



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

Preliminary Plan 4-04099

Application	General Data
Project Name: WOLFE FARM Location: North and south sides of Thrift Road between Broken Lane Court and Tippet Road. Applicant/Address: Sevag Balian 6525 Becrest Road, Suite 205 Hyattsville, MD 20782	Date Accepted: 10/12/06
	Planning Board Action Limit: N/A
	Plan Acreage: 333.62
	Zone: R-A & R-E
	Lots: 156
	Parcels: 10
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215SE04

Purpose of Application		Notice Dates	
RECONSIDERATION HEARING: By a letter dated October 11, 2006, the applicant requested a Reconsideration of the layout of the approved plan to accommodate the provision of a master plan roadway. On November 2, 2006, the Planning Board granted this request.		Previous Parties of Record	01/26/07
		Sign(s) Posted on Site:	N/A
Staff Recommendation		Staff Reviewer: Alan S. Hirsch	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Wolfe Farm Reconsideration Hearing
Preliminary Plan of Subdivision 4-04099

In a letter dated October 11, 2006, the applicant requested a reconsideration of the subject preliminary plan "...for the sole purpose of dedicating master plan road A-65 to Prince George's County." The Planning Board granted that request on November 2, 2006. At the request hearing, it was acknowledged that the original lotting pattern would need to be adjusted to accommodate both the road and, if possible, the lot yield previously approved.

The subject property is located on the north and south sides of Thrift Road, between Broken Lane Court and Tippet Road. The Piscataway Stream Valley is located on the property along the southern property boundary. Existing M-NCPPC property abuts the southeast and southwest property lines. All of the properties abutting the southern half of the site are zoned R-A, saving the parkland that is zoned R-O-S. With the exception of the Ward Subdivision to the north, the entirety of the R-E portion of this property is surrounded by the Bevard East development that was approved for 827 various types of residential lots in the R-L Zone.

The originally approved plan contained 101 lots in the R-E Zone and 57 lots in the R-A Zone for a total of 158 lots. That approved plan also contained four parcels (totaling 73.62 acres) to be conveyed to a Homeowners Associations (HOA) and one parcel (totaling 24.79 acres) to be conveyed to M-NCPPC. The park parcel was adjacent to existing parkland in the stream valley. The written approval is embodied in resolution PGCPB No. 04-268 and is subject to 31 conditions. Most of these conditions require modification or deletion because of this reconsideration.

The originally approved plan utilized varying lot size (VLS) standards in the R-A Zone and conventional lotting standards in the R-E Zone. The current proposal is to continue the use of VLS in the R-A portion and to propose the use of Lot Size Averaging (LSA) in the R-E portion. With the approval of CB-6-2006, the District Council established that both VLS and LSA might only be utilized by preliminary plans "...accepted prior to July 1, 2006." The subject application was accepted on May 18, 2004; therefore both of these development techniques are permitted.

The R-A zoned portion of the property is located on the south side of Thrift Road and is approximately 165.29 acres. The lotting pattern has been adjusted because of the A-65 right-of-way and

the applicant is now proposing 55 lots (two less than the 57 lots originally approved) utilizing the varying lot size (VLS) standards provided for in the Zoning Ordinance. Varying Lot Size is permitted by right and without additional findings being made by the Planning Board at the time of subdivision. Of the 55 lots now proposed, 33 (66 percent) meet or exceed two acres in size; 21 range in size from 50,000 square feet to less than two acres; and one lot will be 49,708 square feet. Development of the R-A zoned portion of the property, as now proposed on the preliminary plan of subdivision, conforms to the standards of development for VLS in the R-A Zone.

The R-E zoned portion of the property is located on the north side of Thrift Road and is approximately 168.33 acres. With the addition of the A-65 right-of-way, the applicant is now proposing to develop this portion of the property utilizing Lot Size Averaging. While the applicant is still proposing 101 lots, 64 (63 percent) meet or exceed 40,000 square feet and 37 (37 percent) will meet or exceed 30,000 square feet. Staff supports the use of Lot Size Averaging on this site. Analysis of the specific LSA criteria are presented later in this report.

Because of the inclusion of the right-of-way dedication for A-65 and the adjustment of the lotting pattern with two fewer lots than the original approval, the analysis contained in this report focuses mainly on the Environmental, Parks, Transportation (A-65 only) and Lot Size Averaging reviews.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone	EXISTING	PROPOSED
	R-E (168.33) R-A (165.29)	R-E (168.33) R-A (165.29)
Use(s)	Vacant	Single-family dwellings
Acreage	333.62	333.62
Lots	0	156
Parcels	2	5
Dwelling Units:		
Detached	0	156

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Wolfe Farm, 4-04099, and the revised Type I Tree Conservation Plan, TCPI/53/04, stamped as received by the Environmental Planning Section on December 11, 2006. The Environmental Planning Section supports the variation requests for the reasons stated in this report and recommends approval of 4-04099 and TCPI/53/04 subject to the conditions. The 333.62-acre property in the R-E and R-A zones straddles Thrift Road between Broken Lane Court and Tippet Road. There are streams, wetlands and 100-year floodplain on the property

associated with Piscataway Creek in the Potomac River watershed. Current air photos indicate that most of the site is forested. Thrift Road is a designated scenic road. There are no nearby sources of traffic-generated noise. The Transportation Planning Section has indicated that the proposed A-65 will be built to the standards of a major collector and should not be a generator of significant traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan. The property contains significant Regulated Areas and Evaluation Areas as designated in the Countywide Green Infrastructure Plan.

Environmental Review

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Streams, minimum 50-foot stream buffers, wetlands, most of the minimum 25-foot wetland buffers, areas of 100-year floodplain, areas with severe slopes and areas with steep slopes containing highly erodible soils are shown on the preliminary plan and the Type I tree conservation plan. The expanded stream buffers as defined in Section 24-130 of the Subdivision Regulations are correctly shown on the preliminary plan and the Type I tree conservation plan.

A wetlands report, dated September 9, 2004, was submitted on October 25, 2004. The wetlands report is based on investigations performed from July 2003 through October 2003. Five wetland delineation data sheets were completed and included in the report. Only three of the five sample areas were determined to be wetlands and one of these is not on the property that is the subject of this application. The plan accompanying the report shows 13 individual areas on the property designated as wetlands. Staff notes that the wetland delineation has been certified by the Maryland Department of the Environment.

At time of final plat, a conservation easement should be established. This conservation easement should contain the expanded stream buffers, all wetlands and their buffers, excluding those areas where variation requests have been approved, and all woodland conservation areas and be reviewed by the Environmental Planning Section prior to certification.

Impacts to significant environmental features are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with

essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential 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 to sensitive environmental features require variations to the Subdivision Regulations.

The design should avoid any impacts to streams and their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with necessary road crossings or the installation of public utilities that are required to serve the development as a whole. Sixteen variation requests, dated December 6, 2006, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted.

Request A is for the construction of a sanitary sewer to serve a significant area of approved development north of the subject property. Request B is for the construction of is for the construction of a street to serve 40 lots [25 percent of the lots proposed]. Request C is for a stormwater management outfall. Request D is for a sanitary sewer to serve approximately 60 lots in this application and a significant area of approved development north of the subject property. Request E is for a stormwater management outfall. Request F is for the construction of a sanitary sewer connection that will serve all of the lots northwest of Thrift Road and a significant area of approved development north of the subject property. Requests G and H are for the construction of a sanitary sewer connection that will serve all the lots southeast of Thrift Road. Request I is for the purpose of fulfilling a Master Plan trail. Requests J, K and L are for stormwater management outfalls. Request M is for the construction of a sanitary sewer to serve all of the lots southeast of Thrift Road.

Requests X, Y and Z are associated with the future construction of A-65.

Staff notes that the property may be served by public sewer only if connections are made to the existing sewer mains that are wholly within expanded stream buffers. Additionally, the property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. The alignment of A-65 on this property is constrained by the previous approvals on abutting properties.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

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 evidence presented to it in each specific case that:

(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;

The installation of sanitary sewers as described by Impacts A, D, F, G, H and M are required to provide for public safety, health and welfare. The installation of stormwater outfalls as described by impacts C, J, K and L are required to provide for public safety, health and welfare. Street construction is required to provide access for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variance; however, that option is not available for this particular site. The Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. The property contains many stream valleys that dissect the land into developable pods and one relatively large area that cannot be served by a public street without a stream crossing. The alignment of the hiker/biker trail is mandated by the approved master plan. Thus, all of the requested variations are not generally applicable to other properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

The installation of sanitary sewer connections, stormwater outfalls, the hiker/biker trail and road construction are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar 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 regulation is carried out.

The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. The denial of impact B would result in the loss of 40 of the proposed 102 lots northwest of Thrift Road. The denial of impact F would result in the loss of all 101 lots northwest west of Thrift Road and a significant area of approved development north of the subject property. The denial of impacts A and D would result in the loss of a significant area of approved development north of the subject property. The denial of impact M would result in the loss of 64 lots. The denial of impact I would severely impair the master plan trail. The denial of impacts X, Y and Z would block the implementation of A-65.

The Environmental Planning Section supports the variations requests for the reasons stated above.

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, and associated mitigation plans.

Thrift Road is designated in the Subregion V Master Plan as a scenic road. A visual inventory was in the review package. The preliminary plan and TCPI provide 40-foot-wide scenic buffers adjacent to the land to be dedicated for Thrift Road; however, the standard in current use requires that the plans provide 40-foot-wide scenic buffers adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. No specific treatments for the scenic easements have been proposed. The Type II tree conservation plan should show the proposed preservation of existing vegetation and/or landscaping in the 40-foot-wide scenic easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. The combination of preserved trees and landscaping should be sufficient to preserve the scenic character of Thrift Road. Landscape buffers, a minimum of 40-feet-wide on both sides of Thrift Road, should be shown on the final plats as scenic easements with notes establishing their purpose.

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 it has more than 10,000 square feet of woodland.

The revised Type I Tree Conservation Plan, TCPI/53/04, has been reviewed. The plan proposes clearing 40.02 acres of the existing 148.81 acres of upland woodland, clearing 2.79 acres of the existing 44.99 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 105.51 acres. Based upon the proposed clearing, the woodland conservation requirement is 118.31 acres. The plan proposes 81.68 acres of on-site preservation,

31.81 acres of on-site planting and off-site conservation of 4.81 acres for a total of 118.30 acres. An additional 27.11 acres of woodland will be preserved on-site but not part of any requirement.

The plan calculates as cleared all woodland within the area to be dedicated for A-65. Each lot must have at least 40 feet of unencumbered rear yard area to provide room for construction of the homes, to ensure the long-term protection of the preserved woodland and to allow for future changes in house types that may impact the clearing and grading around each house. Lot 30, Block C, Lot 35, Block E and Lot 44 Block E must conform to this requirement on the Type II TCP.

The Countywide Green Infrastructure Plan indicates the presence of regulated areas and evaluation areas on the site. The regulated areas contain the same features as the natural reserve as defined in the Subregion V Master Plan. The evaluation areas are the forested areas contiguous with the regulated areas. The Type I tree conservation plan is in conformance with the Green Infrastructure Plan and the Woodland Conservation Ordinance.

A portion of the proposed woodland conservation areas are on land that will be dedicated to M-NCPPC. The Department of Park and Recreation accepted this woodland conservation in the previous version of the TCPI; however, there has not been sufficient time to coordinate the review of this plan.

There are some technical errors on the plan. North of proposed A-65 near the northern boundary there are a few small areas where planting is proposed on top of existing woodland. A portion of the proposed A-65, in the extreme southeastern corner of the property, is not calculated as cleared.

Because of the extensive areas of sensitive environmental features, extensive on-site planting areas and extreme topography of the site, a Type II tree conservation plan should be approved prior to final plat to ensure that development can occur without creating impacts to any sensitive areas that have not been reviewed by the Planning Board as part of this application. Several other conditions relating to woodland conservation on proposed park property, minor correction to the Type I plan, the need for a Type II plan, appropriate final plat notes, and implementations restrictions are recommended.

The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Aura, Beltsville, Croom and Mattapex soils are highly erodible and require special attention to erosion/sediment control on slopes in excess of 15 percent. Bibb soils are associated with floodplains. Fallsington and Othello soils typically have associated wetland areas. Sassafras soils pose no special problems for development. This information is provided for the applicant's

benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report in conformance with CB-94-2004 will be required during the permit process review.

The Prince George's County Department of Environmental Resources approved Stormwater Management Concept CSD 36565-2006-00 on August 30, 2006 and the approval is valid through August 30, 2008. This large-lot subdivision will have open section streets with grass swales and each structure will utilize drywells. There is no portion of the site where combined flow from impervious surfaces would require a stormwater management pond.

3. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81B in the Tippet Community. This preliminary subdivision is proposed on property planned for low-density development, with Thrift Road as a boundary line between two levels of intensity. The master plan land use recommendations is as follows:

North of Thrift Road - Suburban Estate/Low-Density Planned Neighborhood residential land use as up to 1.5 dwelling units per acre.

South of Thrift Road - Large-Lot/Alternative Low-Density residential land use at up to 0.9 dwelling units per acre.

The proposed development conforms to the Suburban Estate/Low-Density Planned Neighborhood and Large-Lot/Alternative Low-Density residential land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85 B* for this area.

Although a master planned arterial roadway, A-65 (Old Fort Road East Extended), is shown on the proposed preliminary subdivision in an alignment that differs from that identified in the approved master plan, the proposed alignment conforms to the recommendations of the master plan insofar as it will allow MD 5, east of the subject property and MD 210, west of the subject property to be connected.

The alignment of A-65 in the master plan enters this site in the northwest corner of the property and crosses through the subject property in a southeasterly direction. The alignment proposed by the applicant enters the site at generally the same location as recommended by the master plan but follows the northern property boundary, crosses Thrift Road approximately 2,500 feet north of the master plan alignment for this road and departs the site at its northeast corner. A key planning consideration in this instance is whether the proposed alignment allows for the completion of this arterial roadway so it can fulfill the intent of the master plan to connect two major corridors (MD 5 and MD 210) in the regional freeway system. It appears that the right-of-way for A-65 shown on Specific Design Plan SDP-0516 for Phase IV of Bevard East, on the property immediately north and west of the subject site can be connected to A-65 as proposed. It also appears to be

consistent with the right-of-way for A-65 shown on the detailed site plan for the Villages of Savannah, (DSP-05036), southeast of the subject site. Staff concludes that the proposed alignment of A-65 fulfills the recommendations of the approved master plan.

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation has reviewed the above referenced preliminary plan reconsideration request for conformance with the conditions of the approved Preliminary Plan 4-04099, the Subregion V Master Plan and the land preservation and recreation program for Prince George’s County and current subdivision regulations as they pertain to public parks and recreation.

The plan submitted pursuant to the approval of the reconsideration request shows a 120-foot-wide dedication for the master planned A-65 arterial right-of-way. This dedication has caused the applicant to rearrange their lots and street pattern and as a result the area of parkland dedication has been altered.

The A-65 right-of-way bisects the land that was approved to be dedicated to M-NCPPC and leaves a fragmented stream valley park system. To address this concern, DPR has recommended that the portion of the proposed A-65 right-of-way be dedicated to M-NCPPC with the provision that when the road is to be constructed, DPR will convey a public use easement to the appropriate agency. This approach has been utilized before and is appropriate when the approval is clear that the dedication for the roadway cannot be impeded in any way when it is requested by the Department of Public Works and Transportation (DPW&T). Furthermore, the final plat of subdivision should clearly reflect, by bearing and distance and square footage, the area of the future right-of-way. This will help to provide clarity as to the area to be dedicated as well as notifying future residents in the vicinity that a road right-of-way has been secured. This approach will also allow for the construction of the 10-foot-wide master plan trail by the applicant. The preliminary plan currently shows this as an 8-foot wide-trail. The plans should be revised to reflect a 10-foot-wide trail. It is understood now that at the time of the future road construction, the Parks Department and DPW&T will need to facilitate the relocation of this trail. The current thinking is that it may need to be incorporated as an underpass where the road needs to bridge the major stream channel.

With the exception of the two parcels containing HOA recreational facilities, the new plan proposes that all other open space parcels be conveyed to M-NCPPC. The Parks Department has determined that it is appropriate to only dedicate those areas of land that are contiguous to existing or future off-site parkland dedication. Additionally, parks has requested that the park parcel and the HOA parcel at the end of Street G be adjusted so that the park parcel has a minimum street frontage of 40 feet and the 8-foot wide trail connector is properly located with regard to the required stormwater management outfall. There is another trail connection proposed from the end of Street I. This has been modified from the original approval. The benefit of this new location is that the slopes are more suitable for the trail, however, it causes the trail to have

to cross over wetlands. The Parks Department supports this location provided the applicant builds a suitable structure to cross the wetland and that the HOA will own and maintain this portion of the trail.

All of the recommendations from the Parks Department are reflected in Amended Exhibit A and the re-approval of this application should be consistent with that exhibit.

5. **Transportation**—The Transportation Planning Section has reviewed the request for reconsideration for the above-mentioned case. The subject property consists of approximately 333.62 acres of land in the R-A and the R-E zones. The property is located north and south of Thrift Road, between Tippet Road and Windbrook Drive. The applicant proposes a residential subdivision consisting of 156 single family detached residential lots. By letter dated October 11, 2006, the applicant requested a reconsideration of the layout of the above-mentioned plan for the purpose of accommodating a master plan roadway. The Planning Board agreed to consider the merits of the request. This memorandum only provides key facts and background information related to the merits of the reconsideration, which is primarily concerned with site layout issues.

Thrift Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline. This analysis reaffirms existing Condition 27, requiring dedication along Thrift Road.

The Subregion V Master Plan shows an arterial facility, designated as A-65, crossing the subject property from southeast to northwest. The right-of-way is of adequate size. The alignment, while not fully consistent with the master plan, has been carefully studied with regard to topography and environmental features, and it presents a better alternative than the published master plan. It is consistent with the right-of-way for A-65 shown on Specific Design Plan SDP-0516 for Phase IV of Bevard East, the property immediately north and west of the subject site. It is also consistent with the right-of-way for A-65 shown on Detailed Site Plan DSP-05036 for the Villages of Savannah (a.k.a. Saddle Creek), the property immediately south and east of the subject site. It is recommended that the Planning Board resolution be amended to include a condition requiring dedication of the A-65 right-of-way as shown on the plan submitted for reconsideration.

All internal streets serving lots within the subdivision are adequately sized and acceptable in alignment.

As with the previously approved plan, approximately 5 lots on the current plan are shown with sole frontage and access only via Thrift Road, which is a collector roadway. Twelve other lots have frontage on Thrift Road, but also have frontage on internal subdivision streets. These 12 lots should have access to Thrift Road denied. While ordinances do not prohibit driveway access onto collectors, Thrift Road is a rural collector, and traffic currently using Thrift Road travels at a

higher speed. The previous plan was approved with Condition 31, requiring that driveways to all lots along Thrift Road be directed onto internal streets or designed with a turnaround capability, and this analysis reaffirms the need for that condition.

It is noted that the original preliminary plan approval allowed 158 residences, and the current layout proposes 156 residences. The original adequacy finding and the related conditions are still valid with this minor reduction in development. Staff analysis reaffirms the adequacy finding made by the Planning Board in the original hearing, and further reaffirms Conditions 26, 28, 29, and 30.

Several lots in both the R-E and R-A sections of this development will have frontage along the right-of-way for A-65. All of these lots will also have frontage on internal subdivision streets that are intended as the means for vehicular access. No lot in this subdivision should have direct access to A-65. A note should be placed on the final plat of subdivision that restricts such access.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the subject plan as required under Section 24-124 of the Prince George's County Code. It is recommended that all existing transportation-related conditions be retained (Conditions 26 through 31), and that one additional condition be added to reflect the dedication of A-65.

6. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the R-E zoned portion of the property (168.33 acres), north of Thrift Road.

Approximately 168.33 acres of the 333.62 acres of this subdivision are in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E 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) or 183 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) and the remaining lots must be a minimum lot size of no less than 30,000 square feet.

The application is proposing 101 R-E zoned lots. 64 of the lots (63 percent) will meet or exceed 40,000 square feet. 37 lots (37 percent) will be no less than 30,000 square feet.

Section 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.**

Comment: Staff believes that the use of lot size averaging to be appropriate in this case. Several natural features are protected by the proposed lotting pattern. With the exception of one road crossing, the wooded, steeply sloped stream channels that run through the central and western portion of the site will be protected.

- 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.**

Comment: With the exception of one lot along Thrift Road, all of the lots below 40,000 square feet are located along open space land or tucked into the northwestern portion of the property. The surrounding development proposed in this area is part of the Bevard East project which contains open space or lots well below the 30,000 square feet minimum in the Wolfe Property. Lot 2, Block A backs up to Thrift Road. This lot is shown with an area of 36,768 square feet, a lot width of 155 feet and is next to a lot (Lot 3) that is 46,520 square feet in size. Given the configuration of these two lots, staff is confident that Lot 2 will appear as though it were 40,000 square feet in size.

- 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.**

Comment: The plan provides for an adequate transition between the proposed natural features of the site and the natural features of the adjacent Bevard East project.

7. **Archeology**—A Phase I archeological survey was conducted on this 333-acre property in December 2004. Three historic archeological sites were identified, 18PR739, 18PR740, and 18PR741. The archeological contractor recommended that these sites were not eligible for inclusion on the National Register of Historic Places and that no further archeological work was necessary. A draft report was reviewed and staff concurred that no further archeological work was required on the Wolfe Farm property. A final report, *Phase I Archaeological Survey of the Wolfe Farm Property, Prince George's County, Maryland, County Plan No. 4-04099* was

submitted in July 2005 and was accepted by staff by a letter dated August 18, 2005. Therefore, no further archeological work is required at the county level for this property.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

8. **Existing Approved Conditions**—As previously noted, the adopted resolution of approval contains 31 conditions. A number of these conditions related to the signature approval of both the preliminary plan and the woodland conservation plan. Because those plans received signature approval, most of those conditions are no longer applicable or have a new requirement associated with the new plan.

Some of the existing 31 conditions are standard conditions for a development of this size and type. Since the original approval, refinements some of these conditions have been implemented to provide clarity or an appropriate trigger.

Because concerns over the extent of grading and house siting existed at the time of the original approval, a limited detailed site plan (LDSP) was conditioned. As part of this reconsideration, staff has now had appropriate time to review more detailed plans. Staff is now of the opinion that the LDSP is no longer warranted for grading and house siting and should be adjusted to only control the implementation of the recreational facilities provided on the two HOA parcels.

At the time of the original approval, the Phase I archeological study had not been completed so a condition was established. The Phase I archeological report was conducted in December of 2004 and a final report was submitted in July of 2005. Staff concurs with the recommendation that no further archeological work should be required. The existing condition requiring the study should be deleted.

Given all of the considerations above, staff has structured the Recommendation Section of this report to include all of the original conditions along with specific changes that how each condition was modified.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, staff recommend that the Planning Board adopt all of the findings and conditions contained in the original action (PGCPB No. 04-268 as now modified or supplemented by the findings of this report, and APPROVE 4-04099, subject to the following modification, deletion or additions to the existing conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. ~~Provide the net tract area for the R-E zoned portion and R-A zoned portion of the property.~~
 - b. ~~Provide the approval date of the stormwater management plan.~~
 - c. ~~Provide a general note regarding 27-442(b) Footnote 5(D)(E).~~
 - d. ~~To remove the use of Lot size averaging and provide conventional R-E lotting pattern, on the north side of Thrift Road.~~
 - a. Each parcel shall be noted by land area and to which entity (HOA or M-NCPPC) it is to be conveyed
 - b. The layout, trails and parcel conveyances shall be consistent with Amended Exhibit "A"
2. ~~Prior to the issuance of detailed site plans, a~~ **A** Type II Tree Conservation Plan shall be approved **prior to the approval of the final plat of subdivision.**
3. Prior to approval of the final plat and in accordance with Part 3 Division 9 of the Zoning Ordinance a Limited Detailed Site Plan shall be approved by the Planning Board, or its designee. Review shall be limited to the ~~following~~:
 - a. ~~Grading;~~
 - b. ~~House siting;~~
 - c. ~~R recreational facilities to be constructed on HOA land and M-NCPPC land;~~
4. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. The Adopted and Approved Subregion V Master Plan recommends that Thrift Road be designated as a Class III bikeway with appropriate signage. Because Thrift Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If

road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged along both sides of Thrift Road within the subject site.

- b. If a closed road cross-section is used, provide standard sidewalks along one side of all internal roads, unless modified by DPW&T.
 - c. Dedicate the land along Piscataway Creek to the M-NCPPC Department of Parks and Recreation. A final determination regarding trail construction will be made by the Department of Parks and Recreation.
5. Prior to **the approval of** building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) ~~76.64 ± acres of~~ **areas of** open space land (~~Parcels A, B, C, D~~) **not being conveyed to M-NCPPC per staff Exhibit "A"**. Land to be conveyed **to the HOA** 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 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. 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.
7. The applicant, his heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
 8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
 9. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
 10. Submission to the DPR of a performance bond, letter of credit or other suitable financial guarantee for the trail construction on dedicated parkland, in an amount to be determined by the DPR, at least two weeks prior to applying for building permits. In the event that construction of the trail is delayed because of construction permit, the performance bond may be replaced by escrow agreement and cashier's check to be held in an escrow account.
 11. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
 12. ~~Prior to approval of the final plat of subdivision and/or any disturbance the applicant shall submit a Phase I archeological investigation and, a Phase II and Phase III investigation, as determined appropriate by the Planning Department staff. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological*~~

Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. **The applicant shall provide at least 40-feet of public frontage on Public Street G for use as a trailhead for the master planned trail. Public Street G must be at least 60 feet wide to serve as a public entrance to the stream valley park.**

13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 24.79± acres of open space land (Parcel E). Land to be conveyed shall be subject the following:
- a. ~~The conveyance to the M-NCPPC of 26± acres of parkland as shown on the Department of Parks and Recreation (DPR) Exhibit A.~~
 - b. ~~Land to be conveyed subject to conditions 1 through 9 of M-NCPPC Exhibit B.~~
 - c. ~~The subdivider, his successors and/or assigns 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 the M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.~~
 - d. ~~The applicant shall construct a 10 foot wide asphalt hiker/biker trail along the Piscataway Creek as shown on attached Exhibit A.~~
 - e. ~~The applicant shall construct an 8 foot wide asphalt trail connectors from the subdivision to the stream valley trail as shown on attached DPR Exhibit A.~~
 - f. ~~Prior to submission of the Limited Detailed Site Plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master planned trails along the Cabin Branch and Back Branch Stream Valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.~~
 - g. ~~The location of the trail shall be staked in the field and approved by DPR prior to construction.~~
 - h. ~~The applicant, his successors, and/or assigns, shall construct the trails in phase with development, no building permits shall be issued for lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 90 percent of residential building permits, the 10 foot wide asphalt hiker/biker trail along the Piscataway Creek shall be completed. the eight foot wide feeder trails shall be constructed in phase with development. In the event the required permits for the trail construction are applied with~~

~~the 1st building permit but cannot be obtained in a timely manner, the deadline for the trail completion may be extended by mutual agreement of the applicant and DPR.~~

- ~~i. With the submission of the Limited Detailed Site Plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.~~
- ~~j. 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.~~
- ~~k. The handicapped accessibility of all trails shall be reviewed during the review of the LDSP.~~

The conveyance to the M-NCPPC of 38.3⁺ acres of parkland including a portion of the A-65 right-of-way as shown on the Department of Parks and Recreation (DPR) amended Exhibit “A.” Land to be conveyed to M-NCPPC shall be subject to the following conditions.

- 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. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, 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 the M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the 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, The M-NCPPC) shall be submitted to the 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 The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
14. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the proposed Brandywine Fire Station and acquisition of an ambulance. The fee shall be paid at the time of issuance of building permits. The fair share fee is \$480 per lot with the exception of the following lots: Lots 1-22, Block B; Lots 1-14 and 35-44, Block C; Lots 18-21 and 43-63, Block D, these lots shall pay a fee of \$440. per lot. The lot numbers identified in this condition should be revised to correspond to the lot numbers on the final plat, as determined by the Public Facilities Planning Section.
15. ~~The Limited Detailed Site Plan required in Condition 3 shall include but not be limited to grading, useable outdoor activity areas on individual lots, protection of sensitive environmental features and woodland conservation.~~ **The applicant shall construct a 10-foot wide asphalt hiker/biker trail along the Piscataway Creek (from the east to west side of the subject property) as shown on attached DPR Amended Exhibit "A."**
16. ~~Prior to signature approval of the Preliminary Plan and prior to submission of the Limited Detailed Site Plan, a wetland delineation shall be certified by the Maryland Department of the Environment. If the extent of wetlands and wetland buffers increases, lots may be deleted. The~~

applicant shall construct two 8-foot-wide asphalt trail connectors from the subdivision to the stream valley trail as shown on attached DPR Amended Exhibit "A."

17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and all wetlands and their buffers, excluding those areas where variation requests have been approved, and be reviewed by the

Environmental Planning Section prior to ~~certification~~ **approval**. 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 trees, limbs, branches, or trunks is allowed."

18. 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.

19. ~~The Limited Detailed Site Plan required in Condition 3~~ **The Type II Tree Conservation Plan** shall show the proposed preservation of existing vegetation and/or landscaping in the 40 foot-wide scenic easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. The combination of preserved trees and landscaping shall be sufficient to preserve the scenic character of Thrift Road.

20. Landscape buffers, a minimum of 40 feet-wide on both sides of Thrift Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

"Scenic easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."

21. ~~Prior to signature approval of the Preliminary Plan and prior to submission of the Limited Detailed Site Plan, the Forest Stand Delineation shall be revised to:~~

- a. ~~show areas of wetlands with a distinct pattern on the plan and in the legend~~
- b. ~~use the same topographic base as the Preliminary Plan and TCPI~~

- e. ~~revise the data sheets to indicate when the data was collected and by whom~~
- d. ~~add the erodibility coefficients to the soils chart~~
- e. ~~resolve the discrepancy in the total woodland acreage~~
- f. ~~have the revised text signed and dated by the qualified professional who prepared the text~~
- g. ~~have the revised plan signed and dated by the qualified professional who prepared the plan~~

At the time of final plat approval, the applicant shall dedicate 120 feet of right-of-way along the proposed A-65 facility, as shown on the submitted plan and as modified by the Parks exhibit.

22. 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/53/04), 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. **This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department”**

23. ~~Prior to signature approval of the Preliminary Plan and submission of a Limited Detailed Site Plan a copy of the Stormwater Management Concept Approval Letter shall be submitted. The final plat of subdivision shall note a denial of access to any lot with frontage along A-65.~~
24. ~~Prior to signature approval of the Preliminary Plan the applicant shall receive written consent from the Department of Park and Recreation to permit woodland conservation on land proposed to be dedicated or the TCPI shall be revised to remove all woodland conservation areas from land to be dedicated. Woodland on land already owned by the Department of Parks and Recreation cannot be used to meet any woodland conservation requirements, now or in the future. Prior to signature approval of the Preliminary Plan, either the applicant shall receive written consent from the Department of Park and Recreation to permit woodland conservation on land proposed to be dedicated and submit that approval with the TCPI for signature approval or the TCPI shall be revised to remove all woodland conservation areas from land~~

to be dedicated and that area shall be provided in the form of off-site woodland mitigation. Woodland on land already owned by the Department of Parks and Recreation cannot be used to meet any woodland conservation requirements, now or in the future.

25. Prior to signature approval of the Type I Tree Conservation Plan it shall be revised to:
- a. ~~provide patterning for all areas of severe slopes and all areas steep slopes containing highly erodible soils~~
 - b. ~~meet the woodland conservation threshold on site and provide for contiguous areas to meet the ordinance requirements~~
 - c. ~~amend the expanded stream buffers~~
 - d. ~~provide 40 foot wide landscape buffers adjacent to the 10 foot public utility easements parallel to the land to be dedicated for Thrift Road~~
 - e. ~~remove the soils boundaries~~
 - f. ~~show areas of wetlands and associated buffers with a distinct pattern on the plan and in the legend~~
 - g. ~~resolve the discrepancy in the total woodland acreage~~
 - h. ~~provide 40 foot wide cleared areas to the rear of all conceptual house locations~~
 - i. ~~revise the worksheet as needed~~
 - j. ~~have the revised plan signed and dated by the qualified professional who prepared the plan~~
- a. **ensure that each proposed structure has at least 40 feet of unencumbered rear yard area to provide room for construction of the homes**
 - b. **ensure that no planting areas will be placed on existing woodland**
 - c. **calculate all of the proposed right-of-way of A-65 as cleared**
 - d. **revise the worksheet as needed**
 - e. **have the revised plan signed and dated by the qualified professional who prepared**

the plan.

26. **Tippett Road at Thrift Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T:
 - a. Provision of a two-lane approach along westbound Thrift Road at Tippett Road.
 - b. Provision of an exclusive left-turn lane along northbound Thrift Road at Tippett Road.
 - c. Provision of an exclusive right-turn along southbound Tippett Road at Thrift Road.
27. At the time of final plat approval, the applicant shall dedicate right-of-way along Thrift Road of 40 feet from centerline.
28. **MD 223 at Tippett Road:** Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and DPW&T for a possible signal at the intersection of MD 223 and Windbrook Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any *building permits within the* subject property, and install it at a time when directed by the appropriate permitting agency. The requirement for this study shall be waived upon a future determination by SHA in writing that peak hour volumes are insufficient to meet minimum signal warrants. Such determination shall not be made more than three months prior to issuance of the initial building permit.
29. **MD 223 at Tippett Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA, and (c) have an agreed-upon timetable for construction with SHA:
 - a. Provision of a two-lane approach along westbound MD 223 at Tippett Road, with an exclusive through lane and an exclusive left-turn lane.
30. **MD 223 at Steed Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA, and (c) have an agreed-upon timetable for construction with SHA:

- a. Provision of a two-lane approach along southbound Steed Road at MD 223, with an exclusive right-turn lane and an exclusive left-turn lane.
31. The driveway to each lot fronting Thrift Road shall be directed onto interior primary or secondary streets, or shall be designed with a turnaround capability in order to minimize the need for vehicles accessing the lot to have to back onto Thrift Road. The design of the driveways to each lot with frontage along Thrift Road shall be verified at the time of building permit.
32. **All reforestation/afforestation areas on or adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the building permits for the subject lots or adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**
33. **The following conditions relate to the portion of the 120-foot-wide A-65 Right of Way to be dedicated to M-NCPPC.**
- a. **If funds are programmed for construction of the A-65 Right-of-way, then DPR shall convey the property to public use at no cost upon request by DPW&T. DPW&T shall prepare the documents necessary for the transfer of property.**
 - b. **The construction of A-65 shall accommodate an adequate crossing for the master-planned trail. The location of this crossing shall be determined at the time of conveyance of the property to public use.**
 - c. **In the case that the A-65 right-of-way is not constructed and is later deleted from the master plan of transportation, then the property may be used for active recreational purposes.**
 - d. **The final plat of subdivision shall clearly reflect, by bearing and distance and square footage, the area of the future right-of-way and it shall be labeled as such.**
 - e. **The applicant shall provide an appropriate monument at the point along the A-65 alignment where the land ownership changes from M-NCPPC to HOA.**