

R E S O L U T I O N

WHEREAS, Deborah A. Holland is the owner of a 230.07-acre parcel of land known as Parcel 262, located on Tax Map 101 and Grid A-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 6, 2003, Artery Development Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 297 lots and 6 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03096 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 February 26, 2004, 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 of the application with conditions; and

WHEREAS, on February 26, 2004, 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 the Type I Tree Conservation Plan (TCPI/59/03), and further APPROVED Preliminary Plan of Subdivision 4-03096, for Lots 1-297 and Parcels A-F with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To indicate the proposed trail system will be constructed with a hard surface material to ensure accessibility for all of the residents of the community. At the time of detailed site plan, alternative surface materials may be considered for portions of the trail system.
 - b. To show feeder trails to the main trail system from the cul-de-sac of Public Roads A and D. At the time of detailed site plan, alternative locations for the feeder trail connections may be considered if the connections from Public Roads A and D are not feasible.
 - c. To revise General Note 13 to accurately reflect that a justification for impacts to the PMA is required, not a variation, and remove reference to Section 24-129.
 - d. To revise General Note 17 to include the existing parcel designations for the property.

- e. To revise General Note 10 to restate Condition 19.
 - f. To revise the lot width at the front street line to meet the minimum 50 feet for Lots 64, 90, 143, 190, 191 and 192. If the revision results in undesirable lot configurations, the lots shall be removed at the determination of staff.
 - g. To provide dimensions at the front street line for Lots 211 and 291. If the lot width does not meet the minimum lot width of 50 feet at the street, the lots shall be removed at the determination of staff.
 - h. To revise the lot line between Lots 218 and 219 to a cord.
 - i. To dimension the lot width at the front building line on each lot where the required lot width is more than 25 feet from the front street line. The lot width is measured as a cord.
 - j. To delete Lots 301 and 149 at the northern entrance with Ritchie Marlboro Road.
 - k. To delete Lots 225 and 226 fronting on the west side of Public Road Q at its intersection with Public Road L.
 - l. To provide a note that the development of Parcel E is limited to 1 AM and 1 PM peak-hour vehicle trip or one-single-family dwelling. Development exceeding this amount would require the review of a new preliminary plan of subdivision for Parcel E. Parcel E is not part of the cluster design and is therefore not subject to detailed site plan review.
 - m. To delete Lots 99, 114, 116 –117, and 143 or be reconfigured so as to be located entirely outside of the 1.5 safety factor line for the Marlboro clay.
 - n. To label Parcel E as Parcel F, the proposed right-of-way for Collector Road C-614.
 - o. Prior to signature approval, relocate the entrance on Old Marlboro Pike across from Strawberry Hill (Historic Site 78-00-25) approximately 600–1,000 feet to the west and consider eliminating the westernmost access road across from Orchard Terrace, subject to the approval of the Development Review Division. The review of the revised layout shall include the opportunity for citizen comment. The resulting layout may not increase the number of lots and may result in a loss of lots.
- 2. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a revised conceptual site plan in accordance with the approved preliminary plan of subdivision.
 - 3. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
 - 4. Prior to signature approval of the preliminary plan, the applicant will provide evidence from DPW&T of the approval of the proposed public street configuration.

5. The detailed site plan shall provide for additional feeder trail connection to the main trail system from the cul-de-sac of Public Roads A and D. At the time of detailed site plan, alternative locations for the feeder trail connections may be considered if the connections from Public Roads A and D are not feasible.
6. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, #17676-2003-00.
7. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of all internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
8. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Ritchie Marlboro Road, designated a Class III Bikeway, and \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Old Marlboro Pike, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
9. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 110.67± acres of cluster open space land (Parcels A, B, C, D and G). Parcel F (2.61± acres) shall also be conveyed to the HOA if not conveyed to DPW&T. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 11. The applicant, his heirs, successors and/or assignees shall provide private on-site recreational facilities in accordance with the Parks and Recreational Facilities Guidelines and the approved DSP for the fulfillment of the requirement of the mandatory dedication of parkland.
 - 12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.
 - 13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
 - 14. The applicant, his heirs, successors and/or assignees shall pay a fair share contribution toward the construction of the Melwood Westphalia EMS facility and acquisition of an ambulance and paramedic unit to Prince George's County. The fee should be paid prior to the issuance of each building permit. The fair share fee is \$259 per dwelling unit for 119 units (based on Staff Exhibit A) that are beyond ambulance standards and \$283.38 per dwelling unit for 163 units (based on Staff Exhibit A) that are beyond paramedic and ambulance service. The number of dwelling units may be adjusted based on the ultimate layout approved at the time of DSP. The fee contribution requirement is based on a geographic area and delineated on the Historic Preservation and Public Facilities Planning Section's Exhibit A.
 - 15. At the time of review of the DSP, the applicant shall include a section drawing showing topography and sight lines from Historic Site 78-00-23 (Strawberry Hill) to adjacent lots within the

proposed subdivision that may impact sight lines. The DSP shall show the footprint and location of Historic Site 78-00-23 on all appropriate sheets of the DSP.

16. The applicant shall offer potentially reusable material from Barn A to the Department of Parks and Recreation, or to the *Newel Post* (the county's architectural salvage depot).
17. Prior to submittal of the DSP, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the DRD. The applicant shall complete and submit a Phase I investigation with the application for DSP (including research into the property history and archaeological literature) for those lands determined to be subject. At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
18. Prior to the issuance of any building permit, except model home permits, on the subject property, the following improvements at the intersection of Ritchie Marlboro Road/Old Marlboro Pike intersection shall (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Construct an exclusive southbound Ritchie Marlboro Road left turn lane.
 - b. The applicant shall conduct a complete signal warrant study for the Ritchie Marlboro Road/EB MD 4 On/Off Ramps intersection to be submitted to SHA. If the results of the study indicate that a traffic signal is warranted, and deemed necessary by the SHA, the applicant shall bear the cost of said installation
19. At the time of final plat, Parcel F shall be conveyed to the Department of Public Works and Transportation (DPW&T), provided that DPW&T waives the requirement that the developer constructs the proposed extension of Dille Drive (C-614). If DPW&T does not waive the requirement to construct the road, Parcel F shall be conveyed to the homeowners association. The homeowners association disclosure information shall provide notice that Parcel F was created for the future implementation of C-614 and shall be conveyed to DPW&T upon demand. The final plat shall note the disposition of C-614.
20. The final plat shall carry a note that development on Parcel E shall be limited to 1 AM and 1 PM peak-hour vehicle trips or one-single family dwelling. Development exceeding this cap shall require a new preliminary plan of subdivision for Parcel E.
21. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.

22. Prior to signature approval of the Type I Tree Conservation Plan TCPI/59/03, the plan shall be revised as follows:

- a. To clearly identify which afforestation areas are being used to satisfy the Woodland Conservation requirements and which areas are being preserved but are not part of the requirements.
- b. The specimen tree table on the TCPI shall be revised to indicate the disposition of each specimen tree based on the proposed limit of disturbance.
- c. Have the licensed landscape architect, licensed forester, or qualified professional who prepared the plans sign and date the plans.

23. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/59/03). 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 (TCPI/59/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

24. At time of final plat, except on the plat for Parcel E, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area preservation area except for areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to Planning Board approval. In addition, 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."

25. The following note shall be placed on the final plat:

"Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department."

26. At the time of Detailed Site Plan, a Phase II noise study shall address potential adverse noise impacts to the proposed Lots 159-161, 275-277, 282-283, and 295-297. That study shall include

specific noise attenuation measures to ensure that the noise levels in the outdoor living area do not exceed 65 dBA Ldn and that interior noise levels do not exceed 45 dBA Ldn. All noise attenuation measures recommended by the Phase II noise study shall be shown on the DSP as determined appropriate by staff.

27. The Detailed Site Plan shall be approved prior to final plat.
- a. Portions of the 50-foot scenic easement that are adjacent to residential lots shall include proposed tree plantings to include a mixture of large- and small-caliper planting stock. The planting scheme will replicate a rural hedgerow in this location. All plant material will be native plants.
 - b. Lots 170 and 171 should be modified to provide adequate area for buffering or be deleted. Buffering shall be provided outside the lot lines with no modification to other lots from the layout approved on the preliminary plan of subdivision.
 - c. Stormwater Management—The stormwater management ponds shall be designed with a natural grade or slope and that existing vegetation is retained as much as possible and that the ponds are relandscaped, if necessary, to create an aesthetic asset to the subdivision.
 - d. Recreation Areas—The detailed site plan should ensure well-designed and landscaped stormwater management facilities to provide an enhancement to planned recreational facilities. The trail network should be slightly expanded to include a connection near Lot 99. In addition, the trail connection between Lots 20 and 21 should be expanded to provide both a vehicular and pedestrian connection. Further evaluation of a possible vehicular access between lots 20 and 21 can be determined at the time of review of the detailed site plan when detailed grading plans are available. This connection would not require a loss of lots.
 - e. Scenic Road—The detailed site plan should ensure that an effective tree cover be provided along Old Marlboro Pike. Where existing vegetation is insufficient to provide same, additive landscaping should be required in order to retain scenic views from Old Marlboro Pike.
 - f. *Landscape Manual*—Schedules demonstrating compliance with Section 4.6 of the *Landscape Manual*, “Buffering Residential Development from Streets” will be required with the detailed site plan.
 - g. Building Materials/Landscaping for Entrance Feature—At the time of detailed site plan review, staff will suggest that at least 60 percent of the units have brick facades and that all wood-burning chimneys be either brick or stone and that accent plantings be added to the entrance feature.

- h. The DSP shall ensure that not more than one-fourth (5.83 acres) of the area of slopes exceeding 25 percent (23.33 acres) is disturbed.

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 in the western quadrant of the intersection of Old Marlboro Pike and Ritchie Marlboro Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential/Agricultural	Residential
Acreage	230.07	230.07
Lots	0	297
Parcels	1	6
Dwelling Units:		
Detached	1	297

4. **Cluster**—The applicant has proposed to utilize the optional design approach of cluster development, permitted in the R-R Zone pursuant to Section 27-441(b) of the Zoning Ordinance. The Subdivision Regulations, Division 6, establish the requirements for optional design approaches; specifically, Section 24-137 sets forth the requirements for cluster development. The following is the development data for the proposed subdivision and a demonstration of the preliminary plans conformance.

Cluster Development Data as proposed by the Applicant

Zone R-R

Gross Tract Area	203.07
Area with Slopes Greater than 25%	23.33
Area within Preliminary 100-year Floodplain	12.70
Cluster Net Tract Area excluding Parcel E	186.70
Minimum Lot Size Permitted	10,000
Minimum Lot Size Proposed	10,000
Number of Lots Permitted	373

Number of Lots Proposed	297
Flag lots proposed	0
Cluster Open Space Required	57.47
Floodplain	12.70
Stormwater Management Facilities	10.70
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	37.93
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	87.27
Cluster Open Space Provided	110.67
Excluding Parcels E (Future Use)	8.96
And Parcel F (Future C-614)	2.61
Mandatory Dedication Required (5%)	11.50
Mandatory Dedication Proposed	0*
<i>*Private recreational facilities are proposed for the fulfillment of the mandatory dedication of parkland requirement</i>	
Total Open Space Required	57.47
Total Open Space Provided	110.67
Open Space to be Conveyed to Homeowners Association	110.67
Open Space to be Conveyed to M-NCPPC	0
Open Space to be Conveyed to Prince George's County	27.11*
<i>*Road dedication</i>	
Slopes Exceeding 25% in grade	23.33
25% of Steep Slopes	5.83
Area of Steep Slopes to be Disturbed	5.83

<u>Modification in Dimensional Standards Permitted in Cluster R-R Zone</u>		<u>Standard in Zone</u>	<u>Modification</u> <u>Allowed</u> <u>Proposed</u>	
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70''	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

Section 24-137(g) of the Subdivision Regulations establishes the criteria for approval as follows:

“An approved cluster development shall, through creative design and a variety of one-family detached dwelling styles, provide for a total environment better than that which would normally be achieved under standard regulations. If, in the opinion of the Planning Board, the proposed preliminary plat of subdivision, Conceptual Site Plan, Detailed Site Plan, or architectural drawings could be improved with respect to the criteria listed below by the reasonable modification of the purpose, configuration, location, or design of cluster open space or buildings, or the location or configuration of lots, streets, parking areas, or other features of the development, the proposed preliminary plat of subdivision, Conceptual Site Plan, Detailed Site Plan, or architectural drawings shall be so modified or disapproved. In approving a proposal, the Planning Board shall find that the following criteria have been met, as applicable to the particular plat or plan under consideration.”

- (1) Individual lots, buildings, streets, and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code in order to minimize alteration of the historic resource or natural site features to be preserved.

Comment: At the request of the Historic Preservation Section the applicant has submitted a building inventory dated November 2003 to determine if the site contains historic structures prepared by Applied Archaeology and History Associates Inc. Staff has evaluated the inventory and concurs with the study's determination that the site does not contain structures of historic significance.

The site does contain significant natural features that are proposed to preserved and retained in a natural state to the extent possible. The woodland conservation plan, TCPI/59/03 proposes the preservation of 43.48 acres of priority woodlands and 4.61 acres of afforestation in priority areas to satisfy the 48.09-acre woodland conservation requirement.

- (2) Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography, and location, and is suitable for the particular purpose it is to serve on the site.

Comment: The proposed open space, approximately 110.67 acres, is to be utilized for private recreational facilities, conservation, and buffering to serve the residents of the community. The applicant has proposed recreational facilities that include an extensive trail system connecting the northern and southern portions of the site as well as the eastern and western portions of the property. The trail system will traverse areas of the property that were previously farmed and cleared and areas of dense woodlands. The trails will connect the wooded conservation areas with open space elements and provide a unique opportunity for a diversity of landscapes and views. The subject property is uniquely appropriate for an extensive recreational trail system.

Staff has evaluated the location of the proposed trail system and would recommend that at the time of detailed site plan (DSP) that additional feeder trail connections to the main trail system be provided for cul-de-sacs and that the trail system be constructed of a hard surface material.

- (3) Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).

Comment: The property is forested along a central stream valley, and in accordance with Section 24-130 of the Subdivision Regulations, the applicant has proposed the retention of the Primary Management Area (PMA). The PMA includes all of the environmental features on the property, to include the streams, floodplain, wetlands, and steep and severe slopes. The applicant has proposed minimal impacts to these features and only for the placement of infrastructure that includes stormwater management facilities and their outfalls and sewer connections. The applicant has reduced impacts to the greatest extent possible. A conservation easement will be placed over these irreplaceable natural features at the time of final plat to ensure the future retention and protection of these features.

- (4) Cluster open space intended for a recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.

Comment: The preliminary plan provides for an extensive pedestrian trail system network that will provide connections throughout the community. The trail system will serve passive and active recreational needs, such as walking, jogging and biking. However, the preliminary plan does not indicate that the trail system will be constructed of a hard surface material. In order to adequately provide for the recreational needs of the residence, the trail system should be constructed as a multi-user system. In order to accommodate the varied needs of such a large community, a hard surface trail is recommended. However, due to site constraints, other surface materials may be utilized where a hard surface trail is not feasible. Staff recognizes that the trail system does traverse some areas of steep slopes, however, through the planning process associated with the detailed site plan, staff believes that adequate provisions can be made to accommodate a hard surface trail at most locations.

- (5) Cluster open space intended for scenic value will achieve this purpose through the retention of those irreplaceable natural features described in paragraph (3) above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping materials may be required to eliminate visual monotony of the landscape.

Comment: The proposed cluster open space preserves the environmental elements on the property. The only disturbance proposed with this plan to the environmental features is for the necessary extensions of sewer lines and stormwater management to provide adequate service to the residences. The unique scenic values of the mature trees, streams, wetlands, and open lands are proposed to be incorporated within the interior of the development and conveyed to the homeowners association to ensure the conservation of those areas.

Through the review of the detailed site plan the applicant will be required to incorporate berming and landscaping along the site's extensive road frontages with Ritchie Marlboro Road to the north and Marlboro Road to the south. Ritchie Marlboro Road is a historic road and the preliminary plan provides a 50-foot historic easement along the entire frontage. Marlboro Road to the south is a scenic road and the preliminary plan provides a 50-foot scenic easement along the entire frontage. These easements will provide protection of the views of this property from the road as well as providing privacy and pleasing views within the subdivision along the perimeter. Through the detailed site plan review, buffering will be enhanced with berms and landscaping as appropriate.

- f. Diversity and originality in lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.

Comment: The subject property is unique in that the Primary Management Area (PMA), which traverses the property from the west to the east, essentially divides the site into two distinctive areas. Extending from the central PMA are additional "finger" areas of environmental features that are to be preserved through woodland conservation and conservation easements. Almost exclusively, the proposed layout of this subdivision has been driven by the location of the environmental features and the desire to preserve and retain those features.

The detailed site plan will utilize this preliminary plan as a foundation to plan the individual building designs and orientations. With the proposed lot layout recommended with this preliminary plan of subdivision, staff believes that the best possible relationship between the development and the land can be achieved.

- (7) Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented, so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.

Comment: The preliminary plan does not propose lots that will have direct vehicular access onto Ritchie Marlboro Road or Old Marlboro Pike. Internal public streets will serve all of the lots. The applicant has proposed setbacks from Ritchie Marlboro Road and Old Marlboro Pike for lots that

will allow for buffering and the creation of a diversity of views of this property from the surrounding properties. Detailed evaluation will occur with the review of the detailed site plan, required prior to final plat or grading of the property. That review will include the evaluation of berming, landscaping and ornamental features to improve the views of this property.

The applicant has proposed a street configuration which takes advantage of the ridges associated with the environmental features of the site, providing densely wooded areas and views of the open space elements, associated with the original agricultural use of the property, to remain. The preliminary plan has evolved through the review process and has ultimately been revised to reduce the amount of streets proposed, resulting in a decrease of paving associated with motor vehicle access and circulation.

- (8) Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of the site.

Comment: The stream valley associated with the property has driven the layout and naturally created enclaves of building areas increasing the privacy of the residences. There are several points of access into this site, the linear nature reduces the traffic for all of the residences in lieu of one major point of access where the only real privacy would be afforded those lots at the “back” of the subdivision.

- (9) Not more than one-fourth (1/4) of any land having slopes greater than twenty-five percent (25%) will be removed or altered, and then only when such slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.

Comment: The area of slopes exceeding 25 percent is approximately 23.33 acres. The applicant has proposed the disturbance of 5.83 acres, or 25 percent, of those slopes, the maximum allowable. Careful site planning will be necessary during the review of the detailed site plan to ensure that no additional slopes of 25 percent will be disturbed.

The applicant has proposed to locate lots at the top of some of the steep slopes, which provide greater views of the existing woodlands and open space. In this case the applicant has proposed an appropriate use of the topography of the site and been able to incorporate dwellings into the existing landscape creating premier building lots.

- (10) Appropriate landscaped screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.

Comment: The preliminary plan proposes two entrances along Ritchie Marlboro Road to the north. The primary entrance is centrally located. The plan proposes this entrance as a 70-foot-wide divided right-of-way to its intersection with Public Road L. This primary entrance from Ritchie Marlboro Road will terminate at a “T” intersection directly overlooking a significant environmental feature and recreation area. The applicant originally proposed two lots (Lots 301 and 149) at this T intersection. Staff had concerns with the environment being set up for the future residents. The intersection will be arguably the greatest used intersection on the north side of the subdivision. Moreover, staff believed that the entrance of this subdivision would be enhanced and the focus at this intersection directed to the open space element if Lots 301 and 149, as well as Lots 225 and 226, were deleted. The applicant agreed, and the lots were removed.

The second entrance is located at the intersection of Public Road L and C-614, a master plan collector roadway. C-614 is not being dedicated or constructed by the applicant; however, land area necessary for the development of this facility will be set aside in a homeowners open space parcel and conveyed to the Department of Public Works and Transportation (DPW&T) when a need is determined by DPW&T. The preliminary plan proposed two lots at this intersection with C-614; both of these lots are less than 20,000 square feet and are situated in close proximity to the street. Staff recommends that Lots 170 and 171 be deleted or adequate buffering from this street should be provided at the time of detailed site plan. Staff believes that adequate buffering should be provided adjacent to this right-of-way at the time of detailed site plan and installed. To accommodate this buffering, the applicant cannot shift the lots from the location shown on the approved preliminary plan.

- (11) If flag lots are proposed within the cluster subdivision, the requirements of Section 24-138.1, as well as those of the Zoning Ordinance relating to flag lots, will be met.

Comment: No flag lots are proposed.

- (12) If zero lot line development is proposed within the cluster subdivision, the requirements of Section 24-138, as well as those of the Zoning Ordinance relating to zero lot line development, will be met.

Comment: Zero lot line development is not proposed.

- (13) All dwellings and other buildings will be served by public water and sewerage.

Comment: The property is located in Water and Sewer Service Category 4 and is therefore required to be served by public systems.

5. **Environmental**—The Environmental Planning Section has reviewed the Type I Tree Conservation Plan, the geotechnical report, noise study, and forest stand delineation for the proposed development. The plans have been found to address the environmental constraints of the site and the requirements of the Prince George’s County Woodland Conservation Ordinance. The Type I Tree Conservation Plan TCPI/59/03 is recommended for approval subject to the conditions.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodlands on site. The Type I Tree Conservation Plan, TCPI/59/03, has been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 230.07-acre property has a woodland conservation threshold (WCT) of 20 percent or 43.47 acres. In addition, there is a ¼: 1 replacement requirement of 4.56 acres for clearing woodlands above the WCT and a 1:1 replacement requirement of 0.06 acre for clearing woodlands in the 100-year floodplain. Fifty-six specimen trees have been identified on this site. Of the specimen trees identified, approximately 17 are located within the limits of disturbance and approximately 11 of those have been identified as being in fair to poor condition. At the time of review of the detailed site plan and the Type II Tree Conservation Plan, those specimen trees in good condition should be saved, to the extent possible.

The 48.09-acre woodland conservation requirement is proposed to be satisfied by the preservation of 43.48 acres of priority woodlands and 4.61 acres of afforestation in priority areas. An additional 3.89 acres of woodland is to be preserved but will not be considered as woodland conservation because the woodland areas are located on lots less than 20,000 square feet in size.

A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The Subdivision Regulations provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed, these features comprise the Patuxent River Primary Management Area (PMA) that is to be protected to the fullest extent possible. The PMA is accurately shown on the TCPI and the Preliminary Plan of Subdivision.

The plans as submitted propose 14 impacts to the PMA that are associated with stormwater management outfalls and sewer outfalls. Those impacts have generally been minimized to the fullest extent possible while providing for sewer connections and safely conveying stormwater from the numerous stormwater management ponds to the existing streams and wetlands found on this site. The Environmental Planning Section finds that the PMA impacts have been minimized to the fullest extent possible.

The soils found to occur, according to the Prince George's County Soil Survey, are Adelphia fine sandy loam, Collington fine sandy loam, Marr fine sandy loam, Sandy land steep, Shrewsbury fine

sandy loam, and Westphalia fine sandy loam. Some of these soils have limitations that could affect the development of this property. According to available information, Marlboro clay is also found to occur on this property. The Sandy land steep, Adelphia, and Shrewsbury soils have limitations with respect to impeded drainage, high water tables, and/or steep slopes that may affect the construction of houses on this site. These issues will not significantly affect the proposed lot layout but may have an affect during the construction phase of this project.

Marlboro clays have been found on this site, with the approximate top estimated to be at an elevation approximately 90 feet above sea level. Because Marlboro clays pose a potential safety hazard, a geotechnical report was submitted for review. The geotechnical report accurately identified the locations of the Marlboro clay and the location of the 1.5 safety factor line that identifies potential slope failure areas. The Prince George's County Department of Environmental Resources and M-NCPPC require that all lots less than one acre be located entirely outside the slope failure areas as reflected by the 1.5 safety factor line. The Preliminary Plan of Subdivision, as submitted, proposes five lots that are partially located within the limits of the 1.5 safety factor line and would, therefore, be considered as potentially unsafe land. Prior to signature approval of the Preliminary Plan of Subdivision, proposed Lots 99, 114, 116-117, and 143 should be eliminated or should be reconfigured so as to be located entirely beyond the 1.5 safety factor line for the Marlboro clay, which is delineated on the Preliminary Plan of Subdivision and in the geotechnical report.

Transportation-related noise impacts may be associated with improvements to Ritchie Marlboro Road (A-39). Based on existing conditions, there are no transportation-related noise impacts, however, the current average daily traffic (ADT) of 4,700 is not reflective of proposed conditions for A-39 as a 4- to 6-lane arterial. The Phase I noise study submitted for review has been found to address the transportation-related noise generated by projected traffic on Ritchie Marlboro Road. Proposed Lots 159-161, 275-277, 282-283, and 295-297 will be impacted by the transportation-related noise impacts from Ritchie Marlboro Road. To address these impacts, a noise wall four to nine feet high should be placed at the rear of proposed Lots 153-161, 166-168, 275-283, and 294-298 and further evaluated at the time of review of the detailed site plan.

Old Marlboro Pike and Ritchie Road are designated historic roads. Open fields, woodland, and some narrow hedgerows characterize the vistas along these historic roads. The current site layout has generally addressed potential visual impacts by limiting the number of access points, by prohibiting individual lot access to the roads, and by providing parcels of land between the lots and the roadway. A visual assessment was not provided because the plans as submitted provided for setbacks from the roads of 50 feet or more that will provide for areas of landscaping along both roads in order to help maintain the scenic and historic character.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

6. **Community Planning**—The subject property is located within the limits of the 1994 Melwood-Westphalia Master Plan, Planning Area 78, in the Westphalia Community. The land use recommendation for the property is for “high suburban” with a residential development yield of 5.8 to 7.9 dwelling units per acre, which is more typically associated with the density of townhouse development. Because of the R-R zoning of the property the applicant cannot propose 5.8 to 7.9 dwelling units per acre without a rezoning. Moreover, the 1994 Sectional Map Amendment for the Melwood-Westphalia Master Plan retained the property in the R-R Zone. The applicant’s proposal is consistent with the R-R zoning of the property.

The 2002 General Plan locates the property in the Developing Tier. The general plan vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities. Suburban Residential communities are generally characterized with density compatible with the R-R Zone and consistent with the applicant’s proposal.

A master plan collector roadway traverses the subject property known as C-614; Dille Drive Extended as previously indicated the master plan describes this road as follows:

“Construct a new two- to four-lane roadway to provide a connection from Brown Station Road opposite John Rogers Boulevard to Old Marlboro Pike west of Ritchie Marlboro Road. This is a later need associated with the construction of the MD 4/Ritchie Marlboro interchange and later stages of development in the Upper Marlboro and Westphalia areas.”

C-604, Old Marlboro Pike, is recommended for upgrading to a two- to four-lane collector roadway from C-614, Dille Drive Extended, to A-37 (Woodyard Road) and an upgrade to a four-lane collector roadway from C-614 to A-39 (Ritchie Marlboro Road). The master plan indicates, “Typical sections for these improvements shall be developed to be consistent with the Guidelines at the end of this Chapter for roads identified as scenic or historic.”

A-39, Ritchie Marlboro Road, is recommended for upgrading to a four- to six-lane divided roadway from MD 4 to approximately 3,000 feet south of its intersection with White House Road. A grade separation is recommended at Old Marlboro Pike in order to provide adequate separation for weaving and turning traffic at the MD 4/Ritchie Marlboro Road interchange. In order to preserve the scenic character of the existing road, this facility should be designed with parkway-type features such as variable width median, shoulders, and independently graded roadways in segments where this design can be accommodated without relocation of existing scenic or historic roadside features. This is a need associated with later stages of development in the Upper Marlboro and Westphalia areas and should be preceded by the upgrading of MD 4 to a freeway between Ritchie Marlboro Road and I-95.

The Preliminary Melwood-Westphalia Master Plan identified a need for an elementary school in the vicinity of this property and placed a floating symbol for an elementary school on the subject property. Amendment 13 in CR-25-1994 removed this symbol from the plan map, which stated:

“Remove from the Plan Map the ‘floating symbol’ and indicate in the Public Facilities Chapter that a proposed elementary school should be located in the general vicinity of Ritchie Marlboro Road between Cabin Branch and Old Marlboro Pike. An appropriate site should be chosen based on need during the development review process.”

The school site has been located within one mile of the site and is scheduled to open in August 2008.

7. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities for the fulfillment of the mandatory dedication of parkland. The facilities should be provided in accordance with the *Parks and Recreational Facility Guidelines*. The amount and extent of the required facilities should be determined by the Planning Board through the review and approval of the preliminary plan of subdivision and the detailed site plan process.

The applicant is proposing the following recreational facilities:

- One community building with parking lot (1,800 square feet)
- Two tot-lot playgrounds (2,500 square feet minimum each)
- Two preteen playgrounds (5,000 square feet minimum each)
- Three open play areas (100 feet x 200 feet), (100 feet x 300 feet), (100 feet x 150 feet)
- One picnic area (900 square feet minimum)
- Four sitting areas (200 square feet each)
- Bluestone dust path (4,800 linear feet)

8. **Trails**—The adopted and approved Melwood-Westphalia master plan designates Old Marlboro Pike and Ritchie Marlboro Road as Class III bikeways. This can be accomplished by the provision of bikeway signage and wide asphalt shoulders. The applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to safely accommodate bicycle traffic.

Due to the density of the proposed subdivision, standard sidewalks are recommended along both sides of all internal roads to safely accommodate pedestrians, per the concurrence of DPW&T. The internal recreational trail system proposed by the applicant should be a minimum of six feet wide and constructed of asphalt to accommodate a multiuser system. Additional feeder trails should be provided to the main trail system from the cul-de-sac of Public Roads A and D. The appropriateness of additional feeder trails at these locations can be further evaluated at the time of review of the detailed site plan. However, the preliminary plan should be revised to show these additional trail connections and the intent to provide them if deemed appropriate.

9. **Transportation**—The original preliminary plan application proposed to build 306 single-family residential units; the latest revised plan proposes 301. The evaluation of this application was

based on the original proposal of 306 dwelling units. The findings outlined below are relevant to both proposals and are not substantially altered by the removal of five dwelling units.

Because the proposed development could potentially generate more than 50 trips, a traffic study was required of the applicant. The applicant presented staff with a traffic study that was prepared in October 2003. The site would generate 230 (58 in; 172 out) AM peak-hour trips and 309 (199 in; 110 out) PM peak-hour trips at the time of full build-out. The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or lower. The study identified the following intersections as the critical intersections for the proposed development:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road/White House Road	A/881	A/541
Ritchie Marlboro Road/Old Marlboro Pike	B/1,086	B/1,025
Ritchie Marlboro Road/Brown Road **	36.1 seconds	14.0 seconds
Ritchie Marlboro Rd/EB MD 4 On/Off Ramps **	12.8 seconds	+999 seconds
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A Level-of-Service E, which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

The study cited seven background developments within the vicinity of the subject property that would have an impact on the above-mentioned intersections. An analysis of the impact of this background development was done and the following results were determined:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road/White House Road	B/1,080	A/681
Ritchie Marlboro Road/Old Marlboro Pike	D/1,306	D/1,384
Ritchie Marlboro Road/Brown Road **	211.1 seconds	18.2 seconds
Ritchie Marlboro Rd/EB MD 4 On/Off Ramps **	16.9 seconds	+999 seconds
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A Level-of-Service E, which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

Using the Institute of Transportation Engineers (ITE) *Trip Generation Manual 6th edition*, the study has indicated that the proposed development of 306 single-family units will be adding 230 (58 in; 172 out) AM peak-hour trips, and 309 (199 in; 110 out) PM peak-hour trips at the time of full build-out. Applying a growth rate of 3 percent per year for through traffic and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road/White House Road	B/1,104	A/705
Ritchie Marlboro Road/Old Marlboro Pike	D/1,403	E/1,551
Ritchie Marlboro Road/Brown Road **	328.5 seconds	20.4 seconds
Ritchie Marlboro Rd/EB MD 4 On/Off Ramps **	20.9 seconds	+999 seconds
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A Level-of-Service E, which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

None of the above-mentioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program. In light of the failing level-of-service anticipated at the Ritchie Marlboro Road/Old Marlboro Pike intersection, the traffic study recommended the following improvement:

- Construct an exclusive southbound Ritchie Marlboro left turn lane.

With the provision of the above improvement, the intersection would operate with a LOS/CLV of D/1,403 during the AM peak hour and C/1,263 during the PM peak hour. In addition to all of the existing intersections, the study also analyzed the four newly created site accesses as proposed on the preliminary plan. All of the site access intersections were shown to be operating at delays of 22.3 seconds or better during either peak hour. The traffic study concludes that the Addison property could be developed as proposed without resulting in any adverse traffic impacts along the surrounding area road network.

In staff's review of the traffic study, staff concurs partially with its findings. Of the two existing unsignalized intersections, both were shown to operate above 50-second delay threshold as established in the Planning Department's guidelines. Typically, when the 50-second threshold is surpassed, that would normally trigger the need for a traffic signal warrant study. However, in a January 6, 2004, letter to staff (McDonald to Foster) by the Maryland State Highway Administration (SHA), the SHA staff concluded that a signal warrant study would not result in the need for signalization. Consequently, staff will not recommend the need for such a study.

With regard to the Ritchie Marlboro Road/EB MD 4 On/Off Ramps intersection, however, SHA recommends a complete traffic signal warrant. Staff supports this recommendation.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

The evaluation of this development as modified by the Planning Board for 297 lots does not alter the findings of adequacy.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	297 sfd	297 sfd	297 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	71.28	17.82	35.64
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	107.52	71.40	142.80
Total Enrollment	5864.64	5437.84	10675.41
State Rated Capacity	5384	4688	8770
Percent Capacity	108.93%	115.99%	121.73%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other dwelling units.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff has determined that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
- The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Lots 140-150. All other lots are beyond.
 - The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815

Pratt Street, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for Lots 89, 105-121 and 140-150. All other lots are beyond

- c. The existing paramedic service Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 7.25 minutes, which is within the 7.25-minute travel time guideline for Lots 1-5, 81-160, 199-203, 209-219, 222-253 and 296-306. All other lots are beyond.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

Staff has concluded that a portion of the development is beyond the recommended response times from existing facilities that provide ambulance and paramedic service to this development. This finding is based upon the existing road system and existing stations. The above listing of lot numbers corresponds to a geographic area, as delineated on HPPFP Staff Exhibit A. A change in the layout could result in an increase or decrease of the number of dwellings that will be subject to the fee-in-lieu payment. At the time of review of the DSP, the listing of lots that are subject should be adjusted within the limit of HPPFP Exhibit A.

The staff of the Historic Preservation and Public Facilities Planning Section found that the planned Melwood Westphalia Emergency Services Facility, which is shown in the Public Safety Master Plan, will be the first due station that will provide ambulance and paramedic service to this development.

In order to mitigate the ambulance and paramedic response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Melwood Westphalia Emergency Services Facility. The fee amount is based upon the total cost of the facility (\$1,405,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$259.00 per dwelling unit for ambulance only and \$283.38 per dwelling unit for paramedic and ambulance service

Based on the originally submitted preliminary plan, Lots 1-88, 90-104, 122-139, and 151-306 are outside of the adequate response time for paramedic service and Lots 6-80, 161-198, 204-208, 220-221, and 254-295 are outside of the adequate response time for paramedic and ambulance service

Melwood-Westphalia EMS Facility:

2006 service area population is 16,270

Ambulance only

Station and vehicle cost = \$1,405,000

$\$1,405,000 / 16,270 = \86.35 per resident/employee

$\$86.36 \times 3.0$ planning area household size = \$259.00 per dwelling

Paramedic and Ambulance

Station and vehicles cost = \$1,537,000

$\$1,537,000 / 16,270 = \94.46 per resident/employee

$\$94.46 \times 3.0$ planning area household size = \$283.38 per dwelling

The fair share fee is based upon 163 units that are beyond response time standards for ambulance and paramedic service and 119 units that are beyond response time standards for ambulance service only.

The applicant should provide a fee to Prince Georges County that will serve as a fair share contribution toward the construction of the Melwood Westphalia EMS facility and acquisition of an ambulance and paramedic unit. The fee should be paid prior to the issuance of each building permit. The fair share fee is \$259 per dwelling unit for 119 units (based on Staff Exhibit A) that are beyond ambulance standards and \$283.38 per dwelling unit for 163 units (based on Staff Exhibit A) that are beyond paramedic and ambulance service.

12. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Addison Property development.
13. **Health Department**—The Health Department notes that a raze permit must be obtained prior to the removal of any structures on site. Any hazardous materials located in any structure on site must be removed and properly stored or discarded prior to the structures being razed. Any well and/or septic system located on the property should be properly abandoned prior to final plat and evidence provided to the Health Department.
14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 17676-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

15. **Historic**—The property comprises the historic Navajo property. Navajo was one of a group of nineteenth-century dwellings built near Upper Marlboro for the Clagett family; the house was destroyed by fire in October 1996. This handsome frame dwelling was located on the west side of Ritchie Marlboro Road, adjacent to The Cottage farm that is now the Environmental Education Center of the Chesapeake Bay Foundation abutting to the west.

The Navajo farm was part of a large agricultural area near Upper Marlboro that was composed of several tracts acquired early in the nineteenth century by Thomas Clagett VI of Weston and developed into plantations for his children and grandchildren. The house at Navajo was built in the 1880s by Charles Clagett (of The Cottage) for his son William B. Clagett; it was a very good example of Victorian vernacular farmhouse with Italianate decorative detail. Surviving dwellings of the Clagett family in this immediate area include Keokuk, Ingleside, The Cottage, Oakland and Strawberry Hill; these houses are prominent features of the still-agricultural landscape and important representatives of the agricultural practices of prominent nineteenth-century Prince George's County families.

The Navajo property directly adjoins The Cottage, Historic Site #78-00-18, individually listed in the National Register of Historic Places. On the south side of Old Marlboro Pike, who forms the southern boundary of the developing property, is Strawberry Hill, Historic Site #78-00-23. The "Clagett Agricultural Area," (six square miles) including all of the Navajo property, The Cottage and Strawberry Hill, and several other Clagett family properties, has been determined eligible for listing in the National Register of Historic Places because of its unique historical and architectural importance.

The Navajo property was included as Historic Resource 78-00-22 in the Inventory of Historic Resources of the *Historic Sites & Districts Plan* when it was first approved in 1981 and in the amended *Historic Sites & Districts Plan* in 1992. District Council Resolution (CR-25-1994) removed it from the Inventory of Historic Resources at the time of approval of the *Melwood Westphalia Master Plan & Sectional Map Amendment*, on March 22, 1994.

At the request of Historic Preservation staff, the applicant submitted a study of the subject property, including an inventory of all the structures on the acreage to be developed. Almost all of the structures, both domestic and agricultural, were found to date from the mid-to late-twentieth century, with the exception of one tobacco barn, known as Barn A in the study, which dates from the late nineteenth century, the period of Clagett family occupation. Material from Barn A may be reusable and should be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county's architectural salvage depot.

The Planning Board has recently identified that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The subject property includes land that was once part of the

800-acre antebellum plantation known as The Cottage; the land making up the 230 acres proposed for development was once part of an 800-acre property purchased in 1831 by Thomas Clagett of Weston. Thomas Clagett conveyed this land to his son, Charles, in 1860, and the legal record indicates that Charles Clagett had been occupying at least some of this acreage before that time. It is therefore very likely that the subject 230 acres were being actively farmed by Charles Clagett before the Civil War, and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archaeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to the submittal of the required detailed site plan or any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature and submit the Phase I investigation with the application for DSP.

At the time of DSP review staff will determine if archaeological resources exist in the project area, and if so the applicant will be advised of the requirement of a Phase II or Phase III archaeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

Staff would note that a determination has been made by the M-NCPPC legal office, at the request of the applicant, that the site is not subject to the *Landscape Manual* bufferyard requirement from a historic site along the western property line. The setting of the Cottage Historic Site (Parcel 27 on Tax Map 91) is not abutting the subject site and is located on a part of Parcel 27 that is located west of the PEPCO right-of-way.

16. **Urban Design**—The Urban Design staff has evaluated the proposed preliminary plan and has the following comments effecting the preliminary plan of subdivision layout:

- a. Entrance from Ritchie Marlboro Road—Urban Design staff is of the opinion that lots 301, 149, 226 and 225 be eliminated in order to improve views from the entrance to the proposed subdivision from Ritchie Marlboro Road as discussed further in Finding 2 of this report.
- b. Lots on the Easterly Side of the Site Proximate to the Proposed Connector—Staff is concerned that Lots 170 and 171 are too proximate to the proposed connector and that reasonable use and enjoyment of those lots for residential use would be compromised by this proximity. Adequate area for buffering should be provided or the lots deleted.

The following comments will be further evaluated at the time of review of the detailed site plan:

- a. Stormwater Management—Review of the detailed site plan should ensure that the stormwater management ponds are designed with a natural grade or slope and that existing vegetation is retained as much as possible and that the ponds are relandscaped, if necessary, to create an aesthetic asset to the subdivision.
 - b. Recreation Areas—The detailed site plan should ensure well-designed and landscaped stormwater management facilities to provide an enhancement to planned recreational facilities. The trail network should be slightly expanded to include a connection near Lot 99. Additionally, we question whether the trail connection between Lots 20 and 21 should be expanded to provide both a vehicular and pedestrian connection. Further evaluation of a possible vehicular access between lots 20 and 21 can be determined at the time of review of the detailed site plan when detailed grading plans are available. This connection would not require a loss of lots.
 - c. Scenic Road—The detailed site plan should ensure that an effective tree cover be provided along Old Marlboro Pike. Where existing vegetation is insufficient to provide same, additive landscaping should be required in order to retain scenic views from Old Marlboro Pike.
 - d. *Landscape Manual*—Schedules demonstrating compliance with Section 4.6 of the *Landscape Manual*, “Buffering Residential Development from Streets,” will be required with the detailed site plan.
 - e. Building Materials/Landscaping for Entrance Feature—At the time of detailed site plan review, staff will suggest that at least 60 percent of the units have brick facades and that all wood burning chimneys be either brick or stone and that accent plantings be added to the entrance feature.
17. **Public Hearing**—At the Planning Board public hearing on February 26, 2004, citizens voiced concerns regarding the location of the central entrance to the subdivision from Old Marlboro Pike. The applicant proffered to relocate the entrance to the west. The applicant shall revise the preliminary plan prior to signature approval. Review of the revised plan will include the appropriate Development Review staff as well as the citizens. The process will allow appropriate opportunity for comments for the citizens.

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.

* * * * *

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, and Hewlett voting in favor of the motion, with Commissioner Squire opposing the motion and with Commissioner Harley absent at its regular meeting held on Thursday, February 26 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg