

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 July 17, 2014 regarding Detailed Site Plan DSP-10046 for Heathermore, the Planning Board finds:

1. **Request:** The subject application is for approval of a DSP for infrastructure for 92 townhouse units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-30 and R-P-C	R-30 and R-P-C
Use(s)	Vacant	Single-Family Attached Residential
Acreage	12.26	12.26
Lots	0	92
Parcels	0	4
Dwelling Units	0	92

OTHER DEVELOPMENT DATA

Parking Data:

Parking Spaces Required

92 Townhouses @ 2.04 spaces **188 spaces**

Parking Spaces Provided

217 spaces

3. **Location:** The subject site is located in Planning Area 82A, Council District 9. Heathermore is located at the current terminus of Heathermore Boulevard, on its northern side.
4. **Surrounding Uses:** The subject property is bounded to the north and west by townhouses in the Multifamily Low Density Residential (R-30) Zone; to the east by a Potomac Electric Power Company (PEPCO) easement; and to the south across Heathermore Boulevard by undeveloped property in the Multifamily Medium Density Residential (R-18) Zone.

5. **Previous Approvals:** The site under review is the subject of Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C/03 (Marlton Official Plan). The subject DSP is a portion of the Marlton Planned Community, most of which was zoned Planned Community (R-P-C) on February 26, 1969 (District Council Resolution No. 92-1969). The most recent amendment to the Official Plan was approved by the Prince George's County Planning Board (Resolution No. 14-42(C)) on May 8, 2014 to allow up to 92 townhouses as a use on the subject property.

In 1985, the Prince George's County Board of Education conveyed Parcel 104 to Prince George's County by deed recorded in Liber 6208, Folio 775. The Prince George's County Council surplused the property in 2009 through Resolution CR-70-2009. The site was rezoned from the Rural Residential (R-R) Zone to the R-30 Zone through the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), which was adopted by the District Council on July 24, 2013. An Official Plan Amendment for Marlton was approved through the master plan and SMA which reestablished density limits for West and East Marlton. For West Marlton, the density was limited to 6,192 dwelling units which left a remaining capacity of 842 dwellings. The subject site was conveyed to the applicant in 2011. On November 17, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-11003 (PGCPB Resolution No. 11-99) for 92 townhouse lots and 4 parcels, subject to 19 conditions. The preliminary plan is valid until December 31, 2015 pursuant to County Council Bill CB-70-2013. No final plat has been recorded for the subject site.

6. **Design Features:** The subject application is for approval of infrastructure, landscaping, and 92 townhouse lots.

Heathermore will be accessed via Heathermore Boulevard, which currently terminates on the west side of the existing PEPCO power line easement and the Conrail railroad tracks that run north/south through the Marlton area. Heathermore Boulevard is proposed to be extended eastward, past the power lines and railroad tracks, where it will terminate at a proposed roundabout and become East Marlton Avenue.

The applicant is required to meet the mandatory parkland dedication requirements under Subtitle 24 of the Prince George's County Code, and private facilities are shown on the DSP. The recreational details on the plan indicate that the following facilities will be provided:

- Two sitting areas with two benches and a trash receptacle each
- One picnic area with three picnic tables and one trash receptacle
- A wooden gazebo 18 feet in diameter
- Two Eagle play structures that include multiple slides, climbers, and other activities

The Planning Board finds that these private facilities, which will not be open to the general public, are appropriate for the proposed townhouse development, particularly when taken in conjunction with the required public recreational facilities for the overall site. The recreational facilities established by the Official Plan Amendment for Marlton will be built on existing and future Maryland-National Capital Park and Planning Commission (M-NCPPC) property and be open to

all residents of Marlton and the public. The applicant and Lake Marlton Limited Partnership (LMLP) have established a recreation facilities financial agreement which was recorded in the Land Records of Prince George's County at Liber 33952, Folio 093.

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-30 and R-P-C Zones and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed townhouse development is a permitted use in the R-P-C Zone as it is permitted in the subcategory R-30 Zone shown on the Official Plan. The use is generally subject to special exception approval; however, Section 27-539(c)(2) states, in part:

Specific uses (in addition to zoning subcategories) may be shown on the Official Plan. If a use shown normally requires the grant of a Special Exception, a separate Special Exception shall not be required. If a use normally requiring the grant of a Special Exception is not shown, a separate Special Exception must be obtained...

The application is not subject to the special exception approval process as the Official Plan has been amended to include the 92 townhouses. However, the application is subject to Section 27-416.01 (Townhouses), which specifies that townhouses are subject to the design requirements found in Section 27-433.

- b. The proposed development is in conformance with Section 27-540(b), General Regulations, which requires conformance with the regulations for the R-30 Zone as stated in Section 27-442, which provides additional regulations for development in residential zones.
- c. The proposed development is in general conformance with Section 27-433. The DSP will require additional evaluation when architecture is proposed as a revision to the subject DSP.
- d. The application is also in conformance with the requirements of Sections 27-434 and 27-538 regarding site plans in the R-P-C Zone.
8. **The Marlton Official Plan, Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C, as amended:** Heathermore is part of the larger community known as Marlton. Marlton was placed in the Planned Community (R-P-C) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale planned communities. The Marlton Official Plan, which includes zoning subcategories and a detailed development plan, provides the overall framework for the development of the community. The subject property (Heathermore) was formerly owned by the Board of Education; the zoning was formally amended to the R-30 Zone

via Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C/07, approved by the Planning Board on May 8, 2014.

The 92 single-family attached units proposed in the DSP are in conformance with the Official Plan. The proposed development conforms to the requirements of the zoning subcategory of the Official Plan and the detailed development plan.

The proposed development was also reviewed for conformance with the 2009 Official Plan Amendment for Marlton, which included 13 conditions that amended and restated the approved zoning map amendment conditions. The following are applicable to the review of this DSP and warrant discussion as follows:

9. **Subject to approval by the appropriate agency, where necessary, the applicant shall make the following changes to Heathermore Boulevard and East Marlton Avenue to reduce the environmental impacts and lessen the length and number of stream crossings:**
 - a. **Design Heathermore Boulevard to modify the extent of grading to be only 100 feet of the 120-foot right-of-way (ROW), and design East Marlton Avenue to transition from the relocated round-about to an 80-foot ROW.**
 - b. **From the end of the existing Heathermore Boulevard dedication on the east side of the PEPCO ROW, Developer shall, beginning at the east side of the PEPCO ROW and merging into the alignment of East Marlton Avenue just before the dedicated Board of Education property, realign Heathermore Boulevard to the south. This realignment shall preserve, outside the limit of disturbance required to construct the realigned Heathermore Boulevard roadway as shown on the approved Detailed Site Plans, the area of the proposed park containing the Southwest Branch and the jurisdictional side branch stream flowing from the east between Sections 18 and 19 and the adjoining Duley property.**
 - c. **Heathermore Boulevard shall be constructed as a four-lane divided arterial beginning at the proposed Grandhaven Avenue round-about through to the proposed round-about at East Marlton Avenue. Any space used as a lane divider shall be constructed as green space with plantings as opposed to concrete or equivalent material.**
 - d. **The Heathermore Boulevard ROW shall transition to a two-lane East Marlton Avenue roadway within an 80-foot ROW from the proposed East Marlton Avenue round-about.**

Lake Marlton Limited Partnership (LMLP) has prepared and submitted plans for the construction of the Heathermore Boulevard extension, which provides frontage and sole access to the subject

property. The applicant and LMLP have recorded a financial agreement creating a financial structure for the construction of Heathermore Boulevard Extended.

10. Detailed site plan review, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required and include the following:

- a. The requirements of Sections 27-171 and 27-176 of the Zoning Ordinance for R-P-C considerations.**

The subject application is in conformance with the requirements of these sections.

- b. Prior to final plat approvals the applicant shall submit a Recreational Facilities Agreement to the Prince George's County Planning Board or its designee which indicates the recreational facilities which will be provided as part of the development of Marlton. It will further indicate the location of the facilities and include requirements for the timing of the transfer of all proposed parkland to the Maryland-National Capital Park and Planning Commission.**

A public recreational facilities agreement indicating the facilities, location, and timing has been submitted and recorded in Land Records at Liber 35310, Folio 401.

The DSP has also been reviewed for conformance with PGCPB Resolution No. 14-42(C) and its sole condition below:

- 1. The maximum number of dwelling units shall be 92 townhouses. This may be reduced at the time of Detailed Site Plan approval after a further analysis of compatibility, including townhouse design issues contained in the Zoning Ordinance.**

The subject application is in conformance with this condition.

- 9. Preliminary Plan of Subdivision 4-11003:** On October 20, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-11003 for Heathermore, which consisted of approximately 12 acres, divided into 92 lots and 4 parcels. The resolution of approval, PGCPB No. 11-99, containing 19 conditions was adopted on November 17, 2011 and then corrected on February 3, 2012. The preliminary plan is valid until December 31, 2015 pursuant to Council Bill CB-70-2013. No final plat has been recorded for the subject site. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The following conditions of the preliminary plan approval are applicable to the review of this DSP and warrant discussion as follows:

- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 6853-2011-00 and any subsequent revisions.**

General Note 13 on the DSP correctly indicates that the site is subject to Stormwater Management Concept Plan 6853-2011-00. A condition has been included requiring the approval date of the stormwater management concept plan be added to General Note 13.

4. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-11). The following note shall be placed on the Final Plat of Subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-006-11 or most recent revision), or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

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

5. **Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall be subject to the following orders of approval:**
- a. **A Marlton Official Plan Amendment to show a townhouse use on the subject property, or;**
 - b. **A special exception for the townhouse use on the subject property, and**
 - c. **Approval of a detailed site plan in accordance with Part 3, Division 9 of Subtitle 27.**

These reviews shall further analyze conformance of this site to the overall Marlton Official Plan Amendment as approved through the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment*.

The applicant obtained Planning Board approval on May 8, 2014 for an amendment to the Marlton Official Plan for 92 townhouses prior to approval of this DSP. The Planning Board decision became final on July 10, 2014.

6. **Prior to the approval of the detailed site plan, the following issues, which may result in a loss of lots, shall be addressed:**

- a. **The guidelines set forth in Section 27-274(a)(11) and the requirements of Section 27-433 of the Zoning Ordinance.**

The site plan is in general conformance with the above sections regarding the design of townhouse developments. As this DSP is for infrastructure, landscaping, and the siting of 92 lots only, further evaluation will be required when architecture is proposed.

- b. **Provision of opportunities to provide additional visitors' parking spaces.**

At the time of preliminary plan approval, there was a concern that the proposed number of parking spaces for visitors was insufficient. The revised DSP dated June 10, 2014 provides two additional visitor's spaces for a total of 33, which the Planning Board finds sufficient to meet the intent of the condition. One of the parking areas on the site plan is labeled as five parking spaces, even though a sixth space (a handicap space) is provided. A condition has been included to address this clarification.

- c. **Detailed design of the on-site recreational facilities, to include landscaping, benches, special lighting, trash cans, play equipment, special paving, and shelters, in the central green space and the area around the archeological site shall be reviewed for adequacy and proper siting.**

This DSP proposes two sitting areas and one play area in Parcel D and a picnic area adjacent to the archeological site. Detailed designs have been provided which staff finds acceptable.

- d. **The spacing between groups of townhouse lots for pedestrian access and possible buffer plantings.**

The preliminary plan and initial DSP had shown some locations in which only five feet was provided between rows of townhouse lots. Additional space is required to serve as an access path for residents with interior lots to allow them to walk from the front to the rear of their lots and to provide a planted buffer between the lots. The revised DSP provides a range of 9 to 30 feet between the townhouse groups, which is adequate.

- e. **The Detailed Site and Landscape Plan shall have enhanced landscaping along the frontage of Heathermore Boulevard, as approved by M-NCPPC staff at the time of the detailed site plan approval.**

The revised DSP and landscape plan show additional plantings and landscaping along Heathermore Boulevard, the rear yards of townhouses, and within the bufferyard along the adjacent public utility easement in conformance with this condition. Conformance to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, including Section 4.6 (Buffering Development from Streets) and Section 4.7 (Buffering Incompatible Uses) referenced above, is discussed further in Finding 10.

7. **Prior to the approval of the detailed site plan, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on the detailed site plan:**

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

Proposed lighting fixture details and photometrics have been provided in the DSP. A condition has also been included in the Planning Board approval requiring a note on the DSP.

8. **Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's frontage of Heathermore Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).**

The DSP proposes a five-foot-wide sidewalk along the subject site's frontage of Heathermore Boulevard. A condition is included in the Planning Board approval requiring construction of the sidewalk in conjunction with the construction of Heathermore Boulevard along the site's frontage.

9. **Prior to approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210 to the DPW&T for the placement of bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If additional road frontage improvements or restriping are required by DPW&T, bicycle compatible pavement markings are encouraged.**

This condition has been carried forward.

10. **Prior to approval of final plats, the applicant and the applicant's heirs, successors, and/or assignees, shall submit three original executed Recreational Facilities Agreements (RFA) to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department, Development Review Division (DRD) for the construction of private recreational facilities on-site. Upon approval by the DRD Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

The private recreational facilities agreements were not included in the review package. Conformance to Condition 10 is required prior to approval of a final plat. A condition requiring construction of the recreational facilities prior to issuance of the 46th building permit by M-NCPPC is included in the Planning Board approval.

- 12. Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. Submit four copies of the final Phase I and Phase II archeological reports for archeological site 18PR1020 to the Historic Preservation Section (M-NCPPC) for review and approval.**

The applicant submitted four copies of the Phase I final report and the Historic Preservation Section accepted the final reports as complete on August 15, 2011. The applicant submitted four copies of the Phase II final report and the Historic Preservation Section accepted the final reports as complete on May 1, 2012. This condition has been satisfied.

- b. Ensure that all recovered artifacts from archeological site 18PR1020 are deposited with the Maryland Archeological Conservancy Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to Historic Preservation staff.**

The applicant donated the archeological collection from Site 18PR1020 to the Maryland Archaeological Conservation Laboratory on May 14, 2012 and submitted a copy of the delivery receipt to M-NCPPC. This condition has been satisfied.

- c. Provide the language for interpretive signage and other appropriate interpretative measures for archeological site 18PR1020 such as brochures, web site material, etc., designed to provide public information about the significance of the archeological site. The language for the signage shall be reviewed by the Historic Preservation Section and submitted to the HPC for approval.**

Language for the interpretive signage was submitted with the DSP application. The Historic Preservation Section proposes changes to the language, and the applicant should ensure the correct language is provided. The applicant also submitted language for website material in fulfillment of the public interpretation requirements. The applicant should continue to work with the Historic Preservation Section to finalize the website content.

- 13. Prior to the approval of the detailed site plan, archeological site 18PR1020 and associated interpretive signage shall be incorporated into a passive recreational facility.**

The applicant proposes a six-foot-wide sidewalk on the edge of the 20-foot buffer around Archeological Site 18PR1020. A passive recreational area comprising a 400-square-foot picnic area with three picnic tables is proposed to the west of Site 18PR1020. The DSP does not show the location of the interpretive signage in the recreational area. A condition is included requiring the

interpretive sign be located outside of the site boundary, and placed either in the 20-foot buffer area or near the picnic area.

14. **Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall establish an archeological conservation easement around archeological site 18PR1020 that includes a 20-foot buffer as determined on the DSP. The following note shall be placed on the final plat:**

“Any ground disturbance within the proposed conservation easement must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George’s Planning Department, Countywide Planning Division, Historic Preservation Section.”

The DSP proposes a 20-foot buffer around the archeological site. This condition will be added as a general note. An additional condition requires the liber/folio of the archeological easement be placed on the final plat prior to recordation.

15. **Prior to the approval of any grading permit or any ground disturbance for the subject property, the applicant shall install a super-silt fence around the boundaries of archeological site 18PR1020 and provide proof of the installation and its placement to Historic Preservation Section (M-NCPPC). The location, installation and removal of the super-silt fence shall be determined at the time of detailed site plan.**

The DSP should be revised to show the location of the super-silt fence for the archeological site and provide the timing for the removal of the fence. A condition addressing this is included in the Planning Board approval. The remainder of the condition has been carried forward.

16. **Prior to the approval of building permits, the applicant and the applicants heirs, successors and/or assignees, shall demonstrate that a homeowners association (HOA) has been established and that common areas have been conveyed to the homeowners association (Parcels A through D). Land to be conveyed shall be subject the following:**

- d. **Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee may be required to warrant restoration, repair or improvements required by the approval process.**
- e. **Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage**

outfalls that adversely impact property to be conveyed shall be reviewed and approved by the DRD Division prior to the issuance of grading or building permits in accordance with the approved detailed site plan (DSP).

The Development Review Division will review these conditions for conformance at the time of permit review.

- 17. Total development within the subject property shall be limited to a residential development or equivalent development which generates no more than 64 (13 in; 51 out) AM peak-hour trips and 74 (48 in; 26 out) PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The DSP proposes 92 townhouses which would generate 64 AM and 74 PM peak-hour vehicle trips. Therefore, the proposal is in conformance with this condition.

- 18. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program;" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- a. US 301 and Croom Road intersection.**
- b. Modify the westbound approach to provide a left turn lane and a shared left-through and right-turn lane.**
- c. Modify the traffic signal to provide split phasing.**

This condition is carried forward with a minor revision to format as requested by the Transportation Planning Section to provide additional clarity.

- 19. At the time of final plat, the applicant shall dedicate a ten-foot-wide public utility easement (PUE) along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision or as determined at the time of detailed site plan with concurrence of all affected utility companies.**

General Note 14 on the DSP indicates that a ten-foot-wide public utility easement (PUE) is provided along all rights-of-way. The DSP generally proposes a ten-foot-wide PUE along the public and private rights-of-way as reflected on the approved preliminary plan. However, only a five-foot-wide PUE is shown surrounding Parcel D, an open space parcel to be conveyed to the

homeowners association. A condition requiring a 10-foot-wide PUE along Parcel D is included in the Planning Board approval.

10. **2010 Prince George's County Landscape Manual:** The property is located within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31). The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided per townhouse lot based on size. For townhouses, these trees can be provided on lots or in common open space. The correct schedule is provided on the DSP showing this requirement being met for each section of proposed townhouse lots.
- b. **Section 4.6, Buffering Development from Streets**—Section 4.6 provides requirements for buffering residential development from public roads. Rear yards of townhouses that are oriented toward a primary or lower road classification, such as internal private roads, require a minimum 20-foot-wide buffer, planted with a specified amount of plant material. When rear yards are oriented toward a major collector such as Heathermore Boulevard, a 50-foot-wide planted buffer is required.

The DSP shows this requirement as only partially fulfilled. Lots 18, 19, 30, 56, 62, 83, 84, 88, have rear yards oriented toward internal streets and should show additional plantings. For Lot 76, which has a rear lot oriented to Heathermore Boulevard, two to three additional evergreen trees should be added in proximity to the rear yard to provide additional screening. The DSP also shows plantings proposed within the building footprint on Lot 1, which should be shifted to be outside of the lot. Conditions have been included in the Planning Board approval.

- c. **Section 4.7, Buffering Incompatible Uses**—A Type B bufferyard is required for the eastern boundary of the property that is adjacent to the public utility with overhead power lines. The submitted landscape plan shows the required 30-foot building setback and 20-foot landscaped yard as required.
- d. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable requirements. The submitted landscape plan provides the required schedule and notes showing the requirements of this section being fulfilled, and the plant lists identify which plants are native.

- e. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which apply to the subject development. The submitted landscape plan provides the required schedule showing the requirements of this section as being met.

- 11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet in size and there are more than 10,000 square feet of existing woodland on-site. A Type 1 Tree Conservation Plan (TCP1-006-11) was previously approved for the subject property.

The subject application has a woodland conservation threshold requirement of 2.45 acres based on a 20 percent requirement for the 12.26-acre net tract area. The Type II tree conservation plan (TCP11) indicated 9.50 acres of woodland clearing, resulting in a 3.20 acre woodland conservation replacement requirement, and a total woodland conservation requirement of 5.65 acres.

The woodland conservation requirement of 5.65 acres for the subject property is proposed to be satisfied with 1.06 acres of on-site woodland preservation, 0.54 acre of on-site afforestation/reforestation, and 4.05 acres of off-site woodland conservation.

To meet the woodland conservation requirements, a hierarchy of priorities has been established in Division 2 of Subtitle 25, Section 25-121(b), of the County Code. While the forest structure was found to be good to excellent, this site does not contain any Priority 1 or Priority 2 areas. The 1.06 acres of on-site preservation proposed is located in Stands A and B, which have the highest retention value on the site.

All of the woodland afforestation areas proposed are greater than the minimum size of 10,000 square feet and the minimum width of 50 feet wide (refer to Section 25-122(b), Design Criteria). Woodland conservation areas and landscape buffering have been set back a minimum of ten feet from townhouse lot lines to allow full access for utility installation and grounds maintenance.

Technical deficiencies identified during plan review have been addressed by conditions.

- 12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-30 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 12.26 acres in size, resulting in a TCC requirement of 1.84 acres. The subject application provides the required schedule showing conformance in excess of the requirements.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The Historic Preservation Commission (HPC) reviewed the subject DSP application at its April 15, 2014 meeting and forwarded the following findings, conclusions, and recommendations to the Planning Board. HPC voted 7-0-1 in favor of the following findings and recommendations.

Historic Preservation Findings

- (1) Phase I archeological investigations on the Heathermore property identified one historic archeological site, 18PR1020. Phase II investigations confirmed the presence of a nineteenth to early twentieth century domestic residence in the southwestern portion of the subject property. The building appears to have burned in the 1930s and the superstructure demolished shortly thereafter. A portion of the structure was pushed into the house's cellar that remains intact below the ground surface. Intact archeological deposits that could provide significant information on the history of Prince George's County were found within the cellar. The area surrounding the cellar appears to have been disturbed by bulldozing in the mid-twentieth century. The portion of the Heathermore site in the vicinity of the cellar retains its archeological integrity. Site 18PR1020 is eligible for listing in the National Register of Historic Places under Criterion D: "the site has yielded, or may be likely to yield, information important in prehistory or history."
- (2) The subject property is not currently included in the Inventory of Historic Resources associated with the *Prince George's County Historic Sites and Districts Plan*. At its September 20, 2011 meeting, HPC reviewed the Preliminary Plan 4-11003 for Heathermore and found that the Duvall Tenant House Site (Site 18PR1020) meets two of the criteria for classification as a Prince George's County historic site listed in Section 29-104(1)(A)(i) and (1)(A)(iv) of the County Code. That designation would be most expeditiously addressed through Section 29-120.01, which provides for the designation of a historic site through a process of joint public hearings held by the Planning Board and District Council.
- (3) Although numerous sites dating from the late nineteenth to early twentieth century still exist in the county, few of these sites have been studied from an archeological perspective. The Heathermore site, 18PR1020, was likely occupied in the post-Civil War period by formerly enslaved African American tenant farmers and could provide information on the transition of African American families from slavery to tenancy. Since this aspect of African American farm tenancy has been little studied in Prince George's County, the research value of this property is high and can contribute to the expansion of our knowledge on this subject.

- (4) At the Planning Board hearing for Preliminary Plan 4-11003 on October 20, 2011, the applicant proffered to initiate the process of designating the Duvall Tenant House, Site 18PR1020, as a Prince George's County historic site according to the provisions of Section 29-120.01 at the time of submittal of the DSP.
- (5) At their meeting on April 15, 2014, HPC addressed the relevant preliminary plan conditions of PGCPB Resolution No. 11-99. The comments have been incorporated into Finding 9 above, and the relevant conditions have been included in the Recommendation section of this report.
- (6) The applicant's landscape plan indicates that the interpretive sign will be placed within the boundaries of Archeological Site 18PR1020.
- (7) At its April 15, 2014 meeting, HPC heard the staff presentation and recommended conditions. HPC inquired about the ownership of the tract on which Archeological Site 18PR1020 is located and who would be responsible for its maintenance. The applicant has proposed to convey the parcel on which the archeological site is located to the homeowners association (HOA). The applicant's counsel, Mr. William Shipp, agreed with staff's recommendations and proposed a condition to address the HPC's concern regarding maintenance of the area surrounding the archeological site.

Archeology Conclusions

- (1) Archeological Site 18PR1020 meets Criterion D for listing in the National Register of Historic Places. In addition, Site 18PR1020 is historically and culturally significant under Section 29-104(1)(A)(i), "it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation"; and (1)(A)(iv), "it exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities." The period of significance for the archeological site relates directly to the occupancy of the property by African American tenants from the mid-1800s to the 1930s, when the house burned and was demolished. The applicant should begin the process of designating the Duvall Tenant House, Site 18PR1020, as a Prince George's County historic site by submitting an application that would be most expeditiously addressed through Section 29-120.01, which provides for the designation of a historic site through a process of joint public hearings with the Planning Board and District Council.
- (2) The southwestern portion of the Heathermore site, 18PR1020, in the vicinity of the house and its cellar retains its archeological integrity and has high research value that could contribute to our understanding of the transition of African American families from slavery to freedom in the post-Civil War period. Therefore, the site and an appropriate buffer should be preserved in place.

- (3) In its review on September 20, 2011 of the preliminary plan for the Heathermore property, HPC voted unanimously to recommend that a conservation easement be established around Archeological Site 18PR1020 and that a 20-foot limit of disturbance be established around the site to provide for its retention in place. The proposed DSP provides for a 20-foot buffer around the limits of the significant portions of Site 18PR1020.
- (4) At its September 20, 2011 meeting, HPC voted unanimously to recommend that Parcel A, on which Archeology Site 18PR1020 is located, be conveyed to the development's HOA and that the HOA documents provide for the establishment of a fund sufficient to provide income for the perpetual maintenance of the archeological site. The proposed DSP indicates that the parcel on which Site 18PR1020 is located will be conveyed to the HOA.
- (5) There should be no ground disturbance within the boundaries of Archeological Site 18PR1020. The interpretive sign for Duvall Tenant House (Site 18PR1020) should be placed outside of the 20-foot buffer around the archeological site, preferably in the proposed picnic area to the west of the site. Staff's proposed language for the interpretive sign is attached (Attachment 3).
- (6) The applicant submitted draft language for website content to Historic Preservation staff on April 15, 2014.
- (7) HPC voted unanimously (7-0-1, the Chairman voted "present") to recommend approval of DSP-10046 with six conditions.

Historic Preservation Commission Recommendations

- (1) Prior to signature approval, the detailed site plan shall be revised to show the location of the interpretive sign for the Duvall Tenant House, Site 18PR1020, outside of the 20-foot buffer area around the archeological site.
- (2) Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall establish an archeological conservation easement around Archeological Site 18PR1020 that includes a 20-foot buffer as depicted on the DSP. The following note shall be placed on the final plat:

"Any ground disturbance within the proposed conservation easement must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Countywide Planning Division, Historic Preservation Section."

- (3) Prior to approval of any grading permit or any ground disturbance for the subject property, the applicant shall install a super-silt fence along the 20-foot buffer around the boundaries of Archeological Site 18PR1020 as depicted on the detailed site plan and provide proof of the installation and its placement to the Historic Preservation Section (M-NCPPC).
- (4) Prior to approval of the first building permit, the applicant shall initiate the process of designating the Duvall Tenant House, Site 18PR1020, as a Prince George's County historic site by submitting an application to be addressed through Section 29-120.01, which provides for the designation of a historic site through a process of joint public hearings with the Planning Board and District Council.
- (5) Prior to approval of the record plat, the applicant shall provide the language within the declaration of covenants for the homeowners association documents addressing the maintenance requirements for Archeological Site 18PR1020.
- (6) Prior to release of the 46th building permit, or 50 percent of the total number of dwelling units for the development, the applicant shall provide the final wording for the website content and install the interpretive sign for Archeological Site 18PR1020.

The recommended conditions have been included in the Planning Board approval.

- b. **Community Planning**—In a memorandum dated March 20, 2014, the Community Planning Division provided the following summarized analysis:

This application is consistent with the *Plan Prince George's 2035 General Plan* future land use categorization of Residential Medium. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), designates this development for residential land use. This proposal is in conformance with the Marlton Official Plan, as amended in the Subregion 6 Master Plan.

The property is located within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface F (Inner Horizontal Surface), establishing a height limit of 500 feet above the runway surface. The property is not located within noise contours. The property is not within an accident potential zone. These categories need to be noted on the DSP.

Consistent with previous comments from the Community Planning Division, there are several locations where road connections onto adjacent communities can be made and should be considered. These roads, Road D to the north and Road C to the west, can serve as additional entry and exit points for vehicles or pedestrians.

The applicant has proposed two elevations for the 92-unit townhouse community. They are K. Hovnanian's Adams and Lincoln models. For architectural diversity, the applicant should consider adding two more models for a total of four.

The ILUC initially expired on June 6, 2014. It is noted that Council Bill CB-43-2014 was recently presented to extend the ILUC. However, it was noted at the Planning Board hearing, that the County Council recently enacted CR-70-2014 extending the ILUC to June 30, 2015. Therefore, the Planning Board included a condition to include a general note addressing the ILUC. A road connection to the adjacent community to the west between Woods View Street and Road C was explored by the applicant and rejected by the existing townhouse community. As the streets are private, homeowners association approval is necessary for the connection. The applicant has proffered to install a rolled curb at this location which would provide access in an emergency situation. It is further noted that the applicant withdrew all architecture, and the current DSP is for infrastructure and landscaping only. However, the applicant is encouraged to provide multiple models and elevations in a future DSP.

- c. **Transportation Planning**—In an e-mail dated September 18, 2012, the Transportation Planning Section provided the following summarized comments:

While access and circulation for this site is adequate, it would be improved by moving the access point along Heathermore Boulevard to align with the access to the Eagle Crest development on the south side of Heathermore Boulevard. Also, the plan would be improved by including connections to two adjacent private streets, Marlton Center Drive and Wood View Street. The access and private street connections were thoroughly discussed during the review of the preliminary plan. In the case of street connections, it was noted that the adjacent homeowners associations objected to these connections, and for that reason it was determined that any connections could occur in the future if there was a mutual consent to provide either or both vehicular connections. In the case of access, it was noted that placement of the access was related to grading issues and the need to minimize impacts on an archaeological site. Because the site plan retains the configuration of access and circulation that was considered when the preliminary plan was approved, it is deemed to be acceptable for this review.

The adjacent homeowners associations have noted their objection to a connection with the proposed development; however, the applicant has proffered a rolled curb to Wood View Street to provide emergency access.

A specific transportation-related concern for this site plan is the provision of visitor parking. The applicant has indicated that 89 spaces in excess of required parking are provided on-site. The calculation overlooks the fact that 22 of these spaces are on common property and 67 spaces are within personal driveways, meaning that they are not truly visitor parking spaces. It is noted that the Zoning Ordinance does not specify a minimum for visitor parking within a townhouse community.

The Planning Board notes that the applicant has provided a total of 29 visitor parking spaces in common parking areas.

Heathermore Boulevard is a master plan major collector facility within a 120-foot right-of-way. The subject site plan is proposing sufficient right-of-way consistent with the master plan requirements. Heathermore Boulevard is envisioned to transition to a two-lane roadway section with no median just east of this site (for the bridge over the CSX railroad tracks). This transition may affect the required frontage improvements and the location of the median. At the time of building permit, the applicant will be responsible for their frontage improvements and construction of the adjacent portion of Heathermore Boulevard in accordance with the requirements of the Prince George's County Department of Public Works and Transportation (DPW&T). Close coordination with that agency is strongly recommended.

As such, aside from noting the requirements and the major features of the plan, the Transportation Planning Section has no further comments on this plan. Attention shall be given to provision of the sidewalk in accordance with Condition 8 of the preliminary plan prior to site plan approval. Also, as a means of ensuring clarity, the following preliminary plan condition is recommended to be made a condition of this site plan approval:

1. Prior to issuance of any building permits within the subject property, the following road improvements at the intersection of Robert Crain Highway (US 301) and Croom Road shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Modify the westbound approach to provide a left-turn lane and a shared left-through and right-turn lane.
 - b. Modify the traffic signal to provide split phasing.

The recommended revision to the original Preliminary Plan Condition 18 is included in the Planning Board approval.

- d. **Subdivision Review**—In memoranda dated October 18, 2013 and June 20, 2014, the Subdivision Review Section provided an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-11003. This analysis is discussed in detail in Finding 9 above. The analysis indicates that DSP-10046 is in substantial conformance with the approved preliminary plan. It is noted that failure of the site plan and record plats to

match, including bearings, distances, and lot sizes, will result in permits being placed on hold until the plans are corrected.

- e. **Trails**—In a memorandum dated December 12, 2013, the trails coordinator provided the following summarized comments:

The Transportation Planning Section has reviewed the submitted DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The MPOT has several policies related to pedestrian access and the provision of sidewalks. The Complete Streets Section includes policies regarding sidewalk construction and the accommodation of pedestrians.

In light of these recommendations and prior conditions, the feasibility of pedestrian connections to the adjoining residential communities was explored. Connections appeared to be possible from the subject site to either Woods View Street or Marlton Center Drive. However, as the roadways in the adjoining communities are privately owned and maintained, these connections cannot be made without their consent and agreement. As the existing community voiced opposition to these connections for both vehicular and pedestrian connections, there are no recommendations by staff for sidewalk or trail connections to either Woods View Street or Marlton Center Drive with this application. However, it should be noted that two private streets stub at the edge of the subject site near Woods View Street and Marlton Center Drive in the abutting community. It will be possible to connect the two roads in the future, if desired and agreed to by the communities. A sidewalk or pedestrian connection could be provided at that time. Under the submitted plans, pedestrian access will be provided to the adjacent community via the sidewalk along Heathermore Boulevard.

One of the major park facilities in the vicinity of the subject site is the planned East Marlton Stream Valley Park (M-NCPPC). The planned park will incorporate a stream valley trail and other open-space amenities. This park lies approximately 1,200 linear feet to the east of the subject site and will be accessible from the development via the sidewalk and bikeway along Heathermore Boulevard.

In addition to the sidewalk along Heathermore Boulevard, the subject site plan also reflects sidewalks along both sides of all internal roads, around the homeowners association open space on Parcel D and around the archeological site.

Conclusion

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the findings required for a detailed site plan subject to the conditions included in the Planning Board approval.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—On October 2, 2012, DPR indicated that they had no comment on the subject application, since private recreational facilities are proposed.
- g. **Permit Review**—In a memorandum dated October 4, 2012, the Permit Review Section offered numerous comments that have been addressed either by revisions to the plan or in the recommended conditions below.
- h. **Environmental Planning**—In a memorandum dated April 10, 2014, the Environmental Planning Section provided an analysis of the site plan's conformance with the environmentally-related conditions of approval for Preliminary Plan 4-11003, incorporated into Finding 9 above. They also provided an analysis of the site's conformance with the Woodland and Wildlife Habitat Conservation Ordinance, which is discussed in detail in Finding 11 above. The following is a summary of the other environmental comments:

- (1) A signed natural resources inventory was submitted with the review package, NRI-162-06, which was signed on April 13, 2007. The NRI shows no regulated environmental features on the site.

Although the project is subject to the current requirements with regard to the preparation of a NRI, the previously signed NRI was not required to be revised with the preliminary plan because the site does not contain any regulated environmental features (whose buffers would have had to be adjusted) and no specimen trees (whose condition analyses and critical root zones would have had to be revised).

No additional information is required related to the NRI.

- (2) An approved Stormwater Management Concept Letter (6853-2011-00) and the associated plans were submitted with the preliminary plan application for this site. The TCP2 shows the required features within the proposed limits of disturbance. DPW&T and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), as their successor, has determined that the environmental site design practices shown meet the maximum extent practicable standards.

No further information regarding stormwater management is required at this time.

- (3) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Sandy land and Westphalia series. Westphalia soils are highly erodible on severe and steep slopes.

The county may require a soils report in conformance with Council Bill CB-94-2004 during the building permit review process.

- (4) This site contains no regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations.
 - (5) A Phase 1 noise study prepared by HUSH Acoustics LLC dated June 14, 2001 was submitted with the preliminary plan application for this project. A site survey was performed and sound levels were measured in the locations shown in Figure 2 of the report for nearly six days. The design goal was to ensure that the projected day-night average sound level (dBA Ldn) did not exceed 65 dBA Ldn in outdoor recreational areas. The highest measured dBA Ldn at Location M1 was 58.9 dBA Ldn. This location was approximately 511 feet from the railroad. The 65 dBA Ldn contour was therefore estimated to be approximately 200 feet from the railroad, which is approximately 300 feet from the boundary of the subject property. No further information concerning noise is required.
- i. **Prince George's County Fire/EMS Department**—In a memorandum dated December 23, 2013, the Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
 - j. **Department of Permitting, Inspections and Enforcement (DPIE)**—No memorandum was received with regard to this application; however, the applicant provided documentation that the proposed site development is consistent with Stormwater Management Concept Plan 6853-2011-00, approved June 6, 2014.
 - k. **Prince George's County Police Department**—No comments were received by the time the technical staff report was written.
 - l. **Prince George's County Health Department**—In a memorandum dated August 16, 2012, the Environmental Engineering Program of the Health Department provided the following comments on the subject application:
 - (1) The site is adjacent to a PEPCO transmission line. According to the National Institute of Environmental Health Sciences, there is a “weak association” between increasing exposure to electromagnetic fields (EMFs) and an increased risk of childhood leukemia, but no evidence of a link between residential EMF exposure and adult cancer.
 - (2) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This requirement will be enforced at the time of permit; however, a condition is included requiring a note be provided on the DSP indicating conformance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- (3) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a condition is included requiring a note be provided on the DSP indicating conformance to construction activity noise control requirements as specified in Subtitle 19 of the County Code.

- m. **Potomac Electric Power Company (PEPCO)**—In an email received October 10, 2012, PEPCO commented that the 0.43-acre parcel to be dedicated to the homeowners association containing the 2,360-square-foot play area (Parcel D) had only a five-foot-wide public utility easement surrounding it, which could be an issue, and that additional easements may be required.

A condition is included in the Recommendation section of this report recommending that a ten-foot-wide public utility easement be provided at this location.

- n. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated September 19, 2012, WSSC provided comments relating to water and sewer service that will be required prior to issuance of permits.

- 14. Based on the foregoing analysis and as required by Section 27-285(b)(3) of the Zoning Ordinance, the detailed site plan satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP-II-030-12) and further APPROVED Detailed Site Plan DSP-10046 for the above-described land, subject to the following conditions:

- 1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to the general notes:
 - a. Remove General Note 7 regarding permitted density.

- b. Revise General Note 13 to include the approval date of the stormwater management concept plan.
 - c. Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - d. Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - e. Indicate property is within the Interim Control Land Use Impact Area and that the proposed development is not affected by the height, noise, or safety zone categories.
 2. Prior to certificate of approval, the detailed site plan shall be revised to show:
 - a. The correct label for the six-space visitor parking area to reflect that six spaces are provided.
 - b. A ten-foot-wide public utility easement surrounding Parcel D.
 - c. The provision of a rolled curb at the western end of Road C adjacent to Woods View Street for emergency access.
 3. Prior to certificate of approval of the landscape plan, the following revisions shall be made:
 - a. Lots 18, 19, 30, 56, 62, 83, 84, and 88, which have rear yards oriented toward internal streets, shall show additional plantings to provide screening.
 - b. Three additional evergreen trees shall be added in proximity to the rear yard of Lot 76, which has a rear lot oriented to Heathermore Boulevard, to provide additional screening.
 - c. Plantings proposed within the building footprint on Lot 1 shall be shifted to be outside of the lot.
 - d. The location of the interpretive sign for the Duvall Tenant House, Site18PR1020, shall be outside of the 20-foot buffer area around the archeological site.
 - e. The location of the super-silt fence for the archeological site shall be provided.
 - f. The relocation of three proposed evergreen trees at the western end of Road C to provide for a rolled curb.
 4. The liber/folio of the archeological easement shall be placed on the final plat prior to recordation.

5. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to the Type II tree conservation plan (TCPII):
 - a. Use the term "woodland retained-not credited" consistently on the plans and in the plan legend;
 - b. The location of the permanent tree protection fence to protect the vulnerable edges of afforestation/reforestation areas shall be shown on the plan;
 - c. Add a TCPII approval block to all plan sheets including the correct TCPII number on each sheet;
 - d. The owner or owner's representative shall sign the owner's certification; and
 - e. Have the revised TCPII signed and dated by the qualified professional who prepared it.
6. Construct a standard sidewalk along the subject site's entire frontage of Heathermore Boulevard in conjunction with the construction of Heathermore Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
7. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation (DPW&T).
8. Prior to approval of final plats, the applicant and the applicant's heirs, successors, and/or assignees shall establish an archeological conservation easement around Archeological Site 18PR1020 that includes a 20-foot buffer as depicted on the detailed site plan. The following note shall be placed on the final plat:

"Any ground disturbance within the proposed conservation easement must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Countywide Planning Division, Historic Preservation Section."
9. Prior to approval of final plats, the applicant shall provide the language within the declaration of covenants for the homeowners association documents addressing the maintenance requirements for Archeological Site 18PR1020.
10. Prior to approval of final plats, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of bikeway signage along Heathermore Boulevard. A note shall be placed on the final record plat for payment to be received prior to issuance of the first building permit.

11. Prior to approval of any grading permit or any ground disturbance for the subject property, the applicant shall install a super-silt fence along the 20-foot buffer around the boundaries of Archeological Site 18PR1020 as depicted on the detailed site plan and provide proof of the installation and its placement to the Historic Preservation Section.
12. Prior to approval of the first building permit, the applicant shall initiate the process of designating the Duvall Tenant House, Site 18PR1020, as a Prince George's County historic site by submitting an application to be addressed through Section 29-120.01 of the County Code, which provides for the designation of a historic site through a process of joint public hearings with the Planning Board and District Council.
13. Prior to release of the 46th building permit, or 50 percent of the total number of dwelling units for the development, the applicant shall provide the final wording for the website content and install the interpretive sign for Archeological Site 18PR1020.
14. Prior to release of the 46th building permit, the applicant shall construct the recreational facilities.

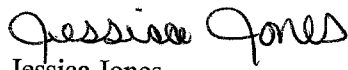
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 17, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:CF:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/31/14