



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

Preliminary Plan 4-06017

Application	General Data
Project Name: YAMAN'S ESTATES Location: On the south side of Bryan Point Road, approximately 1,000 feet east of its intersection with Farmington Road. Applicant/Address: Lina Talab 16916 Queen Anne Bridge Road Bowie, Maryland 20716	Date Accepted: 08/15/06
	Planning Board Action Limit: 11/9/06
	Plan Acreage: 1.99
	Zone: R-R
	Lots: 3
	Parcels: 0
	Planning Area: 83
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 220SW01

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 05/15/06
	Sign(s) Posted on Site and Notice of Hearing Mailed: 10/10/06
Staff Recommendation	
Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS
	X
DISAPPROVAL	DISCUSSION

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06017
Yaman's Estates, Lots 1-3

OVERVIEW

The subject property is located on Tax Map 151, Grid D-4 and is known as Parcel 40. The property is zoned R-R and consists of approximately 1.99 acres. This parcel has been the subject of a prior preliminary plan of subdivision application. Preliminary Plan 4-04148, also proposed the development of three single-family detached dwellings; however, this prior application was withdrawn by the applicant prior to the Planning Board hearing, because they were unable to obtain the required water and sewer category needed within the application's mandatory review period.

The applicant is proposing to subdivide the property into three lots for the development of detached single-family dwellings in accordance with the conventional standards of the R-R Zone. The lots proposed range in size from 20,000 square feet to 29,601 square feet. All three of the lots proposed meet or exceed the 20,000 square foot minimum net lot area that is required in the R-R Zone.

The property boundary consists of a triangularly shaped parcel that has direct street frontage on both Bryan Point Road and Dyer Drive. Dyer Drive is a paper street (dedicated to public use but not constructed) within the Dyer Manor Subdivision. The record plat for Dyer Manor (WWW 16 @ 18) was recorded in January of 1949 and consists of 22-lots. The internal roads that would primarily serve Dyer Manor are Dyer Drive and Dyer Road. The two roads connect together to form a horseshoe configuration with each one having their own access point and connection to Livingston Road. Although Dyer Manor has been recorded for over 57-years, the subdivision has never been constructed, and therefore, access to Dyer Drive is not an option due to this being a paper street that is outside the applicant's ability and property boundaries to construct. Aerial photos taken in the year 2000 indicate a single-family dwelling, and various accessory structures currently existing within the limits of both Dyer Drive and Dyer Road.

Bryan Point Road is a designated scenic road. When the Beddow School (VJ 184 @ 99), located directly across Bryan Point Road from the subject property, applied for a preliminary plan (4-96092, PGCPB No. 97-1) and detailed site plan (SP-97019, PGCPB No. 98-173) application for the construction of a private school, citizen concerns surfaced regarding the preservation of this portion of Bryan Point Road. In response to various homeowners associations, as well as the National Park Service's concerns regarding the preservation of this road, the District Council adopted CR-113-1992, on November 24, 1992. That resolution designated Bryan Point Road as a scenic road from its terminus at the National Colonial Farm to the easterly limit of the Piscataway National Park property, pursuant to Subtitle 23 of the County Code. The preservation of Bryan Point Road's scenic character was successfully achieved, and the development of the Beddow School was accommodated.

The preservation of scenic Bryan Point Road and the implementation of the scenic road guidelines have been carefully considered during the review of this preliminary plan application. Even if access to Dyer Drive were a viable option for the proposed three lots within this subdivision, staff would discourage this approach, as the rear of the three dwellings would then be oriented towards scenic Bryan Point Road, as well as any future improvements such as decks, swimming pools, and fences. The preliminary plan as currently designed does demonstrate compliance with the scenic guidelines. The property has approximately 800-feet of street frontage along scenic Bryan Point Road. Approximately 92 percent of the property's street frontage along Bryan Point Road will be encumbered by a 40-foot-wide landscaped buffer/tree save area. The 40-foot wide scenic easement will help to ensure the preservation of the scenic road character and the arching leaf tunnel formed by mature trees on either side of Bryan Point Road. Two of the three driveways proposed along Bryan Point Road will be shared. The shared driveway design will help prevent further breaks within the scenic easements and will reduce the number of access points onto Bryan Point Road. The scenic easements will be carried forward and delineated on the final plat of subdivision, should this preliminary plan application obtain approval from the Planning Board.

SETTING

The property is located on the south side of Bryan Point Road, approximately 1,000 feet east of its intersection with Farmington Road. To the south and to the west is the Dyer Manor Subdivision (WWW 16 @ 18), which has not been constructed. However, scattered detached single-family dwellings currently exist in this area within the R-R Zone. To the north is the Ward Park Subdivision (WWW 28 @ 2), which consists of 11 lots for detached single-family dwellings in the R-R Zone. To the east is tax parcel consisting of 1.70 acres in the R-R Zone and improved with a single-family dwelling, and located directly across Bryan Point Road from the subject property is the Beddow Private School (VJ 184@99) within the R-E Zone and developed pursuant to Detailed Site Plan, SP-97019.

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	Single-Family Dwellings
Acreage	1.99	1.99
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Yaman's Estates, 4-06017, and the revised Type I Tree Conservation Plan, TCPI/79/04, stamped as received by the Environmental Planning Section on September 22, 2006. The Environmental Planning Section recommends approval of 4-06017 and TCPI/79/04 subject to conditions.

The Environmental Planning Section previously reviewed Preliminary Plan 4-04148 and TCPI/79/04 for the subject property. Those applications were withdrawn before being heard by the Planning Board. The proposal is for three lots in the R-R Zone.

The entire site is forested. There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. There are no areas of steep slopes with highly erodible soils or severe slopes associated with the property. According to the Green Infrastructure Plan, none of the property contains any regulated areas, evaluation areas or network Gaps. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Mattapex series. Marlboro clay is not found to occur in the vicinity of this property. 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. Bryan's Point Road is a designated scenic road. The site is in the Developing Tier according to the 2002 General Plan.

A signed natural resources inventory, NRI/035/05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. A forest stand delineation (FSD) based upon four sample points indicates two forest stands with a total of 1.99 acres and two specimen trees. There are no priority woodlands, as defined by the "Prince George's County Woodland Conservation and Tree Preservation Policy Document" located on the property. According to the Green Infrastructure Plan, the property is not located within the green infrastructure network. No further action regarding sensitive environmental features is required.

The Subregion V Master Plan designated Bryan Point Road adjacent to this property as a scenic road in 1993. The master plan's scenic road designation for this part of Bryan Point Road was a slight expansion of an earlier designation for the western parts of Bryan Point Road granted by the County Council in 1992 via CR-113-1992. The eastward expansion encompassing the frontage of the subject property was made to preserve the arching leaf tunnel formed by mature trees on either side of the existing road.

Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park just to the west. These woods also help to retain some of the character of Accokeek's rural areas at this eastern end of Bryan Point Road where some smaller lot subdivision development has occurred. Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the archway and entryway image. This approach was used for development of the private school located across Bryan Point Road from the subject property, where preservation of road character was successfully achieved and development was accommodated. The subdivision design, access and house location should be carefully evaluated to ensure preservation of the scenic road character.

The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements. A site features inventory was not submitted with this application. This portion of roadway was previously reviewed by staff of the Department of Public Works and Transportation and M-NCPPC as part of 4-96092, the property on the north side of Bryan Point Road directly opposite the subject property. The determination was made that a 40-foot-wide scenic easement was appropriate to retain the historic quality of Bryan Point Road and screen the new development from the roadway. The 40-foot-wide woodland conservation area is reflected on TCPI/51/96 and

TCPII/42/98. At a minimum, the plan should provide 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement and parallel to the land to be dedicated, for Bryan Point Road to retain views along the historic road.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/79/04, has been reviewed. The plan proposes clearing 1.26 acres of the existing 1.99 acres of woodland. The woodland conservation threshold is 0.40 acre and the woodland conservation requirement has been correctly calculated as 0.71 acre based on the clearing currently proposed. The plan proposes to meet the requirement by providing on-site woodland conservation of 0.73 acres.

All of the woodland conservation is situated to ensure preservation of the scenic road character of Bryan Point Road.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Mattapex series. Beltsville soils are in hydrologic soils group C and have a K factor of 0.43, indicating a potential for impeded drainage and high erodibility on steep slopes. Mattapex soils are in hydrologic soils group C, are highly erodible, have impeded drainage and have perched water tables. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004, during the permit process review.

The Prince George's County Department of Environmental Resources approved Stormwater Management Concept, CSD #23544-2004-00, on July 19, 2004. The plan shows the use of individual drywells for each proposed structure. No further action regarding stormwater management is required for this preliminary plan of subdivision review.

The Environmental Planning Section recommends approval of 4-06017 and TCPI/79/04 subject to conditions.

Water and Sewer Categories

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

3. **Community Planning**—The subject property is located in Planning Area 83 within the Accokeek Community. The property is within the limits of the 1993 Subregion V Master Plan. The master plan recommendation is for Low-Suburban residential land use at up to 2.6 dwelling units per acre. This application conforms to the Low-Suburban residential land use recommendation within the 1993 Subregion V Master Plan.

The 2002 General Plan locates the subject property 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. This application proposes a low- to moderate-density suburban residential

community and is therefore consistent with the 2002 *General Plan* Development Pattern policies for the Developing Tier.

This application is located along a designated scenic road. Subdivision design, access and house placement should conform to the Scenic and Historic Road Guidelines to ensure preservation of the scenic road characteristics along Bryan Point Road. A detailed site plan should be required to evaluate conformance to these guidelines.

Planning Issues

The scenic road designation for Bryan Point Road was granted by the County Council in 1992 via CR-113-1992. This resolution directed that scenic road guidelines, prepared by the Department of Public Works and Transportation (DPW&T), be used to preserve specific roadway characteristics. The eastward expansion of the master plan's scenic road designation, encompassing the frontage of the subject property, responded to citizen testimony about this particular section of Bryan Point Road and the identification of an arching leaf tunnel formed by mature trees on either side of the existing road. Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park. Preservation of existing trees and rural road characteristics along the Bryan Point Road frontage of the subject property is vital to maintaining this archway and entryway image. The strategy to preserve this wooded roadway segment also helps to retain the character of Accokeek's rural areas at the eastern end of Bryan Point Road, where some smaller lot subdivision development has occurred. An example of successful implementation of the scenic road guidelines is across Bryan Point Road from the subject property where the preservation of the road's scenic character was achieved as development of a private school was accommodated.

Two of the proposed three lots potentially have double-frontages, with access to both Bryan Point Road and Dyer Drive, an unconstructed paper street. The intent of the scenic road guidelines is not necessarily to preclude access onto designated scenic roads but to preserve the scenic characteristics of such roads when development occurs. Homes that use Bryan Point Road for their access should be set back as far as possible from the roadway and the design of access drives should follow the DPW&T scenic road guidelines. These guidelines provide a practical strategy for preserving the scenic character of Bryan Point Road, as the land bordering this road is developed over time. To evaluate whether the proposed development of the three houses in this subdivision conforms to the Scenic and Historic Road Guidelines, approval of a detailed site plan should be required prior to the issuance of permits.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan or the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan that impact the subject site. Roads in the vicinity of the subject site (including Bryan Point Road) are open section with no sidewalks. There are no master plan trail recommendations.
6. **Transportation**—The following are the Transportation Planning Section's comments concerning the site access, geometric design and traffic impact of the subject application. These comments are final.

The subject application involves three proposed lots that would have a minimal impact on adjacent roadways. All three lots have direct driveway access to Bryan Point Road. This is acceptable. The site is not within or adjacent to any master plan transportation facilities.

The application is a preliminary plan of subdivision for a residential development consisting of three single-family lots to be created within an existing parcel. The proposed development of three residences would generate 2 AM and 3 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Therefore, a traffic study was not required.

The site is 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.

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 traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 and MD 373/Livingston Road. This intersection is signalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

Recent counts at the critical intersection of MD 210 and MD 373/Livingston Road indicate that the intersection operates unacceptably as a signalized intersection when approved development is considered. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 3 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 210 and MD 373/Livingston Road intersection.

TRANSPORTATION STAFF CONCLUSIONS

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. No transportation-related conditions are warranted at this time.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	3,946	5,489	9,164
Completion Enrollment	121	64	127
Cumulative Enrollment	15.84	106.80	213.60
Total Enrollment	4,083.56	5,659.98	9,504.96
State Rated Capacity	4,033	6,114	7,792
Percent Capacity	101.25%	92.57%	121.98%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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 & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Accokeek, Company 24, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The subject property is located in Police District IV. The response standard for emergency calls is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on August 15, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-07/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on July 5, 2006.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Yaman's Estates and has no comments to offer.
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, #23544-2004-00 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.
12. **Historic**—The subject property is located on the south side of Bryan Point Road approximately 1,000 feet east of its intersection with Farmington Road.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites was conducted.

There are ten currently known archeological sites identified within a one-mile radius of the property, all prehistoric. One National Register property (Bellevue, an 1840 plantation house), one historic site (Christ Church, originally established in 1748), and numerous prehistoric archeological sites are located within a two-mile radius of the subject property.

The residence of John Clagett is shown on the 1861 Martenet map as very close to the location of the subject property. The Clagett Family Cemetery is located about 280 feet southwest of the subject property. The Clagett family home was supposedly located about 100 feet northwest of the cemetery. John H. Clagett owned about 22 slaves in 1860. Examination of aerial photographs dating from 1938 to 2005 show that this property remained undeveloped throughout most of the 20th century.

Piscataway Creek is located about 1 ½ miles north of the subject property, with many of its tributaries originating very close by. There are numerous large prehistoric sites along the Potomac River, Piscataway Creek, and their tributaries. Therefore, the subject property also has a high to moderate probability of containing significant prehistoric archeological sites.

Conclusions

In accordance with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Recommendations

Prior to signature approval of this preliminary plan of subdivision, Phase I (Identification) archeological investigations are recommended on the above-referenced property because the subject property has a moderate to high probability of containing significant prehistoric and historic archeological sites.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations should be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archaeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The design of a Phase I archaeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant should provide a plan for:

- a. Evaluating the resource at the Phase II level, or
- b. Avoiding and preserving the resource in place.

13. **Accokeek Development Review District (ADRDC)**—This application was referred to the Accokeek Development Review District Commission for review and comment on August 25, 2006. Although staff has had telephone and e-mail interactions with a member of the ADRDC, no formal comments have been submitted by the Commission for this application.

Staff was also contacted by the United States Department of the Interior (National Park Service) who operate Piscataway National Park, and have a public-private partnership with the Alice Ferguson Foundation and the Accokeek Foundation. The park contains over 1,500 acres of federally owned shoreline, including the lands of the Accokeek Foundation's National Colonial Farm, and federal scenic easements protecting over 2,700 acres of privately owned woodlands. Further input was also received from the President of the Moyaone Reserve Homeowners Association.

The primary concern that all parties shared was the preservation of scenic Bryan Point Road, which serves as the primary gateway into Piscataway Park and the Moyaone Reserve. Those concerns included keeping Bryan Point Road within its current 22-foot wide, no-shoulder configuration, restricting access points to Bryan Point Road, and the preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road. As a result of these concerns, and upon the recommendation from the Community Planning Division, staff has included a condition that requires the approval of a detailed site plan by the Planning Board. The language within this condition regarding what specifically shall be included within the detailed site plan review is consistent with the detailed site plan condition established for Preliminary Plan 4-96092, for the Beddow School located across Bryan Point Road from the subject property.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Delineate a 20-foot, rear yard setback within the southeast corner (triangle portion) of Lot 1. The rear setback/building restriction line should run parallel with Bryan Point Road.
 - b. Revise general notes no. 7 and 8 to reflect water category W-4 and sewer category S-4.
 - c. Revise general note no.15 to clearly indicate that the mandatory dedication of parkland requirement will be addressed by a fee-in-lieu.
 - d. Revise general note no.25 to further add that Bryan Point Road is a designated scenic road pursuant to CR-113-1992.

2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.
4. The 40-foot landscape buffer along Bryan Point Road shall be shown on the final plats as a scenic easement 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.”
5. 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/79/04), 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.”
6. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include, but not be limited to:
 - a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.
 - b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the “Design Guidelines and Standards for Scenic and Historic Roads”.
 - c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.
 - d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.
8. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of the detailed site plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall 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 TYPE I TREE CONSERVATION PLAN TCPI/79/04