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

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

Preliminary Plan 4-04127

Application	**General Data**	
Project Name: **Ricker Woods, Lots 1-31 & Parcel A**	Date Accepted:	08/11/04
	Planning Board Action Limit:	11/18/04
	Plan Acreage:	22.24
Location: Southeast quadrant of the intersection of Indian Head Highway and Manning Road East.	Zone:	R-R
	Lots:	31
	Parcels:	1
Applicant/Address: Ricker Brothers P.O. Box 523 College Park, MD 20741	Planning Area:	84
	Tier:	Developing
	Council District:	09
	Municipality:	N/A
	200-Scale Base Map:	221SW01

Purpose of Application	**Notice Dates**	
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	09/13/04
	Sign(s) Posted on Site:	10/18/04

Staff Recommendation		**Staff Reviewer: Tom Lockard**	
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 4-04127
Lots 1–31 and Parcel B

OVERVIEW

The subject property is located on Tax Map 161, on Grid D-2, and is known as Parcel 165. The property is approximately 22.24 acres and is zoned R-R. The applicant is proposing to subdivide the property into 31 lots for the construction of single-family dwelling units and one parcel to be conveyed to a homeowners association (HOA) for stormwater management.

The applicant has proposed one parcel totaling 1.25 acres of land be conveyed to a homeowners association (HOA). This open space parcel will contain private recreational facilities, stormwater management, and noise attenuation walls. Section 27-445 of the Zoning Ordinance requires the review and approval of a limited detailed site plan (DSP) for a HOA recreational use as defined by Section 27-107.01(120). Staff would recommend that the order of approvals allow for the applicant to proceed to final plat of subdivision prior to approval of the limited DSP, as provided for in Section 27-270 of the Zoning Ordinance.

The property is located in the southeast quadrant of the intersection of Indian Head Highway and Manning Road East. The property will be subject to considerable noise intrusions from Indian Head Highway. The applicant has proposed to provide a 150-foot-wide woodland conservation easement on lots backing to Indian Head Highway as well as a noise barrier (which will require a 15-foot-wide HOA parcel) for the provision of noise mitigation measures. Staff recommends that a limited detailed site plan be approved for the common open space area along MD 210 to ensure usable rear yard areas outside the mitigated 65-dBA-noise limit. Section 24-121 of the Subdivision Regulations requires that residential lots abutting an existing or planned right-of-way of freeway or higher classification be platted with a lot depth of 300 feet. The applicant has proposed lots abutting the existing right-of-way of MD 210 with lot depths of at least 300 feet, with the exception of Lots 8 & 9, where an anomaly in the right-of-way for Indian Head Highway necessitates a variation.

SETTING

The property is located in the southeast quadrant of the intersection of Indian Head Highway (MD 210) and Manning Road East. Surrounding properties are undeveloped and wooded. The property to the southwest was the subject of Preliminary Plan of Subdivision 4-04033 (Manning Overlook), which was approved by the Planning Board for 48 lots on September 9, 2004.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	22.24	22.24
Lots	0	31
Parcels	1	1
Dwelling Units:		
Detached	0	31

2. **Environmental**—There is a stream but no wetlands or 100-year floodplain on the property, which is located in the Mattawoman Creek watershed in the Potomac River. According to the Prince George's County Soils Survey, the principal soils on this site are in the Beltsville and Chillum series. Marlboro clay does not occur in the area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. Indian Head Highway is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

Variation Request: Section 24-121(a)(5)

Section 24-121(a)(5) of the Subdivision Regulations requires the plat show a 300-foot lot depth adjacent to roadways of freeway or higher classification. Proposed Lots 8 and 9 do not meet this requirement. The regulation elaborates that adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing and/or the establishment of a building restriction line, when appropriate.

All of the lots flanking Lots 8 and 9 meet the 300-foot lot depth requirement; however, there is an unusual indentation created by the existing right-of-way for Indian Head Highway that alters the western property line in the vicinity of proposed Lots 8 and 9. The proposed woodland conservation areas shown on the Type I Tree Conservation Plan and the proposed sound wall can provide adequate protection and screening from traffic nuisances.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. 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 request would not be detrimental to public**

safety, health or welfare and does not injure 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;

Comment: The 300-foot lot depth requirement is necessary to buffer buildings on lots from traffic noise. In this instance, there is a triangular anomaly in the right-of-way for MD 210 that is probably the residue of a parcel through which the road was built. This area, although owned by the SHA, will never be used for road-widening purposes. Allowing the area to be considered as additional lot depth will not be detrimental or injurious to the public or other property owners.

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

Comment: Because the applicant is mitigating noise impacts from MD 210 through additional means beyond the 300-foot lot depth and 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 regulations is carried out.

Comment: The denial of this impact would result in a particular hardship in that it would result in the unnecessary loss of 2 of the proposed 31 lots. The anomaly to the right-of-way serves no purpose, yet its existence constricts the applicant's ability to develop his property.

The Environmental Planning Section supports the variation request for lot depth for proposed Lots 8 and 9.

Noise

Indian Head Highway is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn noise contour is 362 feet from the centerline of Indian Head Highway. A noise study was submitted with the application and a revised noise study was received on October 18, 2004.

The noise study text includes cross sections, analyses based upon projected future traffic, and illustrates the locations of the unmitigated 70 dBA Ldn ground level noise contour, the unmitigated 65 dBA Ldn ground level noise contour and the unmitigated 65 dBA Ldn upper level noise contour. The unmitigated 70 dBA Ldn ground level noise contour has been correctly shown on the Preliminary Plan and the Type I Tree Conservation Plan; however, the unmitigated 65 dBA Ldn ground level noise contour, illustrated at a distance of 305-350 feet from the centerline of Indian Head Highway, has been incorrectly labeled as the "65 dBA Ldn unmitigated upper level noise contour" on the plans. The unmitigated 65 dBA Ldn upper level noise contour is not shown on the Preliminary Plan or the Type I Tree Conservation Plan.

For residential uses, outdoor activity areas must have noise levels of 65 dBA Ldn or less to be in conformance with Maryland standards. The outdoor activity areas on the impacted lots are the areas with 40 feet of the rears of the affected houses. The interiors of all structures must have noise levels of 45 dBA Ldn or less to be in conformance with state standards. Based upon the noise study, proposed Lots 6-20 will have outdoor activity areas impacted by unmitigated noise levels exceeding 65 dBA Ldn and proposed Lots 6-21 will have unmitigated upper levels impacted by noise exceeding 65 dBA Ldn.

The study further examines potential noise impacts on the site with a hypothetical sound wall. The study concludes that the installation of a sound barrier along the rear lot lines of proposed Lots 5-21 can shift the ground level noise contour closer to Indian Head Highway; however, no illustration of the mitigated 65-dBA ground level noise contour has been provided. In addition, if a wall were to be constructed, it would have to be on land dedicated to the HOA, and not on individual lots to ensure the long-term maintenance of the noise barrier that would benefit the entire community. Both ground level and upper level interior noise impacts can easily be mitigated with the use of proper building materials that will ensure that the interiors of all affected structures will attain the state standard of 45 dBA Ldn.

Streams and Sensitive Environmental Features

This site contains natural features that must be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include the expanded stream buffer and any isolated sensitive environmental features. A wetland report was submitted with this application. The existing stream and minimum 50-foot stream buffers were shown on the Preliminary Plan and the Type I Tree Conservation Plan originally submitted for review; however, the steam and buffer are not shown on the revised plans. No impacts to any sensitive environmental features have been proposed.

Woodland Conservation

A Detailed Forest Stand Delineation (FSD) has been reviewed. The FSD plan clearly indicates the stream, all areas with severe slopes, all areas with steep slopes containing highly erodible soils, the boundaries of soils and all required tables of information. The FSD text describes two forest stands containing 21.93 acres. No specimen trees were found to occur on the site.

Forest stand 1 covers approximately 10.49 acres in the northern portion of the site. This stand is young pine/oak woodland with most trees 6-12 inches in diameter. This woodland is a low priority area for preservation because of the high proportion of Virginia pine and lack of sensitive environmental features.

Forest stand 2 covers approximately 11.44 in the southern portion of the site. This stand is maturing oak/pine woodland with most trees 12-20 inches in diameter. The only high priority area for preservation is in the vicinity of the stream and stream buffer.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan, TCPI/70/04, has been reviewed. The plan proposes clearing 16.57 acres of the existing 21.93 acres of woodland. The woodland conservation threshold for the property is 4.45 acres and the woodland conservation requirement is 8.59 acres. The plan proposes to meet the requirement by providing

5.36 acres of on-site preservation and 3.23 acres of off-site woodland conservation.

More woodland will remain on the site than the worksheet suggests because the worksheet has correctly calculated areas of woodlands on some lots as being entirely cleared. The plan permits future homeowners to clear some woodland if they desire but without any penalties. The preservation of a wide woodland area along Indian Head Highway will serve as a buffer. The design of the proposed woodland conservation areas provides for useable 40-foot rear yard areas and 20-foot side yard areas for all of the lots.

The plan contains some technical errors. As noted previously, the unmitigated ground level 65 dBA Ldn contour is incorrectly labeled and the stream and stream buffer are missing. TCPI Note 6 contains a number that is not that of the CSD plan. Additional clearing will be required for the installation of a noise barrier. The FSD indicates that Virginia pine is the dominant species in the portion of the site proposed for development. This species is relatively short-lived and is subject to windfall.

Off-site woodland clearing is not reflected on the plan or in the worksheet; however, these impacts will require revisions to a previously approved Type I Tree Conservation Plan. The sanitary sewer extension in the western portion will impact TCPI/34/03 for Manning Overlook. This sanitary sewer extension will create an impact that does not appear to be significant. When a Type II Tree Conservation Plan is approved, the clearing can be accounted for in the calculations.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville and Chillum series. Aura soils are highly erodible and pose problems only when on steep slopes. Beltsville soils are highly erodible, may have a perched water table and are in the C-hydric group. Chillum soils pose no special problems for development.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to maps obtained from the Department of Environmental Resources dated June 2003. The development will be served by public systems.

3. **Community Planning**—The subject property is located in Planning Area 84/Piscataway. The 2002 General Plan placed the site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 1993 Subregion V master plan recommends low-suburban residential land use at up to 2.6 dwelling units per acre. This proposal conforms to these recommendations.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations staff recommends that the applicant provide private on-site recreational facilities for the fulfillment of the mandatory dedication of parkland requirement. The applicant has proposed the conveyance of 4,400 square feet of active and passive recreational area to a homeowners association (HOA)to be located adjacent to the stormwater management pond. This location also backs up to open space contained on the adjoining Manning Overlook development. Section 27-445 of the Zoning Ordinance requires the review and approval of a detailed site plan (DSP) for a HOA recreational use as defined by

Section 27-107.01(120). Staff would recommend that the DSP be limited in the scope of the review and that the order of approvals allow for the applicant to proceed to final plat of subdivision prior to approval of the limited DSP, as provided for in Section 27-270 of the Zoning Ordinance.

At the time of review of the limited DSP a determination as to the extent of the recreational facilities required to conform to Section 24-134(a) of the Subdivision Regulations will be made, as well as assuring conformance to the *Parks and Recreation Facilities Guidelines*.

5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site. Staff recommends the provision of sidewalks along both sides of all internal roads. Staff also recommends the provision of a standard sidewalk along the subject site's entire frontage of Manning Road, unless modified by DPW&T. Manning Road will ultimately provide a pedestrian link to the planned Accokeek activity center north of the site. There are no existing sidewalks along Manning Road.

6. **Transportation**—The transportation staff determined that a traffic study from the applicant was not required due to the size of the proposed development. Staff did request traffic counts at two locations to determine adequacy. These were provided for the intersections of MD 210 and MD 228 and MD 228 and Manning Road. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals.*

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the 2002 General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance may be considered at signalized intersections subject to meeting the geographical criteria in the guidelines.

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 development of 31 single-family dwelling units. The proposed development would generate 23 AM (5 in, 18 out) and 28 PM (18 in, 10 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

70 percent—North along MD 210

10 percent—South along MD 210
10 percent—East along MD 228
10 percent—North along Manning Road East

Two intersections were analyzed to determine adequacy. They were:

MD 210/MD 228 (signalized)
MD 228/Manning Road East (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/MD 228	981	1,013	A	B
MD 228/Manning Road East	1,047	1,199	B	C

*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.

Background developments include 916 single-family units, 800 elderly housing units, 8,500 square feet of retail, 42,400 square feet of office, and two shopping centers of 45,000 square feet and 425,000 square feet. Background through traffic along MD 210 and MD 228 was increased by two and one half percent to account for overall growth up to the design year 2005. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/MD 228	1,327	1,285	D	C
MD 228/Manning Road East	1,304	1,700	D	F

*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.

Based on background traffic conditions, one of the signalized intersections will operate at LOS F, with a critical lane volume above 1,450. This is the intersection of MD 228 and Manning Road East. The other intersection operates within acceptable standards under background traffic conditions.

The site is proposed for development as a residential subdivision, with 31 single-family dwellings. These would be located approximately 1,000 feet south of MD 228 on the east side of MD 210. Manning Road East borders the east side of the proposed site.

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/MD 228	1,334	1,289	D	C
MD 228/Manning Road East	1,306	1,704	D	F

*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.

Based on total traffic conditions, with site traffic included, the intersection of MD 228 and Manning Road East would operate at LOS D during the AM peak hour and LOS F during the PM peak hour. With the improvements recommended below the intersection would operate at LOS C and LOS D during the AM and PM peak hours respectively. It would therefore fall within the acceptable standard for intersections within the Developing Tier, operating at a critical lane volume (CLV) of 1,450 or better.

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/MD 228	1,334	1,289	D	C
MD 228/Manning Road East	1,306	1,704	D	F
MD 228/Manning Road East**	1,205	1,442	C	D

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.

******This includes the following intersection improvements. They include eliminating the split phase operation, widening the north leg of Manning Road to four southbound approach lanes, and providing a right turn lane on the westbound leg of MD 228.

Staff notes that the intersection improvements recommended at MD 228/Manning Road East were also conditions of approval for Manning Overlook (Preliminary Plan 4-04033), a residential development of 56 single-family dwelling units located on the east side of MD 210 and near the intersection of Manning Road and Berry Road.

The Department of Public Works and Transportation (DPW&T) provided comments on the

proposed development. DPW&T recommended that the applicant:

1. Provide right-of-way dedication and roadway improvements for Manning Road East along the frontage of the property in accordance with the DPW&T standard for an urban primary residential road.

2. Reconstruct Manning Road East from MD 210 to the south end of the property.

3. Realign the intersection of Street A with Manning Road East; revision of the roadway layout and intersection layout is required.

4. Realign the centerline of Street A to properly align with the centerline of Manning Road Relocated.

DPW&T's comments are attached.

Site Plan Comments

All of the proposed residential lots would be accessed by proposed Street A at Manning Road East. Proposed Street A would be opposite Manning Road Relocated, creating a new four-way intersection. Streets A, B, and C within the development will have proposed right-of-way widths of 50 feet, which is acceptable. It appears from the site plan that the proposed residential lots will not directly access Manning Road East.

The applicant may be required to provide frontage improvements along Manning Road to improve safety. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance and make any necessary safety improvements.

Master Plan Comments

MD 210 or Indian Head Highway is listed in the 1993 Subregion V master plan as E-5, an expressway from MD 228 to the Charles County line. It is recommended as a four-lane roadway with a 250-foot right-of-way. No additional right-of-way dedication for MD 210 will be required by the applicant.

Manning Road East along the eastern frontage of the site is a collector transitioning to a primary roadway south of the entrance to the site. Dedication of 40 feet from the centerline is required north of Street A with a transition to 30 feet from the centerline to the south of Street A.

Transportation Staff Conclusions and Recommendations

Based on the preceding findings, the Transportation Planning Section concludes that 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 conditions.

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 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	31 sfd	31 sfd	31 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.44	1.86	3.72
Actual Enrollment	4433	4689	8654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	30	79.32	158.64
Total Enrollment	4,627.40	4,856.40	8,974.43
State Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.56%	94.96%	115.77%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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 an 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 school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 5.24 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 5.24 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service travel time of 11.94 minutes, which is beyond the 7.25-minute travel

time guideline.

The existing paramedic service located at Allentown Road Fire Station, Company 47, is beyond the recommended travel time guideline. The nearest fire station Accokeek, Company 24 is located at 16111 Livingston Road, which is 5.24 minutes from the development. This facility would be within the recommended travel time for paramedic service, if the operational decision were made to relocate these services to this station.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service. The above findings are in conformance with the standards and guidelines contained in the *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 IV-Oxon Hill. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

10. **Health Department**—The Health Department has no comments.

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, #27224-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan or any approved revisions thereto.

12. **Cemeteries**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This property is close to and may be a part of the J.L. Lederer and John Manning properties, documented to have been in this area pre-Civil War. Several prehistoric archeological sites are located in similar settings in the immediate vicinity of the project area.

    It is possible the site was actively farmed, and it is also possible that there were slave dwellings and slave burials on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

    Prior to approval of the final plat, the applicant should submit a Phase I archeological investigation to the DRD staff for review and concurrence and a Phase II and Phase III investigation, if determined appropriate. The final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources if necessary. 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.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to grading permit, a limited Detailed Site Plan to address traffic-generated noise and mitigation measures, as well as the proposed private recreational facilities, shall be approved by the Planning Board or designee.

2. Prior to signature approval of the Preliminary Plan and prior to submission of the limited Detailed Site Plan, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to provide a Homeowners Association parcel that is wide enough to permit legal access to construct and repair the noise barrier and not impact any other easements.

3. Prior to the approval of building permits for Lots 5-21, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

4. Prior to signature approval of the Preliminary Plan and prior to submission of the limited Detailed Site Plan, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to show the stream and minimum 50-foot stream buffer.

5. 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 be reviewed by the Environmental Planning Section prior to certification. 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."

6. 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/70/04), 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."

7. Development of the property shall be in conformance with the approved stormwater management concept plan CSD #27224-2004-00, or any approved revisions thereto. The number and date of this approval shall be noted on the plan.

8. Prior to signature approval of the Preliminary Plan and prior to submission of the limited Detailed Site Plan, the Type I Tree Conservation Plan shall be revised to:

   e. Provide additional clearing on Lots 8-20 and Parcel B to provide sufficient space for construction of a noise wall

   e. Show the stream and 50-foot stream buffer

   d. Correctly label the unmitigated ground level 65 dBA Ldn noise contour

e. Add the following note:

"The Type II TCP shall address the removal by hand of all Virginia pines (Pinus virginiana) greater than 6 inches in diameter within 25 feet of the final proposed limit of disturbance or the boundary of the property. "

e. Revise the worksheet as needed and have the revised plan signed and dated by the qualified professional who prepared the plan

9. Prior to the issuance of permits or at the time of DSP, whichever comes first, a Type II Tree Conservation Plan shall be approved.

10. Prior to 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.

11. The applicant, his heirs, successors and/or assignees shall submit three 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.

12. 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.

13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land for private recreation facilities, stormwater management, and the proposed noise barrier as delineated on the preliminary plan of subdivision. Land to be conveyed shall be subject the following:

a. Conveyance shall take place prior to the issuance of building permits.

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

c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain 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. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by 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.

14. The applicant shall provide standard sidewalks along both sides of all internal roads, as reflected on the preliminary plan, unless modified by DPW&T at the time of street construction permits.

15. The applicant shall provide a standard sidewalk along the subject property's entire frontage of Manning Road, unless modified by DPW&T at the time of street construction permits.

16. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:

a. Widen the southbound approach of Manning Road East at MD 228 from the existing one left/through lane and one right turn lane to two left turn lanes, one through lane, and one right turn lane.

b. Widen the westbound approach of MD 228 to provide an exclusive right turn lane.

c. These improvements shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA, including removal of the split phase traffic signal operation at MD 228 and Manning Road East.

d. Dedication of 40 feet from the centerline of Manning Road East is required north of Street A and dedication of 30 feet from the centerline of Manning Road East is required south of Street A.

e. Reconstruct Manning Road East from MD 210 to the south end of the property.

f. Revise the roadway and intersection layout of Street A at Manning Road East per DPW&T standards.

g. Realign the centerline of Street A to properly match the centerline of proposed Manning Road Relocated opposite Street A, in accordance with DPW&T standards.

h. Provide any other necessary roadway improvements along Manning Road East required by DPW&T to ensure traffic safety, including signage and pavement markings.

17. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and

a Phase II and Phase III investigation, as determined appropriate by DRD 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 **.**

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/70/04 AND A VARIATION TO SECTION 24-121(a)(5) OF THE SUBDIVISION REGULATIONS.