

Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm

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PRELIMINARY PLAN

4-02030

Application	General Data
Project Name: STEED ESTATES Location: Southeast intersection of Allentown and Steed Roads on the North and South side of Steed Road. Applicant/Address: Holly Ridge Development, LLC 4700 Holly Ridge Road Rockville MD 20853	Date Accepted 04/12/2002
	Planning Board Action Limit 06/20/2002
	Tax Map & Grid 115 A-4
	Plan Acreage 120
	Zone R-E
	Lots 92
	Parcels 3
	Planning Area 81B & 76B
	Council District 8 & 9
	Municipality N/A
	200-Scale Base Map 212/213 SE 03

Purpose of Application	Notice Dates
Residential Subdivision	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1994) N/A
	Sign(s) Posted on Site 06/03/20
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	Staff Reviewer: Del Balzo

APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02030
92 Lots and 3 Parcels

OVERVIEW

The subject property consists of approximately 118.62 acres of land in the R-E Zone. It is the site of the Belleview historic house, outbuildings and cemetery. The remaining property consists of fields and wooded areas. The property is currently identified as Parcels 50, 136, 137 and 138 in Tax Map 115, Grids A-4 and B-4.

The applicant proposes to subdivide the property into 92 lots, ranging in size from 30,000+ to 87,000+ square feet, for detached, single-family dwellings, pursuant to the lot size averaging method of development. Two parcels reserved for stormwater management facilities, and one parcel to be dedicated to M-NCPPC as an expansion of the Tinkers Creek Stream Valley Park, are also proposed. While several variations are required for impacts to streams, wetlands and buffers, the current plan proposes a significant reduction in these impacts over the original plan. Through a cooperative effort, staff and the applicant have worked to reduce the number of lots proposed from 97 to 92 and greatly reduced the environmental impacts of the development. Care has also been taken to preserve the on-site cemetery. The applicant has filed a demolition permit to raze the Belleview House with the Historic Preservation Commission. The site is in a state of disrepair.

Steed Road will bisect the proposed development. While care has been taken to reduce the number of access points along Steed Road, several lots will back to this major collector road. Landscaping and buffering are employed to minimize that view of rear yards from this roadway.

Finally, this site is located in an area that is underneath the air traffic/flight pattern for Potomac Airfield, which is a small, private, general aviation airport approximately one-half mile to the south. The applicant is aware of the proximity of Potomac Airfield, the location of this property underneath the airport traffic pattern, the possible overflight of low-flying aircraft, increased exposure to aircraft noise, and a slightly elevated risk of exposure to small aircraft accidents.

In sum, staff supports the proposed preliminary plan, based on the findings and recommendations contained in this report.

SETTING

The subject property is located on the north and south sides of Steed Road, southeast of its intersection with Allentown Road. Adjacent properties to the north, west and south are developed with single-family residential lots in the R-E and R-R Zones. The eastern boundary of the property is Tinkers Creek in the Potomac River Basin, and is a designated stream valley park.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues and Variation Requests About two-thirds of the overall site is in woodland and one-third is in agricultural use. A review of available information indicates that there is an extensive stream and wetland system, and 100-year floodplain is found on this property.

A nontidal wetlands delineation report prepared by McCarthy & Associates and dated March 2002 identified four stream and wetland systems on this site. The first is an ephemeral stream system located along the northern property boundary. The second wetland/stream system originates north of Steed Road in the central portion of the site and flows in a southeasterly direction. Three wetland pockets drain into the south side of the intermittent stream. The stream continues south, draining under Steed Road and along the eastern property boundary eventually reaching Ochlockonee silt loam soils and vanishing underground. The third system is an intermittent stream originating in the southeastern portion of the property. A large wetland pocket straddles the property boundary, and from this pocket, the stream continues in a southerly direction off the property. The final stream system is located within the 100-year floodplain of Tinkers Creek. Three large, nontidal wetland pockets were flagged on both sides of Tinkers Creek. There are 6.25 acres of 100-year floodplain adjacent to Tinkers Creek, which along with the nontidal wetlands, wetland buffers, stream and stream buffers, comprise an expanded stream buffer over the sensitive environmental areas of the site.

The Prince George's County Soil Survey for this area indicates 21 soil types and 15 soil series mapped within the property limits. Only the Bibb (Bo), which is located in the floodplain area, is identified as hydric. Aura, Beltsville, Butlertown, Croom, Howell, Iuka and Westphalia-Evesboro all have K factors of 0.37 or higher, which indicates that they are erodible and of concern when found on steep slopes (15 percent to 25 percent). Severe and steep slopes on erodible soils have been identified and incorporated into the expanded stream buffer.

Extensive Marlboro clay deposits are also found along the eastern edge of the site, adjacent to Tinkers Creek, according to the GIS Marlboro clay reference layer.

There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources' Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-4C and W-4C. The adjacent roadways are collectors and are not of a functional class to create noise impacts for the residential development proposed.

The site is located in proximity to two general aviation airports: Potomac Airfield, located southwest of this property, and Washington Executive/Hyde Field Airport, located to the east of the subject property. *The Airport Land Use Compatibility and Air Safety Study for the Maryland-National Capital Park and Planning Commission (November 2000),*

prepared by William V. Cheek & Associates, does not identify noise as an impact related to either of these two airports due to the sporadic nature of their use.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Forest Stand Delineation (FSD) and a Tree Conservation Plan are required. The site has previously approved Type II Tree Conservation Plans for timber harvesting.

The Forest Stand Delineation has been reviewed and has been found to be complete, except for the following information:

- a. The FSD shows a stream buffer which is not the 50-foot-wide minimum stream buffer and is not in conformance with the expanded stream buffer shown on the TCPI and preliminary plan. The stream buffer should not be shown on the FSD.
- b. There is no indication as to whether the specimen trees are field located or located by survey. A note should be added to indicate how the specimen trees have been located.

Prior to signature approval of the preliminary plan, the FSD should be revised accordingly.

The revised Tree Conservation Plan (TCP I/17/02) has been reviewed. The minimum requirement for this site is 28.09 acres (25 percent of the net tract) plus an additional 8.42 acres due to removal of woodland, for a total minimum requirement of 36.79 acres.

The plan proposes to meet the requirement with 29.80 acres of on-site preservation and 7.59 acres of on-site reforestation/afforestation for a total of 36.79 acres. Preservation includes priority woodlands located within the expanded stream buffer, in the sensitive areas of the site, and in contiguous blocks. The TCP I proposes that a substantial amount of the preservation will occur on parcels to be dedicated to M-NCPPC as an addition to the Tinkers Creek Stream Valley Park and to Prince George's County for stormwater management purposes. Although preservation is appropriate in these areas, due to their sensitive nature, a determination will need to be made by the public agencies involved as to what level of encumbrances is acceptable. Written documentation from the Department of Parks and Recreation stating that the level of encumbrances on parcels proposed for dedication to the Parks Department is acceptable and approved Stormwater Management Technical Plans or other documentation indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements should be submitted prior to signature approval of the preliminary plan.

An unidentified area of woodland preservation appears to occur outside the limit of disturbance on the northeast corner of the north pond. If credit is desired for this area, it is subject to the permission of the Department of Environmental Resources.

The TCP I shows the locations of specimen trees. The exact location of these specimen trees is an important element in the design of this site. As a result, surveyed locations for the specimens should be used to complete site design in order to preserve these trees to the extent possible. Surveyed locations should be provided for all specimen trees located within 100 feet of the development envelope, including proposed utilities, for refinement of the site design to maximize preservation. Prior to the issuance of any permits, a TCP II should be approved for the subject property. The TCP II should be based on surveyed locations for all specimen trees identified within 100 feet of the proposed limit of disturbance, and address the preservation of specimen and significant trees to the greatest extent possible. The TCP II should also show the critical root zones of the specimen trees shown. The TCP II should show the preservation of specimen trees and their critical root zones to the maximum extent possible.

The TCP I does not include a table of specimen trees, as was provided on the FSD, including information regarding the proposed disposition of each tree. Prior to signature approval of the preliminary plan, the TCP I needs to be revised to include a table of specimen trees on the TCP I, including the disposition of each tree.

On-site afforestation/reforestation is proposed for 7.59 acres of the woodland conservation requirement, mostly on individual lots within the subdivision. Unwooded priority areas should be afforested/reforested whenever possible. The following are priority woodland areas where replanting is recommended, but has not been proposed on the plan:

1. On the south side of the north pond there is an expanded buffer area which is unforested; and
 - a. Afforestation is recommended along the east side of the property, adjacent to the unnamed tributary leading to Tinkers Creek, and in the expanded buffer area adjacent to the floodplain.

Prior to signature approval of the preliminary plan, the TCP I should be revised accordingly.

The TCP I proposes afforestation and reforestation on individual large lots. The potential to establish perpetual woodlands on individual lots is enhanced for afforestation areas if large caliper trees are planted adjacent to the edge of afforestation areas. The TCP I should show the provision of large caliper trees adjacent to the edge of afforestation and reforestation on lots.

The use of native species, particularly red cedar, is strongly recommended for afforestation areas on the subject property. The use of red cedar within the residential rear yard buffer along the south side of Steed Road is recommended to recreate the existing hedgerows. The TCP II planting schedule should include native species, such as red cedar, to the extent possible, especially in areas adjacent to Steed Road.

The site contains significant natural features, which are required to be protected under Sec. 24-130. of the Subdivision Code. The preliminary plan shows the location of an expanded stream buffer which incorporates the sensitive environmental areas of the site. The Environmental Planning Section finds that the expanded stream buffer as shown is complete

and correctly delineated and recommends the area be protected in a natural state to the fullest extent possible by establishment of conservation easements, except for areas of approved variations requests. An appropriate note should appear on the final plat.

The preliminary plan proposes disturbance to areas of the site containing streams or wetland areas, which may be regulated by federal and state requirements. A Wetland Delineation Report prepared by McCarthy & Associates, Inc., dated March 2002, has been prepared for the site, which appears to be a thorough evaluation of wetland systems on the site. A jurisdictional delineation has not yet been obtained from the U.S. Army Corps of Engineers. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant will need to submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Marlboro Clay

The preliminary plan does not delineate the location of Marlboro clays on the subject property or the safety evaluation zone related to the Marlboro clay. A determination of the location of Marlboro clay and its relationship to proposed structures or site elements, such as stormwater management, is necessary to find compliance with Section 24-131 of the Subdivision Regulations concerning unsafe lands.

The greatest concern is the potential for slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide and the destruction of constructed features.

The staff-projected elevation of the Marlboro clay layer on-site is between 130 and 145 feet mean sea level (MSL), with the evaluation zone elevations extending from 145 to 155 feet MSL. Based on this information, the eastern portion of this site is highly likely to contain a high risk area, which presents a potential danger to persons and/or property. No development should occur in a high risk area without a detailed geotechnical study of the specific site conditions.

The majority of the potential high risk area is located on parcels proposed for dedication to M-NCPPC and Prince George's County. Lots 9 through 11, 33 and 34 may contain small areas of the evaluation zone. All proposed dwelling locations are located more than 100 feet from the evaluation zone. A stormwater management pond is proposed within the high risk area of the site. Increased loading on top of Marlboro clay, such as through the ponding of water, would be likely to further expand the high risk area. A geotechnical study should be prepared prior to final design of the pond, to determine the extent of Marlboro clay and its potential impact on the pond design and location. The application of low-impact development techniques to reduce the pond size, particularly in the presence of Marlboro clay, is also recommended.

Therefore, prior to signature approval of the preliminary plan, the plan should be revised to indicate the potential location and elevation of Marlboro deposits and the safety evaluation

zone. In addition, prior to the issuance of any permit, technical stormwater management plans shall be approved for the south pond to address the potential for Marlboro clay and its potential effect on the pond location.

Variation Requests

Variations for permanent disturbance of the expanded stream buffer in eight areas as labeled on a map submitted with the statement of justification have been requested. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports all the proposed impacts. The following discussion of the first three findings applies to all eight requested variations.

A. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

Comment: None of the variations requested has been found to be detrimental to the public safety, health, or welfare, or injurious to other property. As noted earlier, the areas of impact have been greatly reduced. They occur generally on the outskirts of the environmental feature and in some cases are necessary to provide required infrastructure.

B. The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.

Comment: The physical dispersal of the environmental features on the property is unique in the area. Wetlands, streams, slopes and/or floodplain encumber the northern, central, southern and eastern portions of this site. Development is extremely problematic given the large percentage of environmental features. This is not generally found on other properties. Given this, the applicant has proposed a development that greatly minimizes the environmental impacts.

C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

Comment: The variations requested do not appear to constitute a violation of any other applicable law, ordinance, or regulation. Federal and state permits are required for these impacts and upon approval of these permits, no other laws will be violated.

D. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

Comment: Determinations with regard to Finding D are reviewed individually below. The original variation request dated April 2, 2002, proposed numerous variations. The revised variation plan, submitted May 22, 2002, reduced the

number of variation requests to eight and significantly reduced the size of the proposed impacts.

Area A: A variation is requested to allow the permanent disturbance of 16,500 square feet of expanded stream buffer in an area east of Road A. This is a considerable reduction from the previous request, due to a revised road layout to eliminate a proposed crossing of the stream. The revised variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area A, and the location of existing rights-of-way.

Area B: A variation is requested to allow the permanent disturbance of 400 square feet of expanded stream buffer in an area to the east of Road D. Approval of a variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area B, and the necessity to place the proposed Road B so as to retain the existing structure on Lot 9.

Area C: A variation is requested to allow the permanent disturbance of 30,000 square feet of expanded stream buffer in an area crossed-over by Road B north of Steed Road. Approval of a variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area C, and the necessity to place the proposed Road B so as to retain the existing structure on Lot 9 and provide access to the remaining developable portion of the site.

Area D: A variation is requested to allow the permanent disturbance of 8,000 square feet of expanded stream buffer in an area north of Steed Road in order to provide maintenance access to the north stormwater management pond. Approval of a variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area D. The plan proposed to place the access road over an existing farm road, so the disturbance is preexisting.

Area E: A variation is requested to allow the permanent disturbance of 1,500 square feet of expanded stream buffer in an area north of Steed Road for a stormwater management outfall. Approval of a variation is indicated by the particular physical surroundings and topographical conditions of the specific property in Area D and the necessity to provide a stormwater outfall to carry runoff into the stream system.

Area F: A variation is requested to allow the permanent disturbance of 5,000 square feet of expanded stream buffer to allow for the upgrading of Steed Road and the placement of a larger drainage pipe underneath the existing roadway. Approval of a variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area F, and the necessity to widen Steed Road and upgrade the drainage pipe to accommodate the proposed development.

Area G: A variation is requested to allow the permanent disturbance of 9,000 square feet of expanded stream buffer to connect to the existing sewer line in Tinkers Creek. Approval of a variation is indicated by the particular physical

surroundings, shape, or topographical conditions of the specific property in Area G and the necessity to connect to the existing sewer.

Area H: A variation is requested to allow the permanent disturbance of 9,000 square feet of expanded stream buffer in an area south of Road D. Approval of a variation is indicated by the particular physical surroundings, shape, or topographical conditions of the specific property in Area H. Road D has been carefully aligned to minimize impacts to natural features on the north and south side of road while providing access to the developable areas of the site.

Finally, the property was recently upgraded from water and sewer categories W-5 and S-5 to W-4C and S-4C. Public systems are proposed.

2. Community Planning The 2000 *Interim General Plan* places this property in the Developing Tier. The property is split between two master plan areas. The area north of Steed Road is recommended for Staged Future Development and Low Suburban at up to 1.6 dwelling units per acre in the 1981 *Subregion VII Master Plan*. The area south of Steed Road is recommended for Suburban Estate/Low Density Planned Neighborhoods at up to 1.0 dwelling unit per acre in the 1993 *Subregion V Master Plan*. The proposed single-family residential subdivision conforms with the residential land use policies of these two master plans.

The master plans indicate Natural Reserve and Conditional Reserve areas throughout these properties, generally reflecting slopes, tributaries and wetlands associated with Tinkers Creek at the southeast side of the property. The preliminary plan reflects these areas.

The 1984 *Subregion VII Sectional Map Amendment* (SMA) classified the area north of Steed Road in the R-E Zone. The 1993 *Subregion V SMA* classified the area south of Steed Road in the R-E Zone.

This site is located in an area that is underneath an airport flight traffic pattern for Potomac Airfield which is a small, privately owned, public use, general aviation airport approximately one-half mile to the south. This airport has been in operation since the mid-1950s. Aircraft associated with flights to and from Potomac Airfield are primarily small, light-weight, single-engine planes; a few are twin-engine small aircraft. The subject property is located underneath the runway approach/departure area of the standard airport traffic pattern at the north end of Potomac Airfield. Another small general aviation airport, Washington Executive Airport, is located just over a mile to the east, but the traffic pattern area for this airport does not directly affect the subject property.

The Planning Department staff has been engaged in a project to evaluate the need for and propose regulations to enhance land use compatibility and safety in the vicinity of general aviation airports. To provide expert information about airport compatibility planning and related issues, an aviation consultant was engaged. The consultant produced a study, entitled *Airport Land Use Compatibility and Air Safety Study for The Maryland-National Capital Park and Planning Commission*, November 1, 2000, by William V. Cheek and Associates. This report indicates that the land area underneath small airport traffic patterns has a slightly

elevated risk of exposure to aircraft accidents and noise, particularly close to the ends of airport runways. On the basis of recommendations contained in the consultant's report, the Planning Department prepared a proposal for airport land use compatibility regulations. The Planning Board transmitted the proposal to the District Council in 2001. The District Council has held several work sessions on the proposed regulations in 2002 and may introduce legislation to revise the zoning ordinance during the current legislative session.

The consultant's study indicates that residential land use can be compatible in the areas around the periphery of airport flight traffic pattern areas if density is low and there is adequate disclosure to residents. Closer to the ends of the runway, where aircraft are very low to the ground, residential land uses are not compatible and should be minimized or avoided. To mitigate whatever risk exists, one strategy that is cited is to provide areas of open space that would allow pilots to land aircraft in an emergency such as parking lots, streets, or open fields.

Noise exposure is another affect of the proximity of the proposed development to airport operations and traffic patterns. Single-engine aircraft, although not highly noisy, are noticeable when flying at low altitudes or when ambient noise is low. Noise from other aircraft bound for Washington Executive Airport, Reagan National Airport, Andrews Air Force Base, or air traffic passing through the area may also be heard at this location. The proposed homes are under the airport traffic pattern approximately one-half mile or more away from the airport runway. Aircraft should be at least several hundred feet above the ground at this point, but would still be climbing to or descending from traffic pattern altitude (approximately 1,000 feet above the airport runway). To reduce interior noise that may occur, it is suggested that the applicant consider incorporating acoustical buffering techniques in construction of homes. Many of the energy efficiency construction standards used in home building today serve the dual purpose of acoustical buffering.

In addition, sponsors of any construction higher than an imaginary surface defined by a 50:1 slope for a horizontal distance of 10,000 feet from the nearest point of an active airport runway of up to 3,200 feet in length may be required by federal law (FAR Part 77.13(a)(2)(ii)) to file FAA Form 7460-1, Notice of Proposed Construction, with the Federal Aviation Administration to determine the relationship of proposed construction to federally regulated airspace. According to Maryland state law, similar notice is to be filed with the Maryland Aviation Administration (MAA). Depending on topography relative to Potomac Airfield, this site and the proposed construction may fall within the criteria that will require filing of these notices. MAA has reviewed the proposal and recommends potential property purchasers be notified of the airfield proximity and associated issues.

Although there are presently no county regulations that specifically address development of this parcel relative to nearby airport operations, this applicant is aware of the background materials and the intent of the pending legislative proposals; the compatibility planning concepts are reflected on this site plan. Very low density land uses are proposed in the areas underneath the airport approach/departure flight path within one-half mile of the end of the runway. This is consistent with the airport compatibility concepts recommended by the Planning Board and now being considered by the District Council. Within the area of concern identified as APZ-3 on the site plan (pursuant to the consultant's report cited above), the applicant proposes most of the property for addition to the stream valley park

system. The remaining portion consists of large yards for several homes located along the edge of the one-half-mile radius. Beyond the one-half-mile distance from the runway end where aircraft will be higher, relatively low density homes are proposed on lots of 30,000 square feet or larger. These proposals are consistent with the compatibility standards recommended by the Planning Board and now being considered by the District Council, provided adequate purchaser notice is given. Staff suggests the following to assure awareness of the issues described above:

Future owners should be informed of the following:

- a. The proximity of Potomac Airfield.
- b. The location of this property underneath the airport traffic pattern.
- c. The possible overflight of low-flying aircraft.
- d. An increased exposure to aircraft noise.
- e. A slightly elevated risk of exposure to small aircraft accidents.

To reduce interior noise that may occur, it is suggested that the applicant consider incorporating acoustical buffering techniques in the construction of homes.

If approved, the record plat should include a condition requiring notification of prospective purchasers that this property is in an area affected by aircraft overflights. The following language is suggested:

This property is in an area subject to overflight by aircraft using a public use general aviation airport, Potomac Airfield, located on Glen Way between one-half and one mile to the south. As a result, residents may be subject to some risk or experience inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations.

3. Parks and Recreation The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. The applicant proposes to dedicate 10½ acres of land to M-NCPPC for the expansion of the Tinkers Creek Stream Valley Park. Staff supports this dedication.
4. Trails The 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan recommends a Class III trail along Allentown Road. However, this road currently has several different road cross-sections and road improvements in place along different segments of the road. Many of the improvements were made for short segments of the roadway through the development process. Comprehensive pedestrian and bicycle access will most appropriately be addressed on a corridor-wide basis through a DPW&T road improvement project. Construction of a master plan trail is not recommended for the subject property's small section of road frontage. Provision of a standard sidewalk and bikeway

signage is recommended. This is consistent with road improvements made at several other developments along Allentown Road in the vicinity of the subject site.

If closed-section roadways are required within the subject property, standard sidewalks are recommended along one side of all internal streets. All sidewalks should be ADA compatible and free of above ground utilities and street trees.

The provision of open space windows to the M-NCPPC stream valley parkland is encouraged from the end of each cul-de-sac to allow for the provision of connector trails from the subdivision to the planned Tinkers Creek Stream Valley Trail, if necessary.

5. **Transportation** On April 26, 2002, at the Subdivision Review meeting, the transportation staff commented that the traffic study, which was submitted by the applicant, has been found to be acceptable and it has been referred to appropriate state and county agencies for their review and comments. In accordance with the *Guidelines for the Analysis of the Traffic Impact for Development Proposals*, a traffic impact study is recommended if the proposed development generates more than 50 vehicle trips during the AM or PM peak hour. Additionally, staff recommended that the site plan be revised to show a total of 80 feet of rights-of ways for both Steed Road and Allentown Road. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff which are consistent with the guidelines.

Summary of Traffic Impacts

The guidelines provide generalized trip rates for residential units in the R-E Zone. Using the recommended trip generation rates, the proposed development of an additional 92 residential lots would generate 71 (14 in and 57 out), and 85 (5 in and 30 out) new trips during the AM and PM peak hour, respectively.

The transportation staff has determined that the following intersections would be impacted by the proposed development:

- MD 210 (Indian Head Highway) and Old Fort Road-West (Signalized),
- Allentown Road with Tucker Road and Arundel Drive (Signalized),
- Allentown Road and Steed Road (Signalized), and
- Old Fort Road with Roland Lane and Allentown Road (Stop-controlled).

The existing conditions at these intersections are summarized below:

	Critical Lane Volume(CLV) (AM - PM)	Levels of Service (LOS) (AM - PM)
MD210 and Old Fort Road W.	1610 - 1775	F - F
Allentown Rd/Tucker Rd/Arundel Dr.	1178 - 1460	C - E
Allentown Road/ Steed Road	714 - 662	A - A
Old Fort Rd/Allentown Rd/Roland Ln	12* - 13 *	B - B

Note (*): refers to peak-hour delays per vehicle (seconds) in the critical movement and is to evaluate the levels-of service for unsignalized intersections.

The traffic conditions with background traffic (existing plus growth in through traffic plus traffic generated by approved but not built and/or occupied developments within the study area) are summarized below:

	Critical Lane Volume(CLV) (AM - PM)	Levels of Service (LOS) (AM - PM)
MD210 and Old Fort Road W.	1714 - 1870	F - F
Allentown Rd/Tucker Rd/Arundel Dr.	1213 - 1526	C - E
Allentown Road/Steed Road	739 - 698	A - A
Old Fort Rd/Allentown Rd/Roland Ln	12* - 15 *	B - C

Note (*): refers to peak-hour delays per vehicle (seconds) in the critical movement and is to evaluate the levels-of service for unsignalized intersections.

The total future traffic, which represents the existing, projected background and the traffic that would be generated by the proposed development, would further deteriorate the traffic conditions of these intersections. Total traffic under future conditions without any improvements is summarized below:

	Critical Lane Volume(CLV) (AM - PM)	Levels of Service (LOS) (AM - PM)
MD210 and Old Fort Road W.	1724 - 1872	F - F
Allentown Rd/Tucker Rd/Arundel Dr.	1224 - 1552	C - E
Allentown Road/Steed Road	779 - 733	A - A
Old Fort Rd/Allentown Rd/Roland Ln	13* - 16 *	B - C

Note (*): refers to peak-hour delays per vehicle (seconds) in the critical movement, and is to evaluate the levels-of service for unsignalized intersections.

The applicant has proposed to mitigate the impact of the proposed development on the intersection of MD 210 with Old Fort Road in accordance with the provision of Sec. 24-124(a)(6). Staff concurs with the applicant that this intersection is eligible for mitigation. As result, the applicant has proposed to widen the westbound approach of the Old Fort Road at this intersection to include an exclusive left turn lane, a through lane, and an exclusive right-turn lane. In addition the applicant has proposed to modify the westbound approach of Allentown Road at the intersection of Allentown Road with Tucker Road and Arundel Lane to include an exclusive left-turn lane and a shared through/right lane. Based on the comments received from the county Department of Public Works and Transportation, staff also recommends that the existing right-turn lane along Steed Road at its intersection with Allentown Road be extended.

With the suggested and recommended improvements, the projected future traffic conditions is summarized below:

	Critical Lane Volume(CLV) (AM - PM)	Levels of Service (LOS) (AM - PM)
MD210 and Old Fort Road W.	1681-1776	F - F
Allentown Rd/Tucker Rd/ Arundel Dr.	1224-1216	C - C
Allentown Road/Steed Road	779- 733	A - A
Old Fort Rd/Allentown Rd/Roland Ln	13* - 16 *	B - C

Note (*): refers to peak-hour delays per vehicle (seconds) in the critical movement, and is to evaluate the levels-of service for unsignalized intersections.

As shown above, the proposed improvements would fully eliminate the reported inadequacy for the intersection of Allentown Road with Tucker Road and Arundel Drive, and provides sufficient mitigation (at least 150 percent of the assigned trips generated by the proposed development) for the intersection of MD 210 with Old Fort Road.

Conclusions And Recommendation

Based on the above analyses, the Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince Georges County Code if the proposed preliminary plan of subdivision 4-02030 is approved with conditions.

6. Schools The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	Total Enrollment	State Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 5	92 sfd	0.24	22.08	4357	220	50	0	4649.08	3971	117.08%	Accokeek
Middle School Cluster 3	92 sfd	0.06	5.52	4959	43	15	3.24	5025.76	5114	98.27%	n/a
High School Cluster 3	92 sfd	0.12	11.04	9317	172	30	6.48	9536.52	8767	108.78%	Surrattsville addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary and high school cluster percent capacities are greater than 105 percent. Accokeek is the Funded School in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

7. Fire and Rescue The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service response time of 2.27 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 32, has a service response time of 2.27 minutes, which is within the 6.25-minute response time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 6.65 minutes, which is within the 7.25-minute response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

8. Police Facilities The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Steed Estates development. This police facility will adequately serve the population generated by the proposed subdivision.

9. Health Department●The Health Department reviewed this application and requested that all wells and septic systems be located on the plan. The revised plans include this information. Furthermore, the Health Department notes that all abandoned well and septic systems need to be backfilled and/or sealed in accordance with COMAR 26.04.04. A raze permit will be required for all structures to be demolished.
10. Stormwater Management●The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted but not yet approved. Prior to signature approval, the stormwater concept plan must be approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
11. Public Utility Easement●The preliminary plan correctly depicts the required 10-foot-wide public utility easement along all public rights-of-way. This easement shall be included on the final plat.
12. Lot Size Averaging●24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:
 - a. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** The design of this subdivision respects the natural features on this property. The property is impacted by major environmental features which restrict its use. Floodplain, severe slopes, streams and wetlands encumber the eastern, northern, central and southern portions of the property. The combined impact of these features render this property difficult to develop. Staff believes the proposed layout minimizes the impact to the environment while allowing more lots to be concentrated away from the streams and wetlands.
 - b. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** The property abuts environmentally sensitive land and other R-E-zoned residential lots. The subdivision has been designed to maximize lot size where lots abut these adjoining properties; given the large gross lot area of the lots, the subdivision will appear to have larger-than-required lot sizes. This will be a positive impact on adjoining properties.
 - c. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** More floodplain abuts the property to the east. The floodplain on the subject property will remain densely wooded and provide an adequate transition and buffer to the adjoining floodplain.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- a. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).** In this case, with 118.62 acres and a minimum lot size of 40,000 square feet, the maximum number of lots allowed is 129. The applicant proposes 92 lots.
- b. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).** As proposed, 46 of the proposed 92 lots exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

13. **Lot Configuration-Site Entrance** To minimize access points along Steed Road, a collector roadway, Lots 1 through 8 along the northern side of Steed Road at the site's western entrance are proposed with abutting driveways. This is a preferred method of consolidating access points and staff supports this proposal.

To minimize curb cuts along the southern side of Steed Road, the applicant has revised the plans so that lots will front an interior cul-de-sac rather than Steed Road. While this solves one problem, it creates another. The revised plans show two lots backing to Steed Road and two lots backing to Allentown Road. This is an undesirable configuration because backyards will be visible from two major roadways in the county. However, the *Landscape Manual* provides buffer requirements for just such occasions. These buffers will ultimately reduce the visibility of the rear yards and provide privacy as well. The applicant has demonstrated that the required buffer can be accommodated. Therefore, given the desire to reduce access points on Steed Road, staff supports the lotting pattern as shown on the preliminary plan.

14. **Historic Resources** This preliminary plan involves the subdivision of 118.62 acres, including Parcel 138 on Tax Map 115 (89.97 acres), which is the location of Historic Site 81B-1, Belleview. The preliminary plan assumes demolition of the dwelling and demolition or removal of all farm buildings of the Historic Site; it proposes preservation, on one of the larger proposed lots, of the historic cemetery.

Part of the property proposed for development is the 89.97-acre parcel (#138) designated as Historic Site PG 81B-1, Belleview. This historic farm property, the home of the Lowe and Steed families, consists of a multipart frame dwelling and a complex of early farm outbuildings, as well as a large family cemetery. The house incorporates a late 18th-century dwelling which was expanded in the 19th century to include an unusual flounder addition at one corner. The interior features some fine early Greek Revival trim, although much of the trim has been destroyed or removed, and the house is in severely deteriorating condition. About 400 feet southwest of the house stands a late 18th-century tobacco barn in ruinous condition. Directly south of the house is a log meathouse. Slightly farther to the southwest is a large early 19th-century corn crib; it is the most interesting of the outbuildings and is in fairly good condition. The family cemetery is located about 250 feet northeast of the house, bounded by an iron fence; it contains 13 markers for members of the Steed family, dating from 1883 through 1942. The property was designated as a Historic Site with the approval of the *Historic Sites and Districts Plan* in 1981.

Building lots B-17 through B-22 have been delineated on the plan in the present location of the house and outbuildings; the development plan assumes demolition or removal of all of these buildings. A 1.58-acre lot (Lot B-4) has been delineated around the family cemetery.

The larger Bellevue property (approximately 470 acres) has been continuously occupied by members of the Lowe-Steed family from at least the 1790s, and the site has considerable archaeological potential.

A Historic Area Work Permit (HAWP) application has been submitted for demolition and/or removal of the buildings (the historic Bellevue house, tobacco barn and immediate outbuildings) located where proposed building lots B-17 through B-22 have been delineated. The HAWP application was reviewed by the Historic Preservation Commission (HPC) at a public hearing on May 21, 2002, and concept approval was granted with the following conditions, with final HAWP approval to be granted upon the resolution of several issues (indicated in **bold**) in the conditions.

- a. The applicant, his heirs, successors and/or assigns shall undertake Phase I archaeological investigations, to a minimum cost of \$10,000, on the Bellevue property, especially at the site of the Bellevue house, tobacco barn, immediate outbuildings and the area of the family cemetery. The investigations shall be carried out in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994). A report on these investigations shall be prepared and reviewed by staff of the HPC (or Maryland Historical Trust archeologists) prior to issuance of grading permits for proposed development on that part of the property. Results of the archaeological investigation will assist in determining a reduced Environmental Setting for the Historic Site, which will consist principally of the Steed Family Cemetery. **The extent of the investigation is still to be determined.**
- b. Prior to issuance of a building permit for Lot B-4 (i.e., the location of the family cemetery), an interpretive sign shall be erected on that lot, recording the history and significance of the Bellevue farm, and including a site plan that shows the location of all of the buildings and the cemetery, as well as a footprint of the original dwelling. The design, materials, and text shall be approved by Historic Preservation Commission staff.
- c. The applicant shall, prior to issuance of the Historic Area Work Permit (HAWP) for demolition, contribute \$50,000 to the County Preservation Grant Fund.
- d. The cemetery shall be preserved and protected in accordance with the Prince George's County Subdivision Regulations, Subtitle 24, Sec. 24-135-02, including the preparation of an inventory of existing cemetery elements (a copy of which shall be provided to the Prince George's County Historical Society library), measures to protect the cemetery during development, and arrangements for perpetual maintenance. A perpetual maintenance easement shall be prepared and attached to the legal deed for Lot B-4 (i.e., the lot delineated to include the cemetery) prior to issuance of a building permit for that lot. Evidence of this easement shall be presented to and approved by Historic Preservation Commission staff prior to final plat.

- e. Prior to issuance of the HAWP for demolition, the applicant shall provide for salvage of decorative features from the house and delivery to the *Newel Post* (or similar salvage depot); the applicant shall also allow for core samples from the house (and outbuildings) to be provided to the M-NCPPC Natural and Historical Resources Division for purposes of dendrochronology.
- f. Prior to issuance of grading permits for the area of the Belleview building complex, the applicant shall make a good-faith attempt to preserve and relocate the historic corncrib and meathouse. The applicant shall advertise these historic outbuildings, e.g., in the *Friends of Preservation Newsletter* and the *Old House Journal* internet notices, and **shall work with M-NCPPC staff in an attempt to arrange for delivery to one or more M-NCPPC-owned historic properties, or to another willing recipient.**

While many of these conditions are inappropriate at the preliminary plan stage, staff notes them here for informational purposes. These are conditions the Historic Preservation Commission placed on the demolition permit. Conditions appropriate to the preliminary plan stage are included as conditions of approval in the staff recommendation.

Prior to final approval of the HAWP, the applicant should contribute, as mitigation for the loss of a county Historic Site, a donation to the County Preservation Grant Fund.

Because of the archaeological potential of the property, Phase I archaeological investigation of the area of the house, outbuildings and cemetery should be a condition for approval of the subdivision plan. The Historic Preservation Commission should determine a reduced Environmental Setting for the Historic Site, to include at a minimum the family cemetery, its specimen trees, the further extent to be determined by the information gained from the archaeological investigation.

Arrangements for perpetual care of the cemetery and its specimen trees, as well as ingress and egress, must be provided. A sign should be erected near the cemetery and within the new Environmental Setting, recording the history and significance of the Belleview farm, and showing a site plan of the buildings and cemetery, and a footprint plan of the original Belleview house. The design, materials and text of this sign should be approved by M-NCPPC preservation staff.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The final plat shall include the following note:

This property is in an area subject to overflight by aircraft using a public use general aviation airport, Potomac Airfield, located on Glen Way between one-half and one mile to the south. As a result, residents may be subject to some risk or experience inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations.

2. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall undertake a Phase I archaeological investigations in the area of the Belleview house, tobacco barn and immediate outbuildings and cemetery. The investigations shall be carried out in accordance with the *Guidelines of Archeological Investigations in Maryland*. Also prior to final plat, a report on these investigations shall be prepared for and reviewed by the M-NCPPC Historic Preservation Section, and the information shall be used in determining an appropriate Environmental Setting for the Historic Site.
3. Prior to final plat approval, the Historic Preservation Commission shall determine a reduced Environmental Setting for the Historic Site; i.e., the area of the family cemetery. Arrangements for perpetual care of the cemetery and its specimen trees, as well as ingress and egress, shall be provided, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations.
4. Prior to issuance of a building permit for Lot 4, Block ■B■ (the lot including the family cemetery), a sign shall be erected at the location of the family cemetery, recording the history and significance of the Belleview farm, and showing a site plan of the buildings and cemetery and a plan of the original section of the Belleview house. The design, materials and text of the sign shall be approved by M-NCPPC Historic Preservation Section prior to issuance of a building permit for that lot.
5. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters is less than or equal to 105 percent or 3 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where by the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
6. Prior to signature approval of the preliminary plan the FSD shall be revised as follows:
 - a. The term ■stream buffer■ should be removed from the FSD.
 - b. A note shall be added to the FSD indicating whether the specimen trees are field located or surveyed.
7. Prior to signature approval of the preliminary plan the following shall be submitted:
 - a. A copy of the Stormwater Management Concept Approval Letter.
 - b. Written documentation from the Department of Parks and Recreation stating that the level of encumbrances on parcels proposed for dedication to the Parks Department is acceptable.
 - c. Approved Stormwater Management Technical Plans or other documentation indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements.
8. Prior to signature approval of the preliminary plan, the TCPI shall be revised:

- a. To include provide a table of specimen trees on the TCPI including the disposition of each tree.
 - b. To show reforestation on the south side of the north pond where the expanded buffer area is unforested.
 - c. To show afforestation along the east side of the property, adjacent to the unnamed tributary leading to Tinkers Creek, and in the expanded buffer area adjacent to the floodplain.
9. Prior to signature approval of the preliminary plan, the plan shall be revised to indicate the potential location and elevation of Marlboro clay deposits, and the safety evaluation zone.
10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain and expanded stream buffers, except for approved variation requests. The following note shall be placed on the plat:

■Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.●
11. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/17/02). The following note shall be placed on the Final Plat of Subdivision:

■Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/17/02), 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.●
12. Prior to the issuance of any permits, a TCPII shall be approved for the subject property. The TCPII shall be based on surveyed locations for all specimen trees identified within 100 feet of the proposed limit of disturbance, and address the preservation of specimen and significant trees to the greatest extent possible. The TCP II shall show:
 - a. The Critical Root Zones of significant and specimen trees.
 - b. The preservation of specimen trees and their critical root zones to the maximum extent possible.
 - c. The planting of large caliper trees adjacent to the edge of all afforestation and reforestation areas on lots.

- d. The planting schedule shall include native species, such as red cedar, to the extent possible, especially in areas adjacent to Steed Road.
- 13. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 14. Prior to the issuance of any permit, technical stormwater management plans shall be approved for the south pond to address the potential for Marlboro clay, and its potential effect on the pond location.
- 15. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Allentown Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
- 16. During the road construction phase, the applicant, his heirs, successors and/or assignees shall construct a standard sidewalk along the subject property's entire frontage of Allentown Road.
- 17. All sidewalks shall be ADA compatible and free of above ground utilities and street trees.
- 18. The preliminary plan shall be revised to show a total of 80 feet of right-of-way for both Steed Road and Allentown Road. Additional dedication (40 feet from the existing centerline) is needed for Allentown Road.
- 19. Per the approval by SHA and/or the county DPW&T, the following improvements and any necessary signal modifications shall be in place or bonded for construction by the applicant prior to the issuance of any building permit:
 - a. Widen the westbound approach of the Old Fort Road at its intersection with MD 210, to include an exclusive left-turn lane, a through lane, and an exclusive right-turn lane. The proposed left-turn lane along Old Fort Road shall be at least 175 feet plus taper.
 - b. Modify the westbound approach of Allentown Road at its intersection with Tucker Road and Arundel Lane to include an exclusive left-turn lane and a shared through/right lane.
 - c. Extend the existing right-turn lane along Steed Road at its intersection with Allentown Road such that it provides for at least 200 feet of vehicular stacking length.
- 20. At the time of final plat, the applicant, his successors and/or assignees shall dedicate to M-NCPPC 10± acres of land as shown on attached Exhibit A, subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision

Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to 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, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for building permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it 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 lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
22. The subdivider, his 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.
23. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. The location and design of the outfalls shall be reviewed and approved by DPR prior to signature approval of the preliminary plan.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN I/17/02 AND APPROVAL OF THE VARIATION REQUESTS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.