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Preliminary Plan 4-06054

Application	General Data
Project Name: TOWNSEND SUBDIVISION, ANDREW'S ADDITION TO Location: The terminus of proposed Alexa Road, approximately 200-feet north of its intersection with proposed Evelyn Lane. Applicant/Address: Two Four Investments, LLC. 4303 Northview Drive Bowie, Maryland 20715	Date Accepted: 07/12/06
	Planning Board Action Limit: 10/21/06
	Plan Acreage: 5.80
	Zone: R-R
	Lots: 8
	Parcel: 1
	Planning Area: 81A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 211SE07

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 04/18/06
	Sign(s) Posted on Site and Notice of Hearing Mailed: 09/19/06
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 4-06054
Andrews Addition to Townsend Subdivision
Lots 1-3, Block A, Lots 1-5, Block B, and Parcel A

OVERVIEW

The subject property is located on Tax Map 117, Grid B-2, and is known as Parcel 48. The property consists of approximately 5.80 acres and is zoned R-R. This acreage parcel has never been the subject of a preliminary plan of subdivision application. This application proposes the development of eight lots and one-parcel for detached single-family dwellings in accordance with the conventional standards of the R-R Zone. Parcel A is proposed to be conveyed to a homeowners association (HOA) and will contain the property's only sensitive environmental feature that consists of a small portion of nontidal wetlands, and a 25-foot wetlands buffer. Parcel A will also contain a stormdrain outfall and plunge pool designed to reduce the velocity of the stormwater to less than 3.0 cubic feet per second. The proposed lots range in size from 20,186 square feet to 28,197 square feet. All of the proposed lots meet or exceed the 20,000 square foot minimum net lot area required in the R-R Zone.

Originally this application, as submitted, proposed 12-lots and 1-parcel utilizing the lot size averaging provisions provided for in Section 24-121(a)(12) of the Subdivision Regulations. However, CB-4-2006 (DR-3), approved by the District Council on July 31, 2006, and CB-6-2006 (DR-4), approved by the District Council on August 10, 2006, amended the Zoning Ordinance to only allow lot size averaging for preliminary plans of subdivision accepted prior to July 1, 2006. This preliminary plan application was accepted by the Planning Department on July 12, 2006, and therefore could not utilize the lot size averaging provisions. The applicant was informed of the revisions to the County Code at the Subdivision Review Committee meeting on July 28, 2006. Subsequently, revised plans were submitted that removed the lot size averaging information from the plan and proposed development in accordance with the conventional standards of the R-R Zone. The conversion from lot size averaging to conventional standards resulted in a loss of two of the proposed lots.

An additional two lots were removed by the applicant voluntarily because the land area associated with them was a part of an adjacent, prior approved subdivision to the south (Proctor's Addition to Townsend REP 214 @ 15). Therefore, a revision would be required to the Type-I Tree Conservation Plan that was previously approved for that development to further subdivide that portion of property. The applicant may pursue the additional subdivision within Proctor's Addition to Townsend under a separate preliminary plan application.

Access to the proposed subdivision will be provided through an approved but undeveloped residential subdivision located directly south of the subject property. Preliminary Plan 4-03116 was approved with conditions by the Planning Board, (PGCPB No. 04-25), on February 5, 2004, for 18-lots, 1-parcel, and 1-outparcel in the R-R Zone. The final plat was recorded in land records on July 26, 2006, as REP 214 @ 15.

Evelyn Lane was a stub road that existed in both the Townsend Subdivision, and the adjacent Killiecrankie Subdivision, but did not connect. Both sides of existing Evelyn Lane were stubbed-up to adjacent Parcel 49 to facilitate a possible extension to this landlocked acreage parcel. The adjacent approved Preliminary Plan 4-03116 proposed the extension of Evelyn Lane from the east, and through the property, to connect to Evelyn Lane to the west. This connection of Evelyn Lane will provide the adjacent approved subdivision, as well as this current preliminary plan application with vehicular access from both Dangerfield Road and Woodyard Road.

The preliminary plan submitted for this application proposes to stub Alexa Lane on the north side of the property abutting adjacent Parcel 2. Parcel 2 is one of several landlocked acreage parcels to the north, which have no other means of vehicular access at this time. Therefore, stubbing the road up to the adjacent landlocked parcel will help facilitate any future development and will greatly benefit the adjoining property owner. Alexa Lane was intentionally left as a stub road on the approved subdivision just south of the subject property. That stub road has provided this current preliminary plan application with direct access to a public street, which it did not benefit from before, and has allowed the property owner to move forward with the development of the property.

SETTING

The property is located at the terminus of proposed Alexa Road, approximately 200 feet north of its intersection with proposed Evelyn Lane. To the south is an approved but currently undeveloped subdivision (REP 214 @ 15), which upon full buildout will consist of 18-lots, 1-parcel, and 1-outparcel in the R-R Zone for detached single-family dwellings. To the north are undeveloped acreage parcels in the R-R Zone. To the east is the Killiecrankie Subdivision, which consists of 82 lots for detached single-family dwellings in the R-R Zone, and 1-parkland parcel currently owned by M-NCPPC. To the west is the Townsend Subdivision, (WWW 60 @ 97), (CEC 99 @ 65), with the closest section consisting of approximately 22-lots for detached single-family dwellings within the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Detached Single-Family Dwellings
Acreage	5.80	5.80
Lots	0	8
Outlots	0	0
Parcels	1	1
Dwelling Units:		
Detached	0	8
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Andrew's Addition to Townsend Subdivision, 4-06054, stamped as received by the Environmental Planning Section on August 18, 2006, and the revised Type I Tree Conservation Plan, TCPI/33/06, stamped as received by the Environmental Planning Section on September 13, 2006. The Environmental Planning Section recommends approval of 4-06054 and TCPI/33/06 subject to the conditions.

The Environmental Planning Section has no records of any previous applications for this property. This application is for eight lots and one parcel in the R-R Zone.

The 5.80-acre property in the R-R Zone is located east of Dangerfield Road at the end of Evelyn Lane. The site drains into the Piscataway Creek in the Potomac Watershed. There is no 100-year floodplain on the property. The Countywide Green Infrastructure Plan indicates that no portion of the property is a regulated area, evaluation area or network gap. Current aerial photos indicate that most of the site is forested. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise is significant. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. 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 site is in the Developing Tier according to the General Plan.

A signed natural resources inventory, NRI/15/06, was submitted with the application. There are no streams or 100-year floodplain on the property. There is a wetland and associated buffer in the extreme northeastern corner of the property. The wetlands and wetland buffer are correctly shown on the Preliminary Plan and TCPI. The Forest Stand Delineation indicates two forest stands totaling 5.80 acres and notes the species, size and condition of seven specimen trees.

Forest stand A covers approximately 4.91 acres of the western portion of the site. This woodland is composed of maturing mixed hardwoods, including scarlet oak, white oak, chestnut oak and southern red oak, with an average of 12 inches diameter at breast height. The understory includes American holly, flowering dogwood, highbush blueberry, deerberry and mountain laurel. There are no invasive plant species.

Forest stand B covers approximately 0.89 acres in the eastern portion of the site and is associated with a drainage swale. This woodland is composed of mature tulip poplar with an average of 21 inches diameter at breast height. The understory includes mockernut hickory, running strawberry bush, serviceberry and greenbrier. There is some Japanese honeysuckle.

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 has more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/33/06, has been reviewed and was found to require revisions. The plan proposes clearing 4.23 acres of the existing 5.80 acres of woodland. The woodland conservation threshold is 1.16 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 2.22 acres. The plan proposes to meet the requirement by providing 0.68 acres of on-site preservation and a fee-in-lieu for 1.54 acres. An additional 0.89 acres of woodland will be retained on-site but not as part of any requirement.

The Countywide Green Infrastructure Plan indicates that no portion of the property is within the designated network. It appears that buffer yards are not required by the *Landscape Manual*. Unless there are woodlands rating a high priority for preservation, the encumbrance of lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance or the Countywide Green Infrastructure Plan. The woodland areas remaining after clearing for development are fragments that are contrary to the preservation policies established in the Ordinance and those of the Countywide Green Infrastructure Plan. Because the woodlands

are of a good quality with few invasive species, woodlands may be retained on lots and do not need to be calculated as cleared. The only priority woodlands on-site are associated with the wetland and wetland buffer in the northeastern corner of the property. Because of these factors, the use of minimal on-site preservation and a fee-in-lieu to accommodate the remaining requirement is appropriate and meets the intent of the Woodland Conservation Ordinance.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is between 70 and 75 dBA (Ldn). This noise level is above the State Acceptable Noise Level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn).

According to the "Prince George's County Soils Survey," the predominant soil types on-site are Aura, Beltsville, Galestown, Mattawan, Mattapex and Sassafras series. There are no steep or severe slopes on the site.

The Prince George's County Department of Environmental Resources has approved Stormwater Management Concept, CSD 33281-2003-02. Because of the limited development, it appears that no on-site pond is required. Drywells will be used to provide for water quality from the rooftops of each proposed structure. The approval gives credit for retention of the existing forested wetlands.

The Environmental Planning Section recommends approval of 4-06054 and TCPI/33/06 subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 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 81A within the Clinton community and is within the limits of the 1993 Approved Master Plan for Subregion V. This master plan land use recommendation is for low-suburban residential land use up to 2.6 dwelling units per acre. Because of the existing zoning category of the property, and the proposed land use, this application conforms to the low-suburban residential land use recommendation within the Subregion V Master Plan.

The 2002 General Plan locates this 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-density suburban residential community and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The subject property is affected by air traffic from Andrews Air Force Base (AAFB), particularly with respect to noise and is in the area encompassed by AICUZ studies. Acoustical construction techniques for reduction of interior noise levels and buyer notification of location within the AAFB airport environment on subdivision plats and deeds of sale should be considered.

The Plan text references Andrews Air Force Base as a major source of nonpoint noise. It notes that the AICUZ study identifies Accident Potential Zones and noise Compatible Use Districts (CUD) and recommends suitable land uses (p.135). The perceptual analysis identifies noise intrusion as a perceptual liability having negative qualities that call for corrective action (p.137). Environmental Guidelines (p.140) state: “12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the state’s current maximum allowable levels for receiving land uses.”

This site is located under the flight path for aircraft at Andrews Air Force Base, approximately two and one-half miles from the south end of the runway, within an area encompassed by Air Installation Compatible Use Zone (AICUZ) studies. The 1989 AICUZ study referenced in the master plan text (pp. 70, 75) has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is from 1998 and identifies the subject property as in Accident Potential Zone Two (APZ II) and at the boundary of the 65-70 and 70-75 Ldn noise contours.

Master plan recommendations pertaining to residential development in airport environments which may apply to review of this application, include:

“Regulations should be adopted to require that subdivision plats and deeds of sale for any residential property located in areas around airports include language informing any buyer about areas identified as having increased accident potential or areas that exceed noise level of 65 Ldn due to aircraft operations.” (Living Areas Recommendations, p. 51)

“New homes in areas around airports that are subject to higher than desirable noise levels for residential areas (generally over 65Ldn) should be developed at as low a density as is practical; should be planned utilizing cluster development techniques to move homes away from noise impact areas; and units should be acoustically buffered to reduce interior noise to acceptable standards.”(Living Areas Recommendations, p. 52)

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, which impact the subject property.
6. **Transportation**—The subject property consists of approximately 5.80 acres of land in the R-R Zone and is located north of Evelyn Lane. The applicant proposes a residential subdivision consisting of eight lots.

Due to the size of the subdivision, the Transportation Planning Section did not require a traffic study. A new traffic count was requested at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road, which was deemed to be the critical intersection for the subject property. The applicant supplied traffic data at nearby intersections, but not at the determined critical intersection. Given the small size of the proposal, the Transportation Planning Section reviewed recent data and was able to locate counts at the critical intersection dated April 2005. While the counts were slightly more than one year old at the time of acceptance of the application, they were deemed to be usable as a means of analyzing a proposal of this size. Therefore, the findings

and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 in the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

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.

Staff Analysis of Traffic Impacts

The intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Recent traffic counts done in April 2005 indicate that the critical intersection operates at Level of Service (LOS) F, with a critical lane volume (CLV) of 1,762, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,371.

As previously noted, there are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are 13 approved but unconstructed developments that would affect the intersection that have been reviewed and counted. These background developments encompass 563,000 square feet of warehouse or commercial space and 370 residences. A three percent annual rate of through traffic growth along MD 223 has been assumed. With background growth added, the critical intersection would operate as follows:

AM peak hour—LOS F, with a CLV of 2,152
PM peak hour—LOS F, with a CLV of 1,715.

With the development of 8 single family detached residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak hour vehicle trips. The site was analyzed with the following trip distribution:

20 percent—East along MD 223
25 percent—West along MD 223

30 percent—South along Old Alexander Ferry Road
20 percent—North along Dangerfield Road
5 percent—North along Commo Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 2,155; PM peak hour—LOS F with a CLV of 1,717. Therefore, the critical intersection operates unacceptably under total traffic conditions.

The following improvements, similar to those proposed by a previous application in the area, would provide transportation adequacy. They include the following at the MD 223/Old Alexandria Ferry Road/Dangerfield Road intersection:

- a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
- b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
- c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach

Based on the review of transportation adequacy issues in the area, the Transportation Planning Section notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the improvements listed above. With the improvements, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,182; PM peak hour—LOS D with a CLV of 1,445. Prior applications, Bellefonte (4-03118) and Willow Ridge Estates (4-05027) have similar conditions at this location. The site is not within or adjacent to any master plan transportation facilities.

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 with conditions.

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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	397.92	106.80	213.60
Total Enrollment	4,642.80	5,660.52	9,506.04
State-Rated Capacity	3,771	6,114	7,792
Percent Capacity	123.12	92.58	122.00

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

These figures are correct on the day the referral memo 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 a 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 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 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 seven-minute response time for the first due fire station Clinton, Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire 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 V. The response standard is 10 minutes for emergency calls 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 July 12, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	11.00	20.00
Cycle 1	01/05/05-07/05/06	11.00	20.00
Cycle 2	01/05/05-08/05/06	11.00	20.00
Cycle 3			

The applicant may enter into a mitigation plan with the County and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the County.

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 Andrew's Addition to Townsend Subdivision 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. Stormwater Management Concept Plan 33281-2003-02 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.

All lots will have infiltration drywells or comply with the roof drain disconnect requirements. The proposed infiltration system will be designed to handle one-inch of stormwater runoff from the proposed roadway. The applicant is required to perform stream channel enhancements, and stream bank stabilization on the existing stream located approximately 800-feet south of the proposed subdivision, within the Cedar Chase Subdivision. The owner of the adjacent Cedar Chase Subdivision has agreed to the stream enhancement project to proceed. The stream enhancement project will include vegetative plantings such as rooted willow bundles, and wetland grasses as designed by the environmental consultant.

12. **Historic**— This preliminary plan application includes 5.80 acres north of Evelyn Lane at the end of proposed Alexa Road, east of Dangerfield Road and south of Woodyard Road in Clinton. The application proposes eight lots and one parcel; the property is zoned R-R. The subject property does not include and is not adjacent to any historic site or historic resource included in the inventory associated with the 1992 *Historic Sites and Districts Plan*.

Prince George’s County Subdivision regulations require that all developing property is investigated to determine the likely presence of archeologically significant features, including but not limited to cemeteries, burial grounds or other evidence of habitation by enslaved African Americans, or the likely presence of prehistoric archeological features. Therefore, prior to signature approval of a preliminary plan of subdivision for the subject property, the applicant should provide evidence that the archeological potential of the developing property has been the subject of at least Phase I archeological investigation, or should provide evidence that such investigation is not necessary in this case. The applicant should consult with the Planning Department’s archeologist, Jennifer Stabler at 301-952-3756, to determine if Phase I (and possibly more intensive) investigations will be necessary.

Section 106 review may also 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 federal monies, federal properties, or federal permits are required for a project.

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. Provide the entire distance along the northern property line.
 - b. Further label Parcel A as “To be conveyed to the HOA,” and provide a general note that demonstrates that Parcel A will be dedicated to the homeowners association prior to the approval of building permits.
 - c. Provide the final plat reference for the adjacent lots within Proctor’s Addition to Townsend Subdivision (REP 214 @ 15), and further include this reference in Note no.1 where the preliminary plan number has been provided.
 - d. Correct the tax map reference for adjacent Parcels 2 and 25 to reflect Tax Map 117-B1.
 - e. Re-label adjacent Parcel A, within Proctor’s Addition to Townsend Subdivision, to “Outparcel A” in accordance with the approved final plat.
 - f. Revise the plat reference for adjacent Lot 4, Block B, within the Townsend Subdivision to NLP 99 @ 65.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 33281-2003-02 and any subsequent revisions.

4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetland and wetland 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.”

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/33/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

6. Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall submit a certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

7. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

8. 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.

9. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.6±acres of open space land (Parcel A). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. 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.
10. 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.
 11. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 12. Prior to the issuance of any building permits within the subject property, the following road improvements at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
 - a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
 - b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
 - c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach.
 13. 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 archeological investigation with the concurrence of the Development Review Division (DRD), which shall include research into the property history and archeological literature for those lands determined to be subject, and four copies of the approved final report submitted to M-NCPPC Historic Preservation staff. Prior to approval of final plats, the applicant shall submit, if needed, Phase II and Phase III investigations as

determined by DRD staff. 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 archeologist 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/33/06.