THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-24 File No. DSP-09018

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 February 25, 2010 regarding Detailed Site Plan DSP-09018 for Marlboro Ridge, Phases 3 and 4, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for 78 single-family detached dwelling units and 179 townhouse units within Phases 3 and 4 of Marlboro Ridge.

2. **Development Data Summary:**

	Existing	**Approved**
Zone	R-R	R-R (Recreational Community Development-Equestrian)
Use	Agriculture	Residential (Single-family detached and attached)
Gross tract area of this DSP (Acre)	97.52	97.52
Number of lots	-	257
Of which Single-family detached	-	78
Townhouse	-	179

OTHER DEVELOPMENT DATA (TOWNHOUSE)

	REQUIRED	APPROVED
Total Parking Spaces (2.04/Unit)	366	448
Of which are Handicapped Spaces	8	9*
Number of Building Sticks	N/A	33

Note: * Although the plans show 9 handicapped accessible parking spaces, these spaces were not included in the parking tabulation. The parking tabulation shall be revised accordingly prior to signature approval of the detailed site plan.

ARCHITECTURAL MODELS Townhouse

Model	Base Finished Area (Sq.Ft.)
Bradbury	1,902-2,157*(2 car garage)
Easton	2,069 (2 car garage)
Knightsbridge	1,899-2,068* (2 car garage)
Sinclair	1,778-1,984* (2 car garage)
Portsmouth	2,018-2,082 (2 car garage)

Note: *Range in base square footage is due to the fact that each model features multiple optional elevations. Base square footage does not include basement square footage. The Bradbury Country Manor and Classic elevations were presented by the applicant at the public hearing and approved by the Planning Board.

3. **Location:** The subject DSP is a portion of a larger development known as Marlboro Ridge, which is located on the southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road, in Planning Area 78, and Council District 6 within the Developing Tier. The areas covered in the subject DSP are in several locations in the southern portion of the overall site, on the east and west sides of and immediately adjacent to the Potomac Electric Power Company (PEPCO) property that bisects the overall site.

4. **Surrounding Uses:** The Marlboro Ridge site is bounded to the northeast by the right-of-way of Ritchie Marlboro Road. To the south of the property is an existing single-family detached residential subdivision in the R-R Zone; to the north is a vacant wooded property in the R-M Zone; to the west are two vacant wooded properties in the R-M Zone, known as Woodside Village and Smith Home Farms and a vacant property in the M-X-T Zone; to the south is Melwood Manor and North Roblee Acres, existing single-family detached developments in the R-R Zone; to the southeast is an agricultural property in the R-A Zone owned by the Chesapeake Bay Foundation. The subject DSP site covers areas in Phases 3 and 4, which are located east and west, and immediately adjacent to the PEPCO property that bisects the overall site from north to south. The subject site is bounded to the north by Phase 2B, Phase 5, and future Phase 6; to the east by Phase 2B; to the south by the existing single-family detached development in the R-R Zone and to the west by vacant property in the R-M and M-X-T Zones and future Phase 6.

5. **Previous Approvals**: Marlboro Ridge is designed as a residential recreational community with an equestrian center in the R-R Zone under the Recreational Community Development code of Section 27-444 of the Zoning Ordinance. The entire property has an approved Conceptual Site Plan CSP-03005 including Type I Tree Conservation Plan TCPI/81/03, which was approved by the District Council on November 22, 2004. Subsequently, the Preliminary Plan of Subdivision 4-04080 was approved by the Planning Board (PGCPB Resolution No. 04-255) on October 28, 2004. On June 16, 2005, the Planning Board approved the first Detailed Site Plan DSP-04088 (Phase I, Part A) for 32 single-family detached and 32 single-family attached dwelling units (PGCPB Resolution No. 05-136). On January 26, 2006, the Planning Board approved an

umbrella architecture Detailed Site Plan DSP-05040 including 28 single-family detached houses (PGCPB Resolution No. 06-21). On March 30, 2006, the Planning Board approved (PGCPB Resolution No. 06-83) Detailed Site Plan DSP-05035 (Phase I, Part B and C) for an equestrian center and community center for the development. On February 26, 2006, the Planning Board approved (PGCPB Resolution No. 06-48) Detailed Site Plan DSP-05075 (Phase I, Part D) for Phase I of the development for 144 single-family detached and 44 single-family attached dwelling units. On March 19, 2007, the Planning Board approved Detailed Site Plan DSP-06010 (Phase II) for 198 single-family detached and 77 townhouse units. The site also has an approved Stormwater Management Concept Plan 21383-2003-03, which will remain valid through May 4, 2010.

6. **Design Features:** The subject DSP proposes 78 single-family detached dwelling units and 179 townhouse units within Phases 3 and 4. The areas covered in this DSP site are in the southwestern portion of the Marlboro Ridge project. Phases 3A and 3B are located on the east side of the PEPCO property, to the north and south of the single-family detached units along Bridle Ridge Road, which were approved with Phase 2B of the development. Phase 4 is located on the west side of the PEPCO property. The 22 single-family detached units proposed within Phase 4B front on Bridle Ridge Road near its cul-de-sac terminus. Phase 4A is located to the north of Phase 4B and is separated by an area of significant environmental features including primary management area (PMA), steep slopes and woodland. The 27 townhouse units proposed within Phase 4A will be accessed through Phase 2B via Flying Change Road. Two road crossings are proposed over the PEPCO property: one to the north to access Phase 4A (Flying Change Court) and another further south to access Phase 4B (Bridle Ridge Road). One of the five on-site small-scale neighborhood outdoor play areas and picnic areas approved with CSP-03005 is proposed to be located within Phase 3A.

According to the applicant, the detached models used in the DSP will be selected from the umbrella architecture approval (DSP-05040 for 28 single-family detached models); no additional single-family detached models have been provided with this detailed site plan. Models approved with the architectural umbrella range in size from 2,400 to 4,955 square feet (base square footage).

This application also contains four townhouse models, which are identical to those approved with Detailed Site Plans DSP-04088 for Phase 1A, DSP-05035 for Phased 1B and 1C, and DSP-06010 for Phase 2 except that they feature an optional fourth floor loft. The four 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 and vinyl siding. 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. The base finished square footage of the townhouse models varies from 1,899 to 2,157 square feet.

All driveways are shown as asphalt, which is consistent with previous approvals and existing conditions within Marlboro Ridge.

The approved Detailed Site Plan DSP-05035 for Phase I Part B and C also serves as a special purpose DSP devoted to elements of streetscape and signage including street trees, entry

monuments, signage, special paving at equestrian facilities and intersections, etc. for the entire development to ensure a high quality and harmoniously built environment. DSP-05035 has been conceived based on the images for equestrian components and the project-wide signage package approved in Conceptual Site Plan CSP-03005. As such no specific signage information has been provided in this DSP.

7. **Recreational Facilities:** At the time of the conceptual site plan approval, the on-site recreational facility package was evaluated and a condition was attached to the approval to ensure sufficient recreational facilities will be provided for the overall development. In addition to the equestrian components, which include an indoor ring and an outdoor ring, pasture and equestrian trails system, the CSP also proposed a central park and a community center behind the pasture to the southeast of the main entrance. Two tennis courts and one swimming pool are shown on the CSP. In addition, five on-site small-scale neighborhood outdoor play areas and picnic areas were also required as a part of the CSP approval. This DSP includes one of the five on-site small-scale neighborhood outdoor play areas as approved with the Conceptual Site Plan CSP-03005. The proposed on-site private recreational facilities include the following items:

Play area (at the intersection of Thoroughbred Drive and Lariat Loop)

- One multi-function play structure
- Four picnic tables
- Approximately 180 linear feet of decorative fence
- Three benches

A condition has been included to ensure that the proposed recreational facilities will be available to the residents in a timely fashion.

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements in the R-R Zone, the additional requirements for recreational community development and requirements for development of attached dwellings in the R-T Zone 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 single-family detached and townhouse dwelling units are permitted uses in the R-R Zone under the recreational community development provisions (Section 27-444).

   b. The subject application is in conformance with the requirements of Section 27-442, Regulations, as modified in Section 27-444 (net lot area and lot width).

c. The DSP is also in conformance with requirements of Section 27-444, Recreational Community Development.

d. Per Section 27-444(b)(11), the minimum requirements for development of attached dwellings shall be those which apply to the R-T Zone (except those in Section 27-433(e)(1)(A) and (B)), including those which apply to common areas, except that there shall be not more than eight, nor less than two attached dwellings in any one group.

The proposed 178 townhouse units are in conformance with the requirements of Section 27-433, regarding regulations for dwellings, streets, access to individual lots, utilities, and front elevations. The proposed townhouse units are shown in building sticks of four to eight units. The proposed minimum width of internal dwellings is 24 feet, which is well above the required 20 feet for internal dwellings. The minimum base finished area for each townhouse unit is 1,778 square feet, which is also much larger than the required 1,250 square feet. The general notes indicate that a minimum of 60 percent of the townhouse units shall have a full front façade of brick, which is consistent with both the R-T Zone requirement and with previously approved detailed site plans for Marlboro Ridge that contain townhouse architecture. The plans identify the units located on Lot 1, Block PP and Lot 15, Block OO as units which have the potential to be made accessible through barrier-free design construction. The type and location of required streetlights have been shown on the plans and have been found to be appropriate and consistent with previous approvals within Marlboro Ridge.

e. The subject DSP is in conformance with the requirements of Section 27-274, Site Design Guidelines, regarding townhouse dwellings.

9. **Conceptual Site Plan CSP-03005:** Conceptual Site Plan CSP-03005 was the first approval for the entire Marlboro Ridge development and was approved by the Planning Board on July 8, 2004, subject to 13 conditions. The District Council affirmed the Planning Board's decision on November 22, 2004, with two additional conditions attached to the Order of Approval. The conditions of approval that are applicable to the review of this DSP are discussed as follows:

4. Prior to approval of a detailed site plan, the following shall be demonstrated on the plans:

a. The streetscape treatments such as special pavers in crosswalks, special pedestrian lighting, and furnishings including seating elements.

The plans demonstrate pedestrian lighting and seating consistent with the Comprehensive Design Standards Program approved with the community character element of DSP-05035. The Marlboro Ridge design guidelines include the following regarding equestrian trail and road intersections:

"Road crossings will be kept to a minimum, but where they cannot be avoided, several steps are being taken to ensure maximum safety for riders and drivers alike. Each crossing will be identified 100 feet ahead with a "Caution Horse Crossing" sign, as well as Stone Pier Monuments as you get closer and a 16 foot wide raised table of stamped concrete patterned to resemble cobblestone pavers at the actual crossing. Dismounting and leading of horses will be required, and stone mounting blocks will be provided behind four-board paddock fence on either side of the road. The fencing will also serve to slow or stop any runaway horse or horses which are panicked by passing cars".

In keeping with the design guidelines, the Design Features Locator Plan approved as part of Detailed Site Plan DSP-06010 includes an Equestrian Crossing Detail. This detail includes specifications for fencing, surface treatment, signage, monument signage, dismounting blocks, and landscaping as referenced in the design guidelines. This treatment is appropriate for Phases 3 and 4 where an equestrian crossing of Bridle Ridge Road is proposed (Sheet 7).

A condition has been included which requires the revision of the plans to include the above treatment of the proposed equestrian crossing and associated details.

b. **Street trees on the main entrance boulevard shall be located approximately 35 feet on-center if they do not exist in the right-of-way. A staggered row of the same species shall be planted at the same interval on the other side of the sidewalk**

c. **The building materials and architecture of the equestrian building, barns, and community clubhouse shall be high quality and compatible to each other. The same materials shall be used and the colors of materials shall be strategically repeated to create a harmonious built environment.**

These two conditions have been fulfilled through the approval of Detailed Site Plans DSP-04088, DSP-05035 and DSP-05075.

d. **Private recreational facilities, such as small-scale neighborhood outdoor play areas and picnic areas in at least five locations, shall be reviewed by the Urban Design Review Section of the Development Review Division (DRD) for adequacy and property siting.**

The subject site plan includes one of the five small-scale neighborhood outdoor play areas required by this condition. The layout of the recreational facilities is acceptable. A condition has been included that requires the applicant to ensure timely completion of the facilities.

e. **Off-street parking and loading areas shall be provided in accordance with Part 11, and sign design shall be in accordance with Part 12 of the Zoning Ordinance.**

A special purpose DSP for signs and amenities has been approved for the Marlboro Ridge development (DSP-05035) and covers the design of signs and amenities for this section.

This DSP includes 179 townhouse units. In accordance with Part 11, a parking tabulation has been provided for the proposed townhouse section. The tabulation shall be revised to indicate the number of required and provided handicapped accessible parking spaces.

5. **At the time of detailed site plan approval, the following areas shall be carefully reviewed:**

b. **The screening and buffering of the rear yards from the views, smell and noise from the equestrian trails.**

The rear and/or side yard of several lots in both Phases 3B and 4B are adjacent to the proposed master planned equestrian trail. In order to mitigate the view into private yards and the smell and noise associated with equestrian trail use, additional landscaping shall be provided between these rear yards and the trail. Specifically, Lots 23 and 33 through 40, Block F (Phase 3B) and Lots 1–9, Block G (Phase 4B) shall be planted with three additional evergreen trees per lot adjacent to the rear property line in a staggered, naturalized pattern. Additional landscaping shall also be provided adjacent to Lot 54, Block F (previously approved Phase 2) between the proposed equestrian trail and the western property line of the lot to mitigate any adverse impacts to future residents of this lot by trail users.

6. **At the time of the applicable detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall provide the following trail-related information with the site plans:**

a. **A composite trails map showing the connection to the regional trail network, multiuse master plan trails, equestrian trails, bikeways, and sidewalks shall be submitted with the first DSP. Trails widths and surface types should be indicated on that plan.**

A composite trails map was submitted with this detailed site plan application. The trails shown are in compliance with previous approvals except for two revisions, which have been made to the composite trails map since the approval of the Design Features Locator Plan with DSP-06010 for Phase 2:

- An equestrian trail running south of Flying Change Road has been eliminated. This trail included a bridge crossing in previously approved

DSP-06010. This short trail connection was eliminated and apparently replaced by a nearby hiker/biker trail that runs to the northeast from Bridle Ridge Road and terminates in a cul-de-sac in Phase 2C. This is an acceptable alternative as it appears the equestrian link did not provide access to any additional equestrian facilities or serve as a link in the overall equestrian network.

- The paved trail connection along the southern edge of the subject site (Parcel BBB) extended to the end of Sweet Apple Court on previously approved DSP-06010. The approved Design Features Locator Plan shows the paved trail along the southern property line extending to Sweet Apple Court. Currently, both the equestrian trail and asphalt trail within Parcel BBB end south of Thoroughbred Drive, which is one street to the east of Sweet Apple Court. The end of the paved trail at Thoroughbred Drive is acceptable as this will connect into the internal pedestrian system that includes a hiker/biker trail along one side of Thoroughbred Drive.

The composite trails map shall be updated with labels for the master plan trails, bikeways and sidewalks with specifications for widths and surface materials. A condition has been incorporated which requires a revised composite trails map prior to signature approval of the detailed site plan.

b. A multiuse, hiker-biker-equestrian trail along the subject site's entire length of Cabin Branch. This trail should be constructed to DPR standards and guidelines.

The subject detailed site plan includes a segment of the Cabin Branch Stream Valley and reflects a proposed alignment for this trail, as well as several neighborhood connections from the surrounding residential community.

c. A hiker-equestrian trail along the subject site's entire length of Back Branch.

The stream valley trail along Back Branch has been constructed along its entire length on the subject site as part of earlier phases of development.

d. Depending upon the road cross section required by DPW&T, one of the following should be constructed along the subject site's entire road frontage of Ritchie Marlboro Road:

(1) An eight-foot-wide hiker-biker trail.

(2) Wide (seven- to ten-feet-wide) asphalt shoulders and the placement of bicycle signage.

The master plan trail along Ritchie Marlboro Road has been implemented as an eight-foot-wide sidewalk separated by the curb by grass planting strip and was constructed as part of the road frontage improvements already required and completed along the site's frontage on Ritchie Marlboro Road.

e. **A paved master plan trail running from the Cabin Branch stream valley trail to the northern property line, as indicated on the master plan.**

f. **The proposed trail network shall be expanded to include the portions of the subject site north of the Cabin Branch.**

The alignment of the trails as shown on the composite trails map is acceptable.

g. **All equestrian trails shall meet the standards provided in Figure 3 of the Adopted and Approved Melwood-Westphalia Master Plan. Main trails should have a minimum ten-foot-wide trail width (with a two-foot-wide buffer on each side) and a minimum head clearance of 12 feet. Feeder trails, or trails receiving less volume, should meet the subdivision park trail standard, with a minimum trail width of six to eight feet, with a two-foot-wide buffer on each side. In order to accommodate equestrians, a minimum head clearance of 12 feet is recommended on these trails as well. All trails on land to be dedicated to the Department of Parks and Recreation should meet all DPR standards and guidelines.**

Ten-foot-wide equestrian trails are shown on the plans. Maintenance to ensure proper overhead clearance will be the responsibility of M-NCPPC or the homeowner's association. Six-foot-wide feeder trails are shown on the plans in accordance with this condition.

h. **Due to the density of the proposed development, standard sidewalks shall be provided along both sides of all internal roads, subject to concurrence by DPW&T.**

Standard sidewalks are shown along both sides of all internal roads.

i. **With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.**

The required detailed construction drawings were submitted to the Department of Parks and Recreation (DPR) at the time of review of DSP-04088.

k. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

The sidewalks, connector trails, and master plan trail include the necessary curb cuts and ADA ramps at all road intersections/access points. The master plan trail (along Cabin Branch) as well as the internal connector trails are also paved which meets the ADA requirements for an accessible (smooth, compacted, and firm) trail surface. Two segments of trail appear to well exceed the ADA guidelines for slope. These are 1) approximately 300 feet of trail south of Thoroughbred Drive that exceeds 11 percent running slope and 2) approximately 130 feet of trail that exceeds 11 percent slope off Bridle Ridge Road (adjacent to Block & Lot G 1). Prior to signature approval of the detailed site plan, the plans shall be revised to ensure that all paved trails meet ADA guidelines for slope. These revisions may include changes to the grading, re-routing some segments of trails, retaining walls, or signage. A condition has been included which requires the modification of the plans in accordance with the above finding.

15. The existing Ashford Drive right-of-way within the Roblee Acres subdivision shall not be extended into the proposed subdivision for the Clagett Farm.

This condition was added by the District Council in response to citizens' requests during the District Council's review of Conceptual Site Plan CSP-03005. Due to the addition of this condition, Condition 25 attached to the approval of Preliminary Plan of Subdivision 4-04080 is not valid. Phase 3B, which is included in the subject application, includes areas directly adjacent to the existing Roblee Acres subdivision. No road connection to the existing Ashford Drive has been shown on the detailed site plan.

10. **Preliminary Plan of Subdivision 4-04080:** Preliminary Plan of Subdivision 4-04080 was approved by the Planning Board on October 28, 2004, subject to 32 conditions, of which the following are applicable to the review of this DSP and warrant discussion as follows:

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/81/03-01). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/81/03-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

A Type II Tree Conservation Plan TCPII/083/05-05 has been submitted with this DSP application. TCPII/083/05-05, which is a modification of previously approved Type I Tree Conservation Plan

TCPII/083/05, is in compliance with the Woodland Conservation and Tree Preservation Ordinance.

3. **The detailed site plan and the Type II tree conservation plan shall refine the proposed trail alignment to follow proposed and existing alignments for other infrastructure components to the extent reasonable based in the type of trail proposed.**

In general, the trails are located along existing utility corridors where feasible. All of the PEPCO crossings and some of the stream crossings are combined with the road bridges where necessary. In some cases, trails or wide sidewalks are proposed along roads to accommodate certain connections where an off-road trail is not practical.

Although it is not feasible or desirable to locate all trails with other facilities (particularly where equestrian or stream valley trails in a natural setting are planned), the following examples from the subject application illustrate where the developer is doing this:

In Phases 3 and 4, several internal HOA Trails are proposed. Trails are collocated with Bridle Ridge Road and Flying Change Road where these roads cross the PEPCO right-of-way. Also, a segment of a proposed six-foot hiker-biker trail on Parcel VVV corresponds with the grading necessary for stormwater management pond 3A-1. And finally, in an area where no off-road trails are possible, a six-foot hiker-biker trail is provided along Thoroughbred Drive and Bridle Ridge Road.

It appears that the water and sewer right-of-way on the applications are all along planned roads. Sometimes it is possible to locate stream valley trails within the utility easements within stream valleys to minimize clearing and grading. However, as the water and sewer easements appear to be along the roads in the subject application and there are no pre-existing easements along Cabin Branch, it is not possible to align the off-road trails with utility easements in this location.

4. **During the review of the detailed site plan, all PMA impacts approved by this plan shall be evaluated in order to further minimize the number and extent of the proposed PMA impacts. This shall include documentation that identifies the impacts as approved by this plan and the revised impact as proposed by the detailed site plan.**

Section 24-130(b)(5) of the Subdivision Regulations requires that the Patuxent River Primary Management Area (PMA) be preserved in a natural state to the fullest extent possible. The Preliminary Plan of Subdivision (4-04080) proposed 52 PMA impacts, 43 of which were approved.

The impacts shown on Sheets 17, 21, 25, 26 and 27 were all previously approved and shown on Type II Tree Conservation Plan TCPII/083/05-04. Most of the impacts shown on Sheets

46, 47, 50 and 51 are consistent with those approved by Preliminary Plan of Subdivision 4-04080; however, two are clearly not consistent.

On Sheet 50 of the TCPII, grading for a trail is shown behind Lot 5, Block G. On Sheet 51 of the TCPII, grading for a trail is shown behind Lot 1, Block G. The trail alignment is not what was proposed on Preliminary Plan of Subdivision 4-04080 and appears to replace a trail that was proposed farther east within the PEPCO right-of-way. The previously approved trail within the PEPCO right-of-way would have had substantially more impact to the PMA than the newly proposed alignment.

The second area of inconsistency involves a roadway connection to the west that was not proposed on previous plans. The approved preliminary plan does not show the proposed connection to the west; however, the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* shows a road connection to the Smith Home Farms site in this general location. The location selected on the DSP is inappropriate because it is located within the PMA and causes unnecessary impacts. The location shown on the master plan was chosen because it results in the least amount of impacts to the PMA to make the necessary connection. The DSP should reflect the location shown on the master plan, to avoid unnecessary impacts to the PMA.

With regard to the trail and the additional PMA impacts shown, the proposed change to the trail alignment has been reviewed and has been determined to be acceptable. The minor PMA impact shown on Sheet 51 is therefore acceptable because it replaces a larger impact that was approved with the trail alignment shown on Preliminary Plan of Subdivision 4-04080.

5. **Prior to submittal of the Detailed Site Plan the applicant shall meet with the Environmental Planning Section to evaluate alternatives that may allow for a reduction in the number and extent of the proposed PMA impacts. The Detailed Site Plan shall show a reduction of the following impacts supported with a condition: 8, 10, 12, 13, 19, 21, 22, 24, 32, E, H, Q, R, and the Trails.**

This condition was fulfilled at the time of review of Detailed Site Plan DSP-04088.

10. **This plan and all subsequent plan submittals for this property shall reflect the location of the unmitigated 65 dBA Ldn noise contour on the plans. Subsequent plan submittals shall not show any residential lots within the unmitigated 65 dBA Ldn noise contour unless a Phase II noise study is included with the submittal and all interior and exterior noise impacts are mitigated so as not to exceed the State of Maryland noise standards.**

Since the subject DSP covers Phases 3 and 4 of Marlboro Ridge, which is located some distance from Ritchie-Marlboro Road, no traffic-related noise impact to any proposed residential lot in these phases of the development is expected.

12. **Prior to approval of the first detailed site plan for the Clagett Property the September 20, 2004, geotechnical report, referenced by IC&E file number 40-04065-8, shall be revised to eliminate assumptions and be based on factual data and the comprehensive slope stability analysis shall be revised for the entire site to reflect the new information in accordance with the guidelines established by the Department of Environmental Resources, Permits and Review Division.**

This condition was fulfilled prior to the approval of Detailed Site Plan DSP-04088.

13. **The mitigated and unmitigated 1.5 safety factor lines shall be shown on the Type II tree conservation plan and the detailed site plan. All residential lots shall be located beyond the limits of the final mitigated 1.5 safety factor line as determined by the slope stability analysis as approved by the Department of Environmental Resources, Permits and Review Division, and a minimum 50-foot building restriction setback from the final mitigated 1.5 slope safety factor line shall be provided, unless a lesser setback is approved by DER.**

The location of the Marlboro clay, the unmitigated and mitigated 1.5 safety factor lines are shown on the plans and in the legend. All proposed residential lots in Phases 3 and 4 are located beyond the limits of the final mitigated 1.5 safety factor line and all proposed structures are located more than 50 feet from the final mitigated 1.5 safety factor line.

15. **At the time of detailed site plan, the applicant, the applicant's heirs, successors and/or assignees shall provide the following trail-related information with the site plans:**

    a. **A composite trails map showing the connection to the regional trail network, multiuse master plan trails, equestrian trails, bikeways, and sidewalks shall be submitted with the first DSP. Trails widths and surface types should be indicated on that plan.**

    b. **A multiuse, hiker/biker/equestrian trail along the subject site's entire length of Cabin Branch. This trail should be constructed to DPR standards and guidelines.**

    c. **A hiker/equestrian trail along the subject site's entire length of Back Branch.**

    d. **Depending upon the road cross section required by DPW&T, one of the following should be constructed along the subject site's entire road frontage of Ritchie Marlboro Road:**

        (1) **An eight-foot-wide hiker/biker trail, or**

(2) **Seven- to ten-foot-wide asphalt shoulders and the placement of bicycle signage.**

e. **A paved master plan trail running from the Cabin Branch stream valley trail to the northern property line, as indicated on the master plan.**

f. **The proposed trail network shall be expanded to include the portions of the subject site north of the Cabin Branch.**

g. **All equestrian trails shall meet the standards provided in Figure 3 of the adopted and approved Melwood-Westphalia Master Plan. Main trails should have a minimum ten-foot-wide trail (with a two-foot-wide buffer on each side) and a minimum head clearance of 12 feet. Feeder trails, or trails receiving less volume, should meet the subdivision park trail standard, with a minimum trail width of six to eight feet, with a two-foot-wide buffer on each side. In order to accommodate equestrians, a minimum head clearance of 12 feet is recommended on these trails as well. All trails on land to be dedicated to the Department of Parks and Recreation should meet all DPR standards and guidelines. Due to the density of the proposed development, standard sidewalks shall be provided along both sides of all internal roads, subject to concurrence by DPW&T.**

See Finding 9 for a detailed discussion of the detailed site plan's conformance to this condition.

21. **Private recreational facilities, such as small-scale neighborhood outdoor play areas and picnic areas in at least five locations, shall be reviewed by the Urban Design Section of the Development Review Division (DRD) for adequacy and property siting at the time of detailed site plan.**

This detailed site plan includes one of the five on site small-scale neighborhood outdoor play and/or picnic areas approved with CSP-03005. See Finding 9 for a detailed discussion.

22. **A Type II tree conservation plan shall be approved at the time of detailed site plan.**

A Type II Tree Conservation Plan TCPII/083/05-05 was submitted and approved with this DSP.

25. **The question of a primary residential street connecting the proposed subdivision to the adjacent North Roblee Acres community shall be addressed at the time of detailed site plan.**

See above Finding 9. The new Condition 15 added to the approval of Conceptual Site Plan CSP-03005 by the District Council explicitly prohibits any street connection from the Clagett Property

to the adjacent North Roblee Acres Subdivision. No such connection is shown on the subject detailed site plan.

26. **The applicant shall preserve the location for the planned right-of-way for the proposed A-37 master planned arterial by either removing lots within the proposed alignment, or adjusting lots and/or the A-37 alignment, as determined at the time of detailed site plan.**

A-37 does not impact this part of the Marlboro Ridge property.

27. **The preliminary plan shall be subject to the Department of Parks and Recreation's conditions as follows:**

a. **The dedication of 128± acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."**

Records indicate that 40.26 acres have been dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) through Phase I and II of the project. The plans indicate that an additional 19.26 acres of land will be conveyed to M-NCPPC with the Phase IV development. The remaining requirement for the dedication of approximately 68.48 acres of parkland will be met when Phases V and VI are submitted.

b. **The subdivider, successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.**

This condition remains valid and will be addressed prior to the recordation final plats that include land to be dedicated to M-NCPPC.

c. **The applicant shall construct a ten-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch as shown on attached Exhibit "A."**

The Back Branch trail construction is 90 percent complete. Cabin Branch trail has not commenced.

d. **The applicant shall construct six-foot-wide asphalt trail connectors from the neighborhoods to the stream valley trail system along Cabin Branch and Back Branch Stream Valleys as shown on attached DPR Exhibit "A."**

The applicant has shown six-foot-wide asphalt trail connectors to Cabin Branch and Back Branch.

e. **Prior to submission of the first detailed site plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master-planned trails along the Cabin Branch and Back Branch stream valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.**

This condition was addressed prior to the submission of Detailed Site Plan DSP-04088. An updated Composite Trails Plan was submitted with this application.

f. **Submission of three original, executed recreational facilities agreements (RFAs) for trail construction to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

The recreational facilities agreement (RFA) is complete and has been recorded at Liber 28354 Folio 045.

g. **Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.**

The bond for Back Branch trails construction has been received. The bond for the Cabin Branch construction must be submitted prior to the issuance of the 439th building permit.

h. **The location of the trail shall be staked in the field and approved by DPR prior to construction.**

This condition remains valid and the applicant will be required to comply at the appropriate time.

i. **The applicant, his heirs, successors, and/or assignees shall construct the trail in phase with development. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 529th residential building permit, a ten-foot-wide, asphalt hiker/biker trail along Cabin Branch and Back Branch shall be completed. A six-foot-wide feeder trail shall be constructed in phase with development.**

Several conditions are included which will ensure that trails are constructed in phase with development.

j. **With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines.***

A concept plan showing the alignment of the trail along the Cabin Branch and Back Branch Stream Valleys has been reviewed and approved. The Back Branch Trail is 90 percent complete and virtually ready for final inspection. Due to the phasing of development, DPR staff has not had a chance to review detailed drawings showing the exact alignment for the Cabin Branch Master Planned Trail. The applicant has indicated that the construction drawings for the Cabin Branch trail will be provided with the Phase V and VI site plans.

k. **All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**

This condition remains valid and will be required to be addressed if necessary.

l. **The handicapped accessibility of all trails shall be reviewed during the review of the DSP.**

See Finding 9 for a detailed discussion.

m. **The applicant shall enter into an agreement with PEPCO for public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.**

According to the applicant, PEPCO would not authorize separate trail and road crossings. Therefore, the master plan trails have been located within the right-of-way where Bridle Ridge Road crosses the PEPCO property. Although the plans were referred to PEPCO, at the time of the Planning Board hearing, final comments regarding the crossing design and the status of the agreement required above have not been received. Therefore, this condition has been carried forward as a recommended condition of approval of this detailed site plan.

n. **If M-NCPPC trails are used by for-profit equestrian operations, an agreement shall be reached between M-NCPPC and the equestrian operator before for-profit operations are conducted on public parkland. Further, at a minimum,**

the agreement shall include provisions that require the equestrian operator to provide insurance with coverage limits as specified by M-NCPPC and name M-NCPPC as an additional insured; indemnify and hold harmless M-NCPPC; perform all construction and maintenance functions for the trails; and to allow for public use of the trails.

This condition remains valid. Prior to use of the equestrian facilities on parkland by a for-profit operator of the equestrian facility, an agreement between M-NCPPC and the operator will be required.

29. **A Type C bufferyard shall be shown on both sides of the PEPCO easement at the localities adjacent to the proposed single-family lots.**

A Type C bufferyard is shown on both sides of the PEPCO property adjacent to the single-family lots proposed with this application.

30. **The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county Land Records.**

This DSP includes a private recreational facility site that is subject to this condition. This condition has been carried forward in a modified form as condition of approval of this DSP.

32. **In accordance with Section 27-445, the applicant shall submit a detailed site plan for the private recreational area. The DSP shall be approved by the Planning Board or its designee prior to final plat.**

This DSP includes one of the private recreational areas identified in the first approval of the Marlboro Ridge development, CSP-03005. The proposed facility is acceptable in terms of design and the amenities proposed.

11. **Umbrella Architecture Detailed Site Plan DSP-05040:** The Planning Board approved Umbrella Architecture Detailed Site Plan DSP-05040 with two conditions on January 26, 2006. The District Council affirmed the Planning Board's approval with modification of the first condition of approval on June 12, 2006 as follows:

1. **All single-family detached models in Marlboro Ridge shall have a full front façade (excluding gables, bay windows, trim, and door) of brick or equivalent masonry treatment.**

2. **Every side elevation on a corner lot that is visible from the public street shall display significant architectural features as provided in one of the following options:**

   a. **Full brick, stone, stucco, or other masonry treatment combined with at least three windows, doors, or other substantial architectural features; or**

   b. **Brick, stone, stucco, or other masonry treatment (not including the gable area), combined with no less than four windows or one side-entry door.**

The above two conditions are applicable to this DSP and have been included as site plan notes. The two architecture-related conditions shall be carried forward as conditions of approval of this DSP. Although this condition only applies to single-family detached architectural models, it shall also be applied to side elevations of townhouse units that are visible from the street. In addition, upgraded carriage style garage doors shall be provided on all townhouse models to maintain consistency within the development and to minimize the visual impact of the front-loaded garages. Garage doors shall be tan, which is consistent with the garage doors on existing townhouses within Marlboro Ridge. In addition, no two units located directly next to or across the street from one another shall feature identical front elevations and the developer shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.

12. ***Prince George's County Landscape Manual:*** The subject detailed site plan is subject to Section 4.1, Residential Requirements; 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 56 lots between 9,500 and 20,000 square feet and has provided 112 shade trees, 48 ornamental trees and 31 evergreen 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 22 lots smaller than 9,500 square feet and has provided 23 shade trees, 17 ornamental trees and 18 evergreen 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 has 179 townhouse units and has provided 275 shade trees, 268 ornamental trees and 169 evergreen trees. The subject DSP is in conformance with the requirements of Section 4.1(f) of the Landscape Manual.

b. The proposed single-family dwellings are required to be buffered from the PEPCO power lines pursuant to Section 4.7, Buffering Incompatible Uses. The subject detailed site plan is in conformance with Section 4.7 of the Landscape Manual.

13. **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 property has several previously approved Type I and Type II Tree Conservation Plans. The current DSP application is for Phase 3 and Phase 4 for construction of single-family residential lots and townhomes.

Type II Tree Conservation Plan TCPII/083/05-05 proposes the clearing of 62.86 acres of upland woodland, 3.087 acres of woodland within the 100-year floodplain, and 0.18 acres of off-site woodland. The woodland conservation threshold has been correctly calculated at 99.34 acres, or 20 percent of the net tract. The total requirement based on the proposed clearing is 118.31 acres through Phases 3 and 4 only. The plan proposes to meet the requirement by providing 99.51 acres of woodland preservation and 37.87 acres of afforestation/reforestation.

The current application includes 97.52 acres of the 588.63-acre project.The subject TCPII will eventually cover the entire property and is being developed in phases. Phases 1A, 1B, 1C, and 1D, Phase 2 and the remainder of the property east of the PEPCO right-of-way were previously reviewed and approved. The area of this application includes Phase 3 and Phase 4. Clearing in additional phases in the future will result in an increase in the overall requirement.

14. The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* for residential land use in the Westphalia area.

The alignment of the "future road" shown in Phase 4B appears to follow the alignment of Primary Road P-615 in the preliminary Westphalia Sector Plan; however, the alignment of P-615 was shifted to the north when County Council Resolution CR-2-2007 was approved. The DSP does not reflect this change.

This issue is discussed in detail in Finding 14.d.

The sector plan shows an equestrian/hiker-biker trail running approximately along the southern boundary of Phase 3B, which is not depicted on the site plan.

The plans were revised to show this trail.

b. The DSP's conformance to all conditions attached to the approval of Preliminary Plan of Subdivision 4-04080 is discussed above in Finding 10. The following comments relating to subdivision issues shall be addressed:

(1) Show a ten-foot-wide public utility easement (PUE) on all lots.

(2) Identify all lots on the subject plan as "Small Lot Detached Unit, All Other Single-Family Lots, Townhouses, or Perimeter Lot to Boundary (Section 27-444(b) of the Zoning Ordinance)." Utilize a chart or legend to satisfy this comment, as determined appropriate by the Urban Design Section.

(3) Prior to signature approval of the detailed site plan, applicant shall provide a running table of approved lots and their designation (i.e. small lot, all other lots, townhouses, perimeter lot to boundary).

(4) The relocation of the "future road" shown in Phase 4B does not reflect the master plan right-of-way.

These items have been included as conditions of approval of this detailed site plan.

(5) Phase 3B proposes to delete Street "R" from the preliminary plan.

This revision has been found to be acceptable.

(6) Sheet 3 of 13 shows a significant change in lotting pattern from the preliminary plan (4-04080). The new lotting pattern takes into account the steep grades at the end of the cul-de-sac. Additional screening and landscaping between Lot 1 (Block F) and Lot 13 (Block E) should be provided.

A condition has been incorporated which requires additional landscape screening between Lot 1, Block F and Lot 13, Block E. In addition, the plans shall be revised to provide additional landscaping at the end of the cul-de-sac of Gazing Way to mitigate the view where a lot was removed due to the steep topographical conditions.

c. A detailed analysis of the plan's conformance to environmental-related conditions of previous approvals is provided above.

d. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* recommends a connection between the subject property and points to the west (Westphalia Center) by way of a 60-foot residential road (P-615). The proposed Bridle Ridge Road represents P-615 on the subject plan. The location of the intersection as currently proposed is inconsistent with the master plan alignment. The site plan shall be revised so that the proposed cul-de-sac on the western end of the property is relocated to the north in accordance with Applicant's Exhibit 5. The proposed site plan is deemed acceptable as required by Section 27-285 of the Zoning Ordinance, with a condition below requiring a redesign of P-615 consistent with the above finding.

An extensive network of internal and master plan trails is located within the subject application. All trails in Phases III and IV are located on land dedicated to M-NCPPC, within homeowner (HOA) open space or within public road right-of-ways. All areas or corridors intended for use as equestrian trails shall be marked and labeled on the detailed site plan. Conditions 15 and 27 of approved Preliminary Plan of Subdivision 4-04080 apply to trails on the subject site, and are still applicable for the subject application. The locations of the trails shown on the submitted site plan appear to comply with prior approvals with the minor exceptions noted in Finding 9 above. The provision of standard sidewalks along both sides of the internal roads, as shown on the submitted DSP, is appropriate.

Due to several recent cases involving the location of trails immediately next to or behind private residential lots, the proximity of the trails proposed in relation to adjoining lots was evaluated and several conditions were included which were designed to ensure that prospective home buyers are aware of the location of the trails and that the trails are constructed prior to adjacent residential lots. Measures taken to ensure that all lot owners are aware of adjacent trail include:

- Require that contract purchaser's review and sign a copy of the current Composite Trails Plan at the time of purchase.

- Posting of signage along the future trail corridor.

- Requirement that trails be located a minimum of twenty feet from all private residential lots and twenty-five feet from all residential dwellings except where trails connect to the internal road network.

The distance of the proposed trails from the adjacent lots was also evaluated and in most cases the distance usually exceeds 25 or 30 feet, sometimes by a substantial margin. The trail on Parcel BBB does not come closer than 25 feet from any residential lot. However, it

should be noted that the six-foot trail connection to Thoroughbred Drive runs through a ten-foot-wide HOA Parcel adjacent to Lots 22 and 23 of Block F.

Additional landscaping shall be added between the side yard of lots 22 and 23, Block F and the proposed trail to mitigate the impact of trail use on future residents of these lots.

The trail on Parcel DDD runs closer to some of the lot lines. In general, it is twenty or more feet from all adjacent lots. However, the trail comes within five feet of Lot 1, Block G, where the trail turns to connect with Bridle Ridge Road. And, further to the north, the trail runs approximately fifteen-feet from Lot 6, Block G.

The plans shall be revised to show all trails no less than twenty-feet from all private residential lot lines and twenty-five feet from all residential dwellings, excluding where trails connect to the internal road network. Based on a preliminary review, it appears that the trail locations only have to be shifted in the vicinity of Lots 1 and 6 of Block G.

Conditions regarding trail setback and timing issues were included.

f. This DSP has no effect on historic resources. Phase I and Phase II investigations required by Preliminary Plan of Subdivision 4-04080 were completed and at the time of review of DSP-06010 for Phase 2, it was determined that no further archeological work was necessary on the property.

g. The Department of Public Works and Transportation (DPW&T) provided comments and indicated that the detailed site plan is consistent with approved Stormwater Concept Plan 21383-2003-03. DPW&T's comments will be addressed at the time of permit, have been addressed through revisions to the plans or, where appropriate, have been addressed through conditions of approval.

h. At the time of the Planning Board hearing, comments have not been received from the Westphalia Sector Development Review Advisory Council.

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/083/05-05) and further APPROVED Detailed Site Plan DSP-09018 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall

a. Revise the parking tabulation to reflect the number of required and provided handicapped accessible parking spaces.

b. Revise the DSP and TCPII to reflect an alignment of P-615 that shows connectivity as shown in Applicant's Exhibit No.5.

c. Submit an updated composite trails map showing the connections to the regional trails network, multi-use master planned trails, equestrian trails, bikeways, and sidewalks. Trail widths and surface types shall also be indicated on the plan.

d. Provide three additional evergreen trees along the rear property line of Lots 23 and 33–40, Block F (Phase 3B) and Lots 1-9, Block G (Phase 4B) and along the side property lines (adjacent to the trail) of lots 22 and 23, Block F (Phase 3B) in a staggered, naturalized pattern to be reviewed and approved by the Urban Design Section as designee of the Planning Board.

e. Provide additional landscaping to screen the side yard of Lot 54, Block F (existing Phase 2) from the proposed equestrian trail in Phase 3B to be reviewed and approved by the Urban Design Section as designee of the Planning Board.

f. Revise the townhouse elevations to indicate that tan carriage style garage doors consistent with those on existing townhouses within Marlboro Ridge will be standard for all models.

g. Revise the plans to provide a ten-foot-wide public utility easement (PUE) to serve all lots.

h. Identify all lots on the subject plan as "Small Lot Detached Unit, All Other Single-Family Lots, Townhouses, or Perimeter Lot to Boundary (Section 27-444(b) of the Zoning Ordinance)." A chart or legend shall be provided on the plans accordingly.

i. Provide a running table of approved lots and their designation (i.e. small lot, all other lots, townhouses, perimeter lot to boundary) for the entire Marlboro Ridge development.

j. Revise the plans to provide additional landscape screening between Lot 1, Block F and Lot 13, Block E and at the end of the cul-de-sac of Gazing Way to mitigate the view where a lot was removed due to the steep topographical conditions. The landscaping shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

k. Revise the plans to indicate that the proposed equestrian crossing of Bridle Ridge Road shall be improved per the Equestrian Crossing Detail of the approved Design Features Locator Plan. Per the design guidelines, this crossing shall be identified with a "Caution Horse Crossing" sign, stone pier monuments, and a 16-foot-wide raised table of stamped concrete patterned to resemble cobblestone pavers at the actual crossing. Dismounting and

leading of horses shall be required, and stone mounting blocks shall be provided behind a four-board paddock fence on both sides of the road. Details demonstrating as much shall be provided on the plans consistent with the Design Features Locator Plan approved with DSP-06010.

l. Revise the plans to show trails no less than twenty feet from all private residential lot lines and/or twenty-five feet from all residential dwellings, excluding where trails connect with the internal road network.

m. Revise the plans to ensure that all paved trails meet ADA guidelines for slope.

2. Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a HOA, shall include language requiring that future contract purchasers of homes view and sign a copy of the current Composite Trail Plan as part of the purchase process.

3. The applicant and the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for approval prior to the submission of final plats for construction of recreational facilities within the townhouse section. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County.

4. Prior to issuance of the 152nd townhouse building use and occupancy permit included in this DSP, the construction of the play area in the townhouse section shall be complete and be open to the residents.

- All play equipment shall comply with the requirements of the Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM). All play areas shall comply with the requirements of the Americans with Disabilities Act (ADA) and with the *Park and Recreation Facilities Guidelines.*

5. Prior to the issuance of building permits for Block G, Lots 1–10 (Bridle Ridge Road), Block QQ, Lots 1–4 (Flying Change Road), Block E, Lots 8–13 (Furlong Court and Grazing Way), Block F, Lots 1 and 2 (Grazing Way), and Block F, Lots 21–23 (Thoroughbred Drive), the approved public trail location immediately behind said lots shall be posted at 200-foot intervals and inspected by the Trails Coordinator. The signage shall be approved by the Trails Coordinator prior to posting and shall at a minimum state "Future location of public trail." The signage shall be of durable materials, colors that will attract attention, and directed toward the lots. The signage height shall be determined by the site grading to ensure visibility. This condition may be partially waived by the Trails Coordinator, at the request of the applicant, if specific site conditions make the trail posting unwarranted for its purpose at certain locations.

6. The applicant shall dedicate approximately 19.26 acres of land to M-NCPPC as shown on the certified detailed site plan.

7. The land to be conveyed for public parkland shall be subject the following:

   a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission (WSSC) Assessment Supervisor) shall be submitted to the Department of Parks and Recreation (DPR) of The Maryland-National Capital Park and Planning Commission (M-NCPPC) along with the final plats.

   b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to the final plat.

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

   d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration or repair or improvement made necessary or required by the M-NCPPC developmental approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

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

   f. All waste matter of any kind shall be removed from the property to be conveyed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to final plat approval.

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

8. The bond for the Cabin Branch Trail construction shall be submitted to DPR prior to the issuance of the 439th building permit.

9. The applicant and the applicant's heirs, successors, and/or assignees, shall construct the trail in phase with development. No building permits shall be issued for lots directly adjacent to the trail until the trail is under construction (under construction is defined as installation of the gravel base). Prior to issuance of the 529th residential building permit, a ten-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch shall be completed and a six-foot-wide feeder trail shall be constructed in phase with development.

10. At least 60 percent of the townhouse units shall have brick front façades.

11. All single-family detached models shall have a full front façade (excluding gables, bay windows, trim, and door) of brick or equivalent masonry treatment.

12. Every side elevation that is visible from the public street shall display significant architectural features as provided in one of the following options:

    a. Full brick, stone, stucco, or other masonry treatment combined with at least three windows, doors, or other substantial architectural features; or

    b. Brick, stone, stucco, or other masonry treatment (not including the gable area), combined. with no less than four windows, or one side-entry door.

    The side elevations visible from the street on the following lots shall receive this treatment:

    Phase 3A
    Lot 13, Block HH
    Lot 13, Block II
    Lot 13, Block KK
    Lot 12, Block PP
    Lots 1, 10 & 23, Block LL
    Lot 8, Block JJ
    Lot 1, Block GG
    Lot 1, Block OO
    Lot 14, Block NN
    Lot 12, Block MM

    Phase 3B
    Lots 3 & 12, Block E
    Lots 27, 31 & 46, Block F

    Phase 4A
    Lot 1, Block QQ
    Lots 12 & 13, Block RR

Phase 4B
Lots 1 & 22, Block G

13. No two units located next to or directly across the street from each other may have identical front elevations.

14. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.

15. The applicant shall enter into an agreement with PEPCO for any public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.

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, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, February 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of March 2010.

Patricia Colihan Barney
Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:JS:arj

APPROVED AS TO LEGAL SUFFICIENCY.
M-NCPPC Legal Department
Date 3/10/10