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## Preliminary Plan 4-07081

Application	General Data
<b>Project Name:</b> SUNRISE PROPERTY  <b>Location:</b> Located along the northeast side of MD 410 (Veterans Parkway), and at the southern terminus of Sunrise Drive.  <b>Applicant/Address:</b> IPDS, LLC 7245 Hanover Pkwy, suite D Greenbelt, MD 20770  <b>Property Owner:</b> Day Homes P.O. Box 523 College Park, Md. 20741	Date Accepted: 12/18/07
	Planning Board Action Limit: 3/12/08
	Plan Acreage: 6.22
	Zone: R-80
	Gross Floor Area: N/A
	Lots: 5
	Parcels: 2
	Planning Area: 69
	Tier: Developed
	Council District: 03
	Election District: 02
	Municipality: N/A
	200-Scale Base Map: 207NE06

Purpose of Application	Notice Dates
The subdivision of an acreage parcel into 5 lots and 2 parcels for the development of detached single family dwellings.  Including a Variation from Section 24-130 of the Subdivision Regulations.	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/28/07 (CB-58-2003)
	Sign(s) Posted on Site and 02/05/08 Notice of Hearing Mailed:

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, 4-07081  
Sunrise Property, Lots 1 through 5, Parcels A & B

OVERVIEW

The subject property is located on Tax Map 56, Grid D-4, and is known as Parcel 72. The property is currently wooded, undeveloped, and consists of approximately 6.22 acres of land within the R-80 Zone. The entire property is located within the limits of the expanded stream buffer. Therefore, the property is unable to be developed without proposing some impacts to the sensitive environmental features, and their associated buffers located on-site. The Subdivision Regulations require the preservation of the expanded buffer in a natural state unless the Planning Board approves a variation request from Section 24-130 of the Subdivision Regulations. The applicant has submitted a variation request, along with a justification statement and exhibit.

In review of the submitted variation request and justification statement, the Environmental Planning Section has stated the following:

“In a situation such as this, where the regulated area encompasses the entire site, and no developable land area remains, it is possible that the regulations could result in a taking of private land for public benefit without proper compensation. This being the case, staff recommends approval of the variation request to allow for reasonable development of the property”.

Additional information regarding the submitted variation request is contained in Finding 2 of this report.

The property was the subject of a prior preliminary plan application. Preliminary Plan 4-04086 was accepted on May 6, 2004, and initially proposed the subdivision of the property into 12 lots for the development of detached single-family dwellings in accordance with the conventional standards of the R-80 Zone. However, staff had many concerns with the 12-lot proposal. Given that the property is entirely within the expanded buffer, the question was how much impact would be appropriate.

The prior preliminary plan application was revised to seven lots and two parcels as a result of staff meetings with the applicant, and the conventional subdivision approach was revised to an optional design approach utilizing lots size averaging. On October 21, 2004, the Planning Board approved the prior Preliminary Plan Application 4-04086 for seven lots and two parcels. The conditions of approval for the prior preliminary plan included necessary plan revisions to address the outstanding environmental issues, noise issues associated with the abutting Veterans Parkway, and providing lot sizes which were in conformance with the lot size averaging provisions. Ultimately, the resolution for Preliminary Plan 4-04086 was adopted by the Planning Board on November 18, 2004, for six lots and two parcels, and included the approval of a variation request from Section 24-130 of the Subdivision Regulations for the proposed impacts to the expanded stream buffer. The Planning Board's actions for Preliminary Plan 4-04086 are contained in PGCPB Resolution No. 04-246.

Both the prior approved preliminary plan and the current preliminary plan submitted for this property proposed an internal roadway to serve the subdivision, which does not meet standard requirements of the Department of Public Works and Transportation (DPW&T). The abutting, 50-foot-wide, Sunrise Drive right-of-way is proposed to be extended into the limits of the property, with a cul-de-sac provided for turn-around capability. The roadway proposed has a non-standard road radius and a non-standard cul-de-sac radius. Condition 1(c) within the adopted Planning Board resolution for prior Preliminary Plan Application 4-04086 required the applicant to submit DPW&T's written consent for the proposed internal roadway design, prior to signature approval of the plan. However, at the time of the signature approval review, DPW&T had determined that the extension of Sunrise Drive could not be adequately constructed in accordance with the submitted plan, which at the time, had already obtained Planning Board approval.

In trying to resolve DPW&T's concerns for the roadway design, as well as addressing the Planning Board's remaining signature approval conditions, the preliminary plan was further revised to five lots and two parcels. Ultimately, the applicant did address the outstanding signature approval conditions and satisfied DPW&T's concerns for the internal roadway design. As such, the preliminary plan for 4-04086, was certified by staff. However, the two year validity period for the preliminary plan approval was set to expire before the applicant could record a final plat of subdivision. On December 14, 2006, the Planning Board approved a six-month extension to allow additional time for the applicant to submit a final plat of subdivision. Even with the six-month extension granted by the Planning Board, the applicant failed to submit the final plat within the allotted time period and the prior approved preliminary plan expired, which resulted in the need for the current preliminary plan application.

#### SETTING

The property is located along the northeast side of MD 410 (Veterans Parkway), and at the southern terminus of Sunrise Drive. To the north and east is the Lanham Woods Subdivision consisting of detached single-family dwellings in the R-55 and R-80 Zones. To the south is the West Lanham Estates subdivision consisting of detached single-family dwellings in the R-55 Zone. To the west is the MD 410 right-of-way, an arterial-designated roadway having an ultimate right-of-way width of 200-feet.

#### 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)	Undeveloped	Single-Family
Acreage	6.22	6.22
Lots	0	5
Parcels	1	2
Dwelling Units:		
Detached	0	5
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-07081 and TCPI/41/04-01, stamped as received by the Environmental Planning Section on February 6, 2008. The Environmental Planning Section recommends approval of 4-07081 and TCPI/41/04-01 subject to conditions.

## **Background**

The Environmental Planning Section previously reviewed this site for Preliminary Plan of Subdivision application, 4-04086, in conjunction with Type I Tree Conservation Plan, TCPI/41/04, that showed seven lots and utilized a street pattern which held the lots to the top of the slope. That application was approved with conditions; however, the preliminary plan has since expired.

## **Site Description**

The surrounding properties are residentially-zoned. The site is characterized by terrain sloping toward the southwest and drains into unnamed tributaries of the Brier Ditch watershed in the Anacostia River basin. A review of the available information indicates that there are areas of severe and steep slopes associated with the site. There are streams, 100-year floodplain, and high erodible soils on the site. There is no Marlboro clay found to occur on the subject property. Veteran's Parkway (MD 410) is an arterial roadway that generates noise onto adjacent properties. The soils found to occur on the site, according to the Prince George's County Soil Survey are Bibb, Sassafras, Sunnyside Urban Complex and Sunnyside. These soil series generally exhibit severe to moderate limitations for development due to high water table, flood hazard, poor drainage and steep slopes. Based on the information 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. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the *Prince George's County Approved General Plan*.

The subject property is located within the limits of the *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review Section below. There are no specific environmental requirements or design standards that require review for conformance.

## **Countywide Green Infrastructure Plan**

The site is completely within the designated network of the *Approved Countywide Green Infrastructure Plan*. The designated network elements are directly associated with the on-site stream system and adjacent steep and severe slopes that characterize the site. Development on the site should be carefully considered due to the sensitive nature of the site and the need to protect the existing slopes through woodland preservation. Woodland conservation should be heavily focused in the areas adjacent to the stream buffer.

## **Environmental Review**

The preliminary plan application has signed Natural Resources Inventory NRI/075/07, dated November 29, 2007, which was included with the application package. The preliminary plan and TCPI show all the required information correctly. No additional information is required with respect to the NRI.

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request.

The site contains two streams, an extensive area of 100-year floodplain and severe slopes (slopes greater than 25 percent). All sensitive environmental features have been properly shown on the plans with their required buffers. The expanded stream buffer is shown to encompass the entire site. A variation request was submitted for the subject application dated February 5, 2008. In a situation such as this where the regulated area encompasses the entire site, and no developable land area remains, it is possible that the regulations could result in a taking of private land for public benefit without proper compensation if no development is allowed. This being the case, staff recommends approval of the variation request to allow for reasonable development of the property.

The development of this site should follow a careful sequence of construction which limits the amount of land denuded at any one time, and therefore, limits the amount of excavation at any one time in order to reduce the stress on the severe slopes which exist on the site. The Environmental Planning Section has recommended conditions to address the careful sequencing of the construction.

Staff continues to have concerns regarding the approval process for the proposed cul-de-sac design because DPW&T has not approved the current design at this time. The current design includes a sub-standard cul-de-sac; if the design is revised later to provide a standard cul-de-sac, the impacts to the expanded buffer will likely increase over that shown in the current application. Because the Planning Board is the approval authority for impacts to the expanded buffer, the impacts shown cannot be increased without Planning Board approval.

### **Variation Analysis**

The area of impact is for the construction of five residential lots with the residual property being placed in two parcels (Parcels A and B). The proposed impact area within the expanded stream buffer is 2.98 acres, as based on the current application. There will be a small additional area of impact when the plans are revised to include the impact to the 100-year floodplain for the sanitary sewer connection.

The following is an analysis of the required findings of Section 24-113 of the Zoning Ordinance:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variation is required to address the regulations associated with the expanded stream buffer which is designed to promote public safety and health and to ensure no off-site properties are damaged. The limited amount of proposed development is located approximately 300-400 feet from the existing stream. The proposed design will be required to meet all existing regulations regarding soil stability and erosion controls. These regulations are designed to prevent detrimental affects on other properties.

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

The conditions of the property are unique with respect to the location of the existing stream and its associated buffer. It is extremely rare for a property to be wholly within the expanded stream buffer.

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

No other Zoning Ordinance variances, departures, or waivers are required with regard to the development proposed. No violations of applicable laws would result from the approval. All appropriate federal and state permits must be obtained before the construction can proceed.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the configuration of this site, the location of the stream and the fact that no other reasonable options are possible which would further reduce, or eliminate, the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variation request. Disapproval of the variation could result in a hardship to the applicant because there are no developable areas on-site that are outside the expanded buffer.

In order to address slope stability and carefully plan for the construction of the site, the erosion and sediment control plan should contain a construction sequence that includes at a minimum:

1. A permanent erosion and sediment control system at the base of the disturbed area shall be constructed that will remain in perpetuity. Such a system shall be easily maintained by the homeowners or it shall be placed in a maintenance easement to be maintained by the homeowners association.
2. When the initial clearing and rough grading of the site is complete, the house pad sites shall be stabilized using annual rye grass seed mix and jute matting or other recommended materials until such time as each house is built.
3. The installation of the utilities shall be completed only after the areas of the site that are not subject to utility installation have been stabilized (the house pads and the adjacent slopes).

4. Houses shall be built one at a time so that the area of disturbed ground is limited. As each house is completed and the lot stabilized, the next building permit may be issued.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is more than 40,000 square feet in area and contains more than 10,000 square feet of woodlands. The previously approved Type I Tree Conservation Plan was associated with an approval that has since expired. For mapping purposes, the TCP number is retained and a revision number is used to indicate the existence of the previous plan. Type I Tree Conservation Plan TCPI/41/04-01 was submitted and has been reviewed.

The woodland conservation threshold for the site is 0.95 acres, and the total requirement based on the proposed woodland clearing is 1.70 acres. The TCPI proposes to meet the requirement through 1.34 acres of on-site preservation and 0.36 acres of on-site afforestation.

Noise is a consideration in the review of this proposal due to the residential use proposed. Veteran's Parkway (MD 410) is an arterial highway regulated for noise. Based on projected traffic data supplied by the State of Maryland, the Environmental Planning Section Noise Model has projected the 65 dBA (Ldn) noise contour to be 247 feet from the centerline of the roadway. A noise study was submitted with the review package. The noise contour shown on the plan meets the requirements. Because the 65 dBA Ldn does not encroach into the rear outdoor activity areas on the proposed lots, the state noise standards are being met with the proposed design. No additional information is needed at this time with regard to noise.

A stormwater management concept approval letter and the associated plans were not submitted with the review package. A Stormwater Management Concept Approval Letter and the associated plan are needed prior to signature approval of the TCPI. The TCPI does reference Approved Concept Plan 12435-2004-00; however, this was associated with the prior application, which was approved prior to the development of the current concept showing an outfall and an infiltration trench.

### **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 the site will therefore be served by public systems.

3. **Community Planning**—The property is located in Planning Area 69, and is within the limits of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. The master plan recommends a suburban-density residential land use at up to 3.4 to 4.5 dwellings units per acre. This application proposes a suburban-residential land use which is consistent with the land use recommendation within the Bladensburg-New Carrollton and vicinity master plan and SMA.

The 2002 General Plan locates the subject 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- to high-density neighborhood which is consistent with the General Plan Development Pattern policies for the Developed Tier.

The Bladensburg-New Carrollton and vicinity 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 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**—No master plan trails impact the subject property. The Bladensburg-New Carrollton and vicinity master plan and SMA does recommend a trail/bicycle facility along MD 410. However, due to the existing sensitive environmental features located on the site, direct access to MD 410 from this property cannot be obtained, and the portion of the ultimate right-of-way which is located within the property is not suitable for bicycle signage.

### **Sidewalk Connectivity**

The surrounding communities, including existing Sunrise Drive, have sidewalks along both sides of the roadway. The Transportation Planning Section recommends the continuation of sidewalks along both sides of the Sunrise Drive extension.

6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for the Sunrise Property. The applicant proposes the subdivision of an existing acreage parcel into five new residential building lots, and two open space parcels, which are proposed to be conveyed to the future homeowner's association.

The property is located within the Developed Tier as defined in the General Plan. 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.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Transportation Findings**

Based on the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," a five lot, single-family residential development will generate 4 AM peak-hour trips, and 5 PM peak-hour trips. Pursuant to provisions within the Guidelines, the Planning Board may find the traffic impact of small developments as *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period. Staff has no issues with the on-site circulation of traffic.

### **Transportation Staff Conclusions**

Based on the fact that the subject application is considered to be *de minimus*, 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.



7. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed the 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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	5 DU	5 DU	5 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.20	.30	.60
Actual Enrollment	33,058	13,185	17,855
Completion Enrollment	215.76	52	104
Cumulative Enrollment	32.16	8.04	16.08
Total Enrollment	33,307.12	13,245.34	17,975
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.99%	117.67%	110.06%

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

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 \$7,870 and \$13,493 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 the preliminary 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 property is within the required seven-minute response time for the first due fire station, West Lanham Hills, Company 28, 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 I. The standard for priority calls response is 10 minutes and the standard is 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on December 18, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date December 18, 2007	11/06 - 11/07	9 minutes	15 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met on December 31, 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 the Sunrise Property and has no comments to offer.
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 12435-2004-01 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.

Within the approval conditions for Stormwater Management Concept Plan, 12435-2004-01, DPW&T has required the infiltration trench be placed on a separate parcel and conveyed to Prince George's County. At the Subdivision Review Committee meeting for this case on January 11, 2008, staff had requested that the preliminary plan and TCPI be revised to eliminate the storm drain easement for the infiltration trench, which is on homeowner's association land, and to create a separate parcel for the infiltration trench that can be conveyed to DPW&T. However, the revised plans submitted for this application still demonstrate a storm drain easement on HOA land, and a separate parcel has not been created to contain the infiltration trench.

The applicant has indicated that the issue of placing the infiltration trench on a separate parcel, is still being discussed with DPW&T. A condition has been included in this report to require a separate parcel for the infiltration trench. However, because discussions between the applicant and DPW&T are still ongoing at this time, additional language has been included to allow the condition to be deleted should DPW&T determine that the plan can remain unchanged.

12. **Historic**—A Phase I archeological survey is not recommended on the 6.22-acre property located at 7230 Sunrise Drive in Lanham, Maryland. This plan proposes five single-family residential lots and two parcels. 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. A majority of the property contains steep slopes and it is unlikely that archeological sites would be present. However, the applicant should be aware that one historic archeological site, 18PR381—the Cherry Hill Cemetery, is located within a one-mile radius of the subject property. In addition, one County Historic Resource, Wormley House (PG:69-023-17), and the Baltimore-Washington Parkway (PG:69-026), which is listed on the National Register of Historic Places, are located within a one-mile radius of the subject property.

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. Revise the Type-I TCP to a scale of 1"=50' in accordance with the submitted preliminary plan and signed NRI, or otherwise provide all three submitted plans for the property to the same scale.
  - b. Provide a more conventional western property line for Lot 1, which shares a common property line with the abutting stormdrain easement, and extends further south of the 65 dBA noise contour line.
  - c. Submit documentation from DPW&T which provides their approval of the street radius and cul-de-sac radius.
  - d. Remove the soils lines, and curb and gutter information/elevations from the preliminary plan in order to make the plan less busy and more legible.

- e. Revise general note 23 to include the required lot width at the front street line.
  - f. Revise general note 36 to remove the parentheses (and the reference to the V-number within them).
  - g. Contain all the existing sanitary sewer lines shown on the plan within easements, and provide deed references for all the existing easements associated with this property.
  - h. Provide a clear and contiguous ultimate right-of-way line for MD 410, and provide a setback from the centerline of MD 410 to the ultimate right-of-way line. The ultimate right-of-way for MD 410 is not shown on the plan at 100-feet from the centerline. Provide additional information on the plan which clearly demonstrates the limits of the MD 410 right-of-way.
  - i. Label the land area remaining between the MD 410 ultimate right-of-way, and the western property line, as right-of-way dedication, and provide the square footage of the dedication area. The acreage provided for Parcel B should also be adjusted to subtract the square footage of the right-of-way dedication.
  - j. Remove the storm drain easement for the infiltration trench from the preliminary plan and TCPI, and create a separate parcel (Parcel C) to contain the infiltration trench. Label the new parcel as "To be conveyed to DPW&T in accordance with SWM Concept Plan, 12435-2004-01". The acreage provided for Parcel B should also be adjusted to subtract the square footage of the new parcel. If DPW&T determines that the infiltration trench should remain within a storm drain easement on homeowner's association land, documentation of this decision shall be submitted to the Planning Department, and this condition shall be void.
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 12435-2004-01, and any subsequent revisions.
  4. 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.
  5. 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.
  6. In order to address slope stability and carefully plan for the construction of the site, the erosion and sediment control plan shall contain a construction sequence that includes at a minimum:
    - a. A permanent erosion and sediment control system at the base of the disturbed area shall be constructed to remain in perpetuity. Such a system shall be easily maintained by the homeowners or it shall be placed in a maintenance easement to be maintained by the homeowners association.

- b. When the initial clearing and rough grading of the site is complete, the house pad sites shall be stabilized using annual rye grass seed mix and jute matting or other recommended materials until such time as each house is built.
  - c. The installation of the utilities shall be completed only after the areas of the site that are not subject to utility installation have been stabilized (the house pads and the adjacent slopes).
  - d. Houses shall be built one at a time so that the area of disturbed ground is limited. As each house is completed and the lot stabilized, the next building permit may be issued.
- 7. The following note shall be placed on the final plat: "No house type changes shall be approved using the walk-through permitting process. House type changes shall be routed through the normal review process for building permits to ensure conformance with the approved Type II tree conservation plan."
  - 8. Prior to the approval of permits, the applicant, his heirs, successors, and or assignees shall submit a copy of the approved erosion and sediment control plan with every permit application so that the limits of disturbance can be compared with those on the approved TCPII and conformance to Condition 6 above can be established.
  - 9. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  - 10. At time of the review of the Type II tree conservation plan or any subsequent permit applications, if the acreage of disturbance on the site is greater than 3.0 acres, the revised plans shall be subject to review and approval by the Planning Board and cannot be approved by the Planning Director or designee.
  - 11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the streams and their associated buffers, except for the area of the approved variation, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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 Planning Director of The Maryland-National Capital Park and Planning Commission or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
  - 12. Prior to the issuance of building permits for Lots 3, 4 and 5, the afforestation on the site shall be planted. A certification prepared by a qualified professional shall be used to provide verification that the planting and afforestation fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for the two afforestation areas, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

13. Development of this subdivision shall be in conformance with the approved Type I Tree Conservation Plan (TCPI/041/04-01). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/041/04-01), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
14. Prior to signature approval of the preliminary plan of subdivision the applicant shall submit two copies of the stormwater management concept plan, signed by DPW&T, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
15. 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.
16. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 4.04 ± acres of open space land (Parcels A & B or as modified if a Parcel C is required). Land to be conveyed shall be subject to 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely

impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

STAFF RECOMMENDS APPROVAL OF TYPE-I TREE CONSERVATION PLAN, TCPI/041/04-01,  
AND APPROVAL OF A VARIATION FROM SECTION 24-130 OF THE SUBDIVISION  
REGULATIONS.