

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 4-07032

Application	General Data
Project Name: FISHER FARM ESTATES Location: Located along the south side of Fisher Road at its intersection with Holton Lane. Applicant/Address: Arel Properties 1501 Highland Drive Silver Spring, Maryland 20910-1527 Attn. Rick Leavy Property Owner: Arel Properties 1501 Highland Drive Silver Spring, Maryland 20910-1527	Date Accepted: 6/6/07
	Planning Board Action Limit: 11/26/07
	Plan Acreage: 3.53
	Zone: R-80
	Lots: 10
	Parcels: 2
	Planning Area: 76B
	Tier: Developed
	Council District: 01
	Election District: 12
	Municipality: N/A
	200-Scale Base Map: 207SE03 & 208SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 3/29/07 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 10/8/07

Staff Recommendation		Staff Reviewer: John Ferrante	
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 4-07032
Fisher Farms Estates, Lots 1–10 and Parcels A & B

OVERVIEW

The subject property is located on Tax Map 97, Grid B-2 and is known as Parcel 71. The property consists of approximately 3.53 acres, is zoned R-80, and is currently improved with three detached single-family dwellings. Two of the three existing dwelling units are proposed to be razed to make way for new development that includes a stormwater management pond along the southwest corner of the property. The applicant is now proposing to subdivide the property into 10 lots and two parcels for the development of detached single-family dwellings in accordance with the conventional standards of the R-80 Zone. There are three lots shown on the submitted preliminary plan that do not meet the 9,500-square-foot minimum net lot area as required in the R-80 Zone. However, there appears to be appropriate land area available to ensure compliance with the minimum net lot area standards. Appropriate conditions have been established within this report to require that all of the proposed lots be in compliance with the minimum net lot area standards of the R-80 Zone prior to any signature approval of the preliminary plan of subdivision.

When this application was initially submitted, 11 lots and 2 parcels were proposed. At the June 29, 2007, Subdivision Review Committee meeting, the Department of Parks and Recreation had requested the dedication of 0.22 acres of land located along the western portion of the property, and fronting on Fisher Road, to fulfill the mandatory dedication of parkland requirements. The Department of Parks and Recreation had previously acquired the abutting property to the west, and the dedication of the 0.22 acres within the subject property would provide the park with additional street frontage along Fisher Road. The applicant submitted revised plans on October 5, 2007, which reflected the requested parkland dedication as Parcel B. The dedication of the 0.22 acres to the Department of Parks and Recreation resulted in a loss of one lot, leaving the proposed subdivision at 10 lots and two parcels.

As currently stated above, the property is improved with three existing dwelling units, with only one of three being proposed to remain and being contained within a new lot (Lot 2). The manner and angle in which the proposed internal road (Fisher Farm Lane) must enter the property from Fisher Road, has ultimately dictated how the proposed lotting pattern is shown on the preliminary plan. The existing dwelling that is proposed to remain is oriented north, towards Fisher Road. However, a majority of the dwellings proposed on the property will be oriented towards Holton Lane, to the east. This relationship will create undesirable views from the existing dwelling on Lot 2, into the side of the dwelling which is proposed for Lot 1. Staff had initially identified this issue at the June 29, 2007, Subdivision Review Committee meeting, and further requested that the preliminary plan be revised to eliminate this relationship between the existing dwelling on Lot 2, and the proposed dwelling on Lot 1 to the greatest extent possible. However, besides revising the location of the proposed stormwater management facility, the lotting pattern has remained unchanged.

Staff is now recommending that Lot 1, which abuts Fisher Road at its intersection with proposed Fisher Farm Road, be removed from the preliminary plan and the land area within Lot 1 be incorporated

into the limits of Lot 2, which will contain the existing dwelling. This will result in the loss of an additional lot. However, the undesirable views between the existing dwelling and the proposed dwelling, as well as the unconventional siting of the existing dwelling when compared to the rest of the proposed subdivision, would be eliminated. With the 0.22 acre along the western portion of the property being conveyed to the Department of Parks and Recreation, and with the elimination of Lot 1 in accordance with staff's recommendations, the existing dwelling orientated toward Fisher Road will now be provided a much larger setting which will dominate the western corner of the subdivision, and ultimately create a more open appearance for the subdivision's entrance.

Parcel A is proposed for a stormwater management facility, and will be situated at the back of the subdivision, along the southwest corner of the property. Fifty-foot-wide landscape buffers will be provided around all sides of the stormwater management facility, except the portion of the pond abutting the park property to the west, where 15-foot-wide landscape buffers are proposed. The applicant has obtained stormwater management concept approval from the Department of Public Works and Transportation (DPW&T), and the stormwater management pond is proposed to outfall approximately 120-feet across M-NCPPC park property. Approval from the Department of Parks and Recreation is required for the proposed outfall on park property. Parcel A is proposed to be conveyed to the homeowner's association at the time of final plat.

SETTING

The property is located along the south side of Fisher Road at its intersection with Holton Lane. To the north, south, and east are detached single-family dwellings within the R-80 Zone. Abutting the property to the west is park property owned by M-NCPPC.

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-80	R-80
Use(s)	Single-Family	Single-Family
Acreage	3.53	3.53
Lots	0	10
Outlots	0	0
Parcels	1	2
Dwelling Units:		
Detached	3 (2 to be razed)	10 (9 new)
Public Safety Mitigation Fee		No

2. **Environmental**— The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Fisher Farm Estates, 4-07032, stamped as received by the Environmental Planning Section on June 15, 2007. The Environmental Planning Section recommends approval of Preliminary Plan 4-07032 with no environmental conditions.

Background

The Environmental Planning Section has not reviewed previous applications on the subject property. This application proposes 10 lots in the R-80 zone.

Site Description

A review of the available information indicates that no non-tidal wetlands, streams, or 100-year floodplains are found to occur on the property. The proposed development is not expected to be a noise generator. According to the *Prince George's County Soil Survey*, the soils found to occur on the subject property include Beltsville and Sassafras. These soils are mostly of the C hydrologic group and are considered highly erosive. Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, no rare, threatened, or endangered species occur in the vicinity of this property. There are no designated scenic or historic roads adjacent to the subject property. There are no adjacent traffic-related noise sources. This property is located in the Henson Creek watershed. The site is located in the Developed Tier as reflected in the *Prince George's County Approved General Plan*.

Environmental Issues Addressed in the Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area.

No significant recommendations regarding environmental issues are contained in the plan.

Conformance with the Approved Countywide Green Infrastructure Plan

This site does not contain any elements of the Countywide Green Infrastructure Plan.

Environmental Review

Signed Natural Resource Inventory NRI/032/07, dated May 4, 2007, was submitted with the application package. There are no streams, wetlands, or 100-year floodplain located on the property. The NRI plan indicates 0.13-acres of woodland on-site and four specimen trees were noted. No additional information is required with regard to the NRI.

On June 28, 2007, a standard letter of exemption was issued for the subject property because the gross tract area is more than 40,000 square feet, but contains less than 10,000 square feet of existing woodlands. No additional information is required regarding the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Beltsville and Sassafras series. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit review process.

A copy of the approved stormwater management concept plan and the associated letter were submitted. Stormwater management is being provided on-site through water quality control via a one-year extended detention pond to be constructed on Parcel A. No additional information is required regarding stormwater management.

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 76B within the Henson Creek community, and is within the limits of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The master plan land use recommendation for the property is for a residential, low-density land use at up to 5.7 dwelling units per acre. This application proposes a residential, low- to medium-density land use which is consistent with the land use recommendation within 2006 Henson Creek-South Potomac Master Plan and SMA.

The 2002 General Plan locates the property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods. This application proposes a medium density neighborhood which is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2006 Henson Creek-South Potomac Master Plan and SMA retained the subject property within the R-80 Zone.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division of the Department of Parks and Recreation recommend the dedication of 0.22 ± acres of land to M-NCPPC as shown on DPR Exhibit “A.” The land to be conveyed is subject to the conditions within Exhibit “B.”
5. **Trails**—Policy 3 of the trails element of the Henson Creek-South Potomac Master Plan and SMA makes the following recommendation:

“Provide adequate pedestrian and bicycle linkages to schools, parks and recreation areas, commercial areas, and employment centers.” (Master Plan, page 71.)

Sidewalk connections to schools are an especially important element of walkable neighborhoods and safe routes to school. The existing Samuel Chase Elementary School is located approximately 2,000 linear feet west of the subject property along Fisher Road, which does not currently include sidewalks. Portions of Holton Lane do include sidewalks, although the portion of Holton Lane directly abutting the property to the east does not include a sidewalk along its street frontage. However, a standard sidewalk does exist along Holton Lane immediately to the south of the subject property.

RECOMMENDATIONS:

In conformance with the Henson Creek-South Potomac Master Plan and SMA, the Transportation Planning Section recommends the following:

Provide a standard sidewalk along the subject site’s entire road frontage of Fisher Road, unless modified by DPW&T.

Provide a standard sidewalk along the subject site’s entire road frontage of Holton Lane, unless modified by DPW&T.

Provide standard sidewalks along both sides of the internal cul-de-sac, unless modified by DPW&T.

6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for Fisher Farm Estates. The applicant proposes a residential development consisting of ten single family detached lots. One existing residence will remain, for a net of nine residences.

Due to the size of the subdivision, the Transportation Planning Section has not required that a traffic study be done. Staff did request traffic counts, and counts dated October 2007 were provided for analysis and for the purpose of making an adequacy finding. 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 property is within the Developed Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better 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 Prince George’s County 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 intersections of Fisher Road and Holton Lane (unsignalized), and Temple Hill Road/Fisher Road (signalized), are determined to be the critical intersections for the subject property. It should be noted that the counts were submitted presenting the two “T” intersections as a single four-way intersection. Despite this error, all of the information was available in the counts to separate the traffic movements and analyze the information properly. The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Fisher Road and Holton Lane	11.0*	10.4*	--	--
Temple Hill Road and Fisher Road	1,158	1,150	C	B
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

There are no funded projects within the study area in either the county's Capital Improvement Program (CIP) or the state's Consolidated Transportation Program (CTP). Four approved but unbuilt developments that would directly affect the critical intersections were identified. Annual through traffic growth of 1.2 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Fisher Road and Holton Lane	11.6*	10.9*	--	--
Temple Hill Road and Fisher Road	1,249	1,227	C	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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

A residential subdivision consisting of ten single-family detached lots is proposed. One existing residence will remain, for a net of nine residences. This amount of development would generate 7 AM (2 in and 5 out) and 8 PM (6 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

60 percent—North along Temple Hill Road
 10 percent—South along Temple Hill Road
 5 percent—South along Holton Lane
 25 percent—Southwest along Fisher Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal, and the following results are obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Fisher Road and Holton Lane	11.6*	10.9*	--	--
Temple Hill Road and Fisher Road	1,253	1,231	C	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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that both intersections operate adequately and within the standards identified.

The site is not within or adjacent to any master plan transportation facilities. Adequate right-of-way dedication along Fisher Road and Holton Lane, consistent with the primary functions of these streets, is reflected on the plans.

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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	11 DU	11 DU	11 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	2.64	.66	1.32
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	14.4	32.82	65.64
Total Enrollment	4,704	6,091.48	9,943.96
State-Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.51	99.63	95.68

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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. 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 finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have 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 Public Facilities Planning Section has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Silver Hill Company 29, 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, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn 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 within Police District IV. 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 preceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 6, 2007.

Reporting Cycle	Previous 12-Month Cycle	Emergency Calls	Nonemergency
Acceptance Date June 6, 2007.	4/06-4/07	10 minutes	18 minutes
Cycle 1	5/06-5/07		
Cycle 2	6/06-6/07		
Cycle 3	7/06-7/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met June 21, 2007.

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

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

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Fisher Farm Estates and has the following comments to offer:

The abandoned shallow well found adjacent to the existing tenant house located on proposed Lot 3 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit. The location of the shallow well should be indicated on the preliminary plan.

Once the existing tenant house located on proposed Lot 3 is vacated and razed, and the existing tenant house located on proposed Lot 2 is connected to a public sewer, the two abandoned septic tanks must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be indicated on the preliminary plan. The Health Department has noted that they have no records of these septic systems.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 9307-2007-02 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.
12. **Historic**—A Phase I archeological survey is not recommended on the 3.53-acre property located at 5508 Fisher Road in Temple Hills, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. There is one prehistoric archeological site within a one-mile radius of the subject property. In addition, there are two Historic Sites, St. Barnabas Church, Oxon Hill (76A-4) and Kildare (76B-7), within a one-mile radius of the subject property. Tax records indicate that the 1½-story frame structure that will be razed was built on the property in 1922. The other two houses on the property were constructed at a later date. Due to the extensive construction on the property, it is unlikely that any intact archeological deposits will be present.

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

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. Lots 4, 5, and 9 must be adjusted to meet the minimum net lot area of 9,500 square feet.
 - b. Provide consistent font sizes for all lot numbers and net lot areas of all lots that are not blocked by other graphics.
 - c. Label Parcel B as “To be conveyed to M-NCPPC.”
 - d. Label the adjacent Gardiner property to the west (Parcel A), as being owned by M-NCPPC.
 - e. Add all internal lot distances that are missing on many of the lots. Increase the font sizes of all the individual lot distances and make every distance legible.
 - f. Label Holton Lane as having a 50-foot-wide right-of-way width and remove “R/W Varies” from the plan.

- g. Label the centerline of Fisher Road and Holton Lane and provide a setback from the centerline to the property line for both streets.
 - h. Demonstrate the square footage and clearly label all right-of-way dedication areas.
 - i. Demonstrate that Lots 4 and 5 are meeting the minimum 50 feet at the front street line.
 - j. Delineate a 10-foot-wide public utility easement continuous and adjacent to every public right-of-way.
 - k. Contain all proposed sewer and storm drain lines within an easement, and label the width of the easements.
 - l. Eliminate Lot 1 from the preliminary plan and the TCPI and combine that land area into the limits of Lot 2.
2. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a limited detailed site plan approved by the Planning Board or its designee. The limited detailed site plan shall include, but not be limited to:
 - a. Landscaping and buffering of the proposed stormwater management facility to ensure compatibility with the adjacent surrounding single-family dwellings.
 - b. Any proposed fencing for the stormwater management facility (if required).
 - c. The stormwater management facility's outfall, and the impact on M-NCPPC property for the construction of the outfall.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 9307-2007-02 and any subsequent revisions.
 4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the M-NCPPC Parcel B, 0.22± acres of land as shown on DPR's Exhibit "A." Land to be conveyed shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be

disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. The land to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of DPR. If encumbered, the DPR shall review the location, the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
 - j. No stormwater management facilities, or tree conservation or utility easements (other than typical PUEs associated with the edge of public right-of-way) shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
5. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) .58± acre 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 require the written consent of DRD or be in accordance with an approved detailed site plan if one is required. 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.
- 6. 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.
 - 7. Prior to signature approval of the preliminary plan of subdivision, the applicant, his heirs, successors and or assignees shall submit all necessary information to the Department of Parks and Recreation (DPR) for the proposed stormdrain outfall through the existing parkland property, along with a request for a permit. Such utility connections are subject to review and approval by the Department of Parks and Recreation (DPR). The applicant shall be responsible for restoration of parkland in accordance with the plans approved by DPR. The DPR may require a performance bond and easement agreement prior to issuance of grading permits. Approval of the preliminary plan of subdivision does not imply that the extension of any utility connections through existing parkland will be approved.
 - 8. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Fisher Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 - 9. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Holton Lane unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 - 10. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 - 11. Prior to the issuance of grading permits the applicant, his heirs, or successors shall demonstrate that any abandoned wells or septic systems have been pumped, backfilled and/or sealed in

accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.

12. Prior to the approval of any building permits for the entire subdivision, the applicant, his heirs, successors, and or assignees shall submit documentation to the Subdivision Section which demonstrates that the existing dwelling on Lots 2 has been connected to public water and public sewer.
13. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.

STAFF RECOMMENDS APPROVAL OF PRELIMINARY PLAN 4-07032.