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## Preliminary Plan 4-03102

Application	General Data
<b>Project Name:</b> <b>COTTAGES AT GLENARDEN</b>  <b>Location:</b> North side of Hamlin Street and east of Brightseat Road.  <b>Applicant/Address:</b> John Pyles Washington Management & Development Co. 2812 Chesterfield Place, N.W. Washington D.C. 20008	Date Accepted: 10/15/03
	Planning Board Action Limit: 03/23/04
	Plan Acreage: 10.27
	Zone: R-T
	Lots: 52
	Parcel: 1
	Planning Area: 72
	Tier: Developed
	Council District: 05
	Municipality: GLENARDEN
	200-Scale Base Map: 204NE07

Purpose of Application		Notice Dates	
<b>RESIDENTIAL SUBDIVISION</b>  Note: This case was continued from the 12/18/03 Planning Board hearing.		Adjoining Property Owners: (CB-15-1998)	N/A
		Previous Parties of Record: (CB-13-1997)	N/A
		Signs Posted on Site:	12/3/03
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 4-03102  
Cottages at Glenarden

OVERVIEW

The subject property consists of approximately 10.27 acres of land in the R-T Zone. The site is undeveloped and substantially wooded. The applicant proposes to develop the site with 52 townhouses, most of which will be oriented toward an internal private street. One parcel is also proposed, encircling the lots and containing three tot lots and a large stormwater management pond. While several of the homes shown on the lots do not meet setback requirements, the lots themselves are acceptable. Homes will need to meet setback requirements, as well as all other Zoning Ordinance requirements, at the time of detailed site plan.

Preliminary plan 4-01033 was approved on this property on July 26, 2001, and the resolution was adopted on September 6, 2001. The preliminary plan expired on September 6, 2003. Subsequent to approval of preliminary plan 4-01033, the applicant received Planning Board approval of a detailed site plan, DSP 02056. The proposed preliminary plan is in conformance with both the previously approved preliminary plan and detailed site plan.

SETTING

The property is located on the north side of Hamlin Street, west of Brightseat Road, about one mile north of MD 202. Single-family homes in the R-35 Zone are to the north and in the R-55 Zone to the east. To the south, across Hamlin Street, are the Glenarden Apartments. To the west is a large floodplain area associated with a tributary to Beaverdam Creek.

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-T	R-T
Use(s)	Vacant	Single-family attached housing
Acreage	10.27	10.27
Lots	0	52
Parcels	1	1
Attached Dwelling Units	0	52

2. **Environmental**—Based on aerial photographic observation, the site is undeveloped and partially wooded on the northern and western portions of the site. Adjacent to the subject property on the

west is an undeveloped and heavily wooded parcel. Hamlin Street borders the southern property line, and to the north and east are residentially zoned lots. The site is characterized by relatively rolling terrain to the north and west and drains into unnamed tributaries of the Beaverdam Creek watershed in the Anacostia River Basin. There are streams, wetlands, Waters of the U.S., and floodplains identified on the site. The predominant soil types on-site are Christiana, Sassafras and Westphalia. These soil types generally exhibit slight limitations to development due to slow permeability, steep slopes, and high shrink-swell potential. According to available information, Marlboro clay is not found to occur on this property. There are no noise issues associated with the site, nor are historic or scenic roads affected by this proposal. 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. This property is located in the Developed Tier as delineated on the adopted General Plan.

### **Wetlands, Streams and Buffers**

The site contains significant natural features required to be protected by Section 24-130 of the Subdivision Regulations. All elements of the buffers described in Section 24-130(b)(6) and Section 24-130(b)(7) of the Subdivision Regulations, and the expanded buffer, are not clearly and accurately shown on the preliminary plan and the Type I tree conservation plan. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI should be revised to clearly show the expanded stream buffer on the plan and in the legend. A conservation easement should be established at the time of final plat. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with.

The plan proposes impacts to sensitive environmental features that occur on the site. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations. Three variation requests were accepted for review on November 24, 2003, for the purpose of constructing a stormwater management facility and associated outfall, installing a storm drain outfall, and connection to a WSSC sanitary sewer outfall. The variation requests shown on the plan and identified as A, B and C, are specifically described below.

### **Review of Variation Requests**

The variations as requested are as follows:

- "A" Disturbance in the 100-year floodplain for the purpose of clearing and grading 1,652 square feet or 0.037 acre, and 1,710 square feet or 0.039 acre of clearing only, for a total of 3,362 square feet or 0.076 acre. This impact is associated with a stormwater

management facility providing water quantity and quality controls for the proposed development.

- “B” Disturbance for a sanitary sewer outfall; overall length is 28 linear feet; disturbed area is 730 square feet or 0.017 acre, of 100-year floodplain.
- “C” Disturbance in the floodplain for the installation of a 15 inch stormdrain outfall; 13 linear feet with a disturbed area of 475 square feet or 0.01 acres; and 98 linear feet of stream buffer with a disturbed area of 2,607 square feet or 0.06 acre, for a total disturbed area of 3,082 square feet or 0.07 acre.

The following is an analysis of the variations prepared. The text in bold represents the text from the Zoning Ordinance.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. While they must be accompanied by specific findings, variations are less strictly enforced than are variances. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property.**

The three variations requested are associated with connections to a sewer main and stormwater management pond outfalls. The approval of these impacts will not create conditions detrimental to the public safety, health or welfare, or injurious to other properties, and will provide the necessary utilities and structures to protect public safety, health and welfare.

- (2) **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.**

The conditions of the property are unique with respect to the location of the existing stream, the associated expanded buffer, and the required placement of the necessary public utilities.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

No other variances, departures or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and waters of the U.S., the construction proposed does not constitute a violation.

- (4) **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;**

Denial of the variation request would place a hardship on the property owner in that development of the site would be denied as well. The configuration of this site and the location of the stream and the 100-year floodplain restrict development of the site; no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning. The variations are necessary to allow the construction of required infrastructure.

### **Woodland Conservation**

A forest stand delineation was previously reviewed and was found to meet the minimum requirements for acceptance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I tree conservation plan, TCPI/20/01, submitted with the review package, was previously approved in conjunction with preliminary plan 4-01033, but was found to contain several minor errors. Furthermore, the plans and computation worksheet will need to be revised to reflect encroachment into the 100-year floodplain for the construction of the storm drain outfall. The minimum woodland conservation requirement for the site is 1.75 acres of the net tract. Additionally, 1.24 acres are required due to the removal of woodlands, for a total of woodland conservation requirement of 2.99 acres. The plan shows the requirement being met with 1.30 acres of on-site preservation and 1.48 acres of reforestation, for a total amount of woodland conservation provided of 2.78 acres. The computation worksheet indicates a woodland conservation shortage of -0.21 acres. Furthermore, the woodland conservation requirements should increase when encroachment into the 100-year floodplain is accounted for. The revised TCPI submitted failed to address previous comments and required revisions. The TCPI is also not signed by a qualified professional. Revisions, as noted in the Recommendation section of this report, are required.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The property will be served by public systems.

3. **Community Planning**—The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods. This subdivision is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 1993 Approved Landover & Vicinity Master Plan recommends multifamily residential land use for the property. The 1993 sectional map amendment for Landover and vicinity retained the property in the R-T Zone. This subdivision is in conformance with the 1993 Landover and Vicinity Master Plan.

4. **Parks and Recreation**—The application is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. This requirement is being fulfilled by the provision of private recreational facilities on the property on land that will be deeded to the homeowners association (HOA). These facilities should be subject to a recreational facilities agreement, and land deeded to the HOA should be subject to conditions ensuring the condition of the land is suitable for these purposes. Appropriate conditions are included in the staff report.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Landover and Vicinity Master Plan. Standard sidewalks are recommended along both sides of all internal roads and along the subject site's frontage of Hamlin Street, per the concurrence of DPW&T. These sidewalks will safely accommodate pedestrians in an area where standard sidewalks are lacking along many roads.
6. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. The applicant did conduct a peak-hour traffic count at the nearest major intersection at the request of staff, however. The findings and recommendations outlined below are based upon a review of these 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 Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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**

The application is a plan for a residential subdivision consisting of 52 townhouse lots. The proposed development would generate 36 AM (7 in, 29 out) and 42 PM (27 in, 15 out) peak-hour vehicle trips as determined using the guidelines. The site was analyzed using the following trip distribution:

Ardwick-Ardmore Road from the east:	10%
Ardwick-Ardmore Road from the west:	30%
Glenarden Pkwy from the west:	10%
Glenarden Pkwy from the east:	10%
Brightseat Road from the south:	40%

The traffic generated by the proposed plan would primarily impact the intersection of Brightseat Road and Ardwick-Ardmore Road, which is not signalized. The existing traffic conditions at this intersection are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ardwick-Ardmore Road/Brightseat Road	46.0*	78.8*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

Nearby approved developments were included in background traffic and an annual growth rate of 2.0 percent was assumed for through traffic. The following background traffic conditions were determined:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ardwick-Ardmore Road/Brightseat Road	50.1*	88.3*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ardwick-Ardmore Road/Brightseat Road	54.1*	98.0*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an average delay of 50.0 seconds in any movement as the lowest acceptable operating condition for unsignalized intersections on the transportation system. Under total future traffic as developed using the guidelines, adding the impact of the proposed development, the critical intersection was found to be operating unacceptably as an unsignalized intersection.

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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. The staff believes that this study is needed at the intersection of Brightseat Road and Ardwick-Ardmore Road, and that the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, the staff believes that the critical intersection will operate acceptably in both peak hours.

Access to the site will be from Hamlin Street, just west of Brightseat Road. The internal roadways are shown at 26 feet wide and will be private streets. Access to Hamlin Street will require approval of the Department of Public Works and Transportation.

Based on these 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 with condition requiring a signal warrant study at Brightseat and Ardwick-Ardmore Roads.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposal is exempt from the adequacy test because it is in the Developed Tier. However, County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.



The project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine at Kentland Fire Station, Company 33, located at 7701 Landover Road, has a service travel time of 3.71 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for Lots 1-16 and Lots 42-52. All other lots are beyond.
  - c. The existing paramedic at Kentland Fire Station, Company 46, has a service travel time of 6.40 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ambulance service located at Kentland Fire Station, Company 46, is beyond the recommended travel time guideline. The nearest fire station Kentland, Company 33, is located at 7701 Landover Road, which is 3.71 minutes from the development. This facility would be within the recommended travel time for ambulance service.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Cottages at Glenarden development.
10. **Health Department**— The Health Department reviewed the application and visited the property. A significant amount of trash and other debris has been illegally dumped on the property, including domestic trash, discarded motors and tires. This must be removed prior to final plat approval. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
11. **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, # 8012220-2001-01, was approved with conditions on March 29, 2001, to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through March 29, 2004. Development must be in accordance with this approved plan.

12. **Cemeteries**—There are no known cemeteries on or adjacent to the subject property.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be included on the final plat.
14. **Other**—Several design issues were raised during the review of the previous preliminary plan, including the following:
  - a. The design standards for townhouse developments.
  - b. Conformance with the *Landscape Manual*.
  - c. The size and shape of proposed vehicular turn-arounds.
  - d. Widths of end units.
  - e. The orientation of Lots 48 through 52.

These issues were fully addressed at the time of the detailed site plan review and the proposed preliminary plan presents an acceptable design.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
  - a. The Preliminary Plan and TCPI shall be revised to clearly show the expanded stream buffer on the plan and in the legend.
  - b. TCPI/20/01-01 shall be revised as follows:
    - (1) Revise the plan to show Woodland Conservation Areas of 35 feet width minimum to be counted toward any requirement, except when they abut other protected woodlands.
    - (2) Revise the computation worksheet to state how the full requirement is being met.
    - (3) Revise the woodland conservation worksheet to include all woodland cleared including clearing in the 100-year floodplain to connect storm drain outfall.
    - (4) When all the revisions have been completed, have the plan signed and dated by the qualified professional who prepared the plan and have the revision box updated with what revisions were made, when and by whom.
2. Prior to the approval of the initial building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for the intersection of Brightseat Road and Ardwick-Ardmore Road (this study requirement may be waived if DPW&T indicates, in writing, that a recent study is available for them to determine signal warrants). The applicant shall utilize a new 12-hour count and shall analyze signal warrants under total future traffic as well as existing traffic. If deemed warranted by DPW&T, the applicant shall bond the signal (or other warranted improvements) prior to the release of the initial building permit and install the signal (or improvements) if directed by the operating agency.

3. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain and the expanded stream buffer, except for area of 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous tree, limbs, branches, or trunks is allowed.”

4. 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.

5. Development of this subdivision shall be in compliance with the approved Type I tree conservation plan (TCPI/20/01). 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/20/01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

6. The applicant, his heirs, successors and/or assignees, shall:

- a. Submit three original, executed recreational facilities agreements (RFA) to the Development Review Division for approval prior to the submission of a final plat application. Upon approval, the RFA shall be recorded among the land records of Prince George’s County.
- b. Submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division, prior to applying for building permits.
- c. Satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

7. Land to be conveyed to a homeowners association shall be subject to the following conditions:

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- b. 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.
- c. 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).

- d. 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.
  - e. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - f. 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 the issuance of grading permits.
  - g. There shall be no disturbance of any adjacent land that is owned by or to be conveyed to M-NCPPC without review and approval of DPR.
  - h. 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 final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/20/01  
AND VARIATIONS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS