adopted on May 5, 1994. Since that time, several extension requests have been approved by the Planning Board to extend the validity period of Preliminary Plan 4-93078. PGCPB Resolution No. 04-224, adopted by the Planning Board on October 28, 2004, is the only adopted resolution that is associated with one of the prior approved extension requests. On April 24, 2008, the Planning Board approved a one-year extension request. Currently, the preliminary plan remains valid until April 28, 2009, or until a final record plat is approved. On February 16, 2009, the applicant submitted a letter to the Subdivision Section requesting that an additional two-year extension be granted to the preliminary plan approval. The Planning Board approved a one-year extension for the preliminary plan. The property is subject to the conditions contained in the resolution of approval, (PGCPB Resolution No. 94-112). That resolution contains 26 conditions.

Trails—Sections 18, 21, and 22 were approved on May 12, 2005 as DSP-03033 (PGCPB Resolution No. 04-73(A)). Several of the conditions of approval addressed trail and pedestrian issues. Condition 28 requires the provision of a wide sidewalk along the subject site's frontage of East Marlton Avenue. Condition 32(d) reaffirms this recommendation for East Marlton Avenue and also recommends that a six-foot-wide sidewalk be provided along Heathermore Boulevard. Condition 32(c) requires that the plans be revised to be consistent with the trails approved as part of the Marlton Official Plan.

28. **Per the concurrence of DPW&T, the applicant shall include a six-foot-wide hiker/biker trail standard sidewalk along the subject application's entire frontage of the west side of East Marlton Avenue to better accommodate pedestrian movement to the north and south of Section 22.**

- 32. Prior to signature approval of the plans, the following shall be demonstrated:**
- c. The site plan shall be revised to reflect an off-road trail connecting one section to another to reflect the trail system envisioned by the Marlton Official Plan. The trail shall provide a connection to the 100-acre park through Section 22, if possible. Alignment of trails shall be determined by M-NCPPC staff.**
 - d. Developer shall incorporate a hiker/biker trail adjacent to or within the Heathermore Blvd. and East Marlton Ave. roadway right-of-ways with both a minimum width and separation from the roadway of six (6) feet.**

The Department of Parks and Recreation is currently working with the applicant to develop a park and trail plan for East Marlton Stream Valley Park. This conceptual plan includes a trail along the length of the stream valley, with numerous connections to adjacent residential pods. Trailhead facilities are also indicated, as well as viewing areas, shelters, and overlooks. The southern portion of the stream valley also includes a planned ADA accessible trail south of East Marlton Road. Additional discussions and refinements are probably necessary to these plans. However, regardless of the final alignment of the stream valley trail, it appears that adequate connections will be provided for to the surrounding community.

The planned six-foot sidewalk that is reflected on the submitted plans fulfills the previously approved Condition 28 and Condition 32 d. The Planning Board concludes that these conditions should be retained and reiterated in the conditions of this approval.

The previously approved site plan also required the inclusion of trail connections linking the various sections of the development and a connection between Section 22 and the 100-acre park (East Marlton Stream Valley Park). The plans do not indicate any connections for the sections under consideration. If some of the connections are not possible because of environmental constraints or if the necessary connections will be made via the planned sidewalk network, this should be documented in writing and presented for inclusion in the project file.

Historic Preservation—For the development of 350 single family dwellings there will be no effect on existing historic sites, resources or districts.

Archeological—The subject property comprises approximately 401 acres in the Croom area, on the west side of Croom Road, MD 382. This property was part of the plantation known as *Croome*, which was in the 18th and 19th centuries the home place of the Claggett family. None of this property is subject to the Prince George's County Historic Preservation Ordinance (i.e., it is not listed in the *Prince George's County Maryland Illustrated Inventory of Historic Sites* in the

Prince George's County Historic Sites and Districts Plan), but the Claggett family cemetery is located on Parcel 68, close to its boundary with the developing Section 18. All burial places are protected by Maryland state law.

The Croome plantation was the home place of Thomas John Claggett (1743-1816) who, as Anglican rector, served St. Paul's Parish from 1780 until his death in 1816; (at that time, St. Paul's Parish included the mission chapel, now known as St. Thomas' (Church at Croom.) Thomas John Claggett was one of the most prominent and important personages of his period in Prince George's County and surrounding areas, particularly in guiding the American Episcopal Church through its transition after the American Revolution. Claggett was born in October 1743 in Prince George's County, son of the Reverend Samuel Claggett, who had served parishes in Calvert and Charles Counties. With his father's death in 1756, the younger Claggett inherited the 500-acre plantation, Croome, from which the small village around the mission chapel took its name. After the end of the American Revolution, and the subsequent formation of the Protestant Episcopal Church of the United States in 1789, Claggett remained rector of St. Paul's Parish, serving both the parish church in Baden and the mission chapel in Croom, residing at his *Croome* plantation. In May 1792, the Council of the Protestant Episcopal Church elected Thomas John Claggett as Bishop, and in September of that year he was consecrated at Trinity Church in New York City as the first Bishop of Maryland. He was the first American Episcopal Bishop to be consecrated in the United States; all previous Bishops had been consecrated in the British Isles. In 1800 he was appointed chaplain of the U. S. Senate at its first session in the District of Columbia.

After his death in August 1816, Bishop Claggett was interred in a small family cemetery at his *Croome* plantation. Also buried in this cemetery were his wife, Mary Gantt Claggett, and at least two of his daughters, Elizabeth Claggett Young (1787-1864) and Mary Claggett Eversfield (1776-1810), and his son, Samuel Claggett (1783-1824). It is likely that other members of his family were also buried in this family cemetery, and it is also likely that members of the plantation's slave population were buried near the family cemetery. Before her death in 1864, Elizabeth Young, the Bishop's youngest daughter, had the burial ground surrounded by a handsome brick wall, most of which is now demolished. In 1898, the remains of Bishop Claggett and his wife were removed and reinterred at the National Cathedral (then under construction) in Washington, DC, but the burials and gravestones of the other members of the family remained in place.

In the early 1960s, the cemetery was described as in good condition, with the three-foot-high brick wall intact, marking the boundaries of the cemetery at approximately 50 feet square. Descriptions and photographs taken at that time indicate that, about three or four feet outside the brick wall, an ornamental Victorian fence further defined the family cemetery. By the 1970s, however, the cemetery had been severely vandalized—the brick wall had been reduced to rubble, the fence was largely destroyed, and the remaining tombstones removed or broken. In 1985, the congregation of St. Thomas' Episcopal Church in Croom began proceedings to move the remaining Claggett family burials to the church graveyard, but the project was never carried out.

Records from descendants of the Claggett family indicate that the family cemetery was located very close to the plantation house of Bishop Claggett: "in the rear of the house, not far from the

back door....”This house, which was of wood frame construction dating from the 18th century, was destroyed by fire in December 1856. Remains of the house foundation have been observed close to the cemetery.

Findings

- a. The Claggett family cemetery is located on Parcel 68, a 42.13-acre parcel of land owned by the Board of Education and adjoining the proposed subdivision road south of Section 18. (This land was acquired by the Board of Education in 1969). However, the 29-by 35-foot graveyard was specifically excluded from the 1969 deed (Liber 3685, Folio 695) and all previous deeds, having been reserved to the Claggett/Chew family by legal deed in 1916, together with right of ingress/egress to the cemetery (Liber 120, Folio 409).
- b. The Claggett family cemetery has been located and shown on the revised detailed site plan. This plan also shows a 50-foot undisturbed bufferyard drawn around the cemetery, outside the area that will be affected by grading for the proposed subdivision road (East Marlton Avenue).
- c. The developing property is part of the 18th century plantation known as *Croome*. The plantation house of the Claggett family is known to have been located very close to the family cemetery, although the exact location of the house has not been determined. Also, the locations of slave quarters, domestic and agricultural outbuildings, and possible additional burials have not been determined. There have been no archeological investigations of the general area of the plantation house site or the cemetery.
- d. The Planning Board has recently issued a directive that the possible existence of slave dwellings, slave graves, or Native American presence must be considered in the review of development applications, and that potential means for preservation of these resources should be considered.

Conclusions

- a. The revised detailed site plan shows that the Claggett family cemetery will not suffer adverse effect from grading for the proposed subdivision road (East Marlton Avenue).
- b. Since the subject property includes land that was once part of the large antebellum plantation known as Croome, documentary and archeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials, as well as evidence of prehistoric Native American presence.

MD State Highway Administration (SHA): On March 3, 2009, the Maryland Department of Transportation, State Highway Administration (SHA) provided a memorandum stating the office has completed its review and has no objection to the Detailed Site Plan 03033/01 approval.

Transportation: The application involves the construction of 350 single family attached dwellings. This development has been the subject of several preliminary plan and detailed site plan approvals dating back to 1993. During those approvals, the applications were subject to a number of off-site transportation-related improvements. All off-site improvements associated with those prior approvals have been satisfied.

Regarding the current application, all other aspects of the site plan are deemed to be acceptable.

Department of Public Works & Transportation (DPW&T): The Department of Public Works and Transportation (DPW&T) provided a memorandum dated March 16, 2009 stating that the DPW&T has no objection to the architectural house types and to reapprove the original detailed site plan that expired on March 12, 2009. The proposed detailed site plan is consistent with the DPW&T's Stormwater Management Concept No. 22351-2001-01 dated August 30, 2006.

14. As required by Section 27-285(b) of the Zoning Ordinance, the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/143/03) and further APPROVED Detailed Site Plan DSP-03033/01 for the above-described land, subject to the following conditions:

1. Prior to issuance of any building permits of Section 21 and 22, evidence of fulfillment of the following shall be submitted:
 - a. The applicant shall rough grade a minimum of two acres and deed to an entity designated by the Citizens Association of Marlton, a youth center site of approximately 3.3 acres.
 - b. The applicant shall develop in West Marlton the two park/school sites according to plans submitted to the Citizens Association of Marlton and dependent on approval by the appropriate county agencies. Sites are located off Grandhaven and Trumps Hill Road.
2. Prior to approval of each permit, plans shall be revised to provide the following information:
 - a. A brick front tracking chart shall be provided and updated prior to approval of each permit.
 - b. Provide the number of stories, building height, dimensions of all options for each lot.

- c. Provide the green area for each lot.
 - d. Provide the dimensions and material for the driveways, and label all garages as a one-car or two-car garage and provided the dimensions of each.
3. Prior to signature approval of the plans, the following changes or information shall be submitted:
 - a. The plans shall be revised to show the 50-foot building restriction line as measured from East Marlton Avenue.
 - b. The plans shall be revised to demonstrate conformance to Section 4.7 of the *Prince George's County Landscape Manual*.
 - c. Rear yards oriented toward East Marlton Avenue shall be buffered in accordance with Section 4.6 of the Landscape Manual and an easement or covenant shall be provided.
 - d. On the architectural elevations of all endwalls, labels shall be provided showing the location of brick. A note shall be placed on all endwall elevations stating that "Full brick façade is required on all endwalls."
 - e. The following note shall be placed on all architectural elevations: "On all units with full or partial brick front elevation, the offset wall connecting to a unit set further back shall feature full or partial brick to match the front."
 - f. The following lots shall be labeled as "high visibility" lots on the site plan:
 - Section 18: Lots 1, 13, 35, 36, 64, 85, 98, 132, 133, 139, 140, 146, 147, 154, 160.
 - Section 21: Lots 8 and 13.
 - Section 22: Lots 1, 68, 73, 74, 78, 79, 88."On high visibility lots, all endwall features are standard."
 - g. Shutters shall be provided adjacent to the rear windows (where space permits) on the following groups of units:
 - Section 18: Lots 1–35
 - Section 22: Lots 1–5
4. Prior to the issuance of any grading permits, a Phase IB (Identification) archeological investigation shall be completed and evidence of M-NCPPC staff concurrence with the investigations and/ or report shall be provided.
 - a. If it is determined that archeological resources exist in the project are, the applicant shall provide a plan for:

- (1) Evaluating the resource at the Phase II level, and, if necessary,
 - (2) Conducting Phase III investigations by avoiding and preserving the resource in place, or mitigating through Phase III recovery.
 - b. As part of the Phase IB investigation, the area on the subject property that is adjacent to the Claggett family cemetery shall be tested using shovel test excavations and probes to identify any possible burial remains that are outside the existing cemetery boundaries.
 - c. The investigation shall follow the standards and guidelines in *Maryland Historical Trust's Standard and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Archeological excavations shall be clearly identified on a map to be submitted as part of the report. The report shall follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the American Antiquity or Society for Historical Archaeology style guide, and cite whether a submittal is a Draft Report or Final Report on the cover and inside cover page of the document, along with the relevant development case numbers.
5. Prior to signature approval, plans shall be revised to clearly label the Claggett family cemetery. Prior to any construction, the applicant shall place temporary fencing to mark the limits of the family cemetery to avoid disturbance during construction.
 6. Prior to signature approval of the TCPII, the applicant shall revise the tree conservation plan to show the conceptual boundary of the 100-acre park. The plan shall include a conceptual layout of trail access roads and parking lots on dedicated parkland prior to approval of the TCPII/143/03. The plans shall be amended to remove the tree conservation on dedicated parkland except the 18 acres as previously agreed upon.
 7. Detailed construction drawings for the 18-acre lake, trails, parking lots and access roads in the 100-acre dedicated park (including a grading plan, limits of disturbance, lake construction details, trail sections and details) shall be submitted to DPR for review and approval prior to approval of the 600th building permit in East Marlton.
 8. Detailed construction drawings for Grandhaven Avenue Park (Brandywine Country Neighborhood Park) shall be submitted to DPR for review and approval prior to signature approval for any detailed site plan in East Marlton.
 9. Prior to certificate approval of the Detailed Site Plans DSP-03035/01 and DSP-03033/01 whichever comes first, the recreational facilities agreement (RFA) recorded in Liber 8036, Folio 460 shall be amended to include an additional segment of the trail which will create a loop around the 18-acre lake, address the expansion of the parking lots to accommodate 15 additional parking spaces on each of the two lots. If for any reason, the applicant, his heirs, successors and/or assignees, are unable to obtain the permits for the construction of the 18-acre lake, the applicant,

his heirs, successors and/or assignees, shall work with the Department of Parks and Recreation to renegotiate the recreation facilities package for the 100-acre linear park in order to provide appropriate replacement facilities. The revised recreational package shall be presented to the Planning Board for their approval.

10. The existing "Agreement to Amend Public Recreational Facilities Agreement" signed in October 8, 1996 by the Commission and Developer (Lake Marilton Limited Partnership), shall be recorded in Prince George's County Land Records prior to signature approval of Detailed Site Plans DSP-03033/01 and DSP-03035/01.
11. Prior to signature approval, the applicant shall submit evidence that the Department of Public Works and Transportation (DPW&T) has reviewed and approved the following proposals as shown on the detailed site plan:
 - a. The extension of Heathermore Boulevard over the Popes Creek Railroad tracks.
 - b. The configuration with the use of a public street to directly serve townhouses. If the DPW&T does not agree with the proposal to line the public street with townhouses as shown on the plan, the units shall be eliminated.
12. The impacts resulting from the grading and construction of Ponds 1, 5 and 6 to the primary management area (PMA) shall be in conformance with impacts approved at the time of preliminary plan approval.
13. Prior to certificate approval of the DSP, clear written documentation of the amount of woodland conservation, which is acceptable to the Department of Parks and Recreation on the future park dedication, shall be submitted.
14. Prior to certificate approval of the detailed site plan, revise the DSP and TCPII as follows:
 - a. Clearly delineate and label the proposed stormwater management ponds (Ponds 1, 5 and 6).
 - b. Clearly label any parcel or site proposed to be dedicated to the Department of Parks and Recreation.
 - c. Delineate the Patuxent River PMA on sheets 12, 13 and 14 (TCP) to include all perennial streams and a minimum of 50 feet of preserved or established vegetation on the side of each bank; the 100-year floodplain; all wetlands adjacent to the perennial stream or the 100-year floodplain; all areas having slopes of 25 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain or stream-site wetlands; all areas having highly erodible soils on slopes of 15 percent or greater abutting the perennial stream, the 100-year floodplain or streamside wetlands; and specific areas of rare or sensitive wildlife habitat as determined by the Planning Board.

- d. The 100-year floodplain shall be delineated on the plans and clearly labeled.
 - e. Minimize impacts, to the extent possible, to the Patuxent River PMA resulting from the extension of Logging Trail Way from Section 18 to Section 19.
 - f. Use the term “PMA” on sheets 12, 13 and 14 (TCP) and eliminate the use of other terms.
15. Prior to certificate approval of the detailed site plan, the Department of Parks and Recreation shall review the design and location of all stormdrain outfalls, stormwater management facilities, and/or utility easements to ensure that they have been designed to minimize impacts to the delineated Patuxent River PMA and sensitive environmental areas on lands to be conveyed to, or now owned by, M-NCPPC.
 16. Prior to certificate approval of any revision to the TCPII that proposes woodland conservation on lands owned by or to be conveyed to M-NCPPC, written approval from the Department of Parks and Recreation shall be submitted.
 17. Prior to certificate approval of the TCPII or final plat, whichever precedes, an approved floodplain study for the existing 100-year floodplain shall be submitted.
 18. At the time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the delineated Patuxent River PMA except for the areas of approved impacts. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
 19. Prior to certificate approval of the DSP, the TCPII shall be revised as follows:
 - a. Use a single, multizone umbrella woodland conservation worksheet that covers the entire area of the TCPII, now or as revised in the future.
 - b. Provide corrected quantities where necessary to determine the woodland conservation requirements.
 20. Prior to certificate approval of the detailed site plan, revise the TCPII as follows:
 - a. Remove the soil boundaries and soil labels from the plan.
 - b. Add the TCPII number to all approval certificates on the plans.
 - c. On sheet 34 of 65, show the location of the specimen tree, delineate its critical root zone,

and identify any specialized management requirements if the root zone is impacted.

- d. Add the appropriate Environmental Planning Section edge management notes related to the preservation of trees to the plan.
 - e. Remove all woodland preservation areas from the limits of the proposed 100-year floodplain.
 - f. Correct the delineation of the “stream valley buffer” (SVB) on the plans to “stream buffer” (SB).
 - g. Have the revised plans signed and dated by the qualified professional who prepared it.
21. Prior to certificate approval of the DSP and TCPII, the limits of disturbance shown on the two plans shall be the same.
 22. Prior to certificate approval of the detailed site plans, TCPII sheets that are not part of Section 18 through 22 shall be revised to add the following note:

“The delineation of the 100-year floodplain, nontidal wetlands, and Patuxent River primary management area (PMA) shown on this plan sheet is not be based on a Detailed Forest Stand Delineation for the remainder of TCPII/143/03, which is required to be submitted with the first new preliminary plan application occurring within the limits of TCPII/143/03(East Marlton).”
 23. Prior to the issuance of grading permits for the construction of East Marlton Boulevard, a protection area defined by tree protection devices shall be shown on the TCPII around the cemetery location on the Board of Education (BOE)property if grading is proposed within 100 feet of the surveyed limits of the cemetery.
 24. Prior to the issuance of grading permits for Heathermore Boulevard Extended, off-site woodland impacts shall be addressed through the revision of TCPIIs or the issuance of letters of exemption for all affected properties. All off-site properties affected shall be clearly labeled as to ownership, parcel identification, detailed site plan case number, preliminary plan case number, and/or TCPI/TCPII number if applicable.
 25. Prior to the issuance of a grading permit, copies of the approved sediment and erosion control plans and the proposed technical stormwater management plans shall be submitted.
 26. Prior to the issuance of any grading permits for Section 21 of East Marlton, which propose disturbance within 150 linear feet of the location of the known population of single-headed pussytoes located on the east bank of Southwest Branch adjacent to Lots 1, 2, 3 and 4, the detailed site plan and tree conservation plan shall be revised to provide a 100-foot-wide undisturbed buffer to the population. The relocation of lots to provide this buffer is acceptable so

long as there is no net increase in the area of PMA impacts.

27. Revise the detailed site plan and TCPII to show a treatment appropriate to their intended purpose for the 35-foot-wide landscape buffer and the 50-foot-wide noise buffer along the frontage of Section 18, adjacent to East Marlton Avenue.
28. At the time of final plat, the 35-foot-wide landscape buffer and 50-foot-wide noise buffer along the frontage of Section 18, adjacent to East Marlton Avenue, shall be shown on the plat. The following notes shall be placed on the record plat:
 - “The landscape buffer shown on this plat is an area of landscaping adjacent to a collector road in accordance with the requirements of the Prince George’s County *Landscape Manual* as shown on Detailed Site Plan DSP-03033 or as revised in the future.”
 - “The noise buffer shown on this plat is an area designated to provide a separation between the collector road and residential uses where no residential structures can be placed.”
29. Prior to certificate approval of the DSP, revise the detailed site plan and TCPII to delineate a 35-foot-wide buffer along the frontage of Section 22, adjacent to East Marlton Avenue, and show an appropriate landscape treatment adjacent to a collector road based on the *Prince George’s County Landscape Manual*.
30. Prior to certificate approval of the DSP, revise the detailed site plan and TCPII to delineate a 40-foot-wide buffer between Section 22 and the adjacent Board of Education site and show an appropriate bufferyard treatment between adjacent uses based on the *Prince George’s County Landscape Manual*.
31. At time of final plat for Section 22, the 35-foot-wide buffer adjacent to East Marlton Avenue and the 40-foot-wide buffer adjacent to the Board of Education property shall be delineated. The following notes shall be placed on the record plat:
 - “The buffers shown on this plat are areas of landscaping adjacent to a collector road and/or adjacent uses in accordance with the requirements of the Prince George’s County Landscape Manual and as shown on Detailed Site Plan DSP-03033, or as revised in the future.”
32. Prior to signature approval of the TCPII, the applicant shall revise the tree conservation plan to show the conceptual boundary of the 100-acre park. The plans shall include a conceptual layout of the 18-acre lake, trail access roads, and parking lots on dedicated parkland prior to approval of Type II Tree Conservation Plan TCPII/143/03-01. The plans shall be amended to remove the tree conservation on dedicated parkland except the 18 acres as previously agreed upon.
33. Prior to signature approval of the plans, the following shall be demonstrated and the TCPII shall

be revised as follows:

- a. All primary management area (PMA) impact areas that occur in areas off lots, but not within utility easements shall at a minimum, be reforested to Prince George's County standards. Where reforestation areas are adjacent to proposed lots, reforestation shall consist of minimum per acre mix of eighty-two two-inch caliper trees and 165 one-inch caliper trees and three hundred thirty protected seedlings. All reforestation areas in the vicinity of residential units shall be provided permanent fencing using an attractive fencing material such as two-rail split rail fencing or equivalent.
 - b. For areas within proposed utility easements, reforestation shall at a minimum, consist of protected seedlings as allowed by the governing agency and shall not be credited as woodland conservation.
 - c. The stream crossing into Section 21 from Heathermore Boulevard shall utilize a bottomless culvert to minimize impacts to the stream. The detailed site plan and TCPII shall show this feature, and the DSP shall show a detail of the culvert. The off-road trail described in "d" below, shall go up and over the culvert, rather than under the culvert, if feasible.
 - d. The site plan shall be revised to reflect an off-road trail connecting one section to another to reflect the trail system envisioned by the Marlton Official Plan. The trail shall provide a connection to the 100-acre park through Section 22, if possible. Alignment to trails shall be determined by M-NCPPC staff.
 - e. Developer shall incorporate a hiker/biker trail adjacent to or within the Heathermore Boulevard and East Marlton Avenue roadway right-of-way with both a minimum width and separation from the roadway of six feet.
34. Prior to certificate approval of Detailed Site Plan DSP-03033/01, the TCPII and the landscape plan shall be revised to provide plant material to reforest the slopes of Heathermore Boulevard and to reforest the slopes designed to incorporate the off-road trail system within the limits of disturbance to Prince George's County standards (woodland conservation stocking requirements) using indigenous plantings. Plantings shall consist of a minimum per acre mix of eighty-two two-inch caliper trees, one hundred sixty-five one-inch caliper trees, and three hundred thirty protected seedlings, subject to review by M-NCPPC staff and/or county staff as applicable. The reforestation and planting shall not be considered in meeting the requirements for the tree conservation plan (TCP), but considered in addition to, not in lieu of, said requirements.
 35. Per the concurrence of DPW&T, the applicant shall include a standard sidewalk along the subject application's entire frontage of the east side of East Marlton Avenue, and a six-foot wide sidewalk on the west side.
 36. Prior to construction and release of any building permits for the referenced site, approval of all

construction elements related to said railroad crossing must be bonded and permitted through DPW&T. A construction and maintenance agreement will be required by DPW&T.

37. Prior to signature approval, the following lots shall be deleted from the plans:

- Section 18: Delete lots 58, 72-76, 85, 121, and 127-129.
- Section 21: Delete lots 9-12, 17-21, 35-44, 73-78, 54-59 and 85-88.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, May 14, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of June 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JM:bjs