

R E S O L U T I O N

WHEREAS, Sumner Grove, LLC is the owner of a 15.5-acre parcel of land known as p/o Parcel 41, Tax Map 14, Grid D-4, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on September 25, 2000, Sumner Grove, LLC filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 24 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00050, Sumner Grove, Phase 2 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 30, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL, with conditions of the application; and

WHEREAS, on November 30, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00050, Sumner Grove, Phase 2 for 24 Lots and 2 Parcels with the following conditions:

1. Prior to certification approval, the TCP I shall be revised to include both phases of the site, as shown on the previously approved TCP I/22/94, and the woodland conservation worksheet shall include the entire site.
2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/22/94). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/22/94), 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 is a violation of an approved Tree Conservation Plan and will require mitigation under the Woodland Conservation/Tree Preservation Policy."

3. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental

Planning Section with copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

4. A Type II Tree Conservation Plan shall be approved prior to issuance of any permits and the location of all off-site wood conservation mitigation, if needed, shall be identified on the plan.
5. At the time of final plat, the applicant, his heirs, successors, and/or assigns shall pay a fee-in-lieu of mandatory park dedication, unless the applicant can demonstrate that the fee has already been paid.
6. The applicant, his heirs, successors, and/or assigns shall contribute \$1,000 per dwelling unit at the time of each building permit application to DPW&T in order to fund future signalization and/or safety improvements in the vicinity of Powder Mill Road and Springfield Road.
7. Development of this site shall be in accordance with the approved stormwater concept plan, Concept # 8323133-2000-00.
8. The applicant, his heirs, successors and/or assigns, shall provide street trees in Phase II, along both sides of Sumner Grove Drive, comparable to those provided in Phase I.
9. The applicant, his heirs, successors and/or assigns, shall work with the residents to provide a parcel for useable open space for active recreation. Alterations to the Type I Tree Conservation Plan based on this provision shall be reflected in the Type II Tree Conservation Plan.
10. Prior to signature approval, the preliminary plat shall be revised to eliminate Lot 33 and create two outlots in its place.
11. Prior to the issuance of the 10<sup>th</sup> building permit in Phase II, the applicant, his heirs, successors and/or assigns, shall construct an entrance monument at the entrance to the community. The applicant shall provide verification of this construction to the Subdivision Section.
12. The applicant, his heirs, successors and/or assigns, shall maintain existing Sumner Grove Drive from damage throughout the construction process. All track vehicles shall be transported to the site on trucks.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Springfield Road at the end of Sumner Drive, next to the Baltimore-Washington Parkway (the Parkway).
3. The Sumner Grove property is located to the west of the Parkway with access from Springfield Road. Proposed A-44 is located along the eastern boundary of this site. The site is being developed in two phases; Phase 1 has been platted and built. The site is predominately wooded. A conservation easement exists along the property line adjacent to the Parkway. A water line has been installed through the portion of Phase 2 that is planned for road construction. A specific stream channel has not been identified on the site, but there is a large area of nontidal wetlands with an associated 25-foot wide buffer and 100-year floodplain. It appears that the channels and seeps associated with this wetland may be part of a perennial stream system. This site is located in the Beaverdam Creek watershed which drains through the Beltsville Agricultural Research Center, and is a subwatershed of the Anacostia. The site does not appear to contain rare, threatened or endangered species based on available maps. The site is not located within a designated rural legacy area. The property is in Water and Sewer Category 3 and will be served by public systems.

The subject preliminary plan, Sumner Grove, Phase 2, is part of Preliminary Plan 4-94035 and associated TCP I/22/94 which were approved with conditions in 1994. Subsequently, a Detailed Site Plan, SP-94043, and TCP II/108/94 were approved with conditions for the Phase 1 portion the property which has been built. The approved preliminary plat for Phase II was never carried forward to final plat, and has expired. Tree Conservation Plans do not expire, however, in this case the TCP I for the entire project must be revised to adjust to the changes proposed in Phase 2.

The Preliminary Plan approval resolution for Phase 1 included a number of conditions which were applied to Phase 1 through Detailed Site Plan approval. The approval for Phase 1 called for Detailed Site Plan review which was not limited and included five specific items to be addressed. Only one, the stormwater management facility, was environmental in nature. Several environmental issues associated with Phase 2 result in the need for a future Detailed Site Plan review.

A copy of a 1994 forest stand delineation text and map prepared for the site by Loiederman Associates, Inc. were submitted. No specimen trees were identified in the forest stand delineation. The forest stand delineation was found to be acceptable.

The site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A TCP I (TCP I/22/94) was approved in 1994 as part of the original preliminary plan for Phases 1 and 2. Subsequently, a TCP II/108/94, was approved for the entire site, however, no clearing or grading were proposed in the Phase 2 portion of

the property. A revised TCP I was submitted with this preliminary plan, but it only shows Phase 2.

The guiding TCP is the previously approved TCP I, which must be revised to match proposed revisions to Phase 2 and illustrate how the woodland conservation requirements are being met on the entire site. The approved TCP I (1/22/94) should be revised and submitted, showing both Phase 1 and Phase 2 development. It should include a single woodland conservation worksheet, which indicates how the woodland conservation requirements of the original site boundary are being met.

It should be noted that the match line shown on the original preliminary plan, and TCP I plan now submitted, do not match the phasing lines established by Detailed Site Plan and plat review. These lines should be adjusted, so that the TCP I for Phase II can be easily converted to a TCP II with a unique woodland conservation worksheet.

The woodland conservation threshold for this site is 5.6 acres (20% of the net tract). An additional 4.39 acres is required due to removal of woodland. The total requirement is 9.99 acres. The applicant has proposed to meet the requirement with a combination of on-site preservation and on-site reforestation/afforestation. No off-site mitigation or fee-in-lieu has been proposed. The tree conservation concept proposed for Phase 2 fulfills the intent of the woodland conservation ordinance by retaining on-site priority woodlands and areas with significant trees in sensitive areas.

The Prince George=s County Soil Survey and the Existing Conditions Plan indicate the presence of Sassafras, Sandy and Clayey Land and Bibb series soils on the site. Bibb soils are in hydrologic soil group D, and exhibit a high water table, potential flood hazard, and poor drainage. Sandy and Clayey Land soils may be unstable. Sassafras soils pose few difficulties to development. No Marlboro clay has been identified. A soils study may be required at time of building/grading permit by the County=s Department of Environmental Resources in areas of potential soil problems.

A small area of slopes greater than 15% and less than 25% are shown on the existing conditions plan, located on the east side of the wetland area, mostly outside of the wetland buffer area. The soils in this area do not have a K factor of 0.37 or higher, so erosion should not be a problem.

Potential noise impacts have been identified associated with both the B-W Parkway and the possible future A-44 roadway. The B-W Parkway is classified as a freeway with a potential noise corridor 2201 feet from the centerline of the road based on noise studies done by staff. A-44 is classified as an arterial and based on final design considerations, appears to have a noise corridor of 832 feet from the centerline of the road.

As requested, a noise study entitled AClark Property Traffic Noise Analysis@ prepared by Polysonics Inc. (February 1994) was submitted and reviewed by staff. This noise study only considers noise impacts related to the B-W Parkway.

The Existing Conditions Plan submitted with the application shows a noise contour associated with the Parkway, 110 feet from the parallel right-of-way line. Staff has confirmed that this is the correct location based on the amount of Asoft@ (vegetative) materials located between the noise generator (travel lanes) and the receiving site (proposed house locations).

The applicant=s noise study submitted does not consider the noise impacts associated with A-44. A determination of noise impacts, and needed mitigation measures cannot be completed until a noise study is prepared to determine applicable noise contours. The assumed noise impact for a divided arterial is 832 feet from the centerline of the road, but A-44 is proposed to be built to a higher standard than an arterial. This has the potential to impact, at a minimum, lots 5 through 16, and lot 36 through 38.

Prior to approval of a final plat of subdivision for this site, a determination will need to be made that sufficient area exists for the future provision of noise mitigation measures to reduce noise levels to accepted state standards for interior and exterior residential uses. Submission of a noise study to address the impacts of A-44 on this site and review of a Detailed Site Plan to address potential noise impacts on the lots cited above, are recommended.

Two sections of the *Landscape Manual* require buffering for lots adjacent to the Parkway. Under Sec.4.6, Buffering Residential Development from Streets, residential uses adjacent to a freeway and expressway are required to provide a minimum planted area of 75 feet wide. Sec.4.7, Buffering Incompatible Uses, states: AIf a developing lot adjoins a designated historic site, the developing lot shall provide a AD@ buffer along the entire shared property line.@ This text applies because the Parkway is a designated National Historic Site. A AD@ bufferyard requires a minimum building setback of 40 feet, and a minimum landscaped yard of 40 feet.

The stricter of the two standards should apply, resulting in the need for a review of a Detailed Site Plan to determine the compliance of lots 11, 12 and 13 with this requirement. As proposed, it may be difficult to design these lots so that there is sufficient lot depth to site a dwelling, fulfill these requirements, and provide a 40 foot-wide active rear yard. A Detailed Site Plan should be required to provide adequate review of these design issues.

The property abuts the Capitol Institute of Technology=s southern boundary, where a AC @ bufferyard is required. However, the bufferyard will be required on the adjoining industrially zoned land.

The Parkway is a designated National Historic Site and the viewshed from the travel lanes is an important consideration in adjacent development to maintain the appearance of this linear park. The applicant has provided a viewshed study to determine if there are any significant visual impacts on the viewshed of the Parkway.

Cross-sections provided considering the viewshed from both the northbound and southbound traffic lanes illustrate that the existing 370 feet of woodlands and changes in vertical grade will protect the B-W Parkway from negative visual impacts related to this project. It is noted that a majority of the 370 foot-wide area is on land that is off-site from the subject property, however, the land containing the woodlands does not appear to be located such that it will be cleared in the future. This issue does not, in and of itself, warrant a requirement for future Detailed Site Plan review.

The stream/wetlands system passing through this site connects to the Great Northern Greenway as shown in the *Maryland State Greenways Atlas*. This is an important greenway and should not be impeded or impacted by proposed developments. As designed, the proposed road crossing over the greenway will not impede the greenway or significantly impact its function. This issue has been adequately addressed.

A Stormwater Management Concept Approval letter has been submitted. The concept proposes the placement of two bioretention areas, which are also proposed for reforestation credit to fulfill woodland conservation requirements. The bioretention areas will provide more environmentally sensitive stormwater management than traditional methods. It should be noted that the planting densities for bioretention areas differ from the requirements for woodland conservation. At the time of TCP II approval, the design of the plantings for the bioretention area shall be reviewed to ensure that the woodland conservation standards have been met.

Section 24-121(a)(4) of the Subdivision Regulations requires a 300-foot lot depth for lots abutting freeways. Since the Parkway is a freeway, this requirement applies to this property. Lot depths for Lots 11 - 16, which are adjacent to the Parkway range from 186 feet to 206 feet. The applicant has filed the required variation request. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation, in that it is deemed to be necessary and finds:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The main concern here is the noise impact from the freeway. The 300-foot lot depth allows for a home and useable rear yard to be located well away from noise generators. The applicant has provided an acceptable noise study indicating that the 65 dBA noise contour will be located to the rear of all lots, at a distance of 300 feet from the edge of the pavement, which will provide a large exterior rear yard within acceptable noise limits. This is based on the provision of a minimum of 250 feet of mature woodlands between the noise generating traffic lanes and adjacent dwellings. Therefore, adequate protection from excessive noise can be provided with less than the full required lot depth from the Parkway.
- B. **The conditions of which the variation is based are unique to the**

**property for which the variation is sought and are not applicable generally to other properties.** The variation is requested because the configuration of the Parkway right-of-way in this area is irregular and much larger than the standard 450-foot width. If the Parkway right-of-way followed a regular (parallel) course in this area, the lots would conform to the 300-foot lot depth requirement.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** No other laws are violated by approval of this variation. It is also noted that the 150-foot lot depth requirement adjacent to an arterial has been met for proposed future roadway A-44.
- D. **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 is encumbered by wetlands that run north-south through its middle and is impacted by the Parkway to the east. In the vicinity of Lots 11 - 16, the distance between the wetlands and the Parkway right-of-way is not 300 feet. Therefore, a particular hardship would befall the applicant were this variation not granted; a significant portion of the property would be unbuildable.

Since this plan was last reviewed the Parkway has been declared a National Historic Site, raising a concern about whether the houses proposed will be visible from the travel lanes of the parkway. A viewshed study relating to the parkway was submitted for review. It was determined that the proposed dwellings would not be visible from the travel lanes of the parkway if the variation was granted in accordance with the plan, due to the depth of existing vegetation, and the topography of the site.

Section 24-130 of the Subdivision Regulations prohibits disturbance to streams, wetlands and wetland buffers. The preliminary plan proposes a public road crossing of a perennial stream and wetlands. The proposed road crossing requires the permanent disturbance of 0.46 acres of wetlands and 0.25 acres of wetland buffer. The proposed road crossing is located in an area in which the stream valley has recently been cleared and graded for the construction of WSSC water and sewer lines. The applicant has filed the required variance application.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the proposed impacts in that they are deemed to be necessary and finds:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The preliminary plan has minimized disturbance by using the same crossing

point previously cleared for purposes of installing utilities, providing tight limits for grading of the crossing point, proposing woodland preservation and woodland reforestation areas where temporary disturbances are proposed, and using bioretention measures to provide stormwater management. This ensures that the impacts will not be detrimental to public health, safety and welfare.

- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** This property is unique in that it is impacted by two major features which restrict its use. First, the wetlands encumber a majority of the center of the property. Second, as stated earlier, the property is impacted by the Parkway. These two features effectively squeeze the developable portion of this property, rendering most of it useable only if a variation is granted to allow access.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Approval of this variation will not result in a violation of other applicable laws, ordinances or regulations subject to the applicant receiving authorization for the disturbances from the Corps of Engineers and/or Maryland Department of Environment prior to the issuance of any grading permits impacting these areas.
- D. **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.** A wetland study has been submitted by the applicant, and the wetland limits have received a jurisdictional determination by the U.S. Army Corps of Engineers, File #JD00-02137-13 approved on August 23, 2000. The stream crossing is necessary in order to provide access to the northernmost part of the property. This portion of the property is bordered by the Parkway, a limited access freeway, a stream valley, and a townhouse development which do not provide for public ingress-egress to the subject property. Consequently, there is no means of access to this portion of the site without a stream crossing. Environmental review of this request therefore rests on a determination of whether the proposed subdivision has been designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys. Without approval of this variation, the northernmost section of this property, indeed most of Phase II, would not be developable. Given that the applicant has minimized impacts, denial of the variation would result in a particular hardship for the applicant, rendering the property unbuildable.



4. The approved 1990 *Master Plan for Subregion I* recommends residential development at medium-suburban density (3.6-5.7 dwelling units per acre). The 1990 Sectional Map Amendment for Subregion I rezoned the property from I-3 to R-55. The proposed Preliminary plat is consistent with the recommendations of the master plan. The property is within a perceptually sensitive area, being within the potential 65 dBA noise contour of both the Baltimore-Washington Parkway and proposed A-44.
5. This property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Because the location and size of available property make dedication inappropriate, staff recommends a fee-in-lieu of park dedication be required in accordance with Section 24-135 of the Subdivision Regulations.
6. There are no master plan trails issues associated with this application.
7. The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. Staff did request peak hour counts at the intersection of Powder Mill Road and Springfield Road, which the applicant did provide. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

This property was originally reviewed as a preliminary plat in 1994 as Preliminary Plat of Subdivision 4-94035. Phase II was never recorded, and eventually expired even though Phase I is built out. Even though the area which forms the subject property was subjected to an adequacy determination in 1994, the plat expired, and staff is treating the subject application as a new one.

The applicant proposes to subdivide the subject property into 24 lots. The trips generated by the new residences would be distributed to the local roadway network as follows:

- 20% - northbound along Springfield Road
- 15% - westbound along Powder Mill Road
- 65% - eastbound along Powder Mill Road (toward the Parkway and MD 197)

The 24 residences would generate 18 AM (4 in, 14 out) and 22 PM (14 in, 8 out) peak hour vehicle trips, using the trip rates provided in the *Guidelines*.

The majority of the vehicle trips generated by the subject property would utilize the intersection of Powder Mill Road and Springfield Road. This is an unsignalized intersection. Using these recent counts, this intersection operates at a maximum vehicle delay of 383 seconds during the AM peak hour, and a delay of 240 seconds during the PM peak hour.

The background condition does not include factors for growth in through traffic but does include the impacts of three background developments:

Montpelier Hills - 42 townhouses and 750 mid-rise apartments  
Snowden Woods - 34 single family detached residences  
Longwood - 210 single family detached residences

The maximum delays increase to 584 seconds and 399 seconds respectively under background traffic. These delays would increase further to 619 seconds and 430 second with the addition of the site-generated traffic, for the total traffic condition.

The Prince George's County Planning Board, in the *Guidelines*, has defined a maximum vehicle delay exceeding 45.0 seconds in any movement as an unacceptable operating condition for unsignalized intersections on the transportation system. Based on the counts that the transportation staff has at hand and the analyses documented above, the critical intersection of Powder Mill Road and Springfield Road would not operate within acceptable limits if the Preliminary Plat of Subdivision is approved.

In response to inadequacies identified at unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. In consultation with the Department of Public Works and Transportation (DPW&T), the staff has made the following findings:

1. The federal government has jurisdiction at the Powder Mill Road/Springfield Road intersection.

1. Traffic signal warrant studies were done in 1995 in this area, and the federal reviewers determined that the installation of traffic signals was undesirable.

2. DPW&T has collected \$1,000 per residence toward future improvements in the vicinity of the critical intersection, and believes that continuing to collect these funds will help supply a local contribution in the event that the federal government decides to install a signal at this location in the future.

In light of these findings, the transportation staff believes that a new signal warrant study would not be useful at this time. However, continuing to collect \$1,000 per dwelling unit such as was specified in Condition 15 of the resolution approving 4-94035 is appropriate in making a finding of transportation adequacy at this location, and will be made part of the

staff=s recommendation for this application.

On-site circulation is acceptable. The site backs up to the Baltimore-Washington Parkway, a Master Plan freeway; existing right-of-way along this facility is sufficient and no further dedication is needed.

Based on the foregoing findings adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with a condition requiring a contribution toward the funding of traffic signals and/or road improvements in the vicinity of Powder Mill Road and Springfield Road.

8. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* ( revised July 2000) (CR-4-1998) concluded the following.

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Percentage of Capacity
Montpelier Elementary School	24 SFD	0.22	5.28	597	0	602.28	713	84.47%
Dwight D. Eisenhower Middle School	24 SFD	0.08	1.92	916	0	917.92	1022	89.82%
Laurel High School	24 SFD	0.13	3.12	2037	0	2040.12	1980	103.04%

Source: Prince George's County Planning Department, M-NCPPC, July 2000

Since the affected schools projected percentage of capacities are not greater than 105%, an Adequate Public Facilities fee is not required. The School Facilities Surcharge Fee is required.

9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities.
  - a. The existing fire engine service at Beltsville Fire Station, Company 31 located at 4911 Prince George=s Avenue has a service response time of 8.91 minutes, which is beyond the 5.25 minutes response time guideline.
  - b. The existing ambulance service at Beltsville Fire Station, Company 31 located at 4911 Prince George=s Avenue has a service response time of 8.91 minutes, which is beyond the 6.25 minutes response time guideline.
  - c. The existing paramedic service at Laurel Rescue Squad, Company 49 located at 14910 Bowie Road has a service response time of 9.53 minutes, which is beyond the 7.25 minutes response time guideline.

These findings are in accordance with the Adopted and Approved Public Safety Master Plan 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County Laws. Since sprinklers are required for all residential structures by county law, no condition is necessary.

10. The proposed development is within the service area for Police District IV- Beltsville. In accordance with Section 24-122 (c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Sumner Grove development. This police facility will adequately serve the population generated by the proposed subdivision.
11. The Health Department has reviewed this application and offered no comments.
12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 83233133-2000-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through October 5, 2003. Development must be in accordance with this approved plan.
13. The required 10-foot wide Public Utility Easement is shown on the preliminary plat. This easement will be reflected on the final plat.
14. Residents of Sumner Grove, Phase I, testified at the hearing regarding a letter they submitted to the record. The letter outlined several areas of concern, some of which were private concerns between the residents and the builder, and some which regard the development proposal. The following residents= concerns can be addressed by the Planning Boardd
  - A. The neighbors requested that a tree line be created along the entire length of Sumner Grove. To this end, the applicant agreed to provide street trees in Phase II comparable to those provided in Phase I.

- B. The neighbors requested that a parcel of useable open space for active recreation be provided in Phase II. While the applicant has already paid a fee-in-lieu of mandatory park dedication, the applicant agreed to work with the residents to provide some useable open space for active recreation.
- C. The Phase I plan did not include a lot in the location of proposed Lot 33. Rather, it was shown as part of the two adjoining lots, Lots 31 and 32 in Phase I. This land was to be divided and deeded to adjoining property owners. The applicant agreed to remove Lot 33 and create two outlots for this purpose.
- D. The residents requested that an entrance feature be constructed. The applicant agreed to construct such a feature.
- E. The residents were concerned that existing Sumner Grove Drive would be damaged by construction equipment. The applicant agreed to responsibility for maintenance of existing Sumner Grove Drive throughout the construction process, including requiring all track vehicles to be transported to the site on trucks.

These concerns, discussed at length in the hearing are included as conditions of this approval.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

PGCPB No. 00-219

File No. 4-00050

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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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 30, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of January 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:rmk