



PGCPB No. 07-169(A)

File No. 4-06159

A M E N D E D R E S O L U T I O N

WHEREAS, White House Road, LTD. is the owner of a 62.71-acre parcel of land known as Parcels 65 and 73, Tax Map 83 in Grid A-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on April 2, 2007, White House Road, LTD. Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 72 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06159 for Kenwood Village 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 September 13, 2007, 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 September 13, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated May 2, 2013, Michele LaRocca of Myers, Rodbell & Rosenbaum, P.A., on behalf of the applicant requested a reconsideration of Conditions 4, 11, 12, 20, 27, and 28, and related findings; and

*WHEREAS, on May 30, 2013, the Planning Board granted the reconsideration request in accordance with Section 10 of the Planning Boards Rules of Procedure, in furtherance of substantial public interest and good cause; and

*WHEREAS, on July 11, 2013, the Planning Board heard testimony and received evidence submitted for the record in the request for reconsideration, and approved the preliminary plan of subdivision and TCPI-17-04-02, as amended herein.

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/17/04-01-02)~~, and further APPROVED Preliminary Plan of Subdivision 4-06159, Kenwood Village for Lots 1-72 and Parcels A-C with the following conditions:

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1. Prior to Planning Board approval of any specific design plan, the applicant shall submit a Phase II work plan for site 18PR871 to the Historic Preservation and Public Facilities Planning Section for review and approval. This work plan shall allow for additional archival research to determine the occupants of sites 18PR870 and 18PR871, and provide for public interpretation of the sites identified on the property, including the Chesapeake Beach Railroad bed, 18PR605. If site 18PR871 is found to be eligible for inclusion in the National Register of Historic Places, the site shall be preserved in place or, if this is not feasible, Phase III mitigation should be performed on the site. The applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association Parcels A-B. Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of the 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 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.

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- 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.

3. In consideration with the specific design plan, a Type II tree conservation plan shall be approved.

~~*[4. The applicant shall comply with the following concerning their parkland dedication:~~

- ~~a. The applicant shall construct a combination of on-site and parkland recreational facilities to be determined at the time of SDP.~~
- ~~b. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.~~
- ~~c. Detailed construction drawings for recreational facilities on park property including grading plans, sections, equipment, and landscaping schedules shall be submitted to DPR for review and approval prior to submission of any application for building permits in Kenwood Village.~~
- ~~d. Detailed construction drawings shall be prepared by a designer specializing in playgrounds in cooperation with a design team from DPR. DPR staff shall review the credentials and approve the design consultant prior to development of the plans.~~
- ~~e. Prior to application of the building permit for the construction of the recreational facilities in the park, DPR staff shall review credentials and approve the contractor proposed for the park construction work based on qualifications and experience.~~
- ~~f. Submission of three original executed Recreational Facilities Agreements (RFA) to DPR for approval three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.~~
- ~~g. At least two weeks prior to applying for building permits, the applicant shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by DPR]~~

*[5] 4. Prior to signature approval of the preliminary plan, all plans shall be revised to label the 50-foot buffers along the east and south boundaries as nondisturbance buffers.

*[6] 5. At the time of specific design plan, a detail of the black-vinyl-clad, chain-link fence shall be included on all plans, including the TCPII.

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*[7] 6. Prior to signature approval of the preliminary plan, the TCPI shall be revised to meet the woodland conservation threshold of 25 percent on-site (including the parcel to be conveyed to the Department of Parks and Recreation).

*[8] 7. Prior to signature approval of the preliminary plan, a revised and approved stormwater management concept plan shall be submitted and correctly reflected on the revised preliminary plan and TCPI. The concept shall be revised as follows:

Show the same layout as the preliminary plan and TCPI.

- a. All ponds and associated grading shall be located outside the PMA with no impacts.
- b. All runoff from impervious areas shall be directed to a water quality facility in accordance with condition #11 of the basic plan (A-9802 and A-9803).
- c. All associated inlets, outfalls and connections shall be clearly identified.
- d. Show all stormdrain easements.

*[9] 8. Prior to signature approval of the preliminary plan, the TCPI shall be revised to:

- a. Show the existing and conceptual grading proposed for the site.
- b. Identify the existing and proposed water and sewer lines, and the existing and proposed limits of White House Road.
- c. Show a table of proposed off-site infrastructure improvements for the subject site.
- d. Show each woodland treatment area with a distinct identifier, the type of woodland conservation being provided, and the acreage. Show the associated symbols in the legend and give a detail of each treatment area in a chart. This shall include off-site clearing, floodplain clearing, woodland preservation, and woodland preservation but not counted.

*[10] 2. Prior to signature approval of the preliminary plan, the TCPI shall be revised to clearly show the centerline for Harry S Truman Drive and White House Road.

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- *[11] 10. Prior to acceptance of the specific design plan application, it shall be inspected to ensure that it includes a Phase II noise study that states the proposed noise mitigation measures and to ensure that these measures are shown on the SDP. The Phase II noise study shall address all traffic-related noise and the location of the mitigation 65 dBA Ldn ground level and upper level contours. ~~*[If a noise wall is proposed, it must be placed on an HOA parcel and show a minimum of 10 feet of unencumbered area on each side of the wall for future access and maintenance].~~ All rear outdoor activity areas shall be mitigated to 65 dBA Ldn or less and all interior residential areas shall be mitigated to 45 dBA Ldn or less.
- *[12] 11. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.
- *[13] 12. Prior to signature approval of the preliminary plan, the NRI and the TCPI shall show the same acreages for all calculations.
- *[14] 13. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
- a. Show the limits of the dedicated parkland in accordance with the mandatory dedication requirement.
 - b. Revise the TCPI to show one continuous limit of disturbance for the proposed development and include the off-site areas to be impacted.
 - c. Show the location of specimen tree #7.
 - d. Eliminate the symbol for "woodland cleared" from the plan.
 - e. Provide a map showing all off-site connection to utilities that will require clearing of woodlands and adjust the worksheet accordingly.
 - f. Correctly show conceptual footprints within the building restriction lines on the proposed lots.
 - g. Revise the worksheet as necessary.
 - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.

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- *[45] 14. Approval of impacts 1 through 9 to the PMA with the following requirements:
- a. Impacts 6-8 shall be revised to reduce the impacts to the fullest extent possible by minimizing the excessive grading shown on the exhibits.
 - b. At the time of Specific Design Plan Impact 9 shall be further evaluated to reduce or eliminate the excessive clearing and grading impacts for the access road and the side grading impacts for the road crossing of "Street A."
 - c. Lots 30-32, 60 and 61 shall be revised to exclude the PMA. No residential lots shall contain any portion of the PMA.
- *[46] 15. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
- a. Eliminate the impacts associated with grading and access for stormwater management ponds #1, #3, and the pond located on the west side of Harry S Truman Drive extension.
 - b. Show the limits of disturbance for necessary outfalls for the proposed stormwater management ponds. The associated impacts shall be minimized to the fullest extent possible.
 - c. Eliminate all impacts not essential to the development of the subject site.
- *[47] 16. At the time of final plat approval, the applicant shall dedicate a minimum of 120 feet for the future alignment of Harry S Truman Drive extended (A-39) as shown applicant's site plan.
- *[48] 17. Prior to the issuance of any building permit, the following improvement shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP, or otherwise provided by the applicant, his heirs, successors and/or assignees.
- Ritchie Marlboro Road and Sansbury Road**
- Modify the westbound approach to provide three through lanes
- *[49] 18. Prior to the issuance of any building permit, the applicant shall conduct a signal warrant study at the intersection of White House Road and Harry S Truman Drive and install said signal if deemed to be warranted, or provide an alternate improvement as deemed necessary by DPW&T.

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- *[20] 19. *Unless modified by DPW&T, [✗]the applicant shall provide the following improvements along White House Road pursuant to DPW&T specifications:
- Provision of a deceleration and an acceleration lane along White House Road at the site entrance.
 - Provision of a left-turn bay on westbound White House Road at its intersection with the site access road.
- *[24] 20. In accordance with the adopted and approved Subregion Melwood-Westphalia master plan and the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Provide a standard or wide sidewalk along the subject site's entire frontage of White House Road, unless modified by DPW&T. The width and location of the trail/sidewalk will be determined at the time of SDP.
 - b. Standard sidewalks shall be indicated on both sides of all internal roads, unless modified by the Department of Public Works and Transportation.
 - c. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction.
- *[22] 21. At the time of SDP, the historic farm roads should be evaluated for use as possible natural surface trail corridors.
- *[23] 22. The dedication of 19.1± acres to the M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."
- *[24] 23. The applicant shall dedicate 5,003 square feet of off-site land to M-NCPPC as shown on attached Exhibit "B." Before final plat, the applicant shall submit a deed, metes and bounds description, and certificate of title for the dedicated parkland.
- *[25] 24. Land to be conveyed to M-NCPPC shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.

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- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
- i. The land to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of DPR. If encumbered, DPR shall review the location, the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
- j. No stormwater management facilities, or tree conservation or utility easements other than typical PUEs associated with the edge of public rights-of-way shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals

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are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

- *[26] 25. The subdivider, his successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.
- *[27. ~~The applicant shall construct 10-foot wide gravel maintenance access road from Ritchie Marlboro Road to the dedicated parkland as shown on attached Exhibit "B". This area shall be graded at the time of mass grading of the project area and reviewed and approved by DPR staff prior to issuance of the first building permit. Prior to the issuance of the 37th building permit, the gravel maintenance road and park gates shall be constructed~~
- ~~28. The applicant shall grade the southern portion of the dedicated parkland and stabilize the area according to local codes and ordinances. DPR staff shall establish the exact boundaries and elevation of park grading at the time of SDP. Park grading shall be completed and inspected by DPR staff prior to issuance of the first building permit.]~~
- *[29] 26. The applicant shall be responsible for any revisions to CDP-O303 necessitated by adoption of conditions of this application, which revisions shall be made administratively.
- *[30] 27. Tree conservation shall be allowed on dedicated parkland, the exact acreage and location shall be determined at the time SDP.
- *[31] 28. At the time of final plat approval, the applicant shall dedicate the necessary land area for the ultimate 120-foot wide right-of-way for White House Road as shown on the preliminary plan.
- *[32] 29. The applicant shall make required frontage improvements along White House Road as determined by DPW&T during the permitting process.
- *[33] 30. At the time of Specific Design Plan review, the relationship of the lots adjacent to the proposed Harry S Truman ROW dedication shall be evaluated to address orientation of the lots and houses to be constructed on the lots, design of cul-de-sacs and internal road design. This review may result in the alteration of the lot pattern, stormwater management ponds, open space parcels and/or internal road design as shown on the approved Preliminary Plan.

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- *31. Prior to issuance of the 34th building permit, the applicant, their heirs, successors and/or assigns shall make a payment to the M-NCPPC Department of Parks and Recreation in the amount of \$70,000 in 2013 dollars in lieu of the grading of the southern portion of the dedicated parkland, construction of a 10-foot-wide gravel maintenance access road from Ritchie Marlboro Road and preparation of the detailed construction drawings for the improvements on dedicated parkland. At the time of payment, this amount shall be adjusted for inflation using the Consumer Price Index (CPI). The monetary contribution shall be placed into a park account designated for this park.
- *32. Prior to approval of the final plat, the following note shall be removed from TCPI-17-04-01: "Area of Parkland to be graded by applicant per "Exhibit 'A', CDP-0303, D.P.R. 2.16.05 H.asan" – 3.9 +/- Acres." The plan shall be certified as the -02 revision.

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 subject property is located on the south side of south side of White House Road opposite the southern terminus of Harry S Truman Drive. The site abuts an undeveloped parcel zoned R-E to the east, a parcel zoned R-E developed with single-family residences to the west, and agricultural land zoned R-A to the south. Largo Woods and Presidential Heights residential subdivisions are located to the north across White House Road. The site contains a variety of environmental features including streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils and severe slopes, making the property a challenge to develop.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Single-Family Residences	Single-Family Residences
Acreage	62.71	62.71
Lots	0	72
Parcels	2	3
Dwelling Units:		
Detached	0	72
Public Safety Mitigation Fee		No

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4. **History**—The property was previously zoned Residential Estate (R-E) based on the guidance of the 1973 Subregion VI master plan. In November of 1992, the County Council for Prince George's County, Maryland, sitting as the District Council, approved Zoning Ordinance Amendment No. 50-1992 (Basic Plan A-9802-C) and Zoning Ordinance Amendment No. 51-1992 (Basic Plan A-9803-C), which rezoned the subject property from the Residential-Estate (R-E) Zone to Residential Suburban (R-S) Zone subject to conditions with the following land types and quantities:

Land Use Quantities:

Gross Area (A-9802 approximately 47.2 acres
and A-9803 approximately 15.7 acres)

Floodplain (1/2 of total floodplain)

Net Area

Density Range (1.6 to 2.18 dwelling units/acre)

Approximately 62.9 acres

Approximately 10.2 acres

Approximately 57.9 acres

92 to 126 dwelling units

Land Use Types:

Single-family Detached Dwellings

Open Space, Public and Private Recreational Facilities

Permitted Accessory Uses

On October 17, 2005, the District Council approved a comprehensive design plan for the site (CDP-0303). The design guidelines approved as part of the CDP ensures compatibility has been maintained by placing the larger lots (minimum size 10,000 square feet) on the southerly side of the subdivision where the subject site abuts land zoned R-A and utilized for agriculture. The smaller single-family detached lots (minimum lot size—6,000 square feet) are located near the easterly boundary of the site where the zoning is R-E and would allow for denser residential development and a 50-foot buffer separates the site from the adjacent parcel. A condition of the approval ensures that design techniques such as berms and additional screen plantings will be utilized prior to specific design plan approval to maintain compatibility with the surrounding neighborhood with an emphasis on the boundaries of the subject site. The proposed preliminary plan is in conformance with these guidelines and the conditions of approval, except as noted in the sections of this report that follow.

5. **Urban Design Considerations**—The Urban Design Section is reviewed Preliminary Plan of Subdivision 4-06159 for Kenwood Village. The lots front on either Street A, providing access to the subdivision from White House Road, Street B, a cul-de-sac emanating from Street A, or an unnamed street that proceeds north from Street A on the western portion of the site, taking a right-angle turn at a bulbed elbow in the street and then proceeding west until its terminus in a cul-de-sac. Open space for the development is provided along the environmentally sensitive White House Road frontage and in the central portion of the property where the environmental features extend into the developable area of the site. Street A terminates in a cul-de-sac at the extreme southwestern portion of the property. The cul-de-sac terminating both Street A and the unnamed

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street butt up against the future road extension of Harry S Truman Drive, identified as a 120-foot-wide right-of-way. Beyond Harry S Truman Drive is land to be dedicated to M-NCPPC that is slated to be developed into an M-NCPPC park facility at a later date. A 50-foot forested buffer is indicated along the project's eastern property line and partially across the southern property line.

Urban Design Comments

- A. The project consists of heavily double-loaded streets. More deviation from this design pattern would open up the subdivision further and provide more aesthetic views into the environmentally sensitive portions of the site.
- B. An entrance feature should be utilized at the White House Road access point with accent landscaping at its base.
- C. Urban Design questions the wisdom of butting two culs-de-sac up against the shared property line for Harry S Truman Drive. Is the intent here that a connection to Harry S Truman Drive will be made? If so, would both culs-de-sac become connections? If so, are they located sufficiently apart from each other and from White House Road so as to create safe traffic movements?

Comment: Neither cul-de-sac is proposed to connect with Harry S Truman extended.

- D. Urban Design would suggest that the number of lots, especially on the western half of the site, be reduced so that usable rear yards are guaranteed for all yards and so that some green space/views into the environmentally sensitive areas of the subject site are retained.

Comment: The applicant is revising the layout to take these concerns into account.

- E. It appears that the proposed design of the open space in the environmentally sensitive central portion of the site for the provision of recreational facilities. It does not, however, provide a break between the lots on the bulbs of the culs-de-sac as shown on the comprehensive design plan that would accommodate connecting trails and provide access to the interior space.

Comment: The trails coordinator has concluded that the trail connections are not feasible. See the trails section of this report.

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*[F. — A condition of approval of the preliminary plan of subdivision[should ensure access to the area of the site to be dedicated to M-NCPPC and the adjacent trail, including the creation of a trailhead, complete with vehicular parking, a passive recreational area, including seating areas, an instructional panel regarding the trail, the environmental sensitivity of the site, and or any relevant historical information.]

Comment: These considerations are addressed by the Department of Parks and Recreation staff in their referral contained later in this report.

G. — Section 4.6 of the *Landscape Manual* requires the buffering of the rears of houses from adjacent roadways and such buffering would have to be included along Harry S Truman Drive. Subdivision staff has indicated that lot depth for those lots will be required to be increased. That increase will make it easier to accommodate the required 4.6 buffering for the site.]

Conditions of the Comprehensive Design Plan

Each condition related to site design is listed in bold face type below, followed by Urban Design staff comment:

2. **During review of the preliminary plan of subdivision, the appropriate point of transition from a 60-foot right-of-way to a 50-foot right-of-way along the major internal street shall be determined. The point of transition shall be consistent with typical practices, and shall consider lotting patterns and the overall internal street network.**

Comment: The Transportation Planning Section concurs with the location of the transition, which takes place prior to the internal stream crossing, thus minimizing the environmental impact.

30. **Prior to the approval of the Preliminary Plan of Subdivision and any specific design plan for the site, the trails coordinator shall review and approve the design and location of the trails internal to the site.**

Comment: Subdivision staff should ensure that they get the appropriate input from the trails coordinator prior to the approval of the preliminary plan of subdivision.

31. **At the time of Preliminary Plan of Subdivision, adequate lot depth with respect to possible noise or visual impacts from the adjacent White House Road shall be reviewed.**

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Comment: No part of any lot is shown within the 65 dBA noise contour. A 150- to 250-foot-wide swath of open space separates the lots from the proposed right-of-way. The plan shows the required 150-foot lot depth for lots along Harry S Truman Drive extended.

6. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils and severe slopes are found to occur within the limits of this application. White House Road and Master Plan Road A-39 are designated arterial roads and are transportation-related noise generators that will affect the layout this application. The soils found to occur according to the Prince George's County Soil Survey include Adelphia silt loam, Collington fine sandy loam; and mixed alluvial land. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur on this property or adjacent properties. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

Conformance with Previous Environmental Planning Approvals

The approval of the basic plan and comprehensive design plan included numerous conditions, many of which dealt with environmental issues that were to be addressed during subsequent reviews.

Basic Plan, A-9802 and A-9803 (Environmental Conditions)

6. **There shall be no grading or cutting of trees on the site prior to Phase II approval, except with the written permission of the Planning Board.**

No grading or cutting of trees has occurred on this site based on a review of the most recent aerial photography available.

8. **The 50-foot buffers along the east and south boundaries are labeled as non-disturbance buffers and shall include a six foot high black vinyl clad chain link fence, extending to the east side of Harry S. Truman Drive.**

This condition has not been fully addressed. The buffer is correctly labeled on the coversheet of the TCPI but not on the detailed sheets (Sheets 2 and 3). The preliminary plan must also be labeled in accordance with the above condition.

9. **A Type I Tree Conservation Plan (TCP) in accordance with the County Woodland Conservation and Tree Conservation Program is required for review by the Natural Resources Division to be approved by the Planning Board prior to CDP approval. Woodland Conservation of 25 percent of the net tract is recommended.**

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The TCPI shows woodland preservation of 22.69 acres, which is approximately 40 percent of the net tract; however, part of this acreage includes woodland preservation on parkland to be dedicated to the Department of Parks and Recreation. As discussed in the Department of Parks and Recreation section, DPR has agreed to allow this encumbrance on the 19.1 acres to be dedicated.

10. Phase II shall show consistency with the Patuxent River Policy Plan in buffering streams.

Implementation of the Patuxent River Policy Plan in buffering streams and impacts to sensitive environmental features are discussed in the Environmental Review section below.

11. Approval of existing conditions 100-year floodplain and stormwater management concept plan by the County Department of Environmental Resources (DER), prior to the approval of a preliminary plan of subdivision, unless determined by DER prior to submittal of the preliminary plat that this study will not be required until time of Specific Design Plan. At a minimum, the following shall be included: 50 foot buffers between the floodplain and lot lines; stormwater management ponds shall provide 2-10-100 year attenuation; water quality shall be achieved by infiltration or ponds; water quality ponds shall be located outside of wetland areas; and all impervious areas shall drain directly to a water quality facility.

A 100-year floodplain study and a stormwater management approval letter and plan were received on August 14, 2007. The limits of the 100-year floodplain have been correctly reflected on the plan and all proposed lots are shown to be a minimum of 50 feet from the limits of the 100-year floodplain.

The stormwater management concept plan cannot be reviewed with the current application because it shows a different layout than that shown on the TCPI and preliminary plan. The stormwater management shown on the TCPI is very confusing and is not in accordance with the above condition.

The plan proposes three water quality ponds and although the ponds are located outside of the wetland areas, there are several related impacts to the PMA for grading and access to the ponds. These impacts are discussed in detail in the Environmental Review section of this memo.

The storm drain system as shown on the TCPI is very confusing. The above condition states that all "...impervious areas shall drain directly to a water quality facility." The plan shows discharge of runoff from impervious areas to locations other than the water quality facility. These areas include the outfall located north of specimen tree #68, the pipe and outfall that crosses the southern end of the Harry S Truman extension, the outfall east of specimen tree #27, the pipe located north of specimen tree #21, the pipe located between

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specimen trees #46 and #47, and the outfall located north of Lot 27. It appears as though all of these storm drains are discharging runoff from the proposed road directly to the stream, which is not in accordance with the above conditions. The stormwater management concept plan, when revised, must provide for discharge of all impervious surface runoff to be directed to a water quality facility.

The TCPI also shows an outfall connected to a riser structure which appears to discharge stormwater to dedicated parkland. This stormwater should be discharged to the adjacent stream.

The outfalls for ponds #1 and #3, the inlets and connections for the storm drain pipes, and the associated storm drain easements are not shown on the plan. The existing topography and proposed grading on the plan is unreadable.

12. **The applicant shall submit a 100-year floodplain study and a stormwater management concept plan to DER for approval prior to approval of the preliminary plan of subdivision. The stormwater management concept plan shall also address road improvements to White House Road and construction of Harry S Truman Drive.**

A 100-year floodplain study approved by the Department of Environmental Resources was submitted. See condition #11 above.

13. **The minimum 50-foot non-disturbance buffers along the east and south boundaries shall apply along both sides of all streams and shall be expanded to include the 100-year floodplain, wetlands, steep slopes and soils with erodibility factors of 0.35 and greater. Such buffers shall be approved by the Natural Resources Division prior to Specific Design Plan, Phase III. Additional screen plantings may be required to provide adequate screening, to be approved by the Urban Design Section.**

This condition has been addressed. Based on the information submitted with this phase of the development the required buffers noted by this condition are being provided for the streams with the exception of the two stream crossings proposed to provide access to this property. Because a stream is located along the entire northern property boundary and two other streams bisect the property into thirds, some stream impacts are necessary for any development to occur.

A 50-foot nondisturbance buffer has been shown along the east boundary and the developable portion of the southern boundary. The remainder of the southern boundary located on the west side of the Harry S Truman extension is land to be dedicated to the Department of Parks and Recreation. A buffer on the dedicated parkland is not required.

14. **The applicant shall submit a detailed soils study to demonstrate the site is geologically suitable for the proposed development, for approval by the Soil Conservation District and the Natural Resources Division prior to Specific Design Plan approval.**

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A geotechnical report was submitted August 14, 2007, and addresses the above condition. The study details the results of 16 soils borings tested on the site. Each boring was drilled to a 25-foot depth. Groundwater was encountered between 20 and 25 feet below the surface for only 3 samples.

At the time of permitting, the appropriate agencies, including but not limited to the Washington Suburban Sanitary Commission, the Prince Georges County Department of Public Works, and the Department of Environmental Resources, may require information in addition to the submitted report to ensure the site is adequate for the installation of necessary infrastructure prior to development of the site.

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- 3. If any portion of the 50-foot buffer required by Condition 13 of the A-9802 or A-9803 approvals is to be used for woodland conservation, all reforestation shall be done with larger caliper trees and permanent protection shall be provided. In addition, this area shall be placed in a permanent conservation easement.**

The current plans show woodland preservation in the required 50-foot nondisturbance buffers. No reforestation is proposed for this site on the current plan.

- 5. Prior to certificate of approval for the Comprehensive Design Plan, the existing tree lines on TCPI/17/04 shall be corrected to show one continuous tree line, not multiple conflicting tree lines.**

This condition has not been addressed. The plan shows double tree lines which result in confusion as to where the proposed woodland exists. The plans need to be revised in accordance with the above condition.

- 6. A revised Type I Tree Conservation Plan, TCPI/17/04, shall be submitted as part of the Preliminary Plan of Subdivision application. The revised TCPI shall include the following information in addition to the information typically found on a Type I Tree Conservation Plan:**

- a. Conceptual grading proposed for the site.**

The existing and conceptual grading shown on the plan is not legible. Conceptual grading is required on all tree conservation plans to identify areas that are proposed for disturbance, the resulting topography of the site, and how stormwater runoff will be affected.

- b. All stormwater management outfalls; on-site and off-site sewer and water connections; and road construction impacts adjacent to this property.**

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This condition has not been fully addressed. Issues regarding stormwater management are discussed above in condition #11 of the basic plan with applicable recommended conditions. The water and sewer lines shown on the plan should be identified as existing or proposed and the existing and proposed limits of White House Road need to be clearly delineated on the plan. Impacts associated with water, sewer and road construction are discussed in detail in the Environmental Review Section of this memo.

- c. **A table of proposed off-site infrastructure improvements associated with this application.**

This condition has not been addressed. The referenced table is not shown on the TCPI.

- d. **Label each Woodland Conservation Area with a distinct identifier, the type of woodland conservation being provided, and the acreage.**

This condition has been addressed; however, the symbol for woodland clearing is not consistent with the symbol shown on Sheet 3. Sheet 2 does not show a symbol for woodland clearing at all.

7. **The Preliminary Plan of Subdivision application shall include a wetland study that addresses the presence of the streams and wetlands on this site.**

This condition has been addressed. A wetland study was included with the application during review of the natural resources inventory. The delineation is correctly reflected on the plan.

8. **All subsequent plan submittals for this property, including the Preliminary Plan of Subdivision and the Specific Design Plan, shall further minimize the extent and number of PMA impacts proposed as each phase of the development process utilizes increasingly detailed information. Impacts solely associated with the creation of lots will not be allowed.**

Impacts to the PMA are reviewed in detail in the Environmental Impacts section below.

9. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area except areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

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This condition will be addressed at the time of final plat.

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

This condition will be addressed at the time of permit review.

11. **A copy of the approved Stormwater Management Concept Plan and approval letter shall be submitted with the Preliminary Plan of Subdivision application.**

The approved stormwater concept plan has been submitted. See condition #11 of the basic plan.

12. **The Preliminary Plan of Subdivision submittal package shall include a Phase I noise study addressing potential adverse noise impacts associated with existing and widened White House Road (A-36) along the northern property boundary.**

A Phase I noise study was not submitted; however, the plan shows the location of the unmitigated 65 dBA Ldn noise contour associated with White House Road (144 feet from the centerline) and Harry S Truman Drive (228 feet from the centerline) based on the Environmental Planning Section noise model, which uses the projected average daily traffic for each right-of-way. This information can be used in lieu of the study; however, the TCPI must be revised to clearly show the centerline of Harry S Truman and White House Road.

Based on the location of the unmitigated 65 dBA Ldn noise contour as shown, no residential lots will be impacted by noise associated with White House Road; however, approximately five lots will be impacted by noise associated with Harry S Truman Drive. The TCPI shows that the interior shells and rear outdoor activity areas of proposed Lots 1, 72, 63 and 64 will be impacted by noise. The rear outdoor activity area of proposed Lot 2 will be impacted by noise as well. Mitigation for these lots must be provided. If a noise wall is proposed, it must be placed on an HOA parcel and show a minimum of ten feet of unencumbered area on each side of the wall for future access and maintenance.

*On July 11, 2013 the Planning Board heard a reconsideration request by the applicant in part regarding the impacts of noise from Harry S Truman Drive as discussed further in the Reconsideration Hearing finding.

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Natural Resources Inventory

A signed Natural Resources Inventory, NRI/009/07, was submitted with the application. A detailed forest stand delineation (FSD) was submitted with the NRI. The entire net tract area of this property has existing forest cover and 77 percent of the floodplain has existing forest cover. The woodlands on this property, although categorized into ten forest stands by the FSD, can be further grouped into three distinct forest types, including upland mature forest, early succession upland forest, and immature bottomland forest. The upland mature forest and immature bottomland forest stands have the highest retention priority.

There are discrepancies between the acreages shown on the NRI and the acreages shown on the TCPI. The NRI shows the gross tract area as 63.02 acres while the TCPI shows it as 62.71 acres. The NRI shows the total floodplain area as 12.06 acres, while the TCPI shows the total floodplain area as 12.11 acres. And the total woodland listed on the NRI is 50.47 acres, while the TCPI shows the total woodland as 50.60 acres.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a previously approved tree conservation plan. TCPI/17/04 was approved with the CDP. The current plan is a major revision to the approved TCP because it includes the master plan alignment of Harry S Truman Drive extended and a different lot layout.

The Type I Tree Conservation Plan, TCPI/017/04-01, has been reviewed and was found to require revisions. The woodland conservation threshold has been correctly calculated at 12.09 acres, which is 25 percent of the net tract. The total requirement based on the proposed clearing is 23.90. The plan proposes to meet the requirement by providing 22.69 acres of on-site preservation and 1.21 acres of off-site mitigation. A significant portion of the proposed preservation appears to be on land that will be dedicated to the Department of Parks and Recreation. As discussed previously, woodland conservation on dedicated parkland cannot be counted toward meeting the requirement unless written authorization is provided because this it is a mandatory requirement. A condition regarding this issue has been recommended.

The proposed delineation of land to be dedicated to the Department of Parks and Recreation is not shown on the TCP. The TCPI proposes to clear 0.39 acre of off-site woodland. It is not clear where these off-site impacts will occur. The TCPI must be revised such that the limits of disturbance reflect the off-site clearing areas.

Specimen tree #7 is not shown on the plan. The symbol for "woodland clearing area" is not consistent with the legend and should be removed from the plan altogether so that it is more legible. The proposed limits of disturbance will clearly identify the proposed clearing areas on the net tract after the existing tree line is corrected. The conceptual house footprints on some lots are shown outside of the building restriction line.

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Environmental Impacts and Impacts to the Patuxent River Primary Management Area

The site contains significant environmental features constituting the Patuxent River Primary Management Area (PMA) that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts.

A letter of justification and associated exhibits were submitted for nine proposed impacts. The following is a summary of the proposed PMA impacts.

Impact Number	Comments	Quantity of Impact	Staff Recommendation
1, 2, 4 and 5	These impacts are associated with county required roadway improvements to White House Road. The impacts are located along the north boundary of the subject site and adjacent to White House Road.	0.85 acre	Supported
3	This impact is necessary for road improvements to White House Road and a crossing associated with a master plan arterial (A-39).	0.92 acre	Supported
6-8	These impacts are for improvements to White House Road and a road crossing for "Street A" that will provide access to the subject site. It also includes excessive disturbance to the wetland, wetland buffer, and 100-year floodplain to allow passage of water beneath the proposed road crossing. The proposed disturbance should be reduced to the fullest extent possible.	2.2 acres	Supported with a condition for redesign to reduce impacts
9	This impact is for a road crossing necessary to provide access to a developable portion of the site. This impact should be reduced to eliminate unnecessary grading not associated with the crossing.	0.59 acres	Supported with a condition to reduce impacts

The TCPI shows several other impacts that are not essential for the development of the site and must be eliminated. One of these impacts is shown on Exhibit #8, but is not associated with the road frontage improvements along White House Road or the crossing for "Street A." This impact is located just north of an access road shown on exhibit #8.

Lots 31, 32, 60, 61 and 62 contain portions of the PMA. Because the lots are very small, the PMA should not be shown on the proposed lots.

The submitted justification did not request impacts for necessary outfalls for the proposed water quality ponds. Outfalls are required to safely convey treated stormwater from the pond to the adjacent stream valley. The plan shows an impact to the PMA for what appears to be an outfall from the pond on the west side of the Harry S Truman Drive extension to the dedicated parkland.

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Outfalls for ponds #1 and #3 are not shown on the plan. The limits of disturbance must be revised to reflect the necessary impact areas for the associated outfalls for the proposed ponds.

The proposed extension of Harry S Truman on the plan is a mandatory dedication and construction of the road may not be implemented when the site is developed. Therefore, clearing for the road should not occur until the road is scheduled to be constructed.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the property will, therefore, be served by public systems.

7. **Community Planning**—The property is located in Planning Area 78 of the 1994 Melwood-Westphalia master plan within the Westphalia community. The master plan recommends a low-suburban residential development with a density yield of 1.6–2.6 dwelling units per acre for the property. This application proposes a low-suburban residential land use, and is therefore consistent with the recommendations within the 1994 master plan.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application proposes a low-suburban density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

8. **Parks and Recreation**—Staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced preliminary plan application for conformance with the conditions of the previous approvals for the site, the Approved Bowie-Collington-Mitchellville Master Plan for Planning Area 75A, the Land Preservation and Recreation Program for Prince George's County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

Findings

Basic Plan (A-9802 & A-9803)

The approved basic plan shows the western portion of the site (14.1 acres) to be dedicated to MNCPPC.

Comment: The approved Westphalia Sector Plan and Sectional Map Amendment designated the area between White House Road, the new Harry S Truman Drive southern extension, and Ritchie Marlboro Road as a park/high school site. The applicant has agreed to dedicate 19.1 acres of land west of the Harry S Truman Drive right-of-way to M-NCPPC for use as public parkland.

Comprehensive Design Plan (CDP-0303)

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Condition 13—The applicant shall convey to the M-NCPPC, 14.1 acres of open space as designated on attached Exhibit “A.” The land to be conveyed shall be subject to the conditions of attached Exhibit ‘C.’

Comment: The applicant agreed to expand dedication of parkland to 19.1 acres as shown on DPR Exhibit “A.”

Condition 14—The applicant shall dedicate 5,003 square feet off-site as shown on attached Exhibit “B. Before final plat, the applicant shall file for review and approval by Parks and Recreation a deed and metes and bounds description of the dedicated land. The land to be conveyed shall be subject to the conditions of the attached Exhibit ‘C.’

Comment: The applicant complies with this condition.

Condition 15—The applicant shall construct an eight-foot-wide asphalt trail connector from the end of Street A to and around the storm water management pond to be built on dedicated parkland.

Comment: DPR staff reviewed the preliminary plan of subdivision and finds that construction of a trail connector from the subject subdivision to the dedicated parkland is no longer feasible because a major master planned road (120-foot-wide Harry Truman Drive right-of-way) now separates the subdivision from the park. DPR staff believes that pedestrian access to the park from subject property will be accommodated in the future via the master planned Chesapeake Beach Railroad trail. At the time of design and construction the Harry Truman Drive extension, a safe at-grade or under-road trail crossing should be provided for the master planned Chesapeake Beach Railroad trail. The applicant shall demonstrate on the plans that HOA open space is available in the southern portion of the subdivision for the future trail connection to the master planned trail.

Condition 16—The applicant shall grade the portion of the parkland for the open play field as shown on DPR Exhibit A.

Comment: DPR staff met with applicant and determined that it would *not be appropriate to grade the southern portion of the dedicated parkland for the future recreational facilities and access to the park from Harry Truman Drive *at this time. However, this area will not be available to the public as an open play field because it will not have access to a public road until Harry Truman Drive extension is constructed.

*On July 11, 2013 the Planning Board heard a reconsideration request by the applicant in part regarding the deletion of conditions of approval which required improvements to the dedicated parkland, as discussed further in the Reconsideration Hearing finding.

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Condition 17— The applicant shall construct a stormwater management pond on dedicated parkland in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines. The pond shall be designed as a recreational amenity. For public safety and aesthetic reasons, the slope around the pond shall be gentle, generally 5:1 or less, the pedestrian trail system shall be provided with seating areas and the area around the pond shall have attractive landscaping.

Comment: The pond shown on the TCP-1 plan is a concept plan to demonstrate the conceptual location of the SWM facility needed for the future road (A-39) construction. This pond will be built in the future at the time of road construction. At that time, DPR will grant an easement to DPW&T for the construction and maintenance of the SWM pond on parkland and ensure that the stormwater management facility is built in accordance with the *Parks and Recreation Facilities Guidelines*.

Condition 18.—All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction.

Comment: ~~*[The applicant agreed to provide a ten-foot-wide gravel trail/maintenance access road from Ritchie Marlboro Road.]~~ At the time of SDP, DPR staff will review the plans to assure dry passage.

Condition 19—Before submission of a specific design plan (SDP), the applicant shall submit to DPR for review and approval a conceptual site plan for the improvements to be constructed on dedicated parkland by the applicant.

Comment: ~~*[Prior to submission of an SDP, the applicant agreed to submit a concept plan for the improvements to be constructed on dedicated parkland.]~~ On July 11, 2013 the Planning Board heard a reconsideration request by the applicant in part regarding the deletion of conditions of approval which required improvements to the dedicated parkland, as discussed further in the Reconsideration Hearing finding. The conditions regarding improvements to the parkland were deleted and the applicant will pay a fee in lieu of the improvements.

Condition 24—Before conveyance of 14.1 acres to the M-NCPPC, including a stormwater management pond, the applicant shall enter into joint multiuse stormwater management system maintenance agreement between the applicant, the County Department of Environmental Resources and the Department of Parks and Recreation for the construction, operation and maintenance of the stormwater management facility.

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Comment: At the time of master plan road design and construction, DPR and DPW&T shall enter into joint multiuse stormwater management system maintenance agreement for the construction, operation, and maintenance of the SWM facility on parkland. DPR staff believes that DPW&T should be responsible for functional maintenance of the pond because this SWM facility will serve the county road and DPR should be responsible for esthetic maintenance of the pond.

Condition 35—The public vehicular access to the future master planned neighborhood park will be provided from Ritchie Marlboro Road. The access to the park from Kenwood Village will be limited to pedestrian access only.

Comment: ~~*[The vehicular access to the park will be provided from Ritchie Marlboro Road or Harry S Truman Drive extension. The pedestrian access to the park from subject subdivision will be provided via Chesapeake Beach Railroad Trail system. The applicant shall demonstrate on the plan that HOA open space is available in the southern portion of subdivision for the future trail connection to the master planned Chesapeake Beach Railroad trail.]~~

~~The approved Westphalia Sector Plan and Sectional Map Amendment designates an area between White House Road, the Harry S Truman Drive extension, and Ritchie Marlboro Road as a park/high school site. In addition to its role as a park/school site, this area will accommodate a portion of the master planned Chesapeake Beach Railroad trail. When it is completed, the Chesapeake Beach Railroad trail will be major hiker/biker trail link to the public park system in the area. The dedicated parkland will also provide a site for trailhead parking.~~

~~The Park and Recreation Facilities Guidelines require that at least one suitable vehicular access to the land being dedicated be provided from a major residential street. DPR staff reviewed the preliminary plan and found that public vehicular access to the parkland will be available only from the new extension of Harry S Truman Drive. DPR staff has no information regarding timing of master planned road construction. To address maintenance access to the park, DPR staff requested and applicant agreed to build a temporary gravel maintenance road from Ritchie Marlboro Road to dedicated parkland within the former Chesapeake Beach Railroad right-of-way. In the future, when other vehicular access to the park will be available, this maintenance road will be converted into a master planned trail.~~

~~DPR shall provide an easement to DPW&T for the construction and maintenance of a stormwater management pond on parkland for the master plan road provided that DPW&T agrees to enter into an agreement with DPR for functional maintenance of the pond. DPR shall be responsible for esthetic maintenance of the pond.]~~

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*On July 11, 2013 the Planning Board heard a reconsideration request by the applicant in part regarding the deletion of conditions of approval which required improvements to the dedicated parkland, as discussed further in the Reconsideration Hearing finding. The conditions of the original approval which required certain improvement be constructed by the applicant on the dedicated parkland were deleted. In lieu of those improvements, the applicant will pay \$70,000 in 2013 dollars into an account established for this park for future improvements as discussed further.

Conclusion

In summary, the applicant proposes the dedication of 19.1 acres of parkland on site and 5,003 square feet off-site, as shown on DPR Exhibit "A." The applicant also proffered the *payment of a fee in lieu of the original conditions of approval which required the construction of a 10-foot-wide gravel park maintenance road from Ritchie Marlboro Road to the dedicated parkland and grading of the parkland for the future development and installation of the park gates at the entrance from Ritchie Marlboro Road, *as approved by the Planning Board in the reconsideration. In addition to public parkland dedication ~~*[and park improvements]~~, the applicant will provide on-site private recreational facilities. At the at the time of approval of the comprehensive design plan for the site, CDP-0303, DPR staff agreed to allow tree conservation on dedicated parkland. In return, the applicant agreed to additional parkland dedication. ~~*[and the provision of parkland improvements DPR staff believes that t]~~ This application is in general conformance with the conditions of the previous approvals, the approved Westphalia Sector Plan and Sectional Map Amendment, and Section 24-134 of the Subdivision Regulations as they pertain to parks and recreation.

9. **Trails**—CDP-0303 includes several conditions of approval pertaining to trail and pedestrian facilities:
 15. **The applicant shall construct an eight-foot-wide asphalt trail connector from the end of Street A to and around the storm water management pond to be built on dedicated parkland.**
 18. **All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction.**
 27. **Prior to specific design plan approval, the applicant shall include on the plans an eight-foot wide, asphalt trail connection from the subject site to the property line for eventual connection to the planned master plan trail along the Chesapeake Beach Railroad right-of-way, per the concurrence of the Department of Parks and Recreation.**

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28. **Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.**
30. **Prior to the approval of the Preliminary Plan of Subdivision and any specific design plan for the site, the trails coordinator shall review and approve the design and location of the trails internal to the site.**

Some substantial revisions have been made to the preliminary plan from what was approved on the CDP. The biggest change is the addition of A-39 (Harry S Truman Drive extended) to the preliminary plan. This master plan road was not included in the approved CDP, and the addition of this road makes the trail around the stormwater management pond and the connection to the Chesapeake Beach Railroad Trail not feasible. These issues are discussed in more detail below.

Two master plan trails impact the subject site. The adopted and approved Melwood-Westphalia master plan recommends a multiuse trail along the entire length of the former Chesapeake Beach Railroad right-of-way. This right-of-way is immediately adjacent and to the south of the subject site. The approved CDP includes a trail connection to the future rail-trail from the end of Street A. However, the CDP did not include provision for the future A-39 planned in the sector plan as now shown on the submitted preliminary plan. A-39 will separate the development from the dedicated parkland and may make a pedestrian connection to the future rail-trail impractical at this location. With the provision of a trail along A-39, a separate trail connecting to the rail-trail will not be necessary. Similarly, the stormwater management pond referenced in Condition 15 is no longer shown on the plan. It was previously shown in the area now reserved for A-39.

The adopted and approved Largo-Lottsford master plan and the more recently approved Westphalia sector plan recommend a master plan trail along White House Road. Several segments of this facility have been completed in the vicinity of the subject site through recent development proposals and road improvement projects. The Largo Woods subdivision includes a segment of this trail along the north side of White House Road. It should also be noted that a long segment of the master plan trail along Ritchie-Marlboro Road was implemented as an eight-foot-wide sidewalk through the road improvement project for the Ritchie Marlboro interchange at the Beltway. This wide sidewalk extends approximately 4,800 linear feet along Ritchie Marlboro Road from Walker Mill Road (inside the Beltway) to just south of the White House Road intersection. This wide sidewalk ends just to the west of the subject property. Staff recommends the continuation of a standard or wide sidewalk along the subject site's frontage of White House Road. The width and location of the sidewalk can be determined at the time of SDP. The feasibility of this connection in relation to the adjacent wetlands can also be evaluated at this time.

The adopted and approved Westphalia sector plan also recommends a master plan trail along Harry S Truman extended. The Westphalia transportation network approved by CR-2-2007 shows the extension of Harry S. Truman Drive being implemented as A-39, or a realigned Ritchie-Marlboro Road. A-39 is a master plan trail/bikeway corridor, and the realigned road will connect Ritchie-Marlboro Road with White House Road (see attached Map 7). The master plan trail has been completed along a portion of Ritchie-Marlboro road at the Beltway, and another segment has

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been approved for construction through the Marlboro Ridge development. Staff recommends that an eight-foot-wide master plan trail be provided along the subject site's entire portion of the A-39. This trail should be provided concurrently with road construction. The trail should be separated from the curb by a grass planting strip. The location of this trail along either the east or west side of A-39 should be determined by DPW&T. This master plan trail will probably be provided by DPW&T at the time of road construction. The trail was approved along the west side of Ritchie-Marlboro Road in the Marlboro Ridge development.

The Historic Preservation and Public Facilities Planning Section has identified two historic farm roads on the site. One is parallel to the west side of A-39 and the other is located on the eastern edge of the site within the designated buffer area. These historic roads should be identified on the preliminary plan. To the extent practical, these historic roads should be preserved within the proposed open space, and the feasibility of natural surface trails along these former roads should be evaluated at the time of SDP. These trails could potentially be part of a historic interpretation of the resources on the site. However, existing wetlands may prevent the use of the farm roads in this manner.

Sidewalk Connectivity

Sidewalks and trails exist in many of the communities developed just to the north of the subject site. However, the road cross section used varies from community to community, and sidewalks are fragmented or missing in some areas. Recently completed Harry S. Truman Drive includes a master plan trail (implemented as an eight-foot-wide sidewalk) along its entire eastern side, ending at the road's terminus at Ritchie-Marlboro Road. Subdivisions immediately north of the subject site and Ritchie-Marlboro Road have open section roads with no sidewalks. The community along Pookey Way includes a sidewalk on one side of the residential roads. In light of the existing situation in surrounding communities and the density of the proposed development, staff recommends sidewalks along both sides of all internal roads, unless modified by DPW&T.

Much of the north side of White House Road includes either a standard sidewalk or, in the recently completed subdivisions, an eight-foot-wide master plan trail. This trail has been constructed or is planned along the north side of White House Road immediately opposite the subject site. The south side of the road is mostly open section with a gravel shoulder east of the subject site. In a few locations the road has been widened slightly and the shoulder has been paved.

The recently completed road project for the Ritchie-Marlboro Road interchange with the Capital Beltway and includes an eight-foot-wide sidewalk along the south side of Ritchie-Marlboro Road for the entire length of the project. This sidewalk ends just south of where Ritchie-Marlboro Road intersects with White House Road. The provision of a standard or wide sidewalk should be considered along the subject site's frontage of the south side of White House Road at the time of SDP. This sidewalk would ultimately link to the existing sidewalk recently constructed by DPW&T. However, the ultimate determination regarding the feasibility this sidewalk may be contingent on the ultimate road cross section required by DPW&T and environmental constraints

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due to the wetlands just south of the road. The sidewalk may have to be narrower depending upon the amount of area available due to the location of the wetlands.

10. **Transportation**—The applicant submitted a traffic study dated April 6, 2007. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines for the Analysis of the Traffic Impact of Development Proposals. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road and Sansbury Road	A/931	A/946
Ritchie Marlboro Road and White House Road	A/958	A/677
White House Road @ Woodlawn Blvd-Brown Station Rd.	A/876	B/1063
White House Road @ Harry S Truman Drive. *	F/233.6	F/164.5
I-95 @ Ritchie Marlboro Road SB Ramps-Roundabout	A/6.6	A/8.8
I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout	A/8.2	A/7.5
*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 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

The traffic study identified 19 background developments that could have an impact on some or all of the intersections being analyzed. The traffic study applied a two percent per year growth factor to the traffic along Ritchie-Marlboro Road based on historical traffic data provided by the Maryland State Highway Administration (SHA). A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

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BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road and Sansbury Road	E/1,452	D/1,419
Ritchie Marlboro Road and White House Road	D/1,344	A/991
White House Road @ Woodlawn Blvd-Brown Station Rd.	A/964	C/1219
White House Road @ Harry S Truman Drive. *	F/833.8 seconds	F/515.8 seconds
I-95 @ Ritchie Marlboro Road SB Ramps-Roundabout	A/6.5 seconds	A/8.5 seconds
I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout	A/10.5 seconds	F/82.9 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 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

Using the Guidelines for the Analysis of the Traffic Impact of Development Proposals, the study has indicated that the proposed development of 76 residential apartments will be adding 57 (11 in, 46 out) AM peak-hour trips and 69 (45 in, 24 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

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TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road and Sansbury Road	E/1469	D/1436
Ritchie Marlboro Road and White House Road	D/1362	B/1013
White House Road @ Woodlawn Blvd-Brown Station Rd.	A/965	C/1220
White House Road @ Harry S Truman Drive. *	F/679.7 seconds	F/657.0 seconds
I-95 @ Ritchie Marlboro Road SB Ramps-Roundabout	A/6.8 seconds	A/11.6 seconds
I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout	A/10.6 seconds	F/85.6 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 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

In light of the results which indicated failing levels of service at two of the above intersections (in **bold face**), the traffic study has proposed the following improvements:

Ritchie Marlboro Road & Sansbury Road

- Modify the westbound approach to provide three through lanes

White House Road & Harry S Truman Drive.

- Conduct a traffic signal warrant study

Because of the proposed improvements to the Ritchie Marlboro Road and Sansbury Road intersection, the traffic study concluded that the intersection would operate with a LOS/CLV of B/1,083 during the AM peak hour and D/1,436 during the PM peak hour. Regarding the NB Ramps at the I-95 @ Ritchie Marlboro Road roundabout, the traffic study showed a failing delay of 85.6 seconds. It acknowledged, however, that the proposed development would add less than three seconds to the overall operation. It further intimated that much of the increase in delay at said facility is attributed to many background developments, whose build-out timeline exceeds that of the subject application.

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Staff Review and Comments:

Upon review of the applicant's traffic study, staff concurs with its findings regarding the adequacy of the intersections within the study area. However, it is worth mentioning that while the traffic study acknowledged that the proposed delay of 85.6 seconds at the NB Ramps at the I-95 @ Ritchie Marlboro Road roundabout has been determined to be failing, the Planning Department's guidelines has never established an official adequacy threshold specifically for roundabouts. Consequently, staff can neither concur nor disagree with the study's finding that the future delay of 85.6 seconds is deemed to be failing. In the past, where the analyses of roundabouts are part of a study area, staff has relied on input from either the Department of Public Works and Transportation (DPW&T) and/or SHA in determining what is acceptable or not for roundabouts.

In addition to transportation staff, the county's DPW&T, as well as SHA, also reviewed the traffic study. In a June 1, 2007, letter to staff (Issayans to Burton) from DPW&T, in addition to its concurrence with the study conclusions, the following are recommended *unless modified by DPW&T:

- Provision of traffic signal warrant study at the intersection of White House Road @ Harry S Truman Drive. If the signal is deemed to be warranted, the cost of the design and installation shall be borne by the applicant.
- Provision of a deceleration and an acceleration lane along White House Road and the site entrance.

Provision of a left-turn bay on westbound White House Road at its intersection with the site access road.

SHA, in a June 5, 2007, letter (Foster to Foster) to staff, also expressed its concurrence with the traffic study conclusions. Additionally, it acknowledged the fact that the NB Ramps at the I-95 @ Ritchie Marlboro Road roundabout would fail due primarily to approved background developments. It further confirmed that the proposed development would add approximately two seconds of delay. SHA did not require any mitigation from the applicant based on the marginal impact of the proposed development on this facility.

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Master Plan Comments

The approved Westphalia sector plan (2007) recommends Harry S Truman Drive to be extended (A-39) as an arterial roadway within a 120-foot right-of-way. The subject property abuts White House Road in the vicinity of Harry S Truman Drive and would be impacted by the planned extension of Harry S Truman Drive through the subject property. Staff is therefore recommending a dedication of 120 feet of right-of-way, as identified by staff, to facilitate the future construction of A-39.

Transportation Staff Findings

The application is a preliminary plan of subdivision for a residential development that was analyzed for 76 single-family residential dwelling units. The proposed development will be adding 57 (11 in, 46 out) AM peak-hour trips and 69 (45 in, 24 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- Ritchie Marlboro Road and Sansbury Road
- Ritchie Marlboro Road and White House Road
- White House Road @ Woodlawn Boulevard-Brown Station Road
- White House Road @ Harry S Truman (unsignalized)
- I-95 @ Ritchie Marlboro Road SB Ramps-Roundabout
- I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout

Growth Policy—Service Level Standards

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 better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the

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Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the intersections with the exception of White House Road *[@] at Harry S Truman (unsignalized) are currently operating adequately; however, the following are projected to operate inadequately under background and total conditions.

- Ritchie Marlboro Road and Sansbury Road
- White House Road @ Harry S Truman (unsignalized)
- I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout

In light of these projected inadequacies, the following improvements have been proffered by the applicant:

Ritchie Marlboro Road and Sansbury Road

- Modify the westbound approach to provide three through lanes

White House Road and Harry S Truman Drive

- Conduct a traffic signal warrant study

No improvements were offered for the additional delay at the I-95 *[@] at Ritchie Marlboro Road NB Ramps-Roundabout; however, SHA—the agency that has jurisdiction over the operation of said facility—did not require any improvements from the applicant for the modest increase in the delay.

Conclusion

Based on the preceding findings, the Planning Board concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the conditions consistent with those findings.

11. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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:

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Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	73	73	73
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	17.52	4.38	8.76
Actual Enrollment	3,933	67.82	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	0	0.72	1.44
Total Enrollment	4,115.52	6,904.1	10,786.2
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	99.40	108.62	105.19

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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 finds 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.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Ritchie, Company 37, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The fire chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

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13. **Police Facilities**—The subject property is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 2, 2007.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date 04/02/2007	3/06 – 3/07	11 minutes	20 minutes
Cycle 1	4/06-4/07	11 minutes	19 minutes
Cycle 2	5/06-5/07	10 minutes	18 minutes
Cycle 3	6/06-6/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on June 12, 1007.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The police chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and had no comments to offer.
15. **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 (CSD # 43083-2005-00) has been approved to ensure that development of this site does not result in on-site or downstream flooding. However, this plan is currently being revised to take into account comments from the Environmental Planning Section. Prior to signature approval of this application, the revised stormwater management concept plan must be approved and the approval date noted on the preliminary plan.
16. **Historic**— A Phase I archeological survey was completed on the Kenwood Village Property in February 2007. A draft report, *Phase I Archaeological Investigation of the Kenwood Village Property in Prince George's County, Maryland, Preliminary Plan #4-06159*, was received by the Planning Department and was reviewed by Historic Preservation staff. Three archeological sites were identified, 18R870, 18PR871, and 18PR872. Site 18PR870 is an early- to late-20th-century domestic site. Site 18PR871 is a mid-18th to late-20th-century domestic site, which contained two houses. Site 18PR872 is a small prehistoric site of unknown date at the head of a spring. Two historic access roads lead to sites 18PR870 and 18PR871 off of White House Road. These access roads could possibly be used as recreational trails for the development. A portion of the Chesapeake Beach Railroad bed is also located in the southwestern corner of the property. Staff

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concur with the report's recommendations that no further archeological work is necessary on sites 18PR870 and 18PR872 due to significant disturbance or lack of research potential. Staff believes that since further construction may not be able to avoid site 18PR871, Phase II investigations should be performed to determine the site's extent and the presence of intact features and middens.

- *17. **Reconsideration Hearing**—This preliminary plan of subdivision was originally approved by the Planning Board on September 13, 2007 (PGCPB Resolution No. 07-169) and was mailed on October 22, 2007. Michele LaRocca of Myers, Rodbell & Rosenbaum, P.A., on behalf of the applicant, by letter dated May 2, 2013, requested a waiver and reconsideration of Conditions 4, 11, 12, 20, 27, and 28, and the related Findings. On May 30, 2013, the Planning Board granted that request. The hearing on the merits of that request was held on July 11, 2013 where the Planning Board approved a modification of the conditions of approval including associated findings as indicated herein.

*The applicant requested the deletion of Condition 4, 27 and 28 of the original resolution of approval which relate to improvements on the dedicated parkland. At the hearing on July 11, 2013 the Planning Board considered the following:

*According to these conditions, the applicant is required to construct a ten-foot-wide gravel maintenance access road from Ritchie Marlboro Road and grade the southern portion of the parkland in the time frame established by Conditions 27 and 28. In addition, the applicant is required to provide construction drawings, the public recreational facilities agreement, and a performance bond to the Department of Parks and Recreation (DPR). The applicant proposes a payment of a fee-in-lieu of construction of the gravel maintenance access road and grading of the southern portion of the parkland. The applicant and members of the surrounding community were concerned about possible illegal vehicular access to the undeveloped portion of the parkland being located in close proximity to the residential properties and to adjacent farmland. It is anticipated that the improvements in the park, including trailhead facilities, will be constructed at the time of the construction of the master-planned trail on the adjacent park property. The future development of the parkland is anticipated when additional development occurs in the surrounding area, beyond the subject property. After consideration of these concerns, the Planning Board accepts the applicant's proposal of a fee-in-lieu in the amount of \$70,000 in 2013 dollars, with an additional condition for the payment. With the deletion of the conditions regarding specific improvements, the bonding, construction drawings and recreational facilities agreement are no longer necessary. The monetary contribution will be placed in a park development account and used at a later date for the development of the park.

*The Planning Board approves the deletion of Condition 4, 27 and 28 subject to an additional condition which requires the payment of the fee-in-lieu of improvements as requested by the applicant (Condition 32).

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*The applicant requested the deletion of Condition 11 of the original resolution of approval which relate to noise mitigation along Harry S Truman Drive. In response to the applicant's request the Planning Board considered the following and did not grant the applicant's request:

*At the time of the original preliminary plan review, the noise impact area was determined to be 144 feet from the centerline of White House Road and 228 feet from the centerline of Harry S Truman Drive based on the Environmental Planning Section noise model, which uses the projected average daily traffic for each right-of-way. This information was found to be acceptable in lieu of a study. Because no lots were to be impacted by noise from White House Road, mitigation was not required. The model did indicate that several lots would be impacted by noise associated with the extension of Harry S Truman Drive. The approved TCPI shows the unmitigated 65 dBA Ldn noise contour generated by the model. Lots 1, 2, 62 thru 65, 71, and 72 were estimated to be impacted as part of the preliminary plan approval.

*The preliminary plan review further established the need to address traffic-related noise with respect to the approved lotting pattern and established the specific design plan (SDP) as the timing mechanism to ensure that any mitigation measures that may be needed would be addressed at that time. The approval was left somewhat open as to how the mitigation would be accomplished. Condition 11 was also written to address the likelihood of a wall being needed to mitigate noise, not the fence that we now know based on the noise study should be adequate to mitigate the adverse noise impacts.

*As part of the SDP application, a noise study was submitted for Harry S Truman Drive, by the applicant. While the title of this study indicates that it is a Phase I noise study, it included a mitigation evaluation as required in what is typically referred to as a Phase II noise study and was accepted with the SDP as meeting Condition 11. The analysis of this reconsideration request brings forward the noise report submitted with the SDP entitled Kenwood Village Phase I Noise Analysis, prepared by Phoenix Noise & Vibration, LLC, and dated January 31, 2013.

*The noise study prepared by the applicants expert not only determined the location of the unmitigated 65 dBA Ldn upper and ground level noise contours based on modeling, it also included a Phase II assessment that provided recommendations for mitigation to reduce noise to an acceptable level. Because the road has not yet been built, the study was based on future modeling that included existing conditions and future site development, and assumptions regarding the road design. Noise modeling is an accepted practice in the field of acoustical analysis, and often used by the Planning Board in projecting impacts of future development.

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*The applicant's noise study showed that the unmitigated 65 dBA Ldn noise contours for Harry S Truman Drive are estimated at approximately 150 feet (ground level) and 190 feet (upper level) from its centerline, which results in noise impacts to proposed Lots 1, 71, 72, 63, 64, and 65 as shown on the SDP. It should be noted that with the refinement in the location of the unmitigated 65 dBA Ldn provided in the applicant's noise study, the lots estimated to be affected by unmitigated noise were reduced as reflected on the TCPII associated with the SDP.

*Section 24-121(a)(4) of the Subdivision Regulations states: "Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate." Based on the applicant's noise study, adequate protection in the form of a fence would be appropriate. In addition to the requirements of the Subdivision Regulations, the Zoning Map Amendment (A-9803) approved by the County Council contained the following consideration: "The depths of all lots adjacent to Harry S Truman Drive and White House Road shall be adequate to provide visual and sound screening as part of Specific Design Plan approval." While this consideration is specific to lot depth, it demonstrates that mitigation of noise associated with Harry S Truman Drive was considered from the very beginning of this case.

*To mitigate for the rear yards of these lots, the applicant's noise study recommended a nine-foot-tall fence along the rear yard of four lots, or approximately 615 linear feet, of the 940 linear feet of frontage this site has along the east side of Harry S Truman Drive which will be deducted at time of final plat. The report estimated that the proposed fence would mitigate noise in the rear yards to below 60 dBA Ldn. In accordance with the above condition, the fence was shown on the SDP on an HOA parcel. The final building material and fence details should be addressed as part of the SDP in accordance with the materials outlined in the study. The final location and dimensions of the noise fence should also be determined as part of the SDP.

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*As a result of the rezoning of the property (A-9803), a 120-foot right-of-way for the extension of Harry S Truman Drive (Master Plan Road A-39) was required to be dedicated. While the applicant is not required to build the road, and funding is not readily available for the Department of Public Works and Transportation (DPW&T) to construct the road, there is a reasonable expectation that the road will eventually be built. The future needs of the homeowners should be addressed based on the required dedication. The applicant's request to eliminate the above condition would shift the burden of providing noise mitigation onto the government (DPW&T) to fulfill when the road is built. Providing a fence for noise mitigation purposes, as outlined in the applicant's noise study, would not be an unreasonable economic burden for the applicant and would protect the homeowners. The installation of a fence would serve many purposes in addition to providing noise mitigation.

*The fence, as outlined in the applicant's noise study, would be a design consistent with residential uses and serve the following purposes: provide privacy while still allowing a view of the HOA parcel and the wooded right-of-way; provide the delineation of a rear yard so that homeowners would not have to build a fence themselves; provide a visual buffer when the road is installed; and provide a measure of safety from the road when it is installed.

*While the HOA parcel was originally envisioned to provide common space away from the lots for the installation and maintenance of a wall and is not necessarily needed for the installation and maintenance of a residential type fence, it is recommended that the HOA parcel shown on the SDP remain to allow the greatest flexibility in fence location and to provide space to fulfill the screening requirements of the 2010 *Prince George's County Landscape Manual*.

*In regards to their request, the applicant is specifying that noise mitigation measures should only be required for roads that are in existence or fully funded for construction at the time of SDP approval. Again, Section 24-121(a)(4) of the Subdivision Regulations, states the following:

*** (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

*Section 24-121(a)(3) of the Subdivision Regulations also states that:

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***(3) As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan.**

*Therefore, the applicant's argument is contradicted by the code requirement which specifically defines lot depths and noise issues should apply to "existing and planned" arterial roadways, regardless of the roads funding status. The roadway in question is the master planned Harry S Truman Drive, which is listed as an arterial roadway in the 2009 Countywide Master Plan of Transportation (MPOT). Dedication of right-of-way for this road through the subject property was required by the District Council at time of the approval of A-9802/9803 (Condition 2) in 1992. The issue of noise impacts from Harry S Truman Drive was also brought up with A-9802/9803, as memorialized in Consideration 3 of that approval as follows:

***Consideration 3**

***The depths of all lots adjacent to Harry S Truman Drive and White House Road shall be adequate to provide visual and sound screenings as part of Specific Design Plan approval.**

*The Planning Board, through Condition 11 (renumbered as Condition 10) attached to the approval of Preliminary Plan of Subdivision 4-06159, furthered this consideration, by requiring a Phase II Noise Study be submitted with the SDP and proposed noise mitigation measures be shown on the SDP to address all traffic-related noise. Furthermore, at the time of SDP review, the applicant did submit a noise study indicating that the noise impacts could be mitigated with a nine-foot-high fence, along the rear of four lots which has a less onerous economic impact, compared to other possible mitigation measures, and could serve as a benefit to potential homeowners to have their rear yards already partially fenced. Therefore, it is not justified to modify the PPS condition as the applicant requests. However, due to the results of the Phase II Noise Study, it is appropriate to delete the following sentence from Condition 11 (renumbered as Condition 10) in order to leave the utmost flexibility in the design of the noise mitigation measures at the time of SDP review:

*"If a noise wall is proposed, it must be placed on an HOA parcel and show a minimum of 10 feet of unencumbered area on each side of the wall for future access and maintenance."

*While a large, permanent noise wall would be most appropriately placed on a separate HOA parcel in order to provide sufficient access space for maintenance, it is not necessary for a fence, which usually does not require large equipment to maintain or repair.

*The Planning Board retained Condition 11 (renumbered as Condition 10) with modifications to allow greater flexibility at the time of SDP, and retained Condition 12 (renumbered as Condition 11) which related to interior noise mitigation.

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*The applicant's noise study showed that even with the installation of the recommended fence, the upper levels of the future homes on several proposed lots would be impacted by interior noise levels above the 45 dBA Ldn standard. The noise study further stated that a building shell analysis of the proposed building materials would be needed in order to accurately determine if the structures themselves would mitigate interior noise. At the time of the study, that information was not available to the noise consultant. Prior to the issuance of the building permits, a noise certification should be provided with the architectural plans to ensure that the materials are sufficient to mitigate interior noise levels to below 45 dBA Ldn.

*The Planning Board retained Condition 12 (renumbered as Condition 11).

*The applicant requested the modification of Condition 20 of the original resolution of approval which relate to road improvements which are under the jurisdiction of the Department of Public Works and Transportation. At the hearing on July 11, 2013 the Planning Board considered the following:

*The Transportation Planning Section reviewed the applicants request and found that none of the improvements listed in Condition 20 are needed to provide extra capacity, but rather, are needed for safety reasons and are under the jurisdiction of the Department of Public Works and Transportation (DPW&T). Consequently, DPW&T can require the applicant provide or not provide frontage improvements under Subtitle 23, Road Code.

*The Planning Board approved a modification of Condition 19, as requested by the applicant.

***TCPI Revision**

*The Environmental Planning Section reviewed the applicant's request to delete conditions related to improvements to the dedicated parkland which does impact the TCP. The Type I Tree Conservation Plan TCPI-017-04-01 currently shows the following note on Parcel B that is to be dedicated to the Department of Parks and Recreation (DPR). The note reads: "Area of Parkland to be graded by applicant per "Exhibit 'A', CDP-0303, D.P.R. 2.16.05 Hasan" – 3.9 +/- Acres." Because the applicant's request was granted to delete Condition 28, the note on the TCPI will be deleted and the TCPI will need to be certified as the '-02' revision (TCPI-017-04-02).

*The Planning Board approved an additional condition (Condition 32) to require the necessary modification to the TCPI, and approved an 02 revision to the TCP to reflect the conditioned revision.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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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 date of notice of 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, September 13, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of October 2007.

*This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating in part to parks, transportation and noise on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 25th day of July 2013.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

7/16/13

Patricia Colihan Barney
Executive Director

By


Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language