

Case No. SP-04040

Applicant: Washington Management
Development

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-61, to approve with conditions a detailed site plan, SP-04040, for a project called Waterford, 126 single-family detached dwelling units on property described as approximately 261.19 acres of land in the R-A Zone, on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road, Mitchellville, is hereby:

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 in this case.

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

1. Applicant shall conduct further review of the engineering rationale, including compliance with the requirements of the Neighborhood Traffic Management Program, justifying construction of a roundabout at the proposed location.

If the necessary speed and volume traffic studies are reviewed and approved by DPW&T, and if the roundabout otherwise meets the requirements of DPW&T, then:

- a. The applicant shall present the study to the Woodmore Homeowners' Association.
- b. If the roundabout is determined to be the preferred alternative, then the applicant shall construct the roundabout in accordance with DPW&T standards and specifications.
- c. The Waterford HOA and its successors shall establish landscaping of the roundabout which is appropriate for the site and maintain the landscaping of the roundabout.

- d. There shall be no vehicular access to Spriggs Request Way.
 - e. The applicant shall pay to Prince George's County for each building permit a contribution of \$10,000.00, for the proposed improvements at the Church Road/Woodmore Road/Mount Oak intersection. The \$10,000.00 contribution shall be adjusted annually, multiplying by the Engineering News Record Highway Construction Cost Index at time of payment and then dividing by the Cost Index of November 1991.
2. If a roundabout is not constructed, then, for each building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to the Church Road/Mount Oak Road/Woodmore Road realigned intersection:
- A fee calculated as \$2,006.93 per residence x (*Engineering News-Record Highway Construction Cost Index at time of payment*) / *Engineering News-Record Highway Construction Cost Index for November 1991*).
3. Prior to certification of the DSP, the TCPII shall be revised as follows:
- a. Provide details and specifications for the proposed structural noise barrier.
 - b. Include an elevation view of the berm and structural noise barrier, including dimensions and materials.
4. The noise barrier may include a berm, buffer area, and fence or wall, or any combination of these features approved by the Urban Design Section. But if a fence or wall is constructed, the applicant shall create a fund for the project's homeowners association, with sufficient capital and revenues to maintain the fence or wall in perpetuity.
5. The following note shall be placed on the final plat:
- “All lots in Waterford that back up to US 50 are provided noise mitigation through the construction of berms and a noise barrier. On each individual lot, the property owner shall allow reasonable homeowners association maintenance of the berms and noise barriers.”
- 5A. Designated lots have tree-save areas, within which trees may not be disturbed. Each such tree-save area shall be fenced, and a sign shall be placed to warn residents that tree removal is prohibited. Prior to execution of a purchase-and-sale agreement for any of the designated lots, the prospective purchasers shall be given written disclosure of on-site tree-save areas, required fencing and signage, and the requirement not to disturb trees within those areas.
- 5B. On lots 99 and 100, the driveway shall be shown as separate for each lot, separated by a lot line, so that each driveway is on its own lot.

6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit to Environmental Planning copies of all federal and state wetland permits, evidence that plan approval conditions have been complied with, and associated mitigation plans.
7. Prior to site plan certification, the TCPII shall be revised as follows:
 - a. Show the stormwater management outfall easements and label these areas as such on Lots 61, 62, 76 and 79 of Block A.
 - b. In all references to the reforestation fencing, indicate its installation prior to the issuance of building permits for Lots 1–9, 13–16, 22, 24–26, the two acres on Lot 27 outside the limits of disturbance, 56–62, 75–80, 83–87, 89–91, 94 in Blocks A and B.
 - c. Provide additional afforestation/reforestation on Lot 94 of Block A, consistent with the TCPI in the area along the western portion of the site in relation to Woodmore. Lot 94 may be expanded to provide more buildable area by adjusting the east property line.
 - d. Show the clearing of existing woodlands on Lot 100 of Block A, on Sheet 9.
 - e. Revise the design at the access road and entrance to provide limited afforestation in this area and eliminate or minimize the use of turf. Revise all details accordingly. This area shall include permanent split-rail fencing or stone or horse fence around the afforested area to be completed prior to the issuance of the tenth building permit.
 - f. Provide a specimen tree sign detail and corresponding symbol in the legend and on the plan in relation to trees that are to be saved.
 - g. Adjust the Reforestation Inspection and Planting Narrative to remove reference to mowing in the afforestation areas, and state that the control of invasive species is allowed.
 - h. Remove Standard TCPII Note 6, which does not apply to this site.
 - i. Fill in the blank in the Afforestation/Reforestation Agreement on Sheet 14 to identify the party responsible for the five required annual field inspections of these woodland treatment areas.
 - j. Adjust the reference to a planting completion date. All afforestation is required to be installed prior to the issuance of a building permit for Lots 1–9, 13–16, 22, 24–26, the two acres on Lot 27 outside the limits of disturbance, 56–62, 75–80, 83– 87, 89, 90, 91, 94 in Blocks A and B.

- k. Provide details and specifications on the plans of the proposed bridge location at 1"=10' scale to allow for the review of the bridge placement and proposed impacts.
 - l. Revise the conceptual bridge drawing to show a design that does not have a double culvert cross-section, but rather a single, larger area beneath it for the unobstructed flow of the stream and the maximum passage of wildlife.
 - m. After all required revisions have been made to the plan, have the qualified professional who prepared the plan update the revision box, sign it, and date it.
8. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.
9. All afforestation/reforestation and associated fencing on common areas shall be installed prior to the issuance of the building permits for Lots 1-9, 13-16, 22, 24-26, the two acres on Lot 27 outside the limits of disturbance, 56-62, 75-80, 83-87, 89-91, 94 in Blocks A and B. A certification prepared by a qualified professional may be used to provide verification that the afforestation/reforestation has been completed. It must include, at a minimum, photos of the afforestation/reforestation 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 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 areas of approved impacts and all afforestation/reforestation areas shown on the TCPII, and it shall be reviewed by the Environmental Planning Section before approval of the final plat. 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."
- All purchasers of property within the Waterford project shall receive a copy of this note, together with an explanation of its requirements, at the time of execution of a contract of purchase and sale.
11. Prior to signature approval, Street A shall be revised to indicate a minimum right-of-way width of 60 feet, and all other public residential streets shall have a minimum right-of-way width of 60 feet (based on DPW&T's road standards for Rural Residential Roads). Alternatively, the applicant may submit evidence that the Department of Public Works and Transportation has approved an alternate width of right-of-way.

12. Prior to signature approval, the outparcel connecting Street D to the Pepco right-of-way shall be in an easement sized to meet the Department of Public Works and Transportation's (DPW&T) requirements for access. The easement shall contain language that expressly requires the homeowner's association to dedicate said parcel to DPW&T for construction of the road connection to the east at the request of DPW&T. The easement shall be reviewed prior to final plat approval for the lots abutting the parcel and cul-de-sac with express notice to said lot owners.
13. Prior to approval of the final plat, the applicant shall provide a written agreement to the Planning Board or its designee regarding the details of construction of an access drive from the new subdivision street to the Historic Site. This agreement shall specify the applicant's responsibility for and timing of the construction of the access drive.
14. Prior to release of building permits for Lots 95 through 100, the applicant shall provide evidence that the 40-foot-deep bufferyard along the Historic Site on each of these has been planted.
15. Prior to the issuance of building permit, a limited detailed site plan to be approved by the Planning Board or its designee, for architecture for the proposed houses on Lots 4, 17, 18 and 19 shall be required. Particular attention shall be given to the siting of the houses on Lots 4 and 17 for compatibility to the Historic Site. The architectural elevations shall indicate brick on front and side facades, and some Federal-style architectural elements (such as pedimented entrances, fanlights, flat-arch brick lintels and shutters) shall be incorporated into the design of these houses.
16. Prior to certificate of approval, a full Phase III data recovery research design shall be approved by the Historic Preservation staff, in collaboration with the Maryland Historical Trust. The research design shall include a more comprehensive documentation of the African-American presence at the site and their relationships to other plantations in the area. The research design shall include an expanded public interpretation plan and a schedule for its implementation.
17. Prior to grading permit within 50 feet of Archeological Site 18PR705, or a larger setback if required by the Maryland Historic Trust, the Phase III data recovery shall be completed in the field.
18. Prior to the approval of any permits, the applicant shall work with staff from the Department of Parks and Recreation and determine if the exterior finish material from barns that will be razed can be reused, and if so, it should be offered to the Department of Parks and Recreation or to the Newel Post, the county's architectural salvage depot.
19. Prior to final plat, the applicant shall consult with the staff of the Historic Preservation and Public Facilities Planning Section to develop street names that are more reflective of significant aspects of the history of the Pleasant Prospect property.

20. Prior to the issuance of building permits for Lots 94, 98, 99, and 100, a detailed site plan for review of the architectural elevations shall be approved by the Planning Board, or its designee, to address the materials, elevations, and architecture of proposed houses on these lots, and to demonstrate compatibility with the Woodmore Development. The plans must show a minimum of 4,000 square feet of finished living area above ground, four-sided brick or stone, and cedar shake, slate, or slate-like roofing.
21. Prior to signature approval, the plans shall be revised as follows:
 - a. Additional landscaping shall be added to lots 25, 28, 31, 34, and 98, to provide privacy for the rear yards.
 - b. The plan for evergreen trees along the entrance road shall be revised, to show a new selection, one approved by both staff and applicant.
 - c. The plans shall be revised to indicate a street light detail having cut-off-type lighting fixtures, to direct glare downward.
 - d. The plans shall be revised to demonstrate conformance to Sections 4.1, 4.6, and 4.7 of the *Landscape Manual*, in accordance with Finding 8.
 - e. At least one shade tree, one evergreen tree, and one ornamental tree shall be provided in the front yard of each lot.
22. All prospective purchasers shall be advised in writing of the property's proximity to Freeway Airport and the potential nuisances associated with this location.
23. The shared driveway serving Lots 99 and 100 shall remain separated, so that each lot has its own driveway. Neither lot owner shall be required to use a driveway on the other lot.
24. All fencing and berms separating the project from surrounding residential property shall be maintained in perpetuity by the Waterford homeowners' association.

Ordered this 12th, day of September, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrington, Hendershot and Peters

Opposed:

Abstained:

Absent: Council Members Dernoga and Knotts

Vote: 7-0

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