



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

PRELIMINARY PLAN

4-02061

Application	General Data
Project Name:	Date Accepted 07/24/02
FOX CHASE	Planning Board Action Limit 01/25/03
Location:	Tax Map & Grid 092/A-02
South side of Brooke Lane, between Sutherland Circle and Tudor Lane.	Plan Acreage 9.87
Applicant/Address:	Zone R-R
Cambridge Group	Lots 19
5257 River Road, Suite #115	Parcels 3
Bethesda, MD 20816	Planning Area 79
	Council District 06
	Municipality N/A
	200-Scale Base Map 206SE11

Purpose of Application	Notice Dates
RESIDENTIAL CLUSTER SUBDIVISION	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1994) 08/13/02
	Sign(s) Posted on Site 10/22/02
	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 4-02061
Fox Chase Cluster, Lots 1 - 19

OVERVIEW

The subject property consists of approximately 9.87 acres of land in the R-R Zone. It is currently identified as Parcel 8, Tax Map 92, Grid A-2. The applicant proposes to subdivide the property into 19 lots for single-family detached homes in accordance with the cluster subdivision requirements. Access will be provided by a public street connection to Brooke Lane.

The property is surrounded by single-family homes in the Fox Chase subdivisions. These two subdivisions were developed using the cluster standards. Lot sizes in the proposed subdivision of between 10,000+ and 19,400± square feet are similar to those in the adjoining Fox Chase cluster subdivisions.

Other parts of Fox Chase were approved in 1987 by Preliminary Plan 4-87255. During that review, the house on Parcel 36, a half-mile to the west, was identified as Historic Site #79-34, Oakland. Buffering and architectural techniques were required to ensure compatibility with this historic property. While the subject property is not close to the historic site, homes built in Fox Chase were constructed pursuant to architectural conditions. To ensure compatibility, staff will recommend that similar architectural controls be examined at the detailed site plan stage.

PUBLIC NOTICE

For cluster subdivisions, Section 2-b of the Administrative Practice for the Prince George's County Planning Board requires that signs be posted on the property for a minimum of 30 days for the purpose of public notice. Signs were posted on this property on October 22, 2002, 30 days prior to the scheduled hearing on November 21, 2002. Staff received a phone call on November 12, 2002, from a citizen in the area stating that the sign had been down for more than three weeks. The citizen informed staff that several calls to the applicant's engineer to report the problem were not returned. Staff was not made aware of this issue until November 12, 2002, and called the applicant's engineer immediately. The signs were to be reposted on November 13, 2002. If the signs were down for more than 20 of the required 30 days, staff believes the case should be continued. The deadline for action is January 25, 2003. However, a full staff report follows in the event that the case is heard on November 21, 2002.

SETTING

The property is located on the south side of Brooke Lane, just east of Tudor Road in the Upper Marlboro area. To the east are single-family homes in the R-R Zone in the Fox Chase subdivision. To the south and west is parkland under the jurisdiction of M-NCPPC. This land was dedicated as part of the previous Fox Chase and King's Grant subdivision approvals. The land is an old railroad bed, approximately

80 feet wide. It serves as a public trail in places, but the trail is not yet constructed on this property. Beyond the parkland are single-family homes in Fox Chase. These lots were created under the cluster provisions as well. To the north, across Brooke Lane, is farmland in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	One single-family detached dwelling	19 single-family dwelling units
Acreage	9.87±	9.87±
Lots	0	19
Parcels	1	3
Detached Dwelling Units:	1	19

Cluster Development Data as proposed by Applicant

Zone	R-R
Gross Tract Area	9.87± acres
Area with Slopes Greater than 25%	0.0 acres
Area within Preliminary 100-year Floodplain	0.0 acres
Cluster Net Tract Area	9.87± acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,125 sq.ft.
Number of Lots Permitted	19
Number of Lots Proposed	19
Flag lots proposed	0
Cluster Open Space Required	2.81± acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	1.87± acres

Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	2.74± acres
Cluster Open Space Provided	2.74± acres
Mandatory Dedication Required	0.50± acres
Mandatory Dedication Proposed	Facilities (See Finding 5)
Total Open Space Required (Cluster plus Mandatory Dedication)	3.31± acres
Total Open Space Provided	2.74± acres (Condition Required)
Open Space to be Conveyed to Homeowners' Association	2.74± acres
Open Space to be Conveyed to M-NCPPC	0.0 acres
Open Space to be Conveyed to Prince George's County	0.0 acres
Slopes Exceeding 25% in grade	0.0 acres
25% of Steep Slopes	0.0 acres
Area of Steep Slopes to be Disturbed	0.0 acres
Area of Nontidal Wetlands and Waters of the U.S.	0.0 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification Allowed	Modification Proposed
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

2. **Cluster Findings**—The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the Subdivision Regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The proposed tree conservation plan is recommended for approval. Lots are concentrated in the middle of the site with tree preservation around its perimeter. A 70-foot-wide wooded buffer is provided between the homes and Brooke Lane. There are no historic resources on the property.

- b. Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: Cluster open space is provided on-site for tree preservation and buffering purposes. The property abuts parkland that will be improved with a trail. This parkland was once a railroad right-of-way. As will be discussed in the Parks and Recreation finding, this land is suitable for park purposes. However, a portion of the railroad right-of-way bisects the subject property and is proposed to be platted as building lots. At the time of detailed site plan, alternative lotting patterns should be addressed that might preserve this right-of-way for trail purposes.

- c. Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: There are significant stands of trees located in the rear (south) portion of the site. The proposed plan includes preservation of these trees.

- d. Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The applicant proposes a trail connection from the end of Street "A" to the trail in the adjoining parkland. The connection is in the form of an easement that encumbers two lots. While this makes open space accessible, it does so in an unconventional way by placing public access easements on private lots. Staff recommends that the easement be converted to parkland to be dedicated to M-NCPPC. That will ensure public access without encumbering lots. In addition, it should be noted that the proposed preliminary plan falls short of providing the required amount of open space. The proposed cluster subdivision is required to provide $3.31 \pm$ acres of total open space; only $2.74 \pm$ acres are provided. This additional land for the trail connection will not affect lot yield and will contribute toward making up the deficit.

- e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: As noted, a buffer strip of 70 feet will remain as wooded land between the homes and Brooke Lane. This will enhance the scenic value of the land and provide an attractive vista from Brooke Lane.

- f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The applicant proposes to cluster the 19 lots around two cul-de-sacs. This minimizes the amount of pavement needed and greatly increases the ability to preserve trees on-site. This represents the best possible relationship between the development and the

land. The alternative of conventional development on this site is not appropriate because it could lead to more tree clearing and off-site tree preservation.

- g. Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: The lots on the property are similar in size to those on surrounding land. They relate harmoniously with those lots. Only one lot in this subdivision will abut a lot in the surrounding subdivisions. In all other cases, lots are buffered from one another by open space and parkland. Areas devoted to motor vehicle access and circulation are minimized by concentrating development in the foreground and preserving land in the rear.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: Privacy is provided in this plan; there are no back-to-front orientations. Effects of shadow and noise are not presented. Homes are located at least 70 feet from Brooke Lane.

- i. Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: There are no slopes in excess of 25 percent.

- j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: As noted, the entrance will be enhanced by 70 feet of woodlands which will stretch the entire length of the property. Entrance features may be placed in the homeowners open space; if they are proposed, details should be examined at the time of detailed site plan.

- 3. Environmental—**A review of the available information indicates that no streams, wetlands, 100-year floodplain, areas of severe slopes, or steep slopes with high erodible soils are found to occur on this site. No transportation-related noise impacts have been found. The soils found to occur according to the Prince George's County Soil Survey include Adelphia fine sandy loam and Marr fine sandy loam. The Adelphia soils have limitations with respect to development of the property including high water tables and impeded drainage. According to available information, Marlboro clays are not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997,

there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Brooke Lane, which is located along the northern property boundary, is a designated historic road. This property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted *General Plan*. The property is in Sewer and Water Service Categories S-4 and W-4, respectively. The property will be served by public systems. A change to Category 3 will be necessary prior to approval of the final plat.

The Forest Stand Delineation (FSD) as revised has been found to address the criteria for a Forest Stand Delineation as found in the Woodland Conservation and Tree Preservation Technical Manual. No further information with respect to the Forest Stand Delineation is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The revised Type I Tree Conservation Plan, TCPI/36/02, was reviewed and was found to generally address the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. This 9.87-acre property has a 20 percent (1.97 acres) Woodland Conservation Threshold and a 1.79-acre replacement requirement for clearing of woodlands. This 3.76-acre requirement is being satisfied by 2.04 acres of on-site preservation, 0.26 acre of on-site reforestation, and 1.46 acres of off-site mitigation at a site to be determined prior to the issuance of permits. There are still some minor drafting errors that need to be corrected prior to signature approval of the Preliminary Plan of Subdivision. TCPI/36/02 is recommended for approval subject to the following modifications:

- a. The areas labeled "Tree Save" shall be relabeled "Woodland Preserved but Not Counted Toward the Requirements." The labels shall include the acreage for each area and the legend shall be revised accordingly.
- b. The worksheet shall be revised to eliminate the use of fee-in-lieu and provide for the appropriate amount of off-site mitigation.
- c. TCPI Note 1 shall be revised to include the referenced plan numbers.
- d. The revised plan shall be signed and dated by a Licensed Landscape Architect, Licensed Forester, or other Qualified Professional who is currently licensed or qualified.

The Adelphia fine sandy loam has limitations including high water tables and impeded drainage which may have an impact on how the site may be developed. Although the limitations associated with the soils found on this site will ultimately affect the construction phase of this development process, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits, the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

This property fronts on Brooke Lane, which is a designated historic road. Because development along historic roads can have an adverse impact on the visual resources along that road it is important to preserve the existing resources. The current TCP shows the preservation/replanting of a 60-foot-wide buffer along Brooke Lane. Normally, a visual assessment is required along scenic and historic roads to determine the need for buffering and screening. If the 60-foot-wide buffer remains as shown, no visual assessment is required. At time of detailed site plan, a landscape plan should be submitted that clearly shows all proposed landscape planting in the 0.26 acre of afforestation. The

majority of this area should be planted with 1- to 2-inch caliper trees. If at any time during the review of development proposals for the subject property the buffer width is reduced, a visual assessment should be prepared in accordance with the guidelines established by the Department of Public Works and Transportation in the document *Design Guidelines for Scenic and Historic Roads*.

4. **Community Planning**—The property is in Planning Area 79. The 2002 *General Plan* places this property within the Developing Tier. The 1993 *Subregion VI Study Area Approved Master Plan* recommends single-family detached residential development at Low Suburban densities. The 1994 *Approved Sectional Map Amendment for Subregion VI* placed the property in the R-R Zone. No planning issues are apparent as this is an infill subdivision of single-family dwellings that is surrounded by similar land use. The subdivision proposes to convey 1.82 acres through the western portions of the property to M-NCPPC to be used for a 15-foot-wide hiker-biker easement. This subdivision conforms to the Low Suburban land use recommendations of the *Approved Subregion VI Study Area Master Plan*.
5. **Parks and Recreation**—The proposed subdivision is subject to both mandatory park dedication requirements and cluster open space requirements. Staff recommends conveyance of a portion of the cluster open space to M-NCPPC. A master plan trail bisects the property. Land has been acquired adjoining this site for the trail. In lieu of mandatory park dedication, the applicant should construct the trail on adjoining parkland to connect to other parts of the trail system. A connection should be made, on land to be conveyed to M-NCPPC, from the end of Street “A.” Additional facilities may be required to ensure adequate fulfillment of mandatory dedication. This will be examined at detailed site plan.
6. **Trails**—The Adopted and Approved Subregion VI Master Plan shows the planned Chesapeake Beach Railroad Trail running through the subject site. This planned trail has been constructed in adjoining sections of the Fox Chase development and the adjacent Kings Grant development. This trail has also been approved for construction in the nearby Winshire development.

Brooke Lane is the boundary between the Melwood-Westphalia Master Plan and the Subregion VI Master Plan. While there are no master plan trail or bikeway recommendations for Brooke Lane contained in the Subregion VI Master Plan, the more recent Adopted and Approved Melwood-Westphalia Master Plan designates Brooke Lane as a master plan bikeway. In-road bicycle facilities are intended to provide facilities for bicyclists (either bike lanes, wide shoulders, or shared-use facilities) along both sides of the designated roads. Trail connection from road to trail should be in HOA land.

7. **Transportation**— The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and a count was provided and has been analyzed by staff. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

The subject property is located within the Developing Tier, as defined in the *General Plan for Prince George’s County*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

Staff analyzed the intersection of Brown Station Road and Brooke Lane as the critical intersection for this development. Staff would note that the original comments at the subdivision review committee meeting had indicated that Ritchie Marlboro Road and Brooke Lane would be the critical intersection, and requested counts accordingly. However, without discussion with staff, the applicant provided counts at Brown Station Road and Brooke Lane. Staff is prepared to accept these counts given that the Brown Station Road intersection is actually closer to the site than Ritchie Marlboro Road. It is likely that the site's impact will be nearly equal at both locations, and Brown Station Road has a higher average daily traffic count (approximately 50 percent higher) than Ritchie Marlboro Road. The traffic counts indicate that the critical intersection, which is unsignalized, operates with a maximum delay in the AM peak hour of 19.1 seconds and a maximum delay in the PM peak hour of 18.1 seconds. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections; therefore, the critical intersection operates acceptably under existing traffic.

Staff has identified seven approved and unbuilt developments in the area that would affect the subject intersection. Staff also factored the through traffic upward by 2.0 percent per year over three years to represent growth in through traffic. With approved development added, the critical intersection would operate as follows: AM peak hour—maximum delay of 24.1 seconds; PM peak hour—maximum delay of 21.4 seconds.

With the development of 19 residences, the site would generate 14 AM and 17 PM peak hour vehicle trips. The site was analyzed with the following trip distribution: 30 percent—west along Brooke Lane (toward Ritchie Marlboro Road); 40 percent—north along Brown Station Road; and 30 percent—south along Brown Station Road. Given this trip generation, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—maximum delay of 25.1 seconds; PM peak hour—maximum delay of 22.1 seconds. Therefore, the Brown Station Road/Brooke Lane intersection, which is unsignalized now and has no current plans for signalization, operates acceptably during both peak hours with the development of the subject property. The area of the site is not within or adjacent to any planned transportation facilities.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation related conditions are recommended.

8. **Schools**—The Historic Preservation 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 and CR-38-2002) and concluded the following. **These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	19 sfd	19 sfd	19 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.56	1.14	2.28
Actual Enrollment	5264	4397	12045
Completion Enrollment	263	201	412
Wait Enrollment	591	189	377
Cumulative Enrollment	51.12	91.50	183.00
Total Enrollment	6173.68	4879.64	13019.28
State Rated Capacity	4594	3648	10811
Percent Capacity	134.39%	133.76%	120.43%
Funded School	Rosaryville	Ernest Everett Just	Frederick Douglass addn.

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

The affected elementary, middle, and high school cluster percent capacities are greater than 105 percent. Rosaryville is the Funded School in the affected elementary school cluster. Ernest Everett Just is the Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster. Based on this information, the subdivision may be approved subject to conditions, in accordance with Section 24-122.02. Therefore, this subdivision can be approved with a three-year waiting period.

9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
- The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.21 minutes, which is within the 5.25-minute travel time guideline.
 - The existing ambulance service Marlboro Fire Station, Company 20, has a service travel time of 5.21 minutes, which is within the 6.25-minute travel time guideline.
 - The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 5.21 minutes, which is within the 7.25-minute travel 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.

10. **Police Facilities**—The proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Fox Chase development. This police facility will adequately serve the population generated by the proposed subdivision.
11. **Health Department**—The Health Department noted the existence of a shallow well, an abandoned septic tank, and discarded tires on the property. For health and safety reasons, all of these must be addressed prior to final plat approval. The well and septic system must be backfilled, pumped out and sealed as appropriate in accordance with COMAR 26.04.04. The tires must be removed by a licensed scrap tire hauler in accordance with Health Department Regulations. The Health Department also noted that raze permits will be required prior to demolition of any structure on-site.
12. **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, #25847-2001-00, was approved with conditions on September 21, 2002, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through June 30, 2004. Development must be in accordance with this approved plan.
13. **Cemeteries**—The applicant's engineer has certified that there are no cemeteries on the property.
14. **Public Utility Easement**—The proposed preliminary plan correctly includes the required 10-foot-wide public utility easement. This easement will be included on the final plat.
15. **Detailed Site Plan Review**—The proposed cluster subdivision is subject to detailed site plan review. Other parts of Fox Chase were approved in 1987 by Preliminary Plan 4-87255. During that review, the house on Parcel 36, a half-mile to the west, was identified as Historic Site # 79-34, Oakland. Buffering and architectural techniques were required to ensure compatibility with this historic property. While the subject property is not close to the historic site, homes built in Fox Chase were constructed pursuant to architectural conditions. To ensure compatibility, staff will recommend that similar conditions should be examined at the detailed site plan stage. Condition 6 of PGCPB 88-1 required roofing materials and rooflines visible from the historic farmhouse to be reviewed for a variety of textures and shapes. At the detailed site plan stage, the appropriateness of roof materials and rooflines should be examined.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to provide a total of 3.31 acres of cluster open space.
2. Prior to signature approval of the Preliminary Plan of Subdivision the Type I Tree Conservation Plan shall be revised as follows:
 - a. The areas labeled "Tree Save" shall be relabeled "Woodland Preserved but Not Counted Towards the Requirements." The labels shall include the acreage for each area and the legend shall be revised accordingly.
 - b. The worksheet shall be revised to eliminate the use of fee-in-lieu and provide for the appropriate amount of off-site mitigation.
 - c. TCPI note #1 shall be revised to include the referenced plan numbers.
 - d. The revised plan shall be signed and dated by a Licensed Landscape Architect, Licensed Forester, or other Qualified Professional who is currently licensed or qualified.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/36/02). 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/36/02), 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."
4. At the time of detailed site plan, a Type II Tree Conservation Plan shall be approved.
5. At time of detailed site plan, a landscape plan shall be submitted that clearly shows all proposed landscape planting in the 0.26 acre of afforestation. The majority of this area shall be planted with 1- to 2-inch caliper trees. If at any time during the review of development proposals for the subject property the buffer width is reduced, a visual assessment shall be prepared in accordance with the guidelines established by the Department of Public Works and Transportation, in the document *Design Guidelines for Scenic and Historic Roads*.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey 1.9 acres of land shown on Staff Exhibit "A" to M-NCPPC, 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, sidewalls, 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 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 grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent 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 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.
 - h. The applicant, 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.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.9 acre of cluster open space as shown on DPR Exhibit "A." Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain 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 DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. Prior to the issuance of building permits for Lots 8–11 and Lots 15–17, the applicant, his heirs, successors and/or assignees shall construct public recreation facilities on a land to be conveyed to M-NCPPC and on adjacent parkland to meet mandatory dedication requirements, subject to the following conditions:
- a. The public recreation facilities on a land to be conveyed to M-NCPPC and on adjacent parkland shall include the master plan Chesapeake Beach Railroad trail. The applicant shall construct a ten-foot-wide hiker/biker trail and a ten-foot-wide equestrian trail as shown on DPR Exhibit “A.”
 - b. The applicant shall construct a six-foot-wide trail connector to the master plan trail. The trail shall be located between Lot 8 and 9 for the public access to the master plan trail from the subdivision.
 - c. The trail shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*. The exact location of the trail shall be determined at the time of detailed site plan review and approved by DPR.

- d. The building permits shall not be issued for Lots 8, 9, 10, 11, 15, 16 adjoining the dedicated parkland containing the Master Plan trails until the trails are under construction.
 - e. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - f. Detailed construction drawings for trail construction, including grading plan and cross-sections, shall be submitted to DPR for review and approval prior to submission of the application for the detailed site plan.
 - g. Prior to any grading or clearing for the trail construction, centerline stakes are to be set and approved by DPR.
 - h. Submission of three original, executed Public Recreational Facilities Agreements (RFA) to DPR for approval, three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - i. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.
9. The applicant, his heirs, successors and/or assignees shall construct a minimum six-foot-wide, asphalt connector trail to the planned trail from the end of Street A on or adjacent to the proposed eight-foot sewer easement shown on the plat. This connector trail shall be on land to be conveyed to M-NCPPC. The connector trail shall be constructed at the time of construction of the master plan trail.
 10. 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 (DPW&T) for the placement of a bikeway sign along Brooke Lane, 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. Should DPW&T decline the fee, this condition shall be void.
 11. 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** are 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 whereby 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.
 12. Prior to final plat approval, the applicant, his heirs successors and/or assignees shall provide evidence to the Subdivision Section that the well, septic system and discarded tires have been dealt with in a manner satisfactory to the Health Department.
 13. Development of this site shall be in conformance with the approved stormwater concept plan, Concept 25847-2001-00, or any approved revisions thereto.

14. A detailed site plan shall be approved prior to the approval of the final plat.
15. In addition to typical review, the detailed site plan review shall also examine:
 - a. Alternative lotting patterns that might preserve the railroad right-of-way for trail purposes.
 - b. The appropriateness of roof materials and rooflines for compatibility with the surrounding Fox Chase community.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/36/02,
WITH REVISIONS.