

RESOLUTION

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 January 29, 2009 regarding Detailed Site Plan DSP-08027 for Westphalia Towns, the Planning Board finds:

1. **Request:** This application proposes 200 single-family attached dwelling units.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	R-T and R-R	R-T and R-R
Use(s)	Vacant	Residential
Acreage	46.35	39.03*
Townhouses	0	200

\* 6.48 acres proposed for dedication to M-NCPPC

**Minimum Parking Required:**

408 parking spaces total

**Parking Provided:**

503 parking spaces total

200 garage parking spaces

200 driveway parking spaces

13 parallel parking spaces

90 perpendicular parking spaces

3. **Location:** The Westphalia Towns development is located to the north of Westphalia Road, along Cedar Way. The property is in Council District 6, Planning Area 78, and is within the Developing Tier.
4. **Surrounding Uses:** To the northwest of the subject property is an existing development of townhouses and duplex units. To the southwest, the subject property borders M-NCPPC parkland. To the northeast, the subject property abuts the Southwest Branch of the Patuxent watershed. To the southeast, the site borders existing single-family detached houses on Cedar Way and Spring Way.
5. **Prior Approvals:** On January 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07060, for the development of 200 townhouses and five single-family detached houses on this property. The Planning Board's resolution was approved on February 7, 2008. The site also has an Approved Stormwater Concept Plan, 26438-2004-00, which was approved on February 6,

2007 with a three-year validity period.

6. **Design Features:** In accordance with Preliminary Plan of Subdivision 4-07060, this plan proposes 200 single-family attached townhouses. The proposed townhouses are grouped in sticks of four to six-dwelling units on individual fee-simple lots.

Existing Cedar Way is a dead-end street running along the eastern side of the site, terminating at the approximate midpoint of the eastern side of the site. The plan proposes extending Cedar Way northward to a new roundabout intersection and connection to existing Chester Grove Road in the northern portion of the site. A regular network of private streets running at right angles is proposed to the west of Cedar Way, with three entrances to the network from Cedar Way (Deer View Drive, Autumn Branch Way, and Lydia Lane). There are a number of dead ends within this network but the pattern of regularly spaced roads is preserved. Another private street, Carmichael Court, is proposed on the east side of Cedar Way.

Of the proposed units, 170 will be located in the main block of development west of Cedar Way. Twenty-five units are proposed along Carmichael Court, and five more units are proposed along the north side of Chester Grove Road.

Five single-family detached house lots were approved under Preliminary Plan of Subdivision 4-07060 in the northeastern portion of the site along Cedar Way. The applicant still intends to develop these lots, but they are not included with this detailed site plan as DSP approval is not required for single-family detached units in the R-R Zone. Condition 1(c) reflects the exclusion of the R-R zone property from this DSP.

In accordance with the preliminary plan of subdivision, a 6.48-acre parcel of land in the southern portion of the property (Parcel A) is proposed for dedication to M-NCPPC. This land is adjacent to and will be incorporated into the existing M-NCPPC park, which currently includes a basketball court, a tennis court, and a softball field that will be linked to the subject site by a trail connection. The February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* designates this park as the Westphalia Neighborhood Park, a future combined park-school site.

The proposed townhouses are front-loaded townhouses, twenty feet in width. Each front elevation will be faced with brick or siding, with brick fronts forming the majority. The siding-fronted houses will be arranged within the sticks of units so that no two siding fronts will be adjacent to each other within a stick. Each front elevation features a reverse gable, with large and small reverse gables alternating along the length of the row of townhouses. Each front elevation is also provided with a standard bay or box bay window on the second floor, over the garage door. The windows are regularly spaced and provided with decorative shutters. The units feature standard brick endwalls, each of which features three full-sized windows arranged in an attractive diagonal progression along the endwall. The rear elevations are faced with standard siding, with the upper levels cantilevered over the rear doors. Each house has the option of a rear deck on the second floor.

Each unit has a single-car garage and a driveway in front of the house which is intended to provide an

additional parking space. An additional 103 surface parking spaces are provided in parallel and perpendicular spaces along the private road network, which will provide a generous allotment of parking for visitors to the development. The rear yards of the townhouses in each stick are separated from each other by sight-tight fencing in order to provide demarcation of privately-owned space. However, the fences only extend along the sides of the yards, and do not enclose the rear of the yards, which will avoid the closed-in rear common areas frequently found in townhouse communities with entirely-fenced rear yards.

The plan proposes a gateway sign at the northwest corner of the intersection of Westphalia Road and Cedar Way. The proposed sign is a varying-height brick wall, 27 feet, four inches long and a maximum of six feet in height, with a central concrete panel displaying the name of the development, "Westphalia Towns." The proposed sign sits on a narrow portion of land that is proposed to be retained by the homeowners' association, connected to the main portion of the development by a ten-foot-wide strip of land running along Cedar Way. To the north and west of this narrow HOA land is Parcel A, which is to be conveyed to M-NCPPC. Sidewalks are proposed along all of the private streets, and a trail connection from the subject property is proposed to connect from the western end of Lydia Lane into the adjacent park.

7. **Urban Design Review:** In general, the layout and design of the proposed development are acceptable and meet the relevant requirements. In response to staff comments, the applicant has revised the plan from its original form to provide the required 26-foot-wide private streets and sidewalks, and made improvements to the proposed architecture. The plan and architecture under review at this time are significantly improved from the initial submission.

The applicant's design intends that the front driveways of the townhouses should provide at least 19 feet of space between the garage door and the back of the sidewalk in order to allow cars to park in the driveway without overhanging the sidewalk. It appears that in most cases this minimum driveway length has been provided, but some driveways are slightly shorter than this. As there is room on the lots to provide the additional driveway space by moving the houses back, the applicant should revise the site plan to demonstrate that a minimum driveway length of 19 feet has been provided between the garage and the back of the curb for each lot.

The proposed gateway sign at the northwest corner of the intersection of Westphalia Road and Cedar Way is a required feature per Section 27-624 of the Zoning Ordinance.

- (a) **A permanent gateway sign identifying a residential subdivision is permitted in any Residential Zone, and is required in any subdivision in the R-T Zone with more than twenty-five (25) dwelling units for which a Detailed Site Plan is approved after December 30, 1996, provided that maintenance is the responsibility of a Homeowners' Association, or other entity or person designated in a maintenance arrangement approved by the Department of Environmental Resources, subject to the following design standards:**

- (1) **Maximum lettering area per sign - twelve (12) square feet;**

- (2) **Maximum height - six (6) feet above established grade;**
- (3) **Location - at the entrance to a residential subdivision, set back from the roadway to maintain unobstructed lines of vision for five hundred (500) feet in all directions of travel;**
- (4) **Materials - low maintenance, durable, and in keeping with the character of the community. Plastic signs with internal illumination are prohibited; and**
- (5) **Landscaping which is attractive year-round shall be provided at the base of a gateway sign.**

The ordinance requires that gateway signs should be no more than six feet in height with a maximum of 12 square feet of lettering area. The proposed sign meets these requirements. The evident intent of the sign's proposed location is to maximize its visibility, but the proposed location is problematic. The sign is proposed to be located on a narrow piece of land to be retained by the HOA, connected to the main development by a ten-foot-wide strip running along the western edge of Cedar Way. The land directly behind this strip and behind the sign is to be conveyed to M-NCPPC and will not be part of the Westphalia Towns subdivision. This unusual arrangement would likely create uncertainty as to where DPR's maintenance responsibility ends and where the HOA's responsibility begins. Furthermore, placing the sign in this location would be misleading because the actual Westphalia Towns subdivision, where the proposed townhouses will be developed, will be located more than 400 feet north of the sign. It is difficult to see how this location can be considered to be the entrance to the residential subdivision, as required by 27-624 (a) (3) of the Zoning Ordinance above. Finally, DPR has objected to the proposed sign location because the strip of HOA land along Cedar Way will block any access from the parkland to Cedar Way. Therefore, pursuant to Condition No. 7 of this DSP approval, the proposed sign shall be moved from its current location to a new location at the intersection of Lydia Lane and Cedar Way. Lydia Lane is the southernmost private road from which the townhouse development can be accessed and is therefore more appropriate for the sign's location. The proposed strip of HOA land along Cedar Way should be removed from Parcel E and added to Parcel A for dedication to DPR.

8. **Regulations of the R-T Zone:** Section 27-433 of the Zoning Ordinance establishes requirements for townhouse development in the R-T Zone. The following regulations warrant discussion at this time.

**(d) Dwellings.**

- (1) **All dwellings shall be located on record lots shown on a record plat.**
- (2) **There shall be not more than six (6) nor less than three (3) dwelling units (four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the**

**total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.**

The proposed building sticks all contain between four and six dwelling units in a group, which meets this requirement.

- (3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouses, and twenty-two (22) feet for one-family attached metropolitan dwellings. Attached groups containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.**

The proposed townhouses are all 20 feet in width. The applicant has not proposed wider houses for the end units, although the end lots are large enough to allow wider units. The proposed houses are all of similar design, but differences between the adjacent houses (such as the use of siding and brick, the alternating large and small reverse gables, and the alternating box bay windows and standard bay windows) will provide a sufficiently varied appearance along the attached groups.

- (4) The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet for townhouses, and two thousand two hundred (2,200) square feet for one-family attached metropolitan dwellings.**

The townhouses all have a base finished living area of 1,320 square feet, with available options to increase this up to 1,753 square feet.

- (5) Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwall treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.**

The proposed architecture of the endwalls meets this requirement. All endwalls will be faced with brick and feature three architectural features.

- (6) Above-grade foundation walls shall either be clad with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.**

The proposed architecture does not show any exposed foundation walls.

- (7) **A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one "front."**

The proposed combinations of units shown by the applicant show that three units in each four-unit stick and four units in each five- or six-unit stick will feature a brick front. This proportion will exceed the required 60 percent. A brick front tracking table should be added to the plans.

(e) **Streets**

- (1) **The following requirements shall apply only to the development of townhouses, one-family semidetached dwellings, two-family dwellings, three-family dwellings, and one-family attached metropolitan dwellings:**

- (A) **The tract of land used for the project involving these dwellings shall have frontage on, and direct vehicular access to, a public street having a right-of-way width of at least sixty (60) feet;**

Cedar Way is a public street with a 60-foot-wide right-of-way.

- (B) **Private streets which are interior to the project (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23 of this Code which apply to a public, twenty-six (26) foot wide secondary residential street, except that roadside trees are not required (within the street right-of-way). In a mixed-use activity center designated as a "Transit Village" the width of the private streets may be reduced to a minimum width of twenty-four (24) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system. Sidewalks may be omitted when it is determined that there is no need for them. Sidewalks cast monolithically with the curb and gutter shall be permitted;**

The detailed site plan submitted by the applicant utilizes 26-foot-wide private streets for the interior roadways.

- (C) **Private streets shall be common areas conveyed to a**

**homes association, and provisions for maintenance charges shall be made in accordance with Subsection (i). (For the purpose of this Section, "private streets" are internal vehicular access roadways serving the development by means of private streets approved pursuant to Subtitle 24 of this Code, except driveways which dead-end within a parking lot); and**

The private streets providing access to the individual townhouse lots are to be conveyed to the homeowners' association. This conveyance is subject to condition 13 of the preliminary plan resolution, which requires adequate provision for retention and maintenance of the property conveyed.

**(D) Points of access to public streets shall be approved by the County Department of Public Works and Transportation, State Highway Administration, or other appropriate highway authority, as applicable.**

The proposed access arrangements have been reviewed by the Department of Public Works & Transportation (DPW&T) and given preliminary approval. DPW&T access permits will be required prior to construction.

9. **Preliminary Plan of Subdivision 4-07060:** The Preliminary Plan of Subdivision 4-07060 was approved on January 8, 2008, with 25 conditions of approval. The following condition warrants discussion at this time.

**24. At the time of detailed site plan the 50-foot buffer strip along the west side of Cedar Way shall be addressed and the method of delineation on the final plat of subdivision (easement, building restriction line etc.) shall be decided. Additional considerations as described in the findings of this report shall also be addressed by the detailed site plan.**

The proposed detailed site plan shows the required 50-foot buffer along the west side of Cedar Way. All buildings and fences, other than the proposed gateway feature at the corner of Westphalia Road and Cedar Way, are set back at least 50 feet from the right-of-way. The first ten feet adjacent to the right-of-way (ROW) is not proposed for planting because it is a required public utility easement (PUE). The remaining 40 feet of the buffer are shown either as retained woodland (on Parcel A, to be dedicated to M-NCPCC) or are proposed to be densely planted with a variety of shade, ornamental, and evergreen trees. The final plat should establish a building restriction line along the western edge of the buffer in order to preserve this buffer.

10. ***Prince George's County Landscape Manual:*** The development is subject to Sections 4.1 and 4.7 of the *Prince George's County Landscape Manual*.

- A. Section 4.1 requires that the development provide plantings, either on the individual townhouse lots or in common open space, equal to at least 1.5 shade trees and 1 ornamental or evergreen tree per townhouse. The plan proposes an adequate number of trees to significantly exceed this requirement.
  - B. Section 4.7 provides for buffering of incompatible uses. The proposed townhouses are compatible with the attached dwellings north and west of the subject property. Bufferyards are required adjacent to the existing and future parkland, and adjacent to the single-family detached houses south and east of the subject site. The required bufferyards are provided on the plans; most bufferyards utilize retained woodlands in order to meet the buffering requirements.
11. **Transportation Planning:** The site plan is acceptable from the standpoint of transportation.
12. **Subdivision:** The property is the subject of Preliminary Plan of Subdivision 4-07060, which was approved by the Planning Board on January 10, 2008. The resolution of approval, PGCPB Resolution No. 08-05 was adopted on February 7, 2008. The preliminary plan remains valid until February 7, 2010, or until a final record plat is approved.

The property is subject to the conditions contained within the resolution of approval. The resolution contains 25 conditions. The following conditions relate to the review of the detailed site plan (DSP).

The net lot area and boundary configuration of Parcel "A" that is shown on the submitted DSP is not consistent with the layout approved by the Planning Board for Preliminary Plan of Subdivision 4-07060. The DSP has increased the acreage for Parcel "A" by extending the western portion of the parcel approximately 270-feet north and 72-feet east from the configuration shown on the approved preliminary plan. In order to accommodate the extension of Parcel "A", the applicant has re-designed a majority of the lots along the east and west sides of Eagle Point Place, and shifted the terminus of Azalea Blossom Place further to the east. In this area, and throughout the entire property, the number of dwelling units within many of the building groups has been increased. The end units (lots) have been widened from 30-feet to 32-feet, and the width of the interior lots has been decreased in size from 22-feet to 20-feet. The submitted detailed site plan has also re-designated all of the lot and block numbers, and some of the parcel designations, from what was previously shown on the approved preliminary plan.

The locations of many of the building groups and streets have been revised, and the number of units within many of the building groups has also changed along with the width of the lots. None of the lot widths that are shown on the DSP were reviewed by the Planning Board during the preliminary plan process. Further discrepancies include the locations of some of the private streets and parking spaces, the boundary configuration of the parcel to be conveyed to M-NCPPC, and the parcels to be conveyed to the HOA. A new stormwater retention pond is now being shown on Parcel "F" (formerly Parcel "C") which wasn't delineated on the approved preliminary plan, and additional impacts to the primary management area (PMA) are being proposed for the installation of the stormwater pond that



were not anticipated at the time of preliminary plan. While the overall limit of disturbance has been slightly revised, the area of development shown on the submitted DSP is basically consistent with approved Preliminary Plan of Subdivision 4-07060. The revisions to the lotting and street pattern shown on the submitted DSP, has altered the overall acreage that will be conveyed to the HOA.

While the detailed site plan submitted for this application is different from approved Preliminary Plan of Subdivision 4-07060, many of these changes were to accommodate various revisions requested by other county agencies, such as the Department of Parks and Recreation (DPR) and the Department of Public Works and Transportation (DPW&T). At the time of preliminary plan, the Urban Design Section had also noted deficiencies with the amount of guest and overflow parking that was provided on the TCPI. With the exception of single-car garages provided for each townhome, a total of only 29 parking spaces were shown at the time of preliminary plan for guest parking, overflow parking, and parking for the physically handicapped. The applicant believes that a majority of the changes which have occurred to the plan since the time of preliminary plan approval were in a direct effort to provide additional parking spaces for the overall development.

Permission from the Department of Parks and Recreation (DPR) will be required for the gateway signage.

The Site Data notes and the plan should be revised to clearly demonstrate that portions of the subject property are located in the R-R Zone.

The Site Data notes should be revised to reflect all four underlying parcels that are included within the subdivision (Parcels 30, 143, 144, and 329).

The plan should identify which streets will be private and which streets will be public.

The parking spaces for the physically handicapped should be identified and dimensioned on the detailed site plan. A total of five parking spaces for the physically handicapped are required. The plans should designate the location of these spaces, including two van-accessible spaces. Provision of the van-accessible spaces may require one of the regular parking spaces to be converted into the required access aisle.

A ten-foot wide public utility easement is required along all private streets in accordance with Section 24-128(b)(12) of the Subdivision Regulations, and compliance with this requirement is now further reflected in Condition 1(g) of this DSP approval.

13. **Community Planning:** This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application generally conforms to the medium-density land use recommendations west of Cedar Lane but not to the low-density land use recommendations east of Cedar Lane in the Approved Westphalia Sector Plan and Sectional Map Amendment (2007). The R-T and R-R Zoning was retained in the SMA.

The subject property is within the Air Installation Compatible Use Zone (AICUZ) study area for

Andrews Air Force Base (AAFB). It is within the 65–70 Ldn noise contours of AAFB. Noise mitigation for interior living areas and notice of location in an airport impact area are recommended.

***The Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)***

The sector plan recommends both low and medium-density residential land use for the subject property, and retains the existing R-T and R-R Zone categories. Issues regarding AICUZ cited above remain the same. The sector plan recommends that each new dwelling unit within the sector plan area pay a parks fee of \$3,500 (2006 dollars) for construction of the parks facilities at the proposed Westphalia central park. The Westphalia Community Park is recommended to be expanded with a partial conversion of park to a school park site with the adjoining development.

14. **Department of Public Works and Transportation (DPW&T) Referral:** In a memorandum dated January 6, 2009 (Abraham to Lindsay), the Department of Public Works and Transportation (DPW&T) offered the following comments:
- a. The property is located on the northwest quadrant of Westphalia Road and Cedar Way intersection. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban four-lane collector roadway for Westphalia Road urban primary residential roadway for Cedar Way and Chester Grove Road urban secondary residential roadway for Springs Way are required.
  - b. Full-width ultimate improvements to Cedar Way, from Westphalia Road to the property, are to be constructed to meet the demands of this proposed development. These roadways are to be fully coordinated with the proposed roadway connections of the developments adjacent to this property.
  - c. Parking on roundabout entries and exits should be set back as far as possible, so as not to interfere or hinder roundabout operations. Parking shall be prohibited within 250 feet from the center of the roundabout, and that appropriate signage indicating same, be installed to inform motorists of the parking restriction.
  - d. A DPW&T street construction permit is required for the proposed private internal roadways. The private roads are to be constructed in accordance with DPW&T's Specifications and Standards. The maintenance of private streets is not the responsibility of DPW&T.
  - e. Resolution of all roadway requirements for The Maryland-National Capital Park and Planning Commission (M-NCPPC) Preliminary Plan of Subdivision 4-07060, needs to be filled prior to the issuance of street construction permits for this site.
  - f. Determination of roadway identification, public or private within the site, is necessary prior to the detail site plan approval. (The Planning Board has imposed Condition 1(e) to ensure such identification.)

- g. All improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
- h. Full-width, two-inch mill and overlay for all existing County roadway frontages is required.
- i. Construction of any proposed and/or existing stormwater drainage systems, within Spring Way (Private Roadway) limits, may involve road improvements to said Spring Way in accordance with DPW&T's Specifications and Standards.
- j. Any proposed and/or existing master plan roadways that lie within the property limits, must be addressed through coordination between M-NCPPC and DPW&T. This may also involve rights-of-way reservation, dedication and/or construction, in accordance with DPW&T's Specifications and Standards.
- k. The applicant needs to provide adequate sight distance in accordance with AASHTO standards for all the intersections within the site and at Westphalia Road.
- l. A review of the traffic impact study shall be conducted by the applicant to determine the adequacy of access points, and the need for construction of acceleration/deceleration and/or turning lanes.
- m. Conformance with DPW&T street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the County Road Ordinance, roadside trees will be required within the limits of the permit area.
- n. Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility Installation and Maintenance Permits" are required.
- o. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- p. Sidewalks are required along all roadways within the property limits, in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times. (Conditions 1(h) and 10 of this DSP approval require the provision of sidewalks along all public and private roadways within the property limits.)
- q. All Stormwater management facilities/drainage systems, including recreation features, visual amenities and facilities are to be constructed in accordance with the Specifications and Standards. DPW&T's approval of all facilities are required, prior to permit issuance.

- r. The proposed concrete box culvert located on the north side of Spring Way is required to be extended to meet the wetland limit. All existing/proposed culverts located under the roadway should be designed and replaced to provide 100-year frequency storm as determined by DPW&T.
- s. The proposed site development has an approved Concept Plan Number 26438-2004 dated February 6, 2007.
- t. A soils investigation report which includes subsurface exploration and a geotechnical engineering evaluation for public streets is required. The soils investigation report shall be signed and sealed by a registered professional engineer licensed to practice engineering in the state of Maryland.

It should be noted that DPW&T usually enforces its conditions through its own permitting process.

15. **Trails:** The Adopted and Approved Westphalia Sector Plan places an emphasis on a comprehensive and interconnected trail network, as well as walkable, pedestrian friendly streetscapes. The trail network utilizes several stream valley corridors, historic Melwood Road, sidepaths along major roadways, and on-road bicycle facilities. The sector plan also recommends that all community town center core roads have either standard or wide sidewalks. Miles of trail and sidewalk connections have already been approved through previous approvals for the Marlboro Ridge and Smith Home Farms developments. The subject site is located towards the western edge of the Westphalia study area along the north side of existing Westphalia Road.

Westphalia Road is designated as C-626 in the sector plan. The sector plan recommends a sidepath along the length of Westphalia Road, as now called for in Condition 10(a) of this DSP approval. This sidepath should be provided in conjunction with on-road bicycle facilities. This trail will provide an east to west bicycle and pedestrian connection through residential northern portion of the Westphalia area. This trail is reflected on the submitted detailed site plan.

The existing residential development immediately to the west of the subject site includes standard sidewalks along one or both sides of most roads. Existing Cedar Lane is an open section with no sidewalks. M-NCPPC parkland abuts the subject site to the west along Westphalia Road. This parkland includes a tennis court, basketball court and softball field, as well as ten acres of undeveloped parkland (Parcel B).

The subject site includes two proposed open space parcels (Parcel A and Parcel F), a stormwater management pond, five single-family lots, and 200 R-T (townhouse) lots. The majority of the developed portion of the site is proposed as townhouse units. Due to the density of the proposed site, sidewalks are appropriate along both sides of the internal roads, excluding alleys, and this is reflected in Condition 10(d) below. These sidewalks will accommodate pedestrian movement through the site and provide access to the open space/park parcels. The necessary sidewalks have been shown on the plan, and the Planning Board has further accommodated for sidewalks in Conditions 1(h) and 10(b)-(d) of this DSP approval.

The feasibility of an internal trail connection from Lydia Lane to Deer View Drive was evaluated. Due to drainage and topographic issues, this connection is not practical. However, the necessary connections through the subject site are made by sidewalk connections.

16. **Verizon Referral:** Verizon stated that a public utility easement should be provided to every unit on the site, free and clear of all obstructions. The required PUE has been shown along the public streets, and the required ten-foot clear space has been allocated along the private streets, but the PUE has not been explicitly identified along the private streets on the plan. The plan shall be revised to specifically show the PUE along the private streets, in accordance with Condition 1(g) of this DSP approval.
17. **Environmental Referral:** The subject property was previously reviewed as Preliminary Plan of Subdivision 4-06002, but this case was withdrawn. Preliminary Plan of Subdivision 4-07020 and TCPI/003/07 were approved by PGCPB No. 08-05. This detailed site plan is required by Section 27-433(k) of the County Zoning Ordinance, which provides for the R-T zone.

This is a 46.35-acre property located on the north side of Westphalia Road approximately 1,000 feet east of its intersection with Chester Grove Road. There are streams, wetlands, 100-year floodplain, and severe slopes found on this property associated with the Southwest Branch of the Patuxent River watershed. According to the *Prince George's County Soil Survey*, the soils found on this property are in the Beltsville, Bibb, Sandy Land, Sassafra, and Woodstown series. Marlboro clays are not found to occur in the vicinity of this property. Based on the most recent Air Installation Compatible Use Zone (AICUZ) Study released to the public in July 2007 by the Andrews Air Force Base, aircraft generated noise is significant. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species are not found to occur on this property or on adjacent properties. There are no designated scenic or historic roads adjacent to this site. This site is not located within the designated network of the *Approved Countywide Green Infrastructure Plan*. The site is in the Developing Tier according to the 2002 General Plan and the Preliminary Westphalia Sector Plan.

#### **Master Plan Conformance–Westphalia Sector Plan**

The subject property is located in the Westphalia Sector Plan and Sectional Map Amendment. There are four policies of the Westphalia Sector Plan that relate to Environmental Infrastructure:

**Policy 1. Protect, preserve, enhance the identified green infrastructure network within the Westphalia sector planning area.**

**Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.**

- a. **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

- b. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**
- c. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
- d. Encourage shared public/private stormwater facilities as site amenities.**
- e. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

**Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

- a. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- b. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

**Policy 4. Plan land uses appropriately to minimize the affects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.**

- a. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- b. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- c. Evaluate development proposals using Phase I noise studies and noise models.**
- d. Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- e. Provide for the use of appropriate attenuation measures when noise issues are identified.**

During the review of Preliminary Plan of Subdivision 4-07060, the Planning Board found in its Resolution No. 08-05 that the preliminary plan was in conformance with the environmental considerations of the master plan.

**Conformance with the *Approved Countywide Green Infrastructure Plan***

The Approved Countywide Green Infrastructure Plan indicates that none of the property is in or near any portion of the designated network.

Review of Previously Approved Conditions

**PGCPB No. 08-05, File No. 4-07060**

1. **Prior to signature approval of the TCPI, the applicant shall submit a copy of the grading permit associated with the clearing on Parcel 144 that occurred between 2000 and 2005, or revise the TCPI to show the cleared area as wooded and add the acreage of that area to the total woodland acreage on the net tract. Documented evidence shall also be provided to verify the appropriate acreage of the floodplain and existing woodland on-site. Prior to signature approval of the TCPI, the NRI shall be revised accordingly, resubmitted and signed by staff.**

The changes were made and the revised NRI was signed.

2. **Prior to signature approval of the preliminary plan, will be provided. The concepts shall show no conflicts with the proposed woodland conservation areas.**

The approved Stormwater Management Concept Approval Letter and the associated plans for this site CSD 42317-2004-00 were submitted. Because no conflicts with the proposed woodland conservation areas were found, the preliminary plan was signed.

3. **The following note shall be placed on the Final Plat of Subdivision:**

**“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/07), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”**

This condition will be addressed when the final plat is submitted.

- 4. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised to:**
  - a. Add the graphic symbol for the limit of disturbance to the legend and revise the limits of disturbance to include all the proposed construction.**
  - b. Clarify the graphic symbols for the existing and proposed sanitary sewer lines.**
  - c. Add conceptual grading to justify the limits of disturbance shown.**
  - d. Eliminate woodland conservation from within 10 feet of the rear lot lines of townhouse units.**
  - e. Eliminate the symbol for slopes from the legend.**
  - f. Revise note 1 as follows: "This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-07060. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a detailed site plan, a Specific Design Plan, and/or a grading permit application."**
  - g. Revise note 1 to reference the TCPI number.**
  - h. Revise note 6 to reference the approved stormwater management concept plan.**
  - i. Include all utility easements on-site and show no woodland conservation within any easement, existing or proposed.**
  - j. Revise woodland conservation areas to be at least 35 feet in width.**
  - k. Have the plans signed and dated by the qualified professional who prepared them.**

The changes were made and the revised TCPI was signed.

- 5. All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional shall be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**



Condition No. 9 of this DSP approval ensures this matter will be addressed at time of permit review.

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

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

This condition will be addressed when the final plat is submitted.

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

Condition No. 8(a) of this DSP approval ensures that this matter will be addressed when any permit is submitted.

8. **All deeds conveying lots to future homeowners within this subdivision shall include language notifying all future contract purchasers of the proximity of the property to Andrews Air Force Base and noise levels related to military aircraft overflights. The deeds of conveyance shall include the disclosure notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the disclosure notice. This condition shall be noted on the final plat along with a description of the proximity of the development to Andrew’s Air Force Base and noise levels related to military aircraft overflights.**

Condition 9 of the Preliminary Plan 4-07060 approval (PGCPB Res. No. 08-05) ensures this language is placed on the final plats.

9. **The following note shall be placed on the Final Plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”**

Condition No. 9 of the Preliminary Plan approval (PGCPB Res. 08-05) ensures that matter will be addressed when the final plat is submitted.

- 10. Prior to the application for 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 Ldn or less.**

Condition No. 10 of the Preliminary Plan approval (PGCPB Res. 08-05) ensures that this matter is addressed at time of permit review.

- 11. A Type II Tree Conservation Plan shall be approved in connection with the detailed site plan.**

A Type II tree conservation plan was submitted with this application and approved subject to revisions as specified in Condition No. 2 of this resolution.

- 20. Development of the site shall be in conformance with the approved stormwater management concept plan (CSD # 42317-2004-00) or any approved revision thereto.**

The stormwater management facilities shown on the detailed site plan and TCPII are in conformance with CSD 42317-2004-00.

### **Environmental Review**

1. Based on the most recent Air Installation Compatible Use Zone Study released to the public in July 2007 by the Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the noise threshold is within the 65-70 dBA (Ldn) noise contours. This noise level is above the state acceptable noise level for outdoor activity areas for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA Ldn.

The noise-related conditions are all part of the preliminary plan of subdivision approval, and remain fully operable and enforceable. Inclusion of these conditions with the detailed site plan approval is therefore unnecessary.

2. Streams, wetlands, 100-year floodplain, and severe slopes in excess of 25 percent are found on this property. These features along with their respective buffers comprise the Patuxent River Primary Management Area (PMA). The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

A letter of justification and associated exhibits were submitted with Preliminary Plan of

Subdivision 4-07020 for four proposed impacts. The TCPII shows similar impacts and the plans are in conformance with the Planning Board's prior finding regarding Section 24-130(b)(5) of the Subdivision Regulations.

The Planning Board imposed Condition 6 and Condition 7 in PGCPB. No. 08-05 to provide protection of these areas; however, the condition inadvertently failed to place Condition 7 on the final plats.

3. This site is subject to the provisions of the Woodland Conservation Tree Preservation Ordinance because it has a previously approved Type I Tree Conservation Plan, TCPI/003/07. A Type II Tree Conservation Plan, TCPII/003/09, was submitted in compliance with Condition 11 of PGCPB. No.08-05.

The proposed clearing, proposed on-site preservation areas and proposed on-site planting areas conform to TCPI/003/07.

The plan has numerous technical errors. The plan was not signed and dated by a qualified professional. The Index Sheet indicates the TCPII has three sheets; however, the plan has eight sheets. The plans show a proposed tree line. The PMA is not labeled. The Reforestation Plant Schedule has the wrong calculations. Sheet 2 refers to a Habitat Management Plan that is not associated with this property.

Condition No. 2 of this DSP approval requires correction of these errors.

To assure protection in perpetuity, as required by Maryland law, easements for the planting areas should be shown on the final plats. On-site planting should be completed prior to issuance of building permits.

4. The soils found to occur on this property are in the Beltsville, Bibb, Sandy Land, Sassafras and Woodstown series. This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Because numerous changes are needed to the plans before they can be certified, quality control is important.

18. **Department of Parks and Recreation (DPR):** The following conditions of the approved Preliminary Plan of Subdivision 4-07060 are applicable to the subject detailed site plan:

12. **At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the M-NCPPC 6.42+ acres of land (Parcel A). Land to be conveyed shall be subject the following:**

**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.**

**The 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.**

**The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**

**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, the 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, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**

**Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**

**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. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.**

**All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**

**The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.**

**No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance**

**bond and an easement agreement may be required prior to the issuance of grading permits.**

The applicant shows dedication of 6.42 acres of parkland. However, the applicant adjusted the shape of the dedicated parcel recommended in the preliminary plan. The preliminary plan had been approved with the park parcel extending to the Cedar Way and Westphalia Road right-of-ways. However, the new configuration includes an HOA parcel along the west side of Cedar Way and on the corner of Cedar Way and Westphalia Road for the installation of a sign. This action would block access to park parcel from Cedar Way. Installation of the sign on the corner of the parkland is not appropriate. The sign shall be relocated to the actual development area and the HOA parcel shall be eliminated between parkland and Cedar Way, in accordance with Condition No. 7 of this DSP approval.

- 15. The applicant shall construct 8-foot-wide trail connectors from the subdivision to the existing recreational facilities on adjacent parkland. The location of the trail connectors on dedicated and/or existing parkland shall be determined at the time of detailed site plan.**

Conditions 3 through 6 of this DSP approval address this matter.

- 16. The detailed construction drawings for the construction of the trail connectors on adjacent parkland shall be submitted to the DPR for review and approval with submission of the detailed site plan. It shall include a grading plan, limit of disturbance and construction details.**

Prior to certificate approval of the DSP, the applicant shall submit to DPR for review and approval construction drawings including that include trail layout, proposed grading, limits of disturbance, and construction details. This requirement is addressed by Condition No. 3 of this DSP approval.

- 17. All trails shall be constructed to assured dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail.**
- 22. Prior the issuance of the first building permit, the improvement discussed in Condition 16 shall have full financial assurances through either private money and/or full funding in the CIP.**

Condition 15 of the Preliminary Plan approval (PGCPB No. 08-05) requires the applicant to construct eight-foot-wide trail connectors from the subdivision to the existing recreational facilities on adjacent parkland. Preliminary Plan Condition 19 requires the applicant to submit a performance bond prior to first building permit guaranteeing the construction of the trail connector on parkland. The applicant should be required to complete trail construction prior to issuance of 100<sup>th</sup> building permit.

- 24. At the time of detailed site plan the 50-foot buffer strip along the west side of Cedar Way shall be addressed and the method of delineation on the final plat of subdivision (easement, building restriction line etc.) shall be decided. Additional considerations as described in the findings of this report shall also be addressed by the detailed site plan.**

The applicant proposes a 50-foot landscaping buffer on dedicated parkland. The buffer strip is required, and shall be established with a building restriction line, as provided for Condition No. 1(i) of this DSP approval.

19. **Washington Suburban Sanitary Commission (WSSC):** WSSC noted that water and sewer extension will be required for this project.
20. The subject property is subject to Zoning Map Amendment A-9683-C. These conditions are found in the District Council's order of approval ZO-11-2005, including the following:

- 5. The applicant shall pay the amount of \$300.00 per unit into an escrow account established by the Westphalia Community Coordination Council, or its subsequent entity, to be utilized at its discretion. Such sum shall be paid into the escrow account prior to the issuance of any permit, including grading for the subject property.**

This condition and the other conditions of the ZMA remain in full force and effect and are not altered or impeded by the approval of the detailed site plan.

21. As required by Section 27-285(6) of the Zoning Ordinance, 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 (TCP/003/09) and further APPROVED Detailed Site Plan DSP-08027 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the detailed site plan, the applicant shall revise the plans as follows:
- a. Add a note to the fence detail stating that the fence shall have a natural, non-white color.
  - b. Create a brick front tracking chart.
  - c. Revise the Site Data notes and the plan to clearly demonstrate that portions of the subject property are located in the R-R Zone and are not included in the subject DSP.

- d. Revise the Site Data notes to reflect all four underlying parcels that are included within the subdivision (Parcels 30, 143, 144, and 329).
  - e. Identify which streets will be private and which streets will be public.
  - f. Identify and dimension the required five parking spaces for the physically handicapped, including two van-accessible spaces.
  - g. Demonstrate that the required ten-foot-wide public utility easement has been provided along all private streets.
  - h. The width of the sidewalk along the west side of Cedar Way will be determined by DPW&T. If a six-foot sidewalk in this location is approved by DPW&T, the applicant shall revise the plan to show a six-foot sidewalk along the west side of Cedar Way.
  - i. Revise the plan to place a 50-foot building restriction line along the west side of Cedar Way.
2. Prior to certification of the detailed site plan, the TCPII shall be revised to:
  - a. Revise the Index Sheet to correctly indicate the detail sheets in the plan.
  - b. Remove the symbol for the proposed tree line from the plans and the legend.
  - c. Clearly label the PMA.
  - d. Correct the Reforestation Plant Schedule calculations.
  - e. Remove the notes regarding a Habitat Management Plan.
  - f. Have the revised plan signed and dated by the qualified professional who prepared the plan.
  - g. As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.
3. Prior to certificate approval of the Detailed Site Plan DSP-08027, the applicant shall submit to DPR for review and approval the detailed construction drawings for the construction of the trail connectors on adjacent parkland. The construction drawings shall include a grading plan, limit of disturbance, typical sections and details, and construction details.
4. The trail shall be designed in accordance with the applicable standards in the *Park and Recreation Facilities Guidelines*. Designs for any needed structures shall be reviewed and approved by DPR.
5. Prior to construction of the trail on parkland the trail location shall be staked in the field and approved by DPR staff.

6. The applicant shall complete the trail construction prior to issuance of the 100<sup>th</sup> building permit.
7. Prior to certificate approval of the Detailed Site Plan DSP-08027, the applicant shall revise the plan to remove the sign from the corner of Westphalia Road and Cedar Way. The configuration of the park parcel shall be revised so that it has frontage along Cedar Way for its entire length. The sign and its proposed landscaping shall be moved to a new location at the intersection of Lydia Lane and Cedar Way. The location of a temporary sign (pursuant to section 27-618(a)(1)) shall be shown. A right of entry shall be obtained from Parks and Recreation prior to installation of the sign.
8.
  - a. The following note shall be placed on the final plats:

“Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M–NCPPC, Planning Department.”
  - b. The area of the 50-foot landscape buffer on the dedicated parkland shall be designated with a building restriction line on the final plat.
9. The following note shall be placed on the final plats:

“All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional shall be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”
10. In conformance with the Approved Westphalia Sector Plan, and approved Preliminary Plan of Subdivision 4-07060 (Condition 14, PGCPB No. 08-05), the applicant and the applicant’s heirs, successors and/or assigns shall provide the following:
  - a. An eight-foot-wide hard surface Class II Trail along the subject site’s entire frontage of Westphalia Road, unless modified by DPW&T.
  - b. Standard sidewalks along both sides of the subject site’s portion of Cedar Way, unless modified by DPW&T.
  - c. Standard sidewalks along both sides of the subject site’s portion of Chester Grove Road, unless modified by DPW&T.
  - d. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by DPW&T.



11. Prior to issuance of a sign permit for the gateway sign, the applicant shall submit a maintenance agreement that has been approved by the Department of Environmental Resources (DER).

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, January 29, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19<sup>th</sup> day of February 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:CL:bjs