

Case No.: SDP-0607

Applicant: Acton Park, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 07-228(C), approving with conditions Application No. SDP-0607, a detailed site plan for 12 single-family lots and related infrastructure and facilities on property described as approximately 83.57 acres of land in the R-S Zone, on the southeast side of Enterprise Road (MD 193), approximately 2,000 feet south of the bridge carrying the John Hanson Highway (U.S. 50) over MD 193, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. Prior to signature approval of this specific design plan, the applicant shall make the following revisions to the plans or provide the following additional information:
 - a. Provide evidence from the Department of Public Works and Transportation that the subject specific design plan is in conformance with the approved stormwater management concept plan.
 - b. Provide and label a standard sidewalk along both sides of all public internal streets, unless modified by DPW&T.
 - c. Revise the landscape plan and associated schedules to accurately reflect the requirements of Sections 4.1(a) and 4.1(b) of the *Landscape Manual*.

- d. Clearly indicate the location of the existing picnic area. If the picnic area does not contain the required amenities, as outlined in the *M-NCPPC Parks and Recreation Facilities Guidelines*, then it shall be revised accordingly.
 - e. Clearly indicate the location of the existing trails.
 - f. Indicate that models 9023 and 9768 will feature a standard one- or two-car detached garage.
2. Prior to signature approval of the specific design plan, the TCP II shall be revised as follows:
- a. For the proposed preservation of Selective Clearing Area 2, show half of the proposed area as reforestation on the plan and worksheet.
 - b. Add a column to the TCP II worksheet and show the correct acreages for future phases of the site.
 - c. Revise the cover sheet to clearly identify the limits of this phase of development of the overall site.
 - d. Identify all specimen trees and their critical root zones.
 - e. Add the following note: "Reforestation and afforestation areas on lots shall be delineated on-site through the use of two-rail split-rail fences or some other permanent device. Wire fences or the like shall not be used - the fencing material used must be specified on the plans and be aesthetically compatible with the development. Fence locations and details shall be specified on the Type II TCP."
 - f. Revise the worksheet as necessary.
 - g. Have the plans signed and dated by the qualified professional who prepared them.
 - h. Show the PMA and the corrected wetland buffer on Sheet 3 of 6.
 - i. Show a super silt fence to control potential erosion of sediment on the site.
3. Prior to certification of the specific design plan, the SDP and TCP II shall be revised to show a 40-foot building restriction line on Lots 5 and 6, Block A, from the common boundary line with Parcels 126 and 145. This building restriction line shall also be shown on the final plat and labeled "buffer" prior to approval.

4. The development of the soccer field shall be accomplished in accordance with the *Parks and Recreation Facilities Guidelines*.
5. The soccer field and any upgrades to the picnic area required by Condition 1.f. above shall be completed prior to the issuance of the 38th building permit for the Acton Park development as a whole.
6. All new buildings proposed in this subdivision shall have an automatic fire suppression system, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
7. 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:

At the MD 193/Chantilly Lane intersection (unsignalized): The applicant shall contribute its pro rata share for the installation of a traffic signal and associated improvements, as deemed necessary by SHA, if evidence is provided by SHA that there are other parties to share in the cost.

8. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
9. All planting and associated fencing shall be installed prior to the issuance of the first building permit for the associated lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the required planting areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
10. At the time of recordation of final plats for the portion of the development that has frontage on MD 193, the applicant shall dedicate 90 feet from the centerline of MD 193.
11. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area, except for the six approved areas of impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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 permitted.”

12. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits as stated in RFA recorded at Liber 6892, Folio 19.
13. Prior to issuance of building permits, the proposed architectural products shall be submitted for review of the size, colors, mixture of exterior finish materials, and architectural detailing for approval by the Planning Board. The exhibits submitted in the record of SDP-0607 shall guide the review process.
14. For each residential building lot that adjoins common areas or that has conservation areas, the applicant and its heirs, successors, and assigns shall proceed as follows:

Every contract of sale for a residential building lot that adjoins common areas maintained by a homeowners association or that has conservation areas (with or without easements) on site shall include a purchaser acknowledgement that the purchaser(s) are aware that:

- (1) their lot adjoins common areas owned and managed by the HOA, or has conservation areas on site;
- (2) the common areas or conservation areas are (or may be) the subject of conservation easements; and
- (3) as purchasers of their lot, they are not entitled to remove trees or foliage or interfere in any way with vegetation on the common areas or conservation areas.

In the approval of their contract of sale, the purchaser(s) shall acknowledge items (1), (2), and (3), and sign and date their acknowledgement, on a separate sheet of paper that is part of the contract.

15. Residential dwellings (all models) shall have at least 2,000 square feet of livable space. All chimneys shall be constructed of masonry material.

Ordered this 28th day of April, 2008, by the following vote:

In Favor:

Opposed:

Abstained:

Absent:

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council