

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

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

*[WHEREAS, in consideration of evidence presented at a public hearing on October 30, 2003, regarding Detailed Site Plan DSP-03030 for Summerwood, the Planning Board finds:]

*WHEREAS, DSP-03030 for Summerwood was approved by the Planning Board on October 30, 2003, and PGCPB Resolution No. 03-230 was adopted on December 4, 2003; and

*WHEREAS, on March 22, 2004, the District Council elected to review this case; and

*WHEREAS, on May 18, 2004, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to allow all interested persons to become parties of record, to examine lot sizes, lot and community design buffering and screening of the site, and other matters; and

*WHEREAS, in consideration of evidence presented at a second public hearing on July 29, 2004 regarding DSP-03030 for Summerwood, the Planning Board made the following amended findings:

1. **Request:** The subject application is for approval of a detailed site plan for *159 [160] single-family detached houses *and one lot for community use in the R-R Zone.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Vacant/wooded	Residential
Acreage	116.6	116.6
Cluster net tract area	97.37	97.37
Area within existing 100-year floodplain	13.33	13.33
Area of slopes greater than 25%	5.90	5.90
Number of lots	N/A	160 (194 permitted)
Minimum lot area (square feet)	N/A	10,000 (10,000 permitted)
Number of flag lots	N/A	1

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OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Cluster open space (acres)	28.32	60.28
Open space required to be outside of 100-year floodplain and SWM facility (acres)	18.88	40.02
Open space to be conveyed to HOA	-	60.28
Mandatory dedication	Fee-in-lieu	Fee-in-lieu

CLUSTER MODIFICATIONS

	STANDARD	ALLOWED	PROPOSED
Net lot coverage	25%	30%	30%
Lot width at building line (ft.)	100	75	75
Frontage along street (ft.)	70	50	50
Frontage along Cul-de-sac (ft.)	60	50	50

ARCHITECTURAL MODEL DATA

Model	Base Finished Area (Sq.Ft.)
Abraham Clark III T3-01	3,110
Abraham Clark TII-96	2,482
Ben Franklin D-94	2,292
Dorchester WD-2000	3,640
Francis Marion M-97	2,900
Francis Scott key 0-99	2,712
George Mason N-94	2,021
Independence 99	3,120
James Monroe J-99	3,254
John Rutledge R-99	2,705
Molly Pitcher S-94	2,702
Victory V-95	2,523

3. **Location:** The site is in Planning Area 84, Council District 9. More specifically, the property is located on the southeast side of Indian Head Highway approximately one mile south of the MD 228 intersection in Accokeek.
4. **Surroundings and Use:** The subject property is surrounded by a mix of undeveloped land and single-family homes on large acreage parcels in the R-R and R-A Zones. Adjoining the subject property to the southwest, along the Indian Head Highway service road, is a partially developed area of commercial land use. The commercial property adjoining to the southwest is in the C-M Zone. The areas beyond the subject property southeast of the SMECO power line right-of-way are in the R-A Zone.
5. **Previous Approvals:** The subject site has a Preliminary Plan of Subdivision 4-99038 (including a Type I Tree Conservation Plan TCPI/27/99) known as Summerfield Cluster, which consists of a 116.6-acre parcel of land for 160 lots, 8 parcels and was approved by the Planning Board

(PGCPB No. 99-212) on November 18, 1999, subject to 13 conditions. The applicant has requested and received three extensions and Preliminary Plan of Subdivision 4-99038 will be valid through November 18, 2003. The site also has an approved Stormwater Management Concept Approval, #8005200-1999-01.

6. **Design Features:** The application proposes construction of 160 single-family detached houses on a strip of land between Indian Head Highway and Clinton/Manning Road. On-site environmental features such as steep slopes and 100-year floodplain divide the site into three distinct pods. Two smaller pods with a total of 46 lots will be accessed through the Indian Head Highway's service road; while the larger pod, with a total of 114 lots, will be accessed by Clinton/Manning Road to the east. A 110-foot-wide Southern Maryland Electric Cooperative (SMECO) easement bisects the southern part of the largest pod. Cul-de-sacs and loops dominate the internal street pattern. The proposed 160 single-family detached houses are arranged along both sides of the internal streets.

Three tot lots are proposed. Tot Lot C is enhanced with sitting and a picnic area. An internal trail system of approximately 3,840 linear feet is also proposed within the HOA land that will link all three residential pods. The Preliminary Plan of Subdivision, 4-99038, requires one pre-teen lot and two tot lots. A condition of approval has been proposed to revise the site plan in order to be in compliance with the approved plan.

Twelve 2-story architectural models are proposed for the development. The models are mainly of traditional architectural style with varied roof patterns and decorative elements. Each model has a two-car garage as a standard feature and is finished with either standard vinyl siding or brick veneer. Total base finished area of the models, as indicated in the Architectural Model Data table, varies from 2,021 to 3,640 square feet. *Total finished area with all options ranges from 3,155 (including above-grade finished area 2,197 square feet; below-grade finished area 958 square feet) to 5,371 square feet (including 3,765 above-grade finished area and below-grade finished area of 1,606 square feet).

*A community building has been proposed on Lot 85, Block A, as a venue for community meetings. The proposed one-story community building of approximately 1,200 square feet features a pitched roof decorated with dormer windows, double-hung crowned sash windows, flat roof entrance portico and is finished with brick veneer. Six parking spaces are located in front of the building facing Horse Collar Road, an internal street. The buffering landscape has been proposed along the site's boundaries adjacent to Lot 86 and HOA open space, Parcel J, Block A. The community building is not required by the Zoning Ordinance and is not normally required for a subdivision of only 159 homes in this county, because the future maintenance of the building has the potential to be a burden to the future residents. The applicant has also proposed an option to the community building that involves a contribution to a local community organization, as indicated in proposed Condition 11.a. below.

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COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed single-family detached dwellings are a permitted use in the R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.
8. **Preliminary Plan of Subdivision 4-99038:** The Preliminary Plan of Subdivision, 4-99038, was approved by the Planning Board on November 18, 1999, subject to 13 conditions. Four conditions of approval that are related to the review of the subject detailed site plan warrant the following discussion. All other permit-related conditions will be enforced at the time of permit issuance.

2. **At the time of Detailed Site Plan review, special attention shall be given, but shall not be limited to the following:**

- a. **The stormwater management facilities shall be reviewed for aesthetic consideration including but not limited to grading, landscaping, surface treatment of the maintenance roads and the incorporation of trails. Particular attention shall be given to the stormwater management facility in Phase III.**

Comment: The plans submitted include the location of the proposed stormwater management facilities, their general grading, the internal trails systems and the maintenance roads. The general grading of stormwater management ponds is acceptable aesthetically. But the landscape plan only shows landscaping around one stormwater management pond. A condition of approval has been proposed to require more landscaping treatment around the rest of the stormwater management facilities subject to further review and approval.

- b. **The applicant shall obtain Alternative Compliance for the lots that adjoin the SMECO easement.**

Comment: An Alternative Compliance application for the lots that are adjacent to the SMECO easement has been filed at the time of DSP submission.

- c. **The entrance features and associated landscaping located at the entrances to the development on the homeowners open space.**

Comment: Entrance features consisting of brick walls, brick piers with pre-cast caps, planters and sign panels are proposed at the entrance points to the three pods with landscaping. The revised entrance features and associated landscaping comply with the Zoning Ordinance.

- d. The siting and architectural design of the recreational facilities, especially the one on axis with the entrance off of Clinton Drive.**

Comment: The plans have shown the boundaries, siting and architectural design of the proposed recreational facilities in the outdoor play areas. A gazebo and decorative landscaping have been proposed at the end of the axis of Castle Creek Lane, which is the main access road to the subdivision off Clinton Drive. The gazebo provides visual interest to both residents and visitors.

- e. The relationship of the building envelope and required bufferyard on all flag lots.**

Comment: The site plan has only one flag lot, Lot 53. The site plan shows the allowable building envelope and landscaping in a conceptual way. Per Section 24-138.01, different types of buffers are required given different orientations of a building on the flag lot. More information such as the type of bufferyard and landscaping schedules should be provided in order to document the bufferyard. A condition of approval has been proposed to remedy this technical deficiency.

- f. The Detailed Site Plan shall show the materials and construction details for a noise attenuation wall along Indian Head Highway. The architectural plans shall indicate measures to be used to further abate noise intrusion to ensure safe noise levels in the second floor of structures on the lots adjoining Indian Head Highway.**

Comment: A noise study has been performed to address the noise issue on the lots adjoining Indian Head Highway. The site plan also shows the details of the proposed noise attenuation measure that will abate the outdoor highway-related noise level to 65 dBA. No building-related noise attenuation measure has been proposed to further abate noise intrusion to ensure the indoor noise level is below 45 dBA. A condition of approval has been proposed to address the indoor noise level issue.

- 5. A soils report focusing on foundation and drainage problems, including recommendations for mitigation of any potential problems, shall be reviewed and approved by the Environmental Planning Section prior to the Planning Board hearing for the Detailed Site Plan.**

Comment: A soils report as required has been submitted with the detailed site plan. The Environmental Planning Section has reviewed and approved the submitted soils report prepared by Geotechnical & Material Testing, Inc (GMTI).

6. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/27/99). The following note shall be placed on the Final Plat of Subdivision:**

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/27/99), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.

Comment: A Type II Tree Conservation Plan has been prepared and submitted with this detailed site plan. A review of the TCPII by the Environmental Planning Section concluded that the proposed development is consistent to the proposed TCPII, thus complies with the Woodland Conservation Ordinance.

7. **A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.**

Comment: A Type II Tree Conservation Plan, TCPII/148/02, has been submitted with this detailed site plan (DSP) and will be heard on the same day with the DSP.

13. **No driveway cuts shall be allowed into lots adjacent to the service road that runs parallel along Indian Head Highway.**

Comment: The detailed site plan shows three distinct pods. No driveway cuts have been made into any lots adjacent to the service road that runs parallel along Indian Head Highway. The DSP complies with this condition.

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.1, Residential Requirements; Section 4.6, Buffering Residential Development from Streets, and Section 4.7, Buffer Incompatible Uses, of the *Landscape Manual*.

- a. **Section 4.1.** The applicant proposes a total of 160 lots in this R-R Cluster. According to the requirements of Section 4.1(e), three major shade trees and two ornamental or evergreen trees are required for each lot. A total of 480 shade trees and 320 ornamental or evergreen trees are required. The application proposes 326 shade trees, 163 ornamental trees, and 57 evergreen trees and counts the existing shade trees exceeding two and one-half inches caliper located on an individual lot within 75 feet of a proposed dwelling unit toward fulfillment of this requirement. The application is therefore in compliance with Section 4.1 of the *Landscape Manual*. But the above-noted existing shade trees have not been shown on the landscape plan. A condition of approval has been proposed in the Recommendation section to require this information.

- b. **Section 4.6.** The rear yard of the houses on Lots 14, 15, 16, 24 and 25, Block C, front the right-of-way of Indian Head Highway, which is a freeway by road classification. Section 4.6 requires a minimum 75-foot-wide buffer area with 8 shade trees, 20 evergreen trees, and 48 shrubs per 100 linear feet of right-of-way. The applicant has filed Alternative Compliance from the requirements of Section 4.6, which is currently pending the final approval by the Planning Director.
 - c. **Section 4.7.** A 110-foot-wide Southern Maryland Electric Cooperative (SMECO) easement bisects the southern part of the largest pod. The SMECO easement is defined by the *Landscape Manual* as a medium impact use. Per Section 4.7, a Type “C” bufferyard is required. Condition 2(b) of 4-99038 mandates an Alternative Compliance application to be filed for the lots adjoining the SMECO easement. At the time of this detailed site plan submission, the above-noted AC has already been filed with the Alternative Compliance Committee and is pending the Planning Director’s recommendation.
10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland.
- A Type II Tree Conservation Plan, TCPH/126/03, has been submitted with this application. A review by the Environmental Planning Section indicates that the submittals are in general conformance with the requirements of the Woodland Conservation Ordinance, subject to numerous conditions.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. In a memorandum dated September 2, 2003, the Community Planning Division found that this application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The residential land use proposed by this application conforms to the land use recommendations of the master plan.
 - b. In a memorandum dated October 2, 2003, the Office of Engineering, Department of Public Works and Transportation (DPW&T) of Prince George’s County, provided standard comments on issues such as road dedication, street construction, turning radius, frontage improvement, sidewalks, street lighting, etc., to ensure the plan is in accordance with the requirements of DPW&T and the Department of Environmental Resources (DER). The staff engineer identified one technical problem with the site plan as follows: “The outside radius for the proposed Road H and Road I will restrict the movement for trash trucks. Therefore, these roads should be redesigned to provide adequate outside radius to accommodate truck movement through these roads. Applicant is to revise the plan and resubmit it to DPW&T for review.”

Comment: A condition of approval has been proposed to require the applicant to address this deficiency prior to certificate approval of this site plan and to provide evidence that the revision is satisfactory to DPW&T.

c. The Transportation Planning Section in a memorandum dated October 2, 2003, made the following comments:

- “1. The applicant has provided a traffic signal warrant study for the intersection of MD 210 and Pine Lane. The study concludes that signal warrants at this location are not met. The study has been provided to the State Highway Administration, and that agency must complete its review of the study prior to building permit.
- “2. The applicant has not provided a traffic signal warrant study for the intersection of MD 228 and Manning Road. However, a signal is currently being installed at this location by others, and for that reason the condition is fulfilled.
- “3. The physical improvements at MD 210/MD 373/Livingston Road are currently being designed by the applicant so that they can be bonded.”

In a separate memorandum from the Transportation Planning Section dated October 7, 2003, on detailed site plan review for master plan trail compliance, the trails planner recommended that three conditions be attached to the approval of this detailed site plan regarding trails and sidewalks. The applicant has addressed the above three conditions by revising the plans.

*In response to the Order of Remand, specifically to Item D, the subject application was referred to the Transportation Planning Section. In a memorandum dated July 18, 2004 (Shaffer to Zhang), the trails planner offered the following comments:

*“... Staff supports the trail network proposed on the subject site, for the reasons listed below:

- *“1. Prince George’s County has long utilized stream valleys as trail corridors for both master plan trails and internal HOA trails within developments. The M-NCPPC Department of Parks and Recreation operates many miles of existing stream valley trails, including the Anacostia Tributaries Trails Network, the Henson Creek Stream Valley Trail, the Folly Branch Stream Valley Trail, and the Southwest Branch Stream Valley Trail. These trails are utilized by local residents, as well as area bicycle, trail, and equestrian clubs. Crime is not currently perceived as a problem along existing county trails. The trails also provide opportunities to make some trips by modes other than the automobile. Trails allow residents the opportunity to make some trips by walking or bicycling. These trails are viewed as

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*valuable community amenities. One of the purposes of the trail system proposed in the subject site was to connect the various development pods and allow residents to walk to the adjoining residential areas.

*“2. Many additional miles of stream valley trails are recommended in adopted and approved master plans. In the vicinity of the subject site, the Adopted and Approved Subregion V Master Plan recommends stream valley trails along Tinkers Creek, Piscataway Creek, and Mattawoman Creek. The recently approved Homeland development (preliminary plan 4-02124 and CDP-0203) includes a recommendation for the construction of the stream valley trail and trail head facility along Mattawoman Creek within the subject site.

*“3. Many existing subdivisions include master plan stream valley trails or HOA trails which provide recreational opportunities for residents. The Summerfield Community (near the Morgan Boulevard Metro Station) has miles of trail connections, stream valley trails, and side paths along roadways. Many of these trails are maintained by the local HOA. These trails are an attractive community amenity. The recently approved Morgan Boulevard and Largo Town Center Areas Sector Plan recommends the expansion of this network for recreation, as well as for pedestrian links to Metro. Several recently constructed subdivisions included the construction of the Folly Branch Stream Valley Trail.

*“4. Design techniques can be utilized to reduce the likelihood of the occurrence of crime along trails. These techniques are generally called CPTED (crime prevention through environmental design) and usually involve providing an open, clear area on both sides of the trail to improve visibility, eliminating or trimming underbrush or low hanging limbs along the trail, eliminating sharp turns or blind spots on the trail, and providing adequate lighting at trail access points. Ensuring that the area immediately along the trail has good visibility gives trail users an increased sense of security by allowing a greater awareness of the area around the trail, as well as eliminating possible hiding places for potential criminals or suspicious activity.

*CPTED involves improving territoriality (making public places that people use frequently, are proud of, and want to take care of), natural surveillance (good visibility for trail users and vantage points from nearby residences), natural access control (well-designed trail access points), and maintenance. Regular maintenance of facilities goes a long way toward showing that an area is being regularly patrolled and observed. Staff strongly recommends that the HOA trails on the subject site be designed with these principles in mind. For stream valley trails, staff believes that keeping an open clear space along both sides of the trail is especially important for trail safety. This involves regular mowing along the

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*trail, clearing of underbrush and low hanging limbs, as well as the elimination of blind spots.

**5. Most trails along M-NCPPC parkland are open from dawn to dusk. Any activity along the trail after dark is prohibited and should be reported to the appropriate authorities (park or county police). Staff recommends similar restrictions along HOA trails.

**6. Safe trail usage usually involves traveling with a partner. This can be useful for several reasons, but greatly reduces the likelihood of one of the trail users being a victim of a crime.

**In conclusion, staff supports the provision of the HOA trails indicated on the submitted site plan. These trails are consistent with existing and planned trails across the county. Crime is not currently viewed as a problem on the county trail network. However, the trails should be developed in conformance with the latest CPTED measures. This should include the maintenance of a clear area along both sides of the trail corridor, with the clearing of underbrush and low limbs as necessary to ensure adequate visibility for trail users.”

Comment: *In response to the Order of Remand regarding trail safety, a condition of approval has been proposed in the Recommendation section of this report.

d. The subject application was also referred to the Department of Environmental Resources/Concept. In a memorandum dated August 22, 2003, the staff noted that the site plan is not consistent with the approved Stormwater Management Concept Plan, #8005200-1999-01.

Comment: The applicant has revised the site plan and eliminated all the inconsistencies during the review process.

e. In a memorandum dated October 1, 2003, the Subdivision Section staff found that the detailed site plan presents a lotting pattern and road configuration generally in conformance with the approved preliminary plan. The staff identified several conditions attached to the approval of Preliminary Plan of Subdivision 4-99038 that are applicable to the subject site plan review. See above Finding 8 for a detailed discussion of each condition.

*In response to the Order of Remand, specifically to Items B, C, D and E, the subject application was referred to the Subdivision Section. In a memorandum dated July 9, 2004 (Del Balzo to Zhang), the subdivision planner offered the following comments:

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*“...Originally, a majority of the stream valley and woodlands were tucked behind lots and not visually incorporated into the subdivision. As can be seen on the site plan, there are several large ‘windows’ into the open space, making the

open space visible from the street and well incorporated into the neighborhood. In fact, the Planning Board's resolution on this subdivision included a condition eliminating several lots to increase the amount of open space visible to the community.

*"Not all cluster open space is designed for recreational use. In this case, preservation and scenic quality of the open space were paramount. The use of the cluster technique on this property allowed for the maximization of preservation without the need to unnecessarily and overly burden individual lots and lot owners with conservation easements [Section 24-137 (b), (c) and (e)].

*"All of the lots meet the minimum lot size standard for cluster subdivisions in the R-R Zone. Although individual lots are smaller than would be required in a standard subdivision, most will back to open space, providing privacy and pleasant views [Section 24-137 (g) and (h)].

*"The provision of the trail was proposed by the applicant as a recreational amenity. No stream valley trail is recommended in the master plan. The trail was meant to further integrate the community and provide access to the gazebo and sitting areas."

- f. The Environmental Planning Section, in a memorandum dated October 21, 2003, provided a very thorough review of TCPII/126/03. The environmental planner recommended numerous conditions of approval, which have been incorporated into the Recommendation section of this staff report.

*In response to the Order of Remand, specifically to Items B, C, and J, the subject application was referred to the Environmental Planning Section. In a memorandum dated July 18, 2004 (Stasz to Zhang), the environmental planner offered the following comments:

*"The approval of the Preliminary Plan of Subdivision by the Planning Board included numerous conditions, several of which dealt with environmental issues to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of the Detailed Site Plan are addressed below....

*"Condition 2.f., PGCPB. No. 99-121: The Detailed Site Plan shall show the materials and construction details for a noise attenuation wall along Indian Head Highway. The architectural plans shall indicate measures to be used to further abate noise intrusion to

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*ensure safe noise levels in the second floor of structures on the lots adjoining Indian Head Highway.

*“A supplement to the noise report reviewed with 4-99038 was submitted with DSP -03030. The supplemental noise report is based upon the projected average daily traffic in the year 2020, shows the predicted unmitigated 65 dBA (Ldn) noise contour, and shows the 65 dBA (Ldn) noise contour based upon mitigation by a proposed wooden fence as shown on the Type II Tree Conservation Plan. The Environmental Planning Section concurs with the findings of the noise report that a fence as illustrated will adequately mitigate traffic-generated noise from Indian Head Highway. The location of the fence will adequately attenuate noise so that none of the proposed yards will be affected by noise exceeding 65 dBA (Ldn) and the projected noise level at the second floor of structures will be sufficiently low that standard construction techniques should result in interior sound levels below 45 dBA (Ldn).”

*“Condition 4 of PGCPB. No. 03-230for the Detailed Site Plan reads:

*“Prior to issuance of any building permits for the affected lots, the acoustic measures to be used to further abate noise intrusion to achieve an indoor noise level below 45 dBA for Lots 1, 12, Block B, and Lots 14, 15, 16, 24, 25, 36, Block C, shall be shown on the architectural plans and be certified by an qualified acoustic professional.”

*“This added condition further ensures that traffic-generated noise from Indian Head Highway will not create a significant impact on any lots within the Summerwood subdivision.

*“Comment: The record demonstrates that development of the site with the installation of the noise wall and proper building materials will meet the requirement that no yard will have noise that exceeds 65 dBA (Ldn) and no interior will exceed 45 dBA (Ldn).

*“Condition 5, PGCPB. No. 99-121: A soils report focusing on foundation and drainage problems, including recommendations for mitigation of any potential problems, shall be reviewed and approved by the Environmental Planning Section prior to the Planning Board hearing for the Detailed Site Plan.

*“The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Chillum, Iuka, Magnolia and Othello soils series. Aura soils are highly erodible. High water tables and poor drainage are associated with soils in the Beltsville, Iuka and Othello series. Chillum and Magnolia soils pose no special problems for development.

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*“A soils report including a map showing locations of 13 boreholes, logs of all boreholes, tests of soils samples, 2 slope stability analyses, conclusions and findings based upon the properties of the soils found on the site, and specific recommendations was submitted

with DSP-03030. The report clearly indicates soils that may be effectively reused on-site for structural fill and soils that should be restricted to reuse for nonstructural fills. Specific measures regarding pouring of footings, foundation construction, and installation of basement drainages, where appropriate, are proposed. The Environmental Planning Section determined that the report met Condition 5 of PGCPB. No. 99-121. Condition 10 of PGCPB. No. 03-230 reads:

*“Development of the site shall follow the recommendations of ‘Report of Geotechnical Investigation, Summerwood, Prince George’s County, Maryland,’ dated August 18, 1994, or any subsequent report approved by the Prince George’s County Department of Environmental Resources.’

*“**Comment:** This condition remains in effect.

*“During the hearing, citizens expressed concern about degradation of the stream valley during construction. Condition 12 was added:

*“Prior to issuance of the grading permit, the applicant shall submit the sediment and erosion control plan for review and approval by the Environmental Planning Section as the designee of the Planning Board.’

*“**Comment:** This condition remains in effect. No further action regarding soils is required.

*“Condition 7, PGCPB. No. 99-121: A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

*“A Forest Stand Delineation was reviewed and approved with 4-99038. A Type I Tree Conservation Plan, TCPI/27/99, was approved by PGCPB. No. 99-212. The approved TCPI shows clearing of 65.87 acres of the existing 96.03 acres of upland woodland and clearing of 0.73 acre of the existing 14.35 acres of floodplain woodland. The plan proposes meeting the requirement of 37.58 acres by providing 25.78 acres of on-site preservation, 2.56 acres of on-site reforestation, and 9.24 acres of off-site conservation.

*“A Type II Tree Conservation Plan, TCPII/126/03, was submitted with this application. The plan proposes preserving 30.06 acres of on-site woodland and reforesting 1.04 acres on-site, and preservation on-site of 14.89 acres of woodland that are not used as part of any requirement. The TCPII conforms with the approved TCPI in that substantial preservation is shown along the stream valley, reforestation areas provide stream buffers and visual buffers, and there are no designated woodland conservation areas on lots.

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*“There are technical errors with the plan. The worksheet contains mathematical errors. Although the total woodland on the site is correct, the values for a. and k. need to be revised to read 103.27 and 13.33. Lines b. and c. should read 20.65. Line h. should read

14.58. The woodland conservation requirement in line m. should be 35.49. The area of additional woodland retained but not part of any requirements should read 14.89 and not 0.02. At the present time there is a shortage of 4.39 acres; however, the approved Type I Tree Conservation Plan permits the use of off-site conservation, and a careful reexamination of the plan may reveal additional woodland areas on-site that may be used to contribute to the requirements. The areas of additional woodland retained but not part of any requirements should be amended with a pattern to provide clarity. In some places there are two limits of disturbance. In a few locations proposed woodland conservation areas are less than 35 feet in width. Some additional notes are needed to clarify the components of the plan.”

*The Environmental Planning Section concluded by recommending reapproval of DSP-03030 and TCPII/126/03 subject to the conditions listed in PGCPB No. 03-230.

- g. The Permit Review Section provided several questions concerning compliance with the requirements of both the Zoning Ordinance and the *Landscape Manual* and requested additional information in a memorandum dated August 8, 2003. The plan has been revised and the questions have either been answered or addressed through the recommended method during the review process.
- h. The State Highway Administration (SHA), in a memorandum dated October 8, 2003, indicated that all transportation-related conditions specific to SHA's needs and requirements were addressed in the resolution of the Preliminary Plan of Subdivision, 4-99038.
- i. The subject site plan also has been referred to the Accokeek Development Review District Commission (ADRDC) for comments because the subject site is located within the Accokeek Development Review District. In a memorandum dated August 19, 2003 (Jean Thompson, Chairman, ADRDC to Zhang), ADRDC stated a general consensus with the proposed detailed site plan, but with the following concerns regarding outdoor lighting, placement of buildings, screening views from the public right-of-way or from the existing homes, house designs, and location of garages.

“There does not seem to be any external lighting in the front yards, adjacent to sidewalks, on paths, or in parks/playgrounds. Lighting in these areas would enhance safety as well as aesthetics.”

Comment: External lighting in the form of streetlights has been proposed within the right-of-way of the public streets. Lighting on the individual lot will be provided by the builders.

“Where the streets have pronounced curves, the houses are naturally placed at angles to each other. Where the curves are less pronounced, if there was some variation in the placement of houses, it would provide more privacy from neighbors and a more attractive streetscape.”

Comment: The placement of houses is constrained by the size of lots in this detailed site

plan. Because the subdivision is an R-R cluster, the size of most of the lots is less than 15,000 square feet. The general layout of the detailed site plan is acceptable.

“Where homes may be viewed from the public right-of-way or from existing homes adjacent to the project, the choice of materials should be continuous (front, sides, and back to be of the same material). This is especially important where the homes abut the access road by Indian Head Highway (MD 210) since both the backs and sides of the homes face the highway.

“There should also be buffering by non-deciduous landscaping where the aforementioned situations exist.”

Comment: The existing wooded area on the homeowners association land strip along Indian Head Highway will be preserved. A noise attenuation wood fence also will be installed within the wooded area. New landscaping consisting mainly of evergreen materials has been proposed to fill the gaps.

“Each side of the homes should have at least three elements (no blank sides).”

Comment: For houses having side elevations that are facing either a heavily traveled street or outdoor play area, three architectural elements are required. A condition of approval has been proposed in the Recommendation section of this report.

“Garages should be side-loaded or set back.”

Comment: *[Due to the small lot size, side-loaded garages are not practical in this detailed site plan.] See Finding 12.e.

ADRDC also expresses their concerns over the adequacy of public facilities, such as schools and police stations. This issue is outside the purview of the detailed site plan review. ADRDC requests more information regarding the design of the internal trails system. The revised plan including the trails system has been sent to ADRDC for the second review. No response had been received at the time the staff report was written.

12. *Additional Findings in Response to Items A, F, G, H, and J of the Order of Remand:

*a. The subject DSP was first accepted for review on July 29, 2003. The CB-15-1998 Affidavit was received on June 27, 2003; this affidavit affirms that informational mailings on this case were sent by certified mail to all the

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*adjoining property owners and other interested parties. The site was posted 15 days before the Planning Board hearing on October 30, 2003, pursuant to the notification regulations valid at that time.

*The subject site was posted on June 29, 2004, which is 30 days prior to the Planning Board Hearing on July 29, 2004, pursuant to the new requirements of CB-1-2004. As required by the new posting regulation, a combined written notice of the remand order and the new hearing for this case also has been sent to all the previous parties of record and all adjacent property owners (a list of addressees and a location map have been attached to this report) at the same date the site was posted. Any individual who is interested in becoming a party of record has been entered in the record.

*b. Additional landscape buffering as shown on Exhibit 5 submitted by the applicant for review has been provided on the subject site along the existing public right-of-way of Clinton Drive to the east and the existing adjacent single-family residences to the north and east. The additional planting materials include 12 major shade trees, 122 evergreen trees and one ornamental tree.

*c. The subject DSP has one Alternative Compliance approval, AC-03033, which was signed by the Planning Director on November 18, 2003, and recommended to the Planning Board for approval along with this subject detailed site plan. AC-03033 includes two requests to seek alternative compliance from Section 4.6, Buffering Residential Development from Streets, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual* as discussed in the above Finding 9.

*For Section 4.6, the proposed bufferyard is 30 feet short of what is required by the *Landscape Manual*; however, the applicant is providing 32 percent additional plant units to what is required. Thus, instead of the required 165 plant units, the applicant is providing 218 plant units. The Alternative Compliance Committee is of the opinion that the 32 percent increase will adequately compensate for the reduced bufferyard and the proposal is equal to or better than the normal requirements of Section 4.6 of the *Landscape Manual*. For Section 4.7, the Alternative Compliance Committee found that the requirements of the *Landscape Manual* have been met during the review process and no Alternative Compliance is required.

*The Planning Director accepted the Committee's recommendations and approved AC on November 18, 2003.

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*d. A two-phase noise study has been carried out for the subject site because of its close proximity to Indian Head Highway. A Phase I Noise Study was done at the

time of Preliminary Plan 4-99038 review to identify the location of the unmitigated 65 dBA (Ldn) noise contour line. A Phase II Noise Study had been submitted with the subject DSP for review and was approved by the Planning Board with this DSP application per the recommendation of the Environmental Planning Section. The Phase II Noise Study is based upon the projected average daily traffic in the year 2020 and shows the predicated unmitigated 65 dBA (Ldn) noise contour and mitigated 65 dBA (Ldn) by a proposed wooden fence as shown on the Type II Tree Conservation Plan. The Environmental Planning Section has concurred with the findings of the noise report. The Environmental Planning Section has concluded that the location of the fence will adequately attenuate noise so that none of the proposed yards will be affected by noise exceeding 65 dBA (Ldn) and the projected noise level at the second floor of houses will be sufficiently low that standard construction techniques should result in interior sound levels below 45 dBA (Ldn). In addition Condition 4 below will ensure that the interior sound levels of the affected houses will be below 45 dBA (Ldn).

*e. The applicant has worked with the Urban Design Section to reevaluate the comments made by Accokeek Development Review District Commission (ADRDC) and made improvements as follows:

- (1) *Lighting of the front yards.* The builder plans to provide the discussed lighting (on the fronts of homes/in the front yards of homes).
- (2) *Placement of the homes.* The applicant has varied placement of houses to the maximum extent possible given the topography and the desire to save existing trees.
- (3) *Placement of the trails.* The applicant and the environmental staff worked closely together during the DSP review to determine the optimal locations for trails and the decisions made are reflected in the subject DSP.
- (4) *Selection of home building material.* A condition of approval has been proffered that requires all houses to have a front facade predominantly of brick, stone, or stucco, and those 22 houses on the corner of two roadways to have predominantly brick, stone, or stucco on the front and the two side facades.
- (5) *Provision of buffering.* Additional buffering and landscaping have been provided as discussed in Finding 12 (b) above.

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- *(6) Use of architectural elements on homes. An additional condition of approval has been proposed in the Recommendation section of this report.
- *(7) Homes with set back or side-loading garages. The applicant has reviewed its housing types and lot sizes and has determined that side-loading garages will be provided on nine lots: Lots 51, 76, 77, 89, 90, 97, and 106, Block A; and Lots 24 and 25, Block C.
- *(8) Possible overcrowding of schools. Summerwood will be paying \$1.92 million in school impact fees at the time of building permits pursuant to current regulations.

- *13. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/126/03) and further APPROVED Detailed Site Plan DSP-03030 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this Detailed Site Plan, the applicant shall make the following revisions:
 - a. Provide a composite map showing all proposed improvements including stormwater management facilities on the front sheet of the detailed site plan.
 - b. Either revise the Landscape Plan to meet the landscape strip width requirements of Section 4.6 for Lots 14, 15, 16, 24 and 25, Block C, fronting the right-of-way of Indian Head Highway or apply for Alternative Compliance from the requirements with the Planning Director as final approval authority acting as the designee of the Planning Board.
 - c. Provide information on the type of bufferyard and landscape schedule for Lot 53 and landscaping treatment for all SWM ponds for review and approval by the Urban Design Section as the designee of the Planning Board.
 - d. Revise the landscape plans to provide the number of trees for fulfillment of Section 4.1 requirements.
 - e. Revise the radius for the proposed Road H and Road I to the satisfaction of Department of Public Works and Transportation.
 - f. The Type II Tree Conservation Plan shall be revised to:

- (1) Ensure that all woodland conservation areas are at least 35 feet in width
- (2) Provide a pattern on the plan and in the legend for areas of additional woodland retained but not part of any requirements
- (3) Correct the worksheet as required
- (4) Remove extraneous limit-of-disturbance lines
- (5) Add the following notes:

Removal of Hazardous Trees or Hazardous Limbs By Developers or Builders

The developer and/or builder is responsible for the complete preservation of all forested areas shown on the approved plan to remain undisturbed. Only trees or parts thereof designated by the Department of Environmental Resources as dead, dying, or hazardous may be removed.

- (a) A tree is considered hazardous if a condition is present which leads a Licensed Arborist or a Licensed Tree Expert to believe that the tree or a portion of the tree has a potential to fall and strike a structure, parking area, or other high use area and result in personal injury or property damage.
- (b) If a hazardous condition may be alleviated by corrective pruning, the Licensed Arborist or a Licensed Tree Expert may proceed without further authorization. The pruning must be done in accordance with the latest edition of the ANSI A-300 Pruning Standards ("Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices").
- (c) Corrective measures requiring the removal of the hazardous tree or portions thereof shall require authorization by the building or grading inspector if there is a valid grading or building permit for the subject lots or parcels on which the trees are located. Only after approval of the appropriate inspector may the tree be cut by chainsaw to near the existing ground level. The stump may not be removed or covered with soil, mulch or other materials that would inhibit sprouting.

Debris from the tree removal or pruning that occurs within 35 feet of the woodland edge may be removed and properly disposed of by recycling, chipping or other acceptable methods. All debris that is more than 35 feet from the woodland edge shall be cut up to allow contact with the ground, thus encouraging decomposition. The smaller materials shall be placed into brush piles that will serve as wildlife habitat.

Removal of Hazardous Trees, Hazardous Limbs, Noxious Plants, Invasive Plants or Non-Native Plants in Woodland Conservation Areas Owned by

Individual Homeowners

- (a) If the developer or builder no longer has an interest in the property the homeowner shall obtain a written statement from the Licensed Arborist or Licensed Tree Expert identifying the hazardous condition and the proposed corrective measures prior to having the work conducted. The tree may then be removed by the arborist or tree expert. The stump shall be cut as close to the ground as possible and left in place. The removal or grinding of the stumps in the woodland conservation area is not permitted.
- (b) The removal of noxious, invasive, and non-natives plant species from the woodland conservation areas may be done with the use of hand-held equipment only such as pruners or a chain saw. These plants may be cut near the ground and the material less than two inches diameter may be removed from the area and disposed of appropriately. All material from these noxious, invasive, and non-native plants greater than two inches diameter shall be cut to allow contact with the ground, thus encouraging decomposition.
- (c) The use of broadcast spraying of herbicides is not permitted. However, the use of herbicides to discourage re-sprouting of invasive, noxious, or non-native plants is permitted if done as an application of the chemical directly to the cut stump immediately following cutting of plant tops. The use of any herbicide shall be done in accordance with the label instructions.

Note: The use of chainsaws is extremely dangerous and should not be conducted with poorly maintained equipment, without safety equipment, or by individuals not trained in the use of this equipment for the pruning and/or cutting of trees.

Protection of Reforestation and Afforestation Areas by Developers or Builders

- (a) Reforestation and afforestation areas shall be planted prior to the occupancy of the nearest building or residence. If planting cannot occur due to planting conditions, the developer or property owner shall install the fencing and signage in accordance with the approved Type II Tree Conservation Plan. Planting shall then be accomplished during the next planting season. If planting is delayed beyond the transfer of the property title to the homeowner, the developer shall obtain a signed statement from the purchaser indicating that they understand that the reforestation area is located on their property and that reforestation will occur during the next planting season. A copy of that document shall be presented to the Grading Inspector and the Environmental Planning Section.
- (b) Reforestation areas shall not to be mowed, however, the management of competing vegetation around individual trees is acceptable.

Protection of Reforestation and Afforestation Areas by Individual Homeowners

- (a) Reforestation fencing and signage shall remain in place in accordance with the approved Type II Tree Conservation Plan or until the trees have grown sufficiently to have crown closure.
- (b) Reforestation areas shall not to be mowed, however, the management of competing vegetation around individual trees is acceptable.

Woodland Areas NOT Counted as Part of the Woodland Conservation Requirements

- (a) A revised Tree Conservation Plan is required prior to clearing any woodland area which is not specifically identified to be cleared on the most recently approved Type II Tree Conservation (TCP) on file in the office of the M-NCPPC, Environmental Planning Section located on the 4th floor of the County Administration Building at 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772, phone 301-952-3650. Additional mitigation will be required for the clearing of all woodlands beyond that reflected on the approved plans. Although clearing may be allowed, it may be subject to additional replacement requirements, mitigation, and fees, which must be reflected on TCP revisions approved by the M-NCPPC Environmental Planning Section.
 - (b) Homeowners or property owners may remove trees less than two (2) inches diameter, shrubs, and vines in woodland areas which are saved but not part of the Woodland Conservation requirements after all permits have been released for the subject property. This area may not be tilled or have other ground disturbances which would result in damage to the tree roots. Raking the leaves and overseeding with native grasses, native flowers or native ground covers is acceptable. Seeding with invasive grasses including any variety of Kentucky 31 fescue is not acceptable.
- (6) Have the revised plan signed and dated by the qualified professional who prepared the plan.

*h. Add a note on the house template sheet and a detailed site plan note indicating that no more than 10 percent of the homes in Summerwood shall have a floor area of less than 2,400 square feet.

- *i. Provide enhanced landscape buffering along the site boundary adjacent to the existing single-family residences as shown on Exhibit 5.
 - *j. Show side-loading garages on the following nine lots: Lots 51, 76, 77, 89, 90, 97, and 106, Block A; and Lots 24 and 25, Block C.
2. Prior to final plat, a private Recreational Facilities Agreement (RFA) or other appropriate instrument for the recreation facilities proposed in the detailed site plan shall be recorded. The RFA shall include two tot lots (Tot Lot A and B), one Pre-Teen Lot, a 3,032-linear-foot internal trail system with six-foot width, a sitting area with one gazebo and four benches and a picnic area with four picnic tables, a grill and a trash receptacle. These facilities shall also be bonded with the Development Review Division.
 3. The Recreational Facilities Agreement shall include the following phasing of the construction of the proposed recreational facilities:
 - a. Prior to the issuance of the 46th building permit, the construction of Tot Lot A shall be completed.
 - b. Prior to the issuance of the 112th building permit, the construction of Tot Lot B shall be completed.
 - c. Prior to the issuance of the 160th building permit, the construction of Pre-Teen Lot, the picnic area, the sitting area and the internal trail system shall be completed.
 4. Prior to issuance of any building permits for the affected lots, the acoustic measures to be used to further abate noise intrusion to achieve an indoor noise level below 45 dBA for Lots 1,12, Block B, and Lots 14, 15, 16, 24, 25, 36, Block C, shall be shown on the architectural plans and be certified by an qualified acoustic professional.
 5. No two units located next to or directly across the street from each other may have identical front elevations.
 6. The side elevations of houses on Lots 1, 42, 43, 59, 60, 114, Block A; Lots 1, 12, Block B; and Lots 1, 6, 7, 34, Block C, which are facing either a heavily traveled public right-of-way or an outdoor play area, shall have a minimum three architectural features in a balanced composition.

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7. The architectural models that are allowed to be built on Lots 85-88 shall be those as shown and approved on the site plans. Any future revision to, or replacement of, the approved models shall be subject to a limited detailed site plan review and approval of the Urban Design Section as the designee of the Planning Board.

8. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, Landscape Plan, and plans for recreational facilities.
9. The developer, his heirs, successors and/or assignees shall make full disclosure to the prospective homeowners of the lots that are adjacent to the SMECO easement of the existence of a Section 4.7 bufferyard on their lots. A note to that effect shall be placed on all approved plans.
10. Development of the site shall follow the recommendations of "Report of Geotechnical Investigation, Summerwood, Prince George's County, Maryland" dated August 18, 1994, or any subsequent report approved by the Prince George's County Department of Environmental Resources.
11. Prior to issuance of each building permit, if substitution of existing trees exceeding two-and-one-half- inch caliper located on the individual lot in place of the proposed new trees is desired by the applicant, for fulfillment of Section 4.1 requirements, the applicant shall submit a tree substitution request for review and approval by the Urban Design Section as the designee of the Planning Board.
12. Prior to issuance of the grading permit, the applicant shall submit the sediment and erosion control plan for review and approval by the Environmental Planning Section as the designee of the Planning Board.
13. Prior to issuance of the 100th building permit, the applicant shall satisfy one of the following alternatives.
 - a. Contribute \$50,000 ("Contribution") to a local community organization to be used to facilitate the use of an existing community meeting facility or a community meeting facility then under construction ("Facility") by local community groups, including the Summerwood HOA and the ADRDC. The Contribution is intended to facilitate completion and use of the Facility by paying for such items as furniture, furnishings, equipment and maintenance of the Facility and to subsidize the use of the Facility by the Summerwood HOA and the ADRDC. (In the event that the Contribution is made, Lot 85 of the Summerwood Subdivision shall be developed with a single family dwelling as shown on Exhibit 1.)
 - b. The applicant shall apply for a building permit for a 1,200-square-foot Summerwood community meeting building ("Community Meeting Building") on Lot 85 in the Summerwood Subdivision, as shown on Exhibits 2a and 2b. Construction of the Community Meeting Building shall be completed prior to the issuance of the 140th building permit for the Summerwood Subdivision
14. All houses shall have a front façade predominantly of brick, stone, or stucco, and those 22 houses on the corner lots of two roadways shall have predominantly brick, stone, or stucco on the front and two side elevations.

15. The trail shall be developed in conformance with the CPTED measure requiring maintenance of a clear area along both sides of the trail corridor, with the clearing of underbrush and low limbs as necessary to ensure adequate visibility for trail users.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

* * * * *

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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