



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-39

File No. DSP-09014

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 March 25, 2010 regarding Detailed Site Plan DSP-09014 for Fairland Park Community, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for a public benefit conservation subdivision with 104 single-family detached dwelling units and 34 townhouse units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-R	R-R
Use	Vacant	Residential (Single-family detached and attached)
Acreage	79.25	79.25
Number of lots	-	138
of which Single-family detached	-	104
Townhouse	-	34
Number of parcels	3	10

Parking Tabulation

	Required	Provided
Townhouses (2.04/Unit)	70	
Single-family Detached (2/Unit)	208	
Total Parking	278	562
Handicapped spaces	1	1

ARCHITECTURAL MODELS

Townhouse

Model	Base Square Footage
Astor Hall (front garage)	2,222
Astor Hall (rear garage)	2,141
Carnegie Place (front garage)	2,413
Carnegie Place (rear garage)	2,272

Single-family Detached

Model	Base Square Footage
Bedford	2,037
Ravenwood	2,261
Zachary Place	2,249
Victoria Falls	2,472
Oberlin Terrace	2,632
Jasmine	2,644
Empress	2,708
Falconcrest	2,801
McKinley	2,874
Roosevelt	3,104
Remington Place	3,111
Chapel Hill	3,300
Wynterhall	2,874

3. **Location:** The subject properties are located along an approximately one-mile segment of Old Gunpowder Road southwest of the intersection of Sandy Spring Road (MD 198) and Old Gunpowder Road and west of the City of Laurel, in Council District 1, Planning Area 60 and the Developing Tier.
4. **Surrounding Uses:** The properties included in this application are not contiguous, but are separated by several properties in the I-2 (Heavy Industrial) Zone, containing various industrial uses. The portion of the property to the north is proposed to be preserved as conservation parcels. The property to the south of the Industrially-zoned property is proposed to be developed with 104 single-family detached and 34 townhouse units. The property is bounded to the east by Old Gunpowder Road, to the south by the Gunpowder Golf Course (M-NCPPC) and Fairland Regional Park, to the west by Montgomery County, and to the north by undeveloped I-3 (Planned Industrial/Employment Park) zoned land.
5. **Previous Approvals:** Fairland Park is designed as a public benefit conservation subdivision in the R-R Zone under Section 24-152 of the Subdivision Regulations. The site was previously reviewed for a cluster development under Preliminary Plan of Subdivision 4-01070 (PGCPB Resolution No. 01-240, approved on January 17, 2002) and Detailed Site Plan DSP-05002, which was withdrawn. Public Benefit Conservation Subdivision Sketch Plan S-08003 was certified on March 4, 2009. Preliminary Plan of Subdivision 4-09005 was subsequently approved by the Planning Board on September 12, 2009 (PGCPB Resolution No. 09-132). The site also has a valid Stormwater Management Concept Plan 42314-2004-01 approval, which will remain valid until February 11, 2012.
6. **Design Features:** The subject DSP proposes 104 single-family detached dwelling units and 34 townhouse units on 79.25 acres in the R-R Zone. The northern portion of the property was determined to be the area with the highest priority for preservation through the sketch plan and preliminary plan review process and is therefore proposed to be preserved through the creation of conservation parcels. These conservation parcels are adjacent to an area of open space that was

recently purchased by Montgomery County for preservation and are bisected by a Potomac Electric Power Company (PEPCO) right-of-way. The proposed residential development will occur on the portion of the property south of the I-2-zoned parcels that divide the subject site. Access to the residential units will be provided via two access points along the west side of Old Gunpowder Road. The northernmost access point (Public Road A) will provide access to the majority of the proposed units (96 of the single-family detached units and all 34 townhouse units). Road A traverses the site from east to west and includes a traffic circle near the western property line, where Road A connects to Montgomery County. The traffic circle will provide a transition between the 62-foot-wide right-of-way proposed within the portion of the development in Prince George's County and the 70-foot-wide right-of-way proposed within Montgomery County.

Road A connects to several other public streets, which create a grid pattern north and west of the Washington Suburban Sanitary Commission (WSSC) easement that bisects the southern portion of the site. The townhouse units are concentrated in the southwest portion of the site, between the homeowners association open space parcel containing the stormwater management facility to the west and the WSSC easement to the east. Private roads in the townhouse section are oriented in a grid pattern with sticks arranged at right angles and accessed from the rear where possible.

The second access along Old Gunpowder Road (Private Road H) will serve eight additional single-family detached units proposed south and east of the WSSC easement. Units are arranged generally on the north and west side of this cul-de-sac, which is bounded to the east by Parcel H, which contains the trailhead recreational area and will be dedicated to M-NCPPC (The Maryland-National Capital Park and Planning Commission).

During review of the sketch plan and preliminary plan, an intermodal trail system connecting to Old Gunpowder Golf Course and Fairland Regional Park was identified as an essential component of this public benefit conservation subdivision. As such, an eight-foot-wide hiker/biker trail is proposed, which will be an extension of the existing trail system in the area and will be easily accessible to residents of this community. The trail is located within the rights-of-way of Public Roads A and B, creating a horse shoe-shaped connection through the development to the portion of the trail that provides a north-south connection along Old Gunpowder Road. A trailhead area that includes a playground, benches and landscaping, is located in the southern portion of the site, adjacent to the Old Gunpowder Golf Course, on land to be dedicated to M-NCPPC. The applicant is proposing to construct a nine-space parking facility adjacent to the trailhead, on the golf course property.

Thirteen architectural models by NVR Homes are proposed with this application. The models show a popular elevation design that draws heavily from traditional colonial architectural style. All models feature two stories with two-car garages as standard features. Various finishing materials including brick veneer, cultured stone, and various roof patterns have been incorporated into the design of the units. Architectural detailing, such as jack arch windows, Palladian windows, bay windows, keystone, quoin, transom entrance doors, shutters, and optional carriage style garage doors, provide visual interest and variety. Given the fact that so many building elevations with various options in design and exterior finishing materials have been proposed in

this application, several architecture-related conditions have been included in accordance with previous similar approvals by the Planning Board and the Prince George's County District Council in order to ensure that high quality units are constructed within this development. These conditions deal specifically with the minimum percentage of brick on the front elevations, chimneys, projections, and water tables, and the enhancement of high visibility side elevations. The side elevations of the units on the following lots, which are visible from the street or hiker/biker trails, shall feature a standard brick water table and a minimum of four standard end wall features in a balanced composition:

Lots 1 & 10, Block A
Lots 1 & 12, Block B
Lots, 1, 13 & 26, Block C
Lots 1, 4, 12, 13 & 15, Block D
Lots 1, 19, 21 & 26, Block E
Lots 5 & 6, Block F

The townhouse models have similar design features to those of the single-family detached houses, such as various optional elevations and front elevations finished with brick veneer. The townhouse models are a standard three stories in height and each unit has a two-car garage at the first floor as a standard feature and upgraded carriage-style garage doors as an option for all models. Carriage style garage doors with windows shall be provided as standard features for all front-loaded townhouse units. Decks are shown as standard features on all rear-load units, which will ensure the rears of units that are visible from the street are treated consistently. The base finished square footage of the townhouse models varies from 2,141 to 2,413 square feet.

All driveways are shown as asphalt, except for front-loaded townhouse units where concrete is used for the driveways.

Two monument-style entrance features are proposed at the project's main entrance along Old Gunpowder Road at its intersection with Public Road A. Each main monument sign is flanked by a series of brick piers connected by railings. Three additional sections of brick piers and railings are provided along Old Gunpowder Road, south of Public Road A. The main signs are faced with a stately combination of brick and cast concrete. Extensive landscaping of annuals, perennials, and shrubs is proposed at the base of each sign. A combination of shade, ornamental and evergreen trees will be planted behind the entrance signs to provide an attractive backdrop. The plans show what appear to be piers on each side of Private Road H at its intersection with Old Gunpowder Road; however, there are no labels or details provided on the plans.

7. **Recreational Facilities:** At the time of the review of the preliminary plan of subdivision, the Department of Parks and Recreation (DPR) determined based on an analysis of the need for public recreational facilities, that the dedication of parkland would be required in association with this development instead of the provision of on-site private recreational facilities or a fee-in-lieu of dedication. A detailed discussion of the applicant's proposed parkland dedication and the facilities to be constructed on land to be dedicated is provided below in Finding 10.

In addition to the facilities to be located on dedicated parkland, the applicant is proposing to amenitize the proposed stormwater management facility in the southwest portion of the site. Specifically, the applicant is proposing to construct an 18-foot gazebo overlooking the stormwater management facility, which will be extensively landscaped and will include a continuous-flow surface aerating fountain to both enhance the appearance of the pond and improve water quality. A ten-foot-wide trail connecting to the internal sidewalk and trail network is also proposed to encircle the stormwater management pond and will provide residents with an additional active recreational opportunity proximate to their homes.

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The detailed site plan (DSP) application has been reviewed for compliance with the requirements in the R-R Zone, the additional requirements for attached dwellings in a public benefit conservation subdivision, as well as the Site Design Guidelines of the Zoning Ordinance:

- a. The subject application is in conformance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs development in the residential zones. The proposed single-family detached dwelling units are permitted in a public benefit conservation subdivision in the R-R Zone.

The proposed townhouse dwelling units are permitted in a public benefit conservation subdivision in the R-R Zone subject to Footnote 85, which indicates the following:

85 In a Public Benefit Conservation Subdivision, townhouses, one-family semidetached, and one-family metropolitan dwellings are allowed subject to the approval of a Detailed Site Plan and subject to the design guidelines of Section 27-274 (a) (11) and the regulations for development set forth in Section 27-433 (c) through (k). Townhouses, one-family semidetached, and one-family metropolitan dwellings may not comprise more than twenty-five percent (25%) of the total number of units included in a Public Benefit Conservation Subdivision.

The number of townhouses proposed with this development is 34, which is 24.63 percent of the total number of units included in this application (138).

Section 27-274(a)(11) of the Zoning Ordinance sets forth the following requirements for townhouses and three-family dwellings:

- (A) **Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site**

conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

In this case, the priority for tree preservation was identified with the review of Sketch Plan S-08003. The priority tree stands are located in the northern portion of the site on the proposed conservation parcels. The southern portion of the site, where all of the development is proposed, was partially cleared and graded in association with a commercial sand and gravel operation.

A Finding associated with the Preliminary Plan of Subdivision 4-09005 indicated that the limit of disturbance (LOD) should preserve existing trees along the industrially-zoned property to the north of Parcel 10, to the extent possible, and within the 65-foot-wide WSSC easement. The detailed site plan shows the clearing of the existing trees along the industrially-zoned property to the north; however, a Type D Bufferyard and six-foot-high, opaque fencing is proposed along this property line in accordance with the requirements of the *Prince George's County Landscape Manual*. The plans indicate that the mature trees within the WSSC easement will remain undisturbed so as to screen the rears of the units that back to this easement.

- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.**

The proposed townhouse units are accessed via a network of private streets arranged in a grid pattern, creating a courtyard design. Rear-loaded garages are proposed where feasible and sticks are arranged at right angles to enhance the courtyard feel of the townhouse section.

- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.**

The intermodal trail connection to the Gunpowder Golf Course and Fairland Regional Park is located in the southeast quadrant of the site on land to be dedicated to M-NCPPC. In consultation with the Department of Parks and Recreation, the applicant has designed this trailhead area with a play area and benches. Landscaping has been provided between the east property line of Lot 8 and the proposed facility to mitigate any adverse impacts associated with its use.

A finding associated with Preliminary Plan of Subdivision 4-09005 also indicated that a six-foot-high iron-clad fence should be provided along the southern property line on homeowners association land as determined appropriate at the time of detailed site plan. The detailed site plan shows a six-foot-high, estate style aluminum fence along the southern property line on homeowners association land. Trail connectivity to the Gunpowder Golf Course and Fairland Regional Park is not interrupted as the fence does not extend onto the parcel that is to be dedicated to M-NCPPC.

In most cases, the intermodal trail is located within the right-of-way or is set back considerably from individual units. Where the trail connects from Public Road D to the north and Private Road H to the south, the trail is located between individual lots. Some landscaping has been provided in these areas between units and the trail; however, additional landscaping shall be installed to provide additional privacy to future residents. Specifically, the side yards of Lots 5 and 6, Block F and Lot 1, Block E and Lot 23, Block B shall be planted with additional landscaping material to screen the side and rear yards from the adjacent trail. The design of this additional landscaping shall be reviewed and approved by the Urban Design Section as designee of the Planning Board prior to signature approval of the detailed site plan.

- (D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.**

The townhouse units are designed with considerable variation in roofline treatments and front-façade architectural treatments. Distinctive fenestration patterns are provided from unit-to-unit, projecting elements are provided as optional front-façade treatments and varying, but complementary color combinations are employed.

- (E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.**

The rears of the townhouse units are not oriented toward public rights-of-way or parking lots.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

A condition has been included, which requires all building offsets to be clad with brick.

Section 27-433 (c) through (k) (as applicable to review of the detailed site plan) sets forth the following requirements for townhouses:

(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 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 detailed site plan proposes no more than six dwelling units in a row.

- (3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouse 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 interior units are proposed at 22 feet wide and the end units are proposed at 24 feet wide.

- (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 townhouse units proposed range in size from 2,141 to 2,413 base 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.**

All endwalls have a minimum of two architectural features. Enhanced endwalls treated with full brick and multiple windows are shown as options on the drawings; however, the plans do not indicate which end units will feature this enhanced treatment. Due to their visibility from the street, the townhouse units on Lots 13, 22, 23, 40, and 46 shall receive this enhanced treatment.

- (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 elevation drawings are not clear regarding the proposed finish material on exposed foundation walls. Prior to signature approval of the detailed site plan, the elevation drawings shall be revised to clearly indicate that exposed foundation walls will be clad with brick or will be textured or formed to simulate brick.

- (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."**

All of the townhouse units proposed feature full brick fronts. This has been memorialized in a condition of approval of this detailed site plan so that any townhouse models added in the future will meet the same standard.

- (e) **Streets.**

- (1) **The following requirements apply 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;**

Public Roads A and B, which provide access to the townhouse lots from Old Gunpowder Road, have a minimum right-of-way width of 62 feet.

- (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).**

The interior private streets that provide access to the townhouses are 26 feet wide.

- (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**

Interior private streets will be conveyed to the homeowners association prior to the issuance of the first building permit pursuant to a condition of Preliminary Plan of Subdivision 4-09005.

- (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.**

Referrals have been received from the operating agency (DPW&T) recommending approval. Access permits will be required by DPW&T for approval.

- (f) **Access to individual lots.**

- (1) **The following requirements shall apply only to the development of townhouses, one-family semidetached dwellings, three-family dwellings, and one-family attached metropolitan dwellings:**
- (A) **While it is not necessary that each individual lot have frontage on a street, each lot shall be served by a right-of-way for emergency and pedestrian access purposes. The right-of-way shall either be owned by a homes association and approved by the Planning Board, or a dedicated as a public right-of-way.**

Each lot has frontage on either a private street to be dedicated to the homeowners association or a public street to be dedicated to DPW&T.

- (C) **Each right-of-way shall contain a sidewalk at least six (6) feet wide which connects parking areas with the individual lots. The maximum grade of the sidewalk shall generally be not more than five percent (5%). However, when the normal grade of the land exceeds five percent (5%), ramps or steps may be utilized to remain consistent with that grade.**

Sidewalks along the private rights-of-way that serve the townhouse units are shown on the plans as four feet wide. These sidewalks shall be widened to a minimum of six feet in accordance with the above requirement prior to signature approval of the detailed site plan.

- (E) **For any private street or other access right-of-way to be improved, a permit shall be obtained from the County Department of Public Works and Transportation. If the right-of-way is located in a municipality which has jurisdiction over street improvements, the municipality shall issue the permit. The permit shall not be issued until construction plans are approved, the permit fees are paid, and a performance bond is posted with the Department or municipality guaranteeing installation of all streetlights and completion of all street, other access right-of-way, sidewalk (including those required for access to the front or rear of lots), and parking lot construction. Issuance of the permit and posting of the bond shall authorize the Department of**

Public Works and Transportation, or the municipality, to enter the development to complete the construction of the work covered by the bond, if the developer fails to complete the work within the permit period.

The property is not located within a municipality. DPW&T requires permitting and bonding for both public and private street construction.

(g) Utilities.

- (1) All utility lines within an attached dwelling unit development shall be placed underground.**

The detailed site plan shows all utilities underground.

(h) Minimum area for the development.

- (1) No group of attached dwellings shall be located on a parcel of land containing less than two (2) acres.**

The townhouses are located on Parcel 10, which is 38.22 acres.

(i) Common Areas.

- (1) If common areas are provided, they shall be conveyed to an incorporated, nonprofit homes association. The association shall be created under recorded land agreements (covenants) which specify that:**

(A) Each home owner in a described land area is automatically a member; and

(B) Each home is automatically subject to a charge for a proportionate share of common area maintenance. The recorded covenants shall bind each home owner to pay his proportionate share of all assessments (including taxes), which may be necessary to maintain the common areas. The covenants shall also provide for a personal money judgment procedure against each home owner to meet the assessment charges.

- (2) **If a Detailed Site Plan shows a common area, the Planning Board (as a condition of plat approval) shall place conditions on the ownership, use, and maintenance of these areas to assure that the areas are preserved for their intended purpose.**
- (3) **Record plats filed on land located in an R-T Zone (or any other zone when developed in accordance with the R-T Zone) shall include a statement of the covenants or other documents concerning the ownership and maintenance of the common area, or shall include the statement by reference to liber and folio.**

Appropriate conditions were included with the approval of Preliminary Plan of Subdivision 4-09005 to ensure conformance with these requirements.

(k) **Site plan.**

- (1) **A Detailed Site Plan shall be approved for all attached dwellings, in accordance with Part 3, Division 9, of this Subtitle.**

This detailed site plan has been filed in fulfillment of this requirement.

- b. The subject application is in conformance with the requirements of Section 27-445.12 of the Zoning Ordinance, Bulk regulations for Public Benefit Conservation Subdivisions.
 - c. The subject DSP is in conformance with the requirements of Section 27-274, Site Design Guidelines, regarding townhouse dwellings.
9. **Public Benefit Conservation Subdivision Sketch Plan S-08003:** Sketch Plan S-08003 was certified on March 4, 2009. The sketch plan establishes priority areas to be preserved through the creation of conservation parcels and designates appropriate areas for development. The sketch plan proposed locations for dwellings on that portion of the site determined to be least suitable for conservation. Completion of the sketch plan process is required prior to the acceptance of a preliminary plan for a conservation subdivision.

The approved sketch plan demonstrates that the subdivision prioritizes the protection of the existing environmental, scenic, and archeological features of the site. These features include wetlands, priority woodland, the Little Paint Branch stream on site, and archeology opportunities.

The sketch plan identified five different areas of the site as having either high, moderate, or low conservation potential. The area of low potential, located in the southern portion of the site, was designated for residential development. Areas 1 and 2, located north of the industrially-zoned

property, were the highest priority for preservation. Areas 3 (south of and bordering the I-2-Zoned property) and 4 (north of the I-2-Zoned property and south of the Potomac Electric Power Company (PEPCO) right-of-way (ROW)) were identified as having medium priority for preservation and Area 5 (where the residential development is proposed) as having low priority for preservation.

10. **Preliminary Plan of Subdivision 4-09005:** Preliminary Plan of Subdivision 4-09005 was approved by the Planning Board on October 1, 2009, subject to 37 conditions, of which the following are applicable to the review of this DSP and warrant discussion as follows:

1. **Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:**

- d. **Revise Public Roads A and B to a ROW width of 70 feet to accommodate the eight-foot-wide hiker/biker trail off of individual lots and 36 feet of travel way, or widen the ROW to a standard approved by DPW&T to accommodate these improvements as noted.**

The applicant is proposing a modified, 62-foot-wide road section for Public Roads A and B, which accommodates the eight-foot-wide hiker/biker trail off of individual lots and 36 feet of travel way in accordance with the above condition. The Department of Public Works and Transportation (DPW&T) has indicated that the modified section has been reviewed and approved.

- g. **Indicate future ownership of Parcels A, B, C, and D (M-NCPPC) and graphically depict an eight-foot wide hiker/biker trail, approximately 50 feet from the ROW of Old Gunpowder Road.**

The submitted site plan reflects the trail on Parcel H per these specifications.

- m. **For the townhouse component, demonstrate conformance to Section 27-433(f)(1)(C) of the Zoning Ordinance. Specifically, that each right-of-way shall contain a sidewalk at least six feet wide that connects parking areas with the individual lots.**

Sidewalks along the private rights-of-way that serve the townhouse units are shown on the plans as four feet wide. These sidewalks shall be widened to a minimum of six feet in accordance with the above requirement prior to signature approval of the detailed site plan.

2. **Prior to signature approval of the preliminary plan, the applicant, its heirs, successors and/or assignees shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements which provide access to other properties. If encumbered, the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said**

easements. Prior to approval of the final plat, the applicant shall submit a copy of the recorded abandonment of said easement(s) if they exist. If Minnick Road is found to have been dedicated to public use on the subject property, the ROW shall be vacated in accordance with Section 24-112 of the Subdivision Regulations prior to final plat.

In association with the certificate of approval process for Preliminary Plan 4-09005, the applicant's engineer submitted a statement indicating that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties.

- 4. A detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance (Subtitle 27), and the findings contained in this resolution of approval.**

PGCPB Resolution No. 09-132 for Preliminary Plan of Subdivision 4-09005 contains the following finding relating to the review of the detailed site plan (Finding 8, page 24):

The detailed site plan review shall include, but not be limited to the following:

- a. Entrance features.**

Two monument-style entrance features are proposed at the project's main entrance along Old Gunpowder Road at its intersection with Public Road A. Each main monument sign is flanked by a series of brick piers connected by railings. Three additional sections of brick piers and railings are provided along Old Gunpowder Road, south of Public Road A. The main signs are faced with a stately combination of brick and cast concrete. Extensive landscaping of annuals, perennials, and shrubs is proposed at the base of each sign. A combination of shade, ornamental and evergreen trees will be planted behind the entrance signs to provide an attractive backdrop. The proposed entrance features have been reviewed and have been found to be in conformance with Part 12 of the Zoning Ordinance.

The plans show what appear to be piers on each side of Private Road H at its intersection with Old Gunpowder Road; however, there are no labels or details provided on the plans. Prior to certification of the detailed site plan, the applicant shall clarify what is proposed and provide appropriate details.

- b. Orientation of the dwelling units on all corner lots, to provide a consistent streetscape.**

Dwellings have been carefully sited on corner lots to ensure that a consistent streetscape is provided. Units on corner lots are oriented toward the corner, instead of one of the two intersecting streets, thereby minimizing the impact of the side elevations on the streetscape.

- c. Review of the technical stormwater management plan with concurrence from the Department of Public Works and Transportation.**

The site has an approved Stormwater Management Concept Plan 42314-2004-01 and approval letter. The concept plan shows two proposed stormwater management ponds. One of the proposed facilities, the south pond, appears to utilize an existing structure associated with the current mining and reclamation operation. The other proposed facility, the north pond, is located on what is now proposed as preservation Parcel B. The detailed site plan and TCPH no longer show stormwater management on proposed conservation Parcel B. This was originally proposed for subdivision to establish residential lots that would require stormwater management for proposed dwelling units; however, it has since been changed and approved for a conservation lot and no development is proposed on Parcel B in this application. Stormwater management for Parcel B is not required at this time.

This finding was a result of a future change in the stormwater concept plan to address proposed development on Parcel B that was previously proposed. Because the plan now proposes to preserve Parcel B with no development, and stormwater management is no longer necessary on Parcel B, technical stormwater management review prior to DSP approval is no longer required.

- d. Details for the six-foot-tall iron-clad fence along the southern property line abutting the M-NCPPC property. The fence should be located on HOA land and include a gate for the trail connection to the Fairland Regional Park, if appropriate.**

The detailed site plan shows a six-foot-high, estate style aluminum fence along the southern property line on homeowners association land. Trail connectivity to the Gunpowder Golf Course and Fairland Regional Park is not interrupted as the fence does not extend onto the parcel that is to be dedicated to M-NCPPC. Therefore there is no need for a gate accessing the trail.

- e. Conformance to Section 27-274(a)(11) of the Zoning Ordinance.**

Conformance to Section 27-274(a)(11) is discussed in detail in Finding 8.

- f. The required bufferyard (Section 4.7 of the Landscape Manual) along the rear of Lots 1-10, Block A shall incorporate existing woodland as appropriate.**

The plans show a bufferyard in accordance with the requirements of Section 4.7 of the *Prince George's County Landscape Manual* along the rear of Lots 1-10, Block A; however, the requirement is proposed to be met through the planting of new trees and not through the retention of existing woodlands. According to the applicant, a field survey of the trees in this area indicated that they were in relatively poor condition and would not likely survive the grading required to fill an existing swale behind these lots. As a result, the applicant proposes to install a berm and new landscaping materials to buffer the residential lots from the adjacent industrial use.

- g. Lot specific design criteria of Section 24-152(h)(3) of the Subdivision Regulations.**

Section 24-152(h)(3) sets forth the following lot specific design criteria:

(3) Lot specific design criteria.

- (A) Buildings and driveways shall be sited to maintain the existing grade as much as possible.**

The southern portion of the overall site was the subject of a previous mining operation. The existing grades and cleared areas reflect this previous activity and are not suitable for residential development without additional grading.

- (B) A variety of lot sizes and lot widths should be provided within clusters of dwellings in order to prevent visual monotony. Since the variety of lot sizes and lot widths in a Public Benefit Conservation Subdivision may be limited, to the extent that such variation is impracticable, the applicant may provide a variety of house facades and enhanced streetscape elements for lighting, landscaping and sidewalks.**

The applicant has provided a variety of lot sizes which range from 6,500 square feet to 19,644 square feet. However, due to the small lot sizes in this Public Benefit Conservation Subdivision (PBCS), a larger variety of lot widths is not feasible while retaining a reasonable density. A total of 13 distinct house types will be available for construction on the 104 single-family detached lots, which will ensure that a variety of house facades are provided. In addition, the sidewalk has been widened to eight feet in many locations to accommodate the hiker/biker trail and high quality site furnishings and light fixtures are proposed along all streets.

- (C) Dwellings should be sited to avoid the rears being oriented toward the fronts of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements and the fronts of other dwellings.**

Dwellings have been carefully sited on corner lots to ensure that the rears of units are not oriented toward the fronts of other dwellings or external streets.

- (D) Direct driveway access for individual lots onto perimeter streets shall be avoided unless necessary for safety reasons or for some other benefit such as environmental preservation.**

All driveways are proposed to be accessed via internal streets.

- (E) Large expanses of driveways and parking areas shall not be visible from the external streets and abutting properties.**

Large expanses of driveways and parking areas are not proposed.

h. Trail locations, and triggers for construction, including Parcels A and B.

The 250 linear feet of the trail on Parcel A is located on the edge of severe slopes (greater than one to one slope) and there is no proposed slope mitigation or safety barriers. The installation of an approximately 270-foot-long safety fence along the steep slopes and provision of a minimum five-foot setback from the edge of the slopes will be required. In addition, the applicant shall extend the southern and northern ends of the trail to the existing Old Gunpowder Road bed for maintenance vehicular access. Removable bollards shall be installed on both ends of the trail to prevent unauthorized vehicle access to environmentally sensitive areas of the park. The bollards shall be installed at least 20 feet from the intersection of the trail with the road bed to provide safe parking for maintenance staff before vehicles enter the trail. The applicant should prepare construction drawings addressing these issues and submit to DPR for review and approval. The construction drawings for the trail construction shall include: a grading plan, limits of disturbance, construction details and sections for the installation of the trail, bollards, a fence and a trail connection to the road bed. The revisions to the trail will require modifications to the tree conservation plan.

Conditions 5 and 6 of Preliminary Plan of Subdivision 4-09005 set forth triggers for construction of the trail located on Parcels A and B (prior to conveyance of Parcels A, B, C and D, which must take place prior to issuance of the 69th building permit). The portion of the master plan trail to be located on homeowners association property (Parcel F) shall be constructed in phase with the trail on the adjacent parcel to be dedicated to M-NCPPC (Parcel H), which is required to be completed prior to the issuance of the 69th building permit. The trail around the stormwater management pond and the associated feeder trails on Parcels J and I shall be completed prior to the issuance of the final use and occupancy permit for the development and the trail between Private Road H and Private Road G shall be constructed prior to the issuance of building permits for Lots 5 and 6, Block F.

5. **Prior to the issuance of the 69th building permit, the applicant, its heirs, successors, and/or assignees shall plat and convey Parcels A, B, C, and D, and donate \$175,000 to M-NCPPC toward both the restoration of the stream channel on the subject property and the modification of any other conditions on said parcels. The record plat shall reflect Parcels C and D for the area of right-of-way of 40 feet from the center line of Old Gunpowder Road. The final plat shall note that Parcels C and D will be conveyed to DPW&T upon demand. The applicant shall submit an original, special warranty deed for the donation of Parcels A, B, C, and D, to M-NCPPC as is, with no further expenditures required by the applicant excepting the construction of the hiker/biker trail on Parcels A and B (signed by the WSSC Assessment supervisor). The deed shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC). The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.**

6. **Prior to the conveyance of Parcels A, B, C, and D and the donation of \$175,000 to M-NCPPC, the applicant, its heirs, successors, and/or assignees shall construct the eight-foot-wide hiker/biker trail on Parcels A and B. The location of the trail shall be determined at the time of detailed site plan review. The approval of construction drawings for the trail shall be in accordance with the *Park and Recreation Facilities Guidelines* and reviewed with the detailed site plan. The trail shall be inspected for completion by the Department of Parks and Recreation prior to the conveyance of Parcels A and B to M-NCPPC.**
9. **A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**

Type II Tree Conservation Plan TCPIL/055/05-01 was submitted and approved with this application.

10. **Prior to approval of the detailed site plan, the applicant, its heirs, successors, and/or assignees shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Old Gunpowder Road and Van Dusen Road. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T.**

The traffic signal warrant study was submitted to M-NCPPC Planning Department with this application. The study was also submitted to DPW&T; proof of submittal and receipt has been provided.

11. **Prior to the approval of the detailed site plan, in accordance with Section 24-123(a)(3) of the Subdivision Regulations, the Public Road A connection across the Montgomery County line shall be approved by the District Council. If such approval is not granted, Public Road A shall be terminated to the west of the proposed roundabout and reflected on the record plats. If Public Road A is to connect into Montgomery County, coordination with the M-NCPPC Planning Department of Montgomery County shall occur prior to the approval of the DSP to ensure that an appropriate transition between the two counties is provided.**

The applicant did submit a petition for such connection to the District Council. This was approved by means of an order dated February 16, 2010. Although the order requires additional documentation prior to DSP approval, an indication was given by the District Council that this documentation is needed for District Council review of the site plan and not Planning Board review. With the District Council order, it is determined that this

condition is met for the purpose of Planning Board review and approval. The condition requiring additional documentation has been included as a condition of this detailed site plan, to be required prior to certification of the plans.

12. In conformance with the approved Subregion I master plan, the applicant, its heirs, successors, and/or assignees shall provide the following:

- a. Construct the eight-foot-wide master plan trail along the subject site's entire frontage parallel to Old Gunpowder Road which will include an extension onto donated parkland (Parcels A, B, C and D).**

The March and October 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* and the *Approved Master Plan of Transportation* both recommend a master plan trail along the Gunpowder Road corridor. This trail was also recommended in the Adopted and Approved Anacostia Trails Heritage Area Management Plan as part of a "Bladensburg to Laurel" trail connection.

The subject application includes a north-south trail parallel to the Gunpowder Road corridor for the entire roadway. In keeping with the desire expressed by the community, this trail does not remain entirely within the road right-of-way, but meanders within dedicated M-NCPPC open space in some areas. This trail now connects to the proposed trailhead parking lot and links back to the Gunpowder Road right-of-way to the south of the subject site. This alignment provides a meandering park trail while also fulfilling the master plan recommendation for a north-south trail connection. The Planning Board finds that this alignment is appropriate.

- b. Provide standard sidewalks along both sides of all internal roads (except where eight-foot-wide trails are proposed), unless modified by DPW&T.**

Sidewalks are provided along both sides of all internal roads except where a trail is provided in its place.

- c. Construct the proposed eight-foot-wide trail within the right-of-way along Public Roads A and B, as shown on the submitted plan.**

These trails are acceptable as shown on the site plan.

- d. Provide a 70-foot-wide (36 feet of pavement) public road right-of-way for both Public Roads A and B in order to accommodate the proposed eight-foot-wide trail within the right-of-way and off private lots or a modification to the ROW standard approved by DPW&T to accommodate these improvements as noted.**

The 62-foot-wide right-of-way accommodates the trail completely off private lots and within the public right-of-way.

- 13. Development of this site shall be in conformance with Stormwater Management Concept Plan 42314-2004-01 and any subsequent revisions.**

DPW&T did not indicate whether or not the detailed site plan is consistent with approved Stormwater Concept Plan 42314-2004-01. This information shall be provided prior to signature approval of the detailed site plan.

- 17. Archeological site 18PR511 shall be preserved in place and shall be avoided by stream restoration on Parcel A, if possible. Prior to any ground disturbance or the approval of any permits which would result in disturbance of archeological site 18PR511, if stream restoration efforts are necessary on Parcel A and impact archeological site 18PR511, the applicant and the applicant's heirs, successors, and/or assignees shall provide for the following:**
- a. Evaluating the portion of site 18PR511 on proposed Parcel A on the east side of the PEPCO right-of-way at the Phase II level. The applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in a proper manner.**
 - b. If a Phase III archeological mitigation is necessary, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner.**
 - c. Depending upon the significance of the findings (at Phase II or III level), the applicant and the applicant's heirs, successors, and/or assignees shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist.**
- 18. If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant, its heirs, successors, and/or assignees shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of this preliminary plan.**

These conditions remain valid and have be carried forward as conditions of approval of this detailed site plan. Condition 18 shall be addressed prior to the issuance of grading permits associated with stream restoration.

- 19. At the time of final plat, the applicant, its heirs, successors, and/or assignees shall dedicate 3.9+ acres of land to M-NCPPC, in accordance with Applicant's Exhibit B.**

The applicant shows dedication of 3.07 acres of parkland (Parcel H), which includes a 50-foot-wide strip of land along the M-NCPPC-owned and privately-operated Gunpowder Golf Course. This dedication is acceptable.

- 20. Prior to the approval of the detailed site plan, DPR staff shall review and approve the location, details and plant materials in the required Section 4.7 landscape buffer area on dedicated parkland (Parcel G), and the location of the six-foot-high fence along the park property line to be installed by the applicant on HOA land.**

The dedicated 50-foot-wide strip of land along Gunpowder Golf Course includes a 20-foot-wide landscaping buffer required by Section 4.7 of the *Prince George's County Landscape Manual* providing the needed safety buffer between the golf course and any future residential housing. The proposed landscaping buffer is in conformance with the Landscape Manual standards; however, several minor modifications to the bufferyard and associated schedules shall be made. In order to finalize the landscaping plan, plant materials in the landscaping buffer shall be reviewed and approved by DPR staff prior to certificate approval of the DSP. The applicant shows the installation of a six-foot-high decorative black aluminum picket fence along the property line with the golf course on homeowners association land. The Planning Board finds this fence to be acceptable.

In addition, the portion of the buffer along the northern property line of the dedicated 50-foot-wide strip of parkland that is located outside of the limit of disturbance and a temporary six-foot-high chain link fence along the entire buffer yard shall be installed prior to issuance of any building permits for the townhouses adjacent to the parkland. The remaining buffer and permanent fencing shall be installed prior to the issuance of the 34th townhouse unit. It should be noted that the bufferyard required between the golf course and the residential units pursuant to Section 4.7 of the *Prince George's County Landscape Manual* and proposed to be located on the north side of the 50-foot-wide strip of land to be dedicated to M-NCPPC, has been found to meet the requirements of the Landscape Manual. Therefore, building permit plans submitted that are in conformance with the landscaping shown on the approved detailed site plan will not require Alternative Compliance.

- 27. Prior to the approval of the final plat, the applicant, its heirs, successors, and/or assignees shall demonstrate the abandonment of the existing Washington Gas line easement on HOA land abutting Montgomery County and provide a copy of the recorded easement agreement for its relocation. The legal description shall be provided on the record plat.**

This condition remains valid and will be enforced prior to approval of final plats for the proposed development.

30. **The TCPII shall demonstrate that all specimen trees within 50 feet of the limits of disturbance have been survey located. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures via a condition analysis conducted by a certified arborist using the techniques described in the latest edition of "Guide to Plant Appraisal" published by the Council of Tree and Landscape Appraisers. The condition analysis shall outline any special treatments necessary for the trees to survive construction (root pruning, fertilization, etc.) including information on treatments to occur prior to, during, and after construction for all specimen trees to remain including trees 12, 17, and 18.**

This condition has been addressed. The site contains three specimen trees (12, 16, and 17) that are within 50 feet of the limits of disturbance (LOD) and are proposed to remain. Although these three specimen trees are within 50 feet of the limits of disturbance, no grading is proposed within the critical root zone of each of these trees. A condition analysis for these trees is not necessary because the critical root zone will remain undisturbed.

35. **The applicant, its heirs, successors, and/or assigns shall submit three original Recreational Facilities Agreement (RFA) for the construction of recreational trail facilities on park property (not including Parcel A and B) to Park Planning and Development Division (PP&D). The RFA shall be approved prior to approval of final plats. Upon approval by PP&D, the RFA shall be recorded among the County land records and noted on the final plat of subdivision.**

The applicant proposes construction of a playground, benches, a nine-space trailhead parking lot which will be accessible from the Gunpowder Golf Course access road, and an eight-foot-wide asphalt trail on dedicated and existing parkland along Old Gunpowder Road. The new trail will connect to the trail system in the Fairland Regional Park. The plans shall be revised in accordance with Exhibit "A". The applicant shall submit the construction drawing for the recreational facilities on dedicated Parcel H and existing parkland to DPR for review prior to the application for the first building permit.

11. ***Prince George's County Landscape Manual:*** The subject detailed site plan is subject to Section 4.1, Residential Requirements; 4.6, Buffering Residential Development from Streets; and 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*.

- a. Section 4.1(c) requires that one-family detached lots which are 9,500 square feet or larger but less than 20,000 square feet shall be planted with a minimum of two major shade trees and one ornamental or evergreen tree per lot. The subject detailed site plan proposes 12 lots between 9,500 and 20,000 square feet and has provided 25 shade trees and 12 ornamental trees. The subject DSP is in conformance with the requirements of Section 4.1(c) of the Landscape Manual.

Section 4.1(d) requires that one-family detached lots smaller than 9,500 square feet shall be planted with a minimum of one major shade tree and one ornamental or evergreen tree

per lot. The subject detailed site plan proposes 92 lots smaller than 9,500 square feet and has provided 92 shade trees and 92 ornamental trees. The subject DSP is in conformance with the requirements of Section 4.1(d) of the Landscape Manual.

Section 4.1(f) requires that for a townhouse, a minimum of 1.5 major shade trees and one ornamental or evergreen tree per dwelling unit shall be provided to be located on individual lots and in common open space. The subject DSP proposes 34 townhouse units. The planting schedule for Section 4.1(f) indicates that 51 shade trees and 34 ornamental or evergreen trees are required while 45 shade trees and 46 ornamental trees have been provided. Therefore, according to the schedule, the requirement has not been met. The plans show an additional 19 ornamental trees and 9 evergreen trees on the homeowners association open-space parcel that contains the stormwater management facility (Parcel J). Therefore, the subject DSP is in conformance with the requirements of Section 4.1(f) of the Landscape Manual. The landscape schedule shall be corrected prior to certification of the detailed site plan to include the landscaping proposed on Parcel J.

- b. The rear yards of dwelling units that are oriented toward Old Gunpowder Road are required to be buffered pursuant to Section 4.6, Buffering Residential Development from Streets. The subject detailed site plan is in conformance with Section 4.6 of the Landscape Manual.
- c. The proposed dwellings are required to be buffered from the industrial property to the north and the golf course to the south pursuant to Section 4.7, Buffering Incompatible Uses. Minnick Road abuts the northern property line of existing Parcel 10. Although a 4.7 bufferyard is not required along this portion of the property line pursuant to the *Prince George's County Landscape Manual*, at the Planning Board hearing for Preliminary Plan of Subdivision 4-09005, the applicant proffered to provide a bufferyard along all of the lots abutting the south side of the I-1-zoned property, including the rear of Lots 1-5, which abut Minnick Road. This bufferyard has been demonstrated on the landscape plans.

The subject detailed site plan has been found to be in conformance with Section 4.7 of the *Prince George's County Landscape Manual*. Several corrections shall be made to the landscaping schedules associated with the 4.7 bufferyard along the Old Gunpowder Golf Course property. In addition, the bufferyard in this location should be shifted to the north, adjacent to the shared property line with the homeowners association parcel. A condition has been included which requires DPR's review and approval of this bufferyard prior to signature approval of the detailed site plan.

12. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a Type I Tree Conservation Plan (TCPI/10/01-01) and a Type II Tree Conservation Plan (TCPII/88/05) associated with it. An -01 revision to the Type II tree conservation plan has been submitted with the subject application.

The woodland conservation worksheet on the plan shows the Woodland Conservation Threshold (WCT) for this 79.25-acre property is 20 percent of the net tract area, or 15.26 acres. The TCPI set the minimum on-site woodland conservation requirement of 35.05 acres because the PCBS requires the subdivision to provide more woodland conservation than what is required for the site. The total woodland conservation requirement based on the amount of clearing proposed is shown on the plan as 20.88 acres. This requirement is proposed to be satisfied with 35.05 acres of on-site preservation. The proposed woodland preservation on the TCPII is in conformance with the TCPI because it meets the minimum requirement of 30.05 acres as established on the approved TCPI. The plan also appropriately notes that the site contains forest interior dwelling species (FIDS) habitat.

13. **Referral Agencies and Division:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning Division**—The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the “Low Suburban” and Open Space” land use recommendations of the March and October 1990 *Approved Master Plan and Sectional Map Amendment for Subregion 1, Planning Areas 60, 61, and 62*.
- b. **Subdivision Section**—A detailed analysis of the conditions of Preliminary Plan of Subdivision 4-09005 that are applicable to this detailed site plan, also are included in Finding 10. The following comments apply to the subject application:
 - Delineate the public utility easement (PUE) from the existing right-of-way (ROW) over Parcels C and D, and running ten feet wide along the eastern property line of Parcels A and B, consistent with the approved preliminary plan of subdivision. The site plan shall be revised to more clearly label this non-standard width for the PUE, to avoid confusion at the time of final plat.
 - Revise the “total number of units” table to remove that 165 lots are permitted. The preliminary plan approved a maximum of 138 lots (34 townhouse and 104 single-family detached).
 - Revise the site plan to clearly label the 40 feet of dedication from the center line of Old Gunpowder Road for the southern portion of the site, south of the industrial property.
 - Delineate a public improvement easement where the master plan public trail crosses the homeowner’s association land. The width and specific location of the easement should be determined by the Trails Coordinator. A condition requires that the final plat reflect the easement. Notice to future lot owners may be appropriate to identify the future location of this master plan public trail, which could include signage.

The master plan trail located on homeowners association open space (Parcel F) shall be placed within a 20-foot-wide public use easement, which shall be shown on the final plats.

- The font size on the DSP shall be increased to a more legible size.
- Revise the existing site data information to include the existing parcel descriptions.
- Revise the site plan to remove the reference to Alley F. Alleys are not permitted in the conservation subdivision. The Planning Board approved private streets to serve the townhouses.
- Clearly delineate the extent of the entrance feature easements to ensure access from the street.
- Correct general Note 23 to indicate that Parcels A and B contain rare, threatened or endangered species.
- A number of lots do not meet the minimum lot width at the front street line of 45 feet on a cul-de-sac and 60 feet in general, as stated in the general notes and required. The lots must be adjusted or the lots deleted prior to approval. The Planning Board did not grant variances to the minimum lot width at the front street line or building line with the approval of the preliminary plan.

Subject to addressing the above comments, the DSP is in substantial conformance with the approved preliminary plan of subdivision.

The plans were revised to demonstrate conformance to the minimum lot width requirement.

- c. **Environmental**-A detailed analysis of the conditions of approval of Preliminary Plan of Subdivision 4-09005 that are applicable to the subject detailed site plan is provided in Finding 10. The following is an analysis of environmental issues pertaining to the subject site:

Site Description

This 79.25-acre property is located in the R-R Zone on the northwest side of the Old Gunpowder Road, south of Sandy Spring Road (MD 198). According to mapping research and information submitted, streams, nontidal wetlands, 100-year floodplain, severe and steep slopes on highly erodible soils, and expanded buffer are found to occur on the property. Vehicular transportation-related noise may be a concern for this property due to the proximity of MD 198, a master plan designated arterial roadway; however, the proposed development areas are far enough away from MD 198 so that noise is not an

issue. The soils found to occur according to the *Prince George's County Soil Survey* include Beltsville, Bibb, Croom, Galestown, Gravel and Borrow Pits, Keyport, Leonardtown, Matapeake, Ochlockonee, and Sandy land. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are records of rare, threatened, or endangered species found to occur on this site; specifically, the Halberd-leaved Greenbrier (*Smilax pseudochina*), a state threatened plant species. A survey report prepared by McCarthy and Associates, Inc., dated October 4, 2001, determined that the above referenced species is found within the northern portion of the site. There are no designated scenic or historic roads located in the immediate vicinity of this property. This property is located in the Little Paint Branch Creek watershed of the Anacostia River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. Large portions of the property are located within the designated green infrastructure network including Regulated Areas, Evaluation Areas and Network Gap Areas.

An approved Natural Resource Inventory, NRI/059/07, was submitted with the application. There is an Expanded Buffer (EB) comprised of wetlands, associated wetlands buffer, 100-year floodplain and adjacent steep slopes. The floodplain information shown on the plans is from approved Floodplain Study 200734.

The regulated features are correctly shown on the submitted plans with the exception of Sheets 9 and 10 of the TCPII, which do not show the expanded buffer on the northern side of the stream.

Prior to certification of the detailed site plan, Sheets 9 and 10 of the TCPII and all associated plans shall be revised to show the expanded buffer on the northern side of the stream valley.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are records of rare, threatened, or endangered species found to occur on this site; specifically, the Halberd-leaved Greenbrier (*Smilax pseudochina*), a state threatened species. A survey report prepared by McCarthy and Associates, Inc., dated October 4, 2001, determined that the above referenced species is found within the limits of the northern portion of the site. The known locations of this species have been shown on the TCPII with the required 100-foot buffer. No impacts to the known locations of the threatened species are proposed.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there is also forest interior dwelling bird species (FIDS) habitat located on-site. This habitat is located on the northern portion the site where preservation is proposed. The issue regarding FIDS habitat is addressed in comment 2 above and through the preservation of the northern portion of the site.

The site has frontage along Old Gunpowder Road, a master planned collector roadway

that is not regulated for noise; however, the northern most portion of the site is located approximately 300-feet from MD 198, a master planned arterial roadway. The proposed development areas shown on the TCPII are far enough away from MD 198 so that noise is not an issue.

During the review of the previous application for a subdivision on this site (4-01070), the issue of noise from the adjacent concrete recycling plant on Parcels 224 and 226 was evaluated. It was determined that based on the location of the concrete crusher that the 65 dBA Ldn was only a few feet onto the property along the southwest portion of the site. The proposed lots are not in the area of noise impact because they are located in the southeastern portion of the property, and they are separated from the concrete crusher by several parcels. No further information is required with respect to noise.

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Beltsville, Bibb, Croom, Galestown, Gravel and Borrow Pits, Keyport, Leonardtown, Matapeake, Ochlockonee, and Sandy land series. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

- d. **Transportation**—Access and on-site circulation for this plan were largely resolved at the time of preliminary plan.

Old Gunpowder Road is a master plan collector facility. It appears that sufficient right-of-way consistent with master plan requirements was shown for dedication on the preliminary plan, and continues to be shown on the subject plan.

The subject property was the subject of a 2009 traffic study, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2009 during review of Preliminary Plan of Subdivision 4-09005. The site plan to be acceptable from the standpoint of vehicular transportation and circulation.

- e. **Trails**—An analysis of the detailed site plan's conformance with the preliminary plan of subdivision and master plan trails is located above in Finding 10. Several conditions have been included relating to sidewalk transitions and disclosure of trail locations to prospective purchasers.

An abrupt transition from asphalt to concrete is proposed where the internal sidewalks along Road A, which are concrete, intersect with the asphalt master plan trail along Old Gunpowder Road. Therefore, this transition shall be enhanced with an area of colored stamped material. This transition shall be provided at the crosswalk proposed across Road A, which shall also feature colored, stamped paving material, subject to DPW&T approval.

In order to ensure that prospective purchasers are well informed regarding the location of trails as they relate to dwellings, contract purchasers of homes shall be provided with and

should sign a copy of the approved composite trail and sidewalk plan as part of the purchase process. This requirement shall be incorporated into the Declaration of Covenants for the property in conjunction with the formation of a homeowners association.

- f. **Archeology**—A Phase I archeological survey was conducted on the 79.25-acre Fairland Park Community property from December 2008 to February 2009. The final Phase I report, *A Phase I Archaeological Survey of the Fairland Property, Prince George's County, Maryland, Sketch Plan S-08003* was received by Historic Preservation staff and was accepted on June 22, 2009. Phase I archeological investigations on the Fairland property relocated and redefined the boundaries of a previously identified prehistoric site, 18PR511, a Late Archaic (4,000-2,000 BC) short-term resource procurement camp. Intact cultural deposits are present in the lower layers of the site. Lithic debitage and fire-cracked rock were recovered from deep below the plow zone, with deposits extending to 60 cm below the ground surface. The boundaries of site 18PR511 were extended to the west side of the PEPCO right-of-way that runs northwest to southeast through the northern parcel. The parcel to the east of the PEPCO right-of-way is proposed Parcel D and to the west is proposed Parcel C.

This site contains significant archeological features, which are required to be protected under Section 24-104 and 121 (18) of the Subdivision Regulation. The current plan submission does not propose any impacts to site 18PR511, located within conservation Parcels C and D. Therefore, no further archeological investigations are necessary at this time on site 18PR511.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Conditions 17 and 18 from Preliminary Plan of Subdivision 4-09005 have been carried forward in modified form as conditions of approval of this detailed site plan.

- g. **Department of Parks and Recreation (DPR)**—A discussion of the DSP's conformance with the preliminary plan is discussed in Finding 10. The name "Fairland Park" is not appropriate for the development and may be confusing since this is the name of the adjacent regional park. Therefore, the project should be renamed. The applicant has indicated that a new name will be selected for the project.
- h. **Permit Review Section**—Numerous comments concerning the detailed site plan's compliance with the Zoning Ordinance have either been addressed in the review process or have been incorporated into the conditions of approval.
- i. **The Department of Public Works and Transportation (DPW&T)**—DPW&T

provided numerous comments and indicated that the 62-foot-wide right-of-way and traffic circle design have been approved. DPW&T did not indicate whether or not the detailed site plan is consistent with approved Stormwater Concept Plan 42314-2004-01. This information should be provided prior to signature approval of the detailed site plan. In DPW&T's official referral, it was indicated that the non-standard elbow cul-de-sac would be required to be reviewed and approved prior to approval of the detailed site plan. In subsequent comments, DPW&T indicated that the cul-de-sac has been approved.

- j. **Montgomery County**—The Development Review Division of M-NCPPC within Montgomery County, Maryland reviewed the subject application for consistency with the site plan currently under review for the portion of the overall Fairland Park development that is located within Montgomery County. Comments relating to the labeling of the transition from 62- to 70-foot-wide right-of-way on Road A and the transition between sidewalk materials in the two portions of the development were clarified. The transition in the right-of-way (ROW) width occurs at the traffic circle and is labeled on the plans. The trail along Road A will be concrete in both Montgomery and Prince George's County. Therefore, there is no need for a transition in sidewalk materials.
 - k. Comments have not been received from Potomac Electric Power Company (PEPCO), Baltimore Gas and Electric Company (BGE) or Washington Suburban Sanitary Commission (WSSC). The plans show trails crossing the PEPCO right-of-way in the northern portion of the site and the WSSC right-of-way in the southern portion of the site. Verification should be provided from these agencies that the trail crossings are acceptable as shown prior to the triggers for their construction. If approval cannot be obtained by PEPCO, that portion of the trail should be relocated to the right-of-way of Old Gunpowder Road subject to concurrence by DPW&T.
15. As required by Section 27-285(b), 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/088/05-01) and further APPROVED Detailed Site Plan DSP-09014 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Provide evidence from the Department of Public Works and Transportation (DPW&T) that the detailed site plan is consistent with the approved stormwater management concept plan.
 - b. Revise the plans to show a minimum six-foot-wide sidewalk along all streets in the townhouse section of the development.
 - c. Revise the plans to show additional landscaping between the units on Lots 5 and 6, Block F, Lot 1, Block E, Lot 23, Block B and the adjacent trail. The design of this additional landscaping shall be reviewed and approved by the Urban Design Section as designee of the Planning Board prior to signature approval of the detailed site plan.
 - d. Revise the plans to label the piers shown on either side of the secondary entrance at Private Road H and to provide appropriate details of these structures.
 - e. Revise the landscape schedule for Section 4.1(f) of the *Prince George's County Landscape Manual* to include the shade, ornamental and evergreen trees proposed on Parcel J in the total number of trees provided in fulfillment of this requirement.
 - f. Submit to the Department of Parks and Recreation (DPR) for review and approval the drawings for the construction of the trail on Parcels A and B to be donated to The Maryland-National Capital Park and Planning Commission (M-NCPPC). The applicant shall install safety fence along the steep slopes, provide a minimum five-foot setback from the edge of the slopes, install removable bollards on both ends of the trail and extend the southern and northern ends of the trail to the existing Old Gunpowder Road.
 - g. Revise the site and landscape plan to include proposed revisions on dedicated Parcel H and adjacent parkland as shown on DPR Exhibit "A".
 - h. The applicant shall place in the record for Detailed Site Plan DSP-09014, confirmatory letters from the Prince George's County Public Schools, all affected public utilities (in and adjacent to the right-of-way, or servicing any of the subdivision lots in Prince George's County), and all affected public safety agencies (county and state police for both counties, as applicable, and fire and emergency medical services in Prince George's County) that the roadway appears adequate for their purposes and that they (the utilities and agencies) are aware that all lots in 4-09005 are located in Prince George's County.
 - i. Revise the plans to delineate the public utility easement (PUE) from the existing right-of-way over Parcels C and D, and running ten feet wide along the eastern property line of

Parcels A and B, consistent with the approved preliminary plan of subdivision. The site plan shall be revised to more clearly label this non-standard width for the PUE to avoid confusion at the time of final plat.

- j. Revise the "total number of units" table to remove that "165 lots are permitted." The preliminary plan approved a maximum of 138 lots (34 townhouse and 104 single-family detached).
- k. Revise the site plan to clearly label the 40 feet of dedication from the center line of Old Gunpowder Road for the southern portion of the site, south of the industrial property.
- l. Delineate a minimum 20-foot-wide public use easement where the master plan public trail crosses the homeowners association land (Parcel F). This easement shall be marked and labeled on the final plat.
- m. Increase the font size on the DSP to a more legible size.
- n. Revise the existing site data information to include the existing parcel descriptions.
- o. Revise the site plan to remove the reference to Alley F.
- p. Clearly delineate the extent of the entrance feature easements to ensure access from the street.
- q. Correct general Note 23 to indicate that Parcels A and B contain rare, threatened or endangered species.
- r. Revise Sheets 9 and 10 of the TCPII and all associated plans to show the expanded buffer on the northern side of the stream valley.
- s. Provide a detail for the location where the asphalt trail along Old Gunpowder Road intersects with the concrete trail along Public Road A to be approved by the Urban Design Section as designee of the Planning Board. An attractive transition between the asphalt and the concrete trail shall be provided with a colored, stamped material at or around the curb cuts and ramps provided at the Old Gunpowder Road/Public Road A intersection, subject to DPW&T approval.
- t. Provide a detail for a stamped, colored crosswalk to be provided where the master plan trail crosses Public Road A, unless modified by DPW&T.

2. The following conditions shall apply to the architecture for the development and shall be added to the plans as notes:
 - a. The endwalls of townhouse units on Lots 13, 22, 23, 40, and 46 shall feature full brick and a minimum of three architectural features in a balanced composition.
 - b. Townhouse and single-family units shall feature full brick fronts.
 - c. All building offsets on townhouse sticks shall be clad with brick.
 - d. Exposed foundation walls shall be clad with brick or will be textured or formed to simulate brick.
 - e. The side elevations of the units on the following lots, which are visible from the street or hiker/biker trails shall feature a standard brick water table and a minimum of four standard end wall features in a balanced composition:
 - Lots 1 & 10, Block A
 - Lots 1 & 12, Block B
 - Lots 1, 13 & 26, Block C
 - Lots 1, 4, 12, 13 & 15, Block D
 - Lots 1, 19, 21 & 26, Block E
 - Lots 5 & 6, Block F
 - f. Brick or stone (depending on the primary finish material of the front façade) shall be wrapped on all front façade projections.
 - g. All chimneys shall be clad with brick or stone.
 - h. Architectural shingles shall be standard on all roofs where standing seam metal is not proposed.
 - i. A brick or stone water table shall be an optional feature on all side and rear elevations.
 - j. Decks shall be standard on rear-load townhouse units.
 - k. Carriage style garage doors with windows shall be standard on all front-loaded townhouse units. Standard garage doors shall be standard for rear-loaded townhouse units. Doors on rear-loaded townhouse units may or may not feature windows, but shall be consistent for each stick.
3. The recreational facilities on existing, dedicated, and donated parkland shall be constructed in accordance with the applicable standards in the *Park and Recreation Facilities Guidelines*.

4. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following recreational facilities on existing, dedicated and donated parkland as shown on the DPR exhibit dated March 4, 2010 and labeled as Exhibit A:
 - a. An eight-foot-wide asphalt connector and loop trail
 - b. A playground for school ages 5–12, by Landscape Structures, or equal equipment will be approved by DPR.
 - c. An eight-foot-wide asphalt master planned trail along Old Gunpowder Road extending to the trail system in the Fairland Regional Park
 - d. Four benches, by DuMor, or equal equipment will be approved by DPR
 - e. A nine-space parking lot
 - f. A 24-foot-wide access road expansion to the access point of the nine-space parking lot
 - g. Landscaping
5. The applicant and the applicant's heirs, successors, and/or assignees shall install any needed structures along the trail to provide dry passage.
6. Prior to the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide to DPR for review the construction drawings for the recreational facilities on existing and dedicated Parcel H. It shall include grading and a landscaping plan, limits of disturbance, construction details, sections, equipment and landscaping schedules. DPR staff shall provide review comments to the applicant within 45 days. If, for any reason, within 45 days, the applicant is unable to address DPR comments, DPR staff will release 20 building permits and continue working with the applicant. If prior to issuance of 21st building permit, the applicant is unable to obtain DPR approval, the applicant may request the Planning Board to review and approve the construction drawings for the recreational facilities on existing parkland and Parcel H, the property to be dedicated to Maryland-National Capital Park and Planning Commission.
7. The recreational facilities on existing parkland and dedicated Parcel H shall be constructed prior to 69th building permit.
8. Prior to issuance of any building permits for the townhouses adjacent to the golf course property, the applicant and the applicant's heirs, successors, and/or assignees shall install a temporary chain link fence 6 feet in height and shall install that portion of the landscaping buffer along the northern property line of the dedicated 50-foot-wide strip of parkland that is located outside of the limits of disturbance as shown on submitted detailed site plan. The remaining landscaping buffer and permanent 6-foot-high decorative black aluminum fence along the entire northern property line shall be installed prior to the issuance of the 34th townhouse building permit.

9. Prior to construction of the recreational facilities on land to be donated, dedicated or on existing parkland, the applicant shall schedule a pre-construction meeting with DPR staff.
10. The master plan trail on homeowners association land shall be constructed as follows:
 - a. The portion of the master plan trail on HOA Parcel F shall be constructed in phase with the trail on the adjacent M-NCPPC Parcel H.
 - b. The trail around the stormwater management pond, the associated feeder trails on Parcels J and I and the gazebo and fountain shall be completed prior to the issuance of the final use and occupancy permit for the development.
 - c. The trail between Private Road H and Private Road G shall be constructed prior to the issuance of building permits for Lots 5 and 6, Block F.
 - d. Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language requiring that future contract purchasers of homes view and sign a copy of the approved composite trail and sidewalk plan as part of the purchase process.
11. Archeological site 18PR511 shall be preserved in place and shall be avoided by stream restoration on Parcel A, if possible. Prior to any ground disturbance or the approval of any permits which would result in disturbance of archeological site 18PR511, if stream restoration efforts are necessary on Parcel A and impact archeological site 18PR511, the applicant and the applicant's heirs, successors, and/or assignees shall provide for the following:
 - a. Evaluating the portion of site 18PR511 on proposed Parcel A on the east side of the PEPCO right-of-way at the Phase II level. The applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in a proper manner.
 - b. If a Phase III archeological mitigation is necessary, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner.
 - c. Depending upon the significance of the findings (at Phase II or III level), the applicant and the applicant's heirs, successors, and/or assignees shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist.
12. The applicant and the applicant's heirs, successors, and/or assignees shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to the issuance of grading permits associated with stream restoration.

13. In conformance with the March and October 1990 *Approved Master Plan and Sectional Map Amendment for Subregion 1, Planning Areas 60, 61, and 62* and the *Approved Master Plan of Transportation*, the Adopted and Approved Anacostia Trails Heritage Area, and the Preliminary Plan of Subdivision 4-09005, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Construct the master plan trail along the subject site's entire frontage of Gunpowder Road, unless modified by DPW&T. This trail shall meander in the M-NCPPC open space as shown in the DPR exhibit dated February 5, 2010.
 - b. Provide standard sidewalks along both sides of all internal roads (except where eight-foot-wide trails are proposed), unless modified by DPW&T.
 - c. Construct the proposed eight-foot-wide trail along Public Road A and Public Road B, as shown on the submitted plan unless modified by DPW&T.
14. The applicant, its heirs, successors and/or assigns shall provide verification from the Washington Suburban Sanitary Commission (WSSC) that the trail crossing its right-of-way is acceptable prior to its required construction.
15. The applicant, its heirs, successors and/or assigns shall provide verification from Potomac Electric Power Company (PEPCO) that the trail crossing its property between Parcels A & B is acceptable prior to its required construction. If approval cannot be obtained from PEPCO, that portion of the trail may be relocated within the right-of-way along Old Gunpowder Road subject to the approval of DPWT.

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 Clark, with Commissioners Squire, Clark, Vaughns and Cavitt voting in favor of the motion, and with Chairman Parker absent at its regular meeting held on Thursday, March 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of April 2010.

Patricia Colihan Barney
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:JS:gdr:wrc

APPROVED AS TO LEGAL SUFFICIENCY.

Michael J. J.
M-NCPPC Legal Department

Date 4/13/10