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## Preliminary Plan 4-07082

Application	General Data	
<b>Project Name:</b> The Vineyards Lots 1–108 and Parcels A-H	Date Accepted:	09/17/08
	Planning Board Action Limit:	02/19/09
	Plan Acreage:	90.69
<b>Location:</b> West side of Brandywine Road at the southern terminus of Cushwa Drive.  <b>Applicant/Address:</b> Enterprise Office, LLC 2200 Defense Highway, Ste. 101 Crofton, MD 21114  <b>Property Owner:</b> Ryland Group, Inc. 4100 Monument Corner Drive, Ste. 300 Fairfax, VA 22030	Zone:	R-80
	Gross Floor Area:	N/A
	Lots:	108
	Parcels:	8
	Planning Area:	81A
	Tier:	Developing
	Council District:	09
	Municipality:	N/A
	200-Scale Base Map:	215SE05/06

Purpose of Application	Notice Dates	
Residential Subdivision	Informational Mailing:	06/12/08
	Acceptance Mailing:	09/15/08
	Sign Posting Deadline:	01/13/09

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-07082  
The Vineyards Lots 1–108 and Parcels A-H

OVERVIEW

The subject property is located on Tax Map 134 in Grid B-1 and is known as Parcel 58. It is an acreage parcel of land never having been the subject of a record plat of subdivision. The property is approximately 90.69 acres and is zoned R-80. Several existing structures are located on the property, including a single-family dwelling unit and accessory barns, all of which are to be razed.

The property is encumbered by two high-voltage, electric power transmission line rights-of-way that traverse the property. One, a 250-foot-wide Potomac Electric Power Company (PEPCO) right-of-way, crosses north to southwest and segments the property into two. The 250-foot-wide right-of-way (ROW) is in the fee-simple ownership of PEPCO (Liber 3124, Folio 212). The second right-of-way is an 80-foot-wide easement (Liber 1319, Folio 208) running north to south on the property which the applicant is proposing to relocate approximately 20-feet to the east as discussed further below.

The applicant is proposing to subdivide the property into 108 lots and eight parcels for the construction of single-family dwelling units. All of the lots proposed meet or exceed the minimum standards for conventional development in the R-80 Zone, with the exception of two lots. Lots 28 and 29 do not meet the minimum standard for the lot width at the front street line of 50 feet. Lots 34 and 37 scale at 75 feet at the front street line but are dimensioned at 73 feet and 72.38 feet respectively. The applicant did not file a variance for a reduced width and therefore these two lots should be combined into one lot; which will result in one lot which will meet the minimum standard and Lots 34 and 37 should be dimensioned correctly. The applicant has proposed seven parcels (Parcels A-G) to be conveyed to the homeowners association (HOA) that total approximately 29.20± acres. The HOA parcels include open space and wetlands, and two parcels which will contain required stormwater management facilities. One parcel (Parcel H) is to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC) and is approximately 25.19± acres. The Department of Parks and Recreation (DPR) has recommended a minor revision to the configuration of Parcel H which results in a 24± acre parcel. That conveyance along with the construction of a trail will fulfill the mandatory dedication requirements for this development and is an important link in the Piscataway Branch Stream Valley Park system as discussed further in the Parks Section of this report. Parcel H is primarily 100-year floodplain with very limited developable area for active recreation.

This property was the subject of a previous Preliminary Plan of Subdivision 4-03014 known as the White Property which was approved by the Planning Board in 2003 for 112 lots. That preliminary plan remained valid for two years, and ultimately expired on June 19, 2005. The applicant had failed to file final plats or request to extend the life of the preliminary plan. Therefore, a new preliminary plan was required and the applicant filed the subject application.

The preliminary plan filed by the applicant for this case is essentially the plan approved by the Planning Board in 2003, with only several minor modifications. At the Subdivision Review Committee meeting on October 3, 2008 staff made several recommendations for revisions to the preliminary plan, which could reduce grading and reduce impacts to the existing environmental features on the property. In addition, there was a concern that the applicant was proposing several retaining walls on individual lots. While staff understands the applicants position that this plan had previously been approved, staff believed that there could be some modifications to the plan which would create a better layout and living environment for the future residents.

On January 6, 2009, the applicant filed a revised preliminary plan for 108 lots. The revised plan addressed all of the concerns which had been brought to the applicant's attention in October with the exception of concerns which relate to bufferyards required on individual lots by the *Prince George's County Landscape Manual* and discussed further. The plan was revised to realign an internal street which resulted in the elimination of a significant impact to the stream. The cul-de sac abutting one of the two-major stormwater management facilities was "pulled back" which reduced the grading and created more open space. The applicant reengineered several areas on the site which resulted in the elimination of the retaining walls on individual lots, and proposed a lotting pattern which eliminates the entire expanded buffer from the individual lots. The applicant's willingness to make these modifications has resulted in a much improved layout to that which had previously been approved.

There are a number of items addressed in this staff report that were not discussed in the previous Planning Board approval for the Preliminary Plan of Subdivision 4-03014 (White Property) which bear further explanation. Subsequent to the Planning Boards approval of the White Property in 2003, a greater focus has occurred by the Planning Board on the identification, investigation and ultimate preservation of archeological resources in the County. As discussed further in the limited detailed site plan and Historic Sections of this report, the applicant did file a Phase I Archeological Report with this application and staff is recommending further investigations, which could be reviewed by the Historic Preservation Commission once a Phase II investigation is completed.

Staff would also note that in the last year, the coordination with other agencies has increased throughout all layers of the development review process. In particular, in the preliminary plan of subdivision process, the consideration of the resulting responsibilities for maintenance and costs to the future homeowners' has become a focus. As a part of that focus the coordination with other agencies has increased and has resulted in improved planning for infrastructure development. Considerable coordination has occurred with the review of this preliminary plan with the Potomac Electric and Power Company (PEPCO), AT&T, and the Department of Public Works and Transportation (DPW&T) which had not occurred previously, and discussed further in the staff report.

## SETTING

The property is located on the west side of Brandywine Road at the southern terminus of Cushwa Drive, which extends from the Brooke Jane subdivision to the north. The property straddles a 250-foot-wide PEPCO right-of-way on land owned by PEPCO. An 80-foot-wide PEPCO easement coincides with a portion of the 250-foot ROW, but also extends into the site and will be located on homeowners' association land. To the east is the Buckler Property (4-02106) which fronts on Brandywine Road, and is currently under development. To the south is the Piscataway Stream Valley, zoned R-E. To the west is the Boniwood Subdivision developed with a mix of single-family and attached dwelling units in the R-S Zone. To the north is the Brooke Jane Manor subdivision, developed with single-family dwelling units, also in the R-80 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.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	1-Single-family dwelling to be razed	109-Single-family dwellings
Acreage	90.69	90.69
Lots	0	108
Parcels	1	8
Dwelling Units:		
Detached	10	109
Public Safety Mitigation Fee		No

2. **Limited Detailed Site Plan:** Prior to approval of the final plat a limited detailed site plan should be approved by the Planning Board or it's designee to address the AT&T easement, stormwater management facility treatment, archeology and the master plan trail construction as discussed below.

- a. **AT&T Easement**—The applicant has obtained conceptual approval from AT&T to relocate an existing 16.5-foot-wide AT&T fiber optic line and easement. In its current location the easement is encumbering Lots 8–19 generally making these lots unbuildable. At the Subdivision Review Committee meeting on October 3, 2008, staff advised the applicant that an agreement from AT&T to relocate the easement would be necessary prior to the Planning Board hearing for the approval of Lots 8–19. The applicant on January 9, 2009, submitted additional information which included an e-mail dated January 7, 2009 from Gary Wigfield with AT&T to the Tech Group which indicated approval of the agreement in “concept” to relocate the easement onto proposed Parcel B. Prior to approval of final plat the final approval from AT&T should be required.

The easement will be relocated along the west property line of the site at the rear of Lots 8–19. Behind Lots 10–14, extending north from Summersweet Drive, the applicant has proposed a 31-foot-wide strip of land (part of Parcel A) which is to be conveyed to the homeowners association and will contain the AT&T easement. Behind Lots 15–19, extending south from Summersweet Drive, the applicant has proposed a 35-foot-wide strip of land (part of Parcel B) which is to be conveyed to the homeowners association and will contain both the 16.5-foot-wide AT&T easement and also contain a 19.75-foot-wide access easement to DPW&T for access to stormwater management (SWM) facility 1 on Parcel B.

Both the AT&T easement and the SWM access easement and come with restrictions. The access to the SWM facility will have a paved driveway. Based on discussion with the representative from AT&T, the easement will be posted with five-foot tall signs indicating the fiber optic line is located within the easement. The AT&T easement must remain clear of trees and landscaping and can not be planted, grass or gravel is permitted. Therefore, placing these easements off of the lots is appropriate in this case, and preferred by AT&T and DPW&T. Therefore, physically these areas should be delineated to provide notice to the lot owners that they do not own the land at the rear of their lots. The placement of a split rail fence or some other acceptable alternative may be appropriate to delineate this area from the lots. This will provide notice to the individual lot owners and the HOA for maintenance and ownership knowledge. The treatment of this area should be

reviewed as part of a limited detailed site plan, where the timing and details for construction of the fence or alternative can be reviewed and approved.

- b. **Stormwater Management Facilities 1 and 2**—The SWM Facility 1 is located between Lots 19 and 20 on Parcel B. South of the cul-de-sac of Hunt Weber Drive at its terminus. From the end of the cul-de-sac is a proposed 16-foot grade change down to the SWM facility. This facility will be highly visible from the dwellings on Lots 19 and 20, and may cause a safety issue because of the significant drop directly from the end of the cul-de-sac. A fence may be required. Review of the treatment of this facility, which may include landscaping and fencing, should be required to ensure that pleasing views are created. The treatment of this area should be reviewed as part of a limited detailed site plan, where the timing for installation and details can be approved.

The SWM Facility 2 is located behind Lots 83–86 on Parcel E. This facility is located roughly 50 feet from the rear lot lines of these lots and at a similar elevation. This area will be cleared as a part of the development of this site and is not wide enough to support reforestation. Review of the treatment of this facility and the area behind these lots, which may include landscaping and fencing, should be required to ensure that pleasing views are created. The treatment of this area should be reviewed as part of a limited detailed site plan, where the timing for installation and details can be approved.

Staff would note that in 2003 with the original preliminary plan approval staff did not recommend nor did the Planning Board require site plan review of the two stormwater management facilities.

However, Condition 7 of the Planning Boards approval (PGCPB No. 03-66) for the Buckler property to the west required a similar condition for the proposed for SWM facilities:

“Prior to the issuance of grading permits that include stormwater management facilities, the Planning Board or its designee shall approve a limited detailed site plan (LDSP) to evaluate landscaping associated with the stormwater management facilities. Evaluation shall include plant materials, quantities and location of those plant units to provide pleasing views and enhance the overall appearance of the facilities.”

- c. **Archeology**—As discussed in the Historic Section of this report, a Phase I Archaeological Survey was conducted on the subject property in July and August 2008. Two archeological sites, 18PR952 – a historic farm complex (the Jamison House, 81A-11) containing artifacts dating from the 18<sup>th</sup> to 20<sup>th</sup> centuries, and 18PR953 – a large prehistoric artifact scatter and tool manufacturing site, were identified on this property.

Due to the possibility of intact cultural deposits at both sites and their potential to yield significant information on the prehistoric and historic occupation of the southwestern portion of Prince George’s County, Phase II investigations are recommended on these sites. Phase II work plans for sites 18PR952 and 18PR953 were submitted to Historic Preservation staff and approved on January 16, 2009. The Phase II report has not yet been submitted.

If the Phase II study determines that the archeological sites may be eligible for the National Register of Historic Places, this subdivision application should be referred to the Historic Preservation Commission (HPC). The HPC should review the impact of the

proposed development on the significant archeological sites and determine whether they should be designated as historic sites based on the criteria of Section 29-104 of the Historic Preservation Ordinance, and preserved in place or if Phase III excavations are appropriate.

If a Phase III archeological mitigation is necessary, as determined by the Historic Preservation Commission, the applicant should provide a final report detailing the Phase III investigations or a plan for preservation in place, and ensure that all artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits.

If the HPC recommends the preservation in place a modification to the lotting pattern would most likely occur. Therefore, prior to the approval of the final plats a limited detailed site plan (LDSP) should be approved to address the future disposition of the archeological resources identified in the Phase I archeological study submitted by the applicant. This process (LDSP) would allow the applicant to appeal a decision of the HPC to the Planning Board if the applicant is in disagreement with the HPC recommendation.

Prior to the approval of the final plats a limited detailed site plan should be approved to address the future disposition of the archeological resources identified in the Phase I archeological study submitted by the applicant.

- d. **Master Plan trail construction**—As discussed in the Parks Section of this report, the review of the details of the installation of the master plan trail should be included in the review of the limited detailed site plan. The public master plan trail is in close proximity to the rear of Lots 87–92. Staff is recommending a minimum setback from the rear lot line of these lots of 30 feet from the master plan trail. The applicant will be clearing this area and there will be no existing buffer behind the lots and between the trail, and the grade is fairly flat. Recently, residents have raised concerns where a public trail passed within their communities or located in close proximity to their rear lot lines with little setback and no buffering. In order to address some of the issues staff is recommending two additional conditions relating to a public master plan trail and notice to homeowners as discussed in the Parks Section of this report. In addition, there are a number of details that relate to the trail installation which include the number and location of outfalls extending from Hunt Weber Drive to the trail, the location of the connector trail, the trail crossing of the PEPCO easement, the notice of the trail location as discussed further, and any resulting modifications to the layout that could occur.

The limited detailed site plan is recommended prior to the approval of the final plats because the issues identified above have the potential for affecting the lotting pattern. This site has significant grading and a very tight relationship. Modifications to the layout could have a rippling affect that may not be understood until the issues are resolved. Moreover, the limited detailed site plan process is recommended at a staff level. The LDPS process would allow the applicant to appeal a decision to the Planning Board if the applicant is in disagreement with the recommendations of staff or the HPC.

3. **Potomac Electric Power Company (PEPCO) Easements**—At the Subdivision Review Committee Meeting of October 3, 2009 and then again on December 3, 2008, staff advised the applicant that approval from PEPCO must be addressed prior to the Planning Board hearing. The Potomac Electric Power Company (PEPCO) advised staff that they have not received a requests

for review from the applicant for this application for the relocation of the 80-foot PEPCO easement, the two public street road crossing of the ROW's, or the proposed infrastructure improvements within the relocated easement. The improvements include an access driveway to the stormwater management facility (2), a SWM easement to DER, and a large culvert for one of the two-road crossing in the southern portion of the site. While PEPCO routinely issues stipulation letters for road crossings, the representative from PEPCO indicated that the other infrastructure improvements were problematic and recommended that the preliminary plan not be approved until their agency, specifically their Engineering Section had an opportunity to review the request. PEPCO may require that these improvements be relocated outside their 80-foot easement which could result in a substantive revision to the layout of the preliminary plan.

Staff would note that the applicant did provide a copy of an e-mail from PEPCO for the previous application which indicated a conceptual agreement for the two road crossings, but was silent to the other improvements. Moreover, the e-mail was six years old, dated April 22, 2003 and the author of the e-mail no longer works for PEPCO. When staff did establish contact with the appropriate group, PEPCO indicated that the previous request from the applicant in 2003 was deemed dormant because of inactivity and that a new application was required. PEPCO indicated that their review process since 2003 had been revised. The representative from PEPCO did indicate that they had contact with the applicant recently but had not received a formal application to move forward with the review of the impacts to the PEPCO easement.

Prior to the approval of the final plats the applicant should provide a copy of the stipulation letter concept approval from PEPCO for the relocation of the 80-foot-wide easement and infrastructure improvements within the easement. If requested by PEPCO, revisions should be reviewed by the Subdivision Section prior to final plat to determine if the layout remains in conformance with the approved preliminary plan.

4. ***Prince George's County Landscape Manual Impacts***—Section 27-123 of the Zoning Ordinance establishes that the “minimum standards for landscaping, buffering, and screening for all public, private, and institutional development in all zones are set forth in the Landscape Manual and is adopted by reference in Part 2, Division 5.

Section 4.7 of the *Prince George's County Landscape Manual* (Manual) is established for the “buffering of incompatible uses” and in part the purpose of the regulations (Section 4.7) is “to establish a comprehensive, consistent and flexible system which will require a buffer consisting of a specific area of land and vertical elements such as plant materials, walls, fences and berms between adjacent incompatible land uses.” A bufferyard consists of a building setback and a landscape yard. Any part of a main building such as a deck can not extend into the building setback. Ground level paved surfaces may, as in patios. No part of a main building or ground level paved surface may extend into the landscape yard of the bufferyard.

Table II of the Landscape Manual sets forth the category of all uses as either low, medium, or high. Table III sets forth the minimum required buffer for adjoining properties. Table IV sets forth the Bufferyard Types. In this case a Bufferyard is required adjacent to the PEPCO power lines which are located on this property. A “C Type” Bufferyard is required which consists of a 40-foot building setback and within that a 30-foot landscape yard (40-foot total bufferyard) from the PEPCO ROW. Within that 40-foot setback, 30 feet is required as the landscape area and is planted with 120 plant units per 100 linear feet. The demonstration of the bufferyard is required at the time of approval of building permits.

The preliminary plan is reviewed in part for impacts to the lotting pattern as applicable by the

Landscape Manual. In general, staff recommends that the lots that are being created, if impacted by a required Bufferyard provide adequate yards outside the buffer. Staff has used the Zoning Ordinance building setback as a guide in determining what is adequate. In this case the property is zoned R-80. The zoning requires a 20-foot rear yard setback, which is applicable to main building setbacks. Rear yards of less than that normally required by zoning are discouraged and in this case staff advised the applicant at the Subdivision Review Committee Meeting on October 3, 2008 that rear yards of 20 feet should be provided outside of the required 30-foot landscape yard. The revised plan submitted January 3, 2009 continues to propose lots which are severely impacted by the required Bufferyard reducing the usable yard area below that which is normally required by Zoning.

Section 1.3 of the Landscape Manual establishes a process where an applicant may propose an alternative to the strict application of the Landscape Manual. The applicant could propose an alternative that is equal or better than that normally required. In the case of Lots 61, 108 and 109 it appears that for the construction of a deck or other reasonable use of the rear yard (Lots 108 and 109) or side yard (Lot 61) alternative compliance would be required. In one case the conceptual location for the dwelling is abutting the bufferyard. In discussions with the Alternative Compliance Committee Chairman, the AC Committee has granted Alternative Compliance (AC) for homeowners where the dwelling is adjacent to a public utility as is the case with the subject application. In the case of a PEPCO power line or easement the use is not considered obnoxious, or a noise or traffic generator. To the contrary these utility lines are generally large expanses of open space. Therefore, staff is not recommending the loss of any lots but note that use of these rear yards by the homeowners is severely restricted, conceptually based on the usable yard area outside the bufferyard.

5. **Environmental**—The revised Preliminary Plan of Subdivision for, 4-07082 (The Vineyards), and the revised Type I Tree Conservation Plan, TCPI/023/03, stamped as received by the Environmental Planning Section on January 9, 2009 has been reviewed.

### **Background**

The Planning Board approved Preliminary Plan of Subdivision 4-03014 and Tree Conservation Plan TCPI/023/03 for 112 lots and eight parcels as noted in PGCPB. Res. No. 03-150. The preliminary plan was never signed and expired before being platted.

### **Site Description**

Approximately 70 percent of the site is wooded and contains some areas of steep slopes. There are wetlands, streams and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. The September 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* indicates that there are substantial areas designated as Natural Reserve on the site. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. According to the *Prince George's County Soil Survey* the principal soils on this site are in the Adelphia, Beltsville, Bibb, Elkton, Galestown, Kleg, Marr, Matapeake, Othello, Sassafra, Westphalia and Woodstown series. According to available information, Marlboro clays are not found to occur in the vicinity of this property. This property is located in the Developing Tier as reflected in the adopted General Plan.



## MASTER PLAN CONFORMANCE

In the Master Plan and Sectional Map Amendment for Subregion V (September 1993), the Environmental Envelope section contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

**Comment:** Implementation of the *Approved Countywide Green Infrastructure Plan* and the proposed conditions of approval will ensure compliance with this guideline. The TCP shows the preservation of parcels that will protect the stream valleys and tracts of contiguous woodland.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

**Comment:** The existing R-80 zoning does not permit use of the Comprehensive Design Ordinance. Cluster subdivisions are not permitted.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

**Comment:** The preliminary plan proposes dedication of parkland; however, the determination of its conformance with this guideline will be dealt with by the Department of Parks and Recreation.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

**Comment:** The subject site contains highly sensitive land features and vegetation, in association with Piscataway Creek. Implementation of Section 24-130 of the Subdivision Regulations, the Woodland Conservation and Tree Preservation Ordinance and implementation of the *Approved Countywide Green Infrastructure Plan* will focus development in an environmentally sound manner.

5. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

**Comment:** The TCPI submitted creates an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and natural ecological features and capitalizes on natural assets through the retention and protection of trees, streams and other ecological features. The TCP shows conservation of large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.

6. **Woodlands associated with floodplains, wetlands, stream corridors and steep slopes**

**shall be given priority for preservation.**

**Comment:** This guideline mirrors the requirements of the Woodland Conservation and Tree Preservation Ordinance and the TCP shows significant preservation of the priority woodlands.

- 7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

**Comment:** This guideline is a standard practice for all tree conservation plans. The TCP shows areas of connectivity between upland and floodplain forests and minimizes creation of woodland fragments.

- 8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

**Comment:** The Natural Reserve Areas described in the master plan are areas that have been superseded by the Regulated Areas in the Green Infrastructure Plan. There are extensive Regulated Areas designated in the plan both on and adjacent to the site, which are proposed to be preserved to a large extent. Some impacts to these features are proposed and are discussed in detail in the Environmental Review Section below.

- 9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

**Comment:** This TCP proposes the creation of parcels that will be owned and maintained by the future homeowners or by the Department of Parks and Recreation. Conservation easements will be placed on the regulated features on the final plats.

- 10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

**Comment:** The Subregion V Master Plan identifies areas of Conditional Reserve on the subject property; however, the Conditional Reserve Areas described in the master plan are areas that have been superseded by the Evaluation Areas in the Green Infrastructure Plan when it was adopted in 2005. The site contains extensive Evaluation Areas that will be preserved to provide connectivity of existing woodlands to the Regulated Areas.

- 11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

**Comment:** The master plan does not identify any Perceptual Liability Areas on or near the subject property.

- 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.**

**Comment:** There are no nearby point or non-point noise generators.

- 13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

**Comment:** No farming is proposed.

- 14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

**Comment:** Information available at PGAtlas.com provides generalized information regarding sensitive environmental features of the region and the Natural Resource Inventory (NRI) submitted provides detailed information regarding the subject property. The NRI is used to formulate the appropriate areas for development on the site.

## **CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN**

The site is within the designated network of the *Approved Countywide Green Infrastructure Plan* and includes large areas designated as Regulated Areas and Evaluation Areas. The Regulated Areas contain the same features as the Natural Reserve as defined in the Subregion V Master Plan. The Evaluation Areas are the forested areas contiguous with the Regulated Areas that contain special environmental features that should be considered for preservation. The following policies support the stated measurable objectives of the Countywide Green infrastructure Plan:

**Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

**Comment:** The subject property contains Regulated Areas and Evaluation Areas. The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within Regulated Areas and adjacent Evaluation Areas, and by meeting the woodland conservation threshold on-site.

**Policy 2: Preserve, protect enhance or restore the green infrastructure network and its ecological functions while supporting the desired development patterns of the 2002 General Plan.**

**Comment:** Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. It is recommended that low-impact development stormwater management methods be applied on this site, to the fullest extent possible. The TCPI shows the use of two stormwater management ponds. The ponds are designed to provide for water quantity and water quality control before out-flowing into the Piscataway Creek Stream Valley.

**Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

**Comment:** The TCPI conforms to the 2002 General Plan by preserving priority woodlands within Regulated Areas and adjacent Evaluation Areas, and by meeting the woodland conservation threshold on-site.

**Summary of Master Plan Conformance:** The proposed development and TCPI generally conforms to the Countywide Green Infrastructure Plan for the reasons stated above.

**Environmental Review**

A Natural Resource Inventory (NRI), NRI/053/07, was stamped as approved by the Environmental Planning Section on June 18, 2008. The NRI contains a forest stand delineation and a wetlands report. The forest stand delineation describes two forest stands totaling 60.80 acres (63 percent of the property). There are 41.94 acres of upland woodlands and 18.86 acres of woodlands within the 100-year floodplain.

The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for development that will minimize impacts to the natural environment.

Only eight specimen trees were identified which suggests that logging may have occurred in the past. Four of the specimen trees are directly associated with the existing residential structure and three are located near the barn. Of the eight specimen trees, seven are noted to be in poor condition and none are significant by either county or state standards.

Stand 1 contains 7.28 acres of immature mixed upland forest in the northwestern portion of the site. This woodland is dominated by loblolly pine, sweetgum, red maple and yellow poplar. There are no specimen trees in this stand.

Stand 2 contains 53.52 acres of immature mixed hardwoods dominated by red maple, American beech, black cherry and yellow poplar. There are four specimen trees in this stand. The priority areas for preservation in this stand are associated with the stream buffers, wetlands, wetland buffers and 100-year floodplain.

The property contains extensive areas of wetlands, wetland buffers, stream buffers and 100-year floodplain. The plans correctly indicate that no portion of any stream buffer or wetland buffer will be on any residential lot.

**Variations to Section 24-130 of the Subdivision Regulations**

Impacts to regulated environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole. Impacts to sensitive environmental features that are not associated with essential development activities are generally not supported. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

Impacts to sensitive environmental features require variations to the Subdivision Regulations. Five variation requests, dated January 8, 2009, were submitted:

- **Impact 1** is required by the Prince George's County Soil Conservation District to install a pipe slope drain.
- **Impact 2** is for the construction of a street to serve approximate 36 of the proposed 110 lots.
- **Impact 3** is for the construction of a street to serve approximate 28 of the proposed 110 lots.
- **Impact 4** is for the construction of a street to serve approximate 18 of the proposed 110 lots.
- **Impact 5** is for the connection of the proposed subdivision to the existing sanitary sewer line that is wholly within an expanded stream buffer.

In addition, the TCPI illustrates the master plan trail required by the Department of Parks and Recreation and the master plan. Construction of the trail will require relatively small impacts to two portions of the expanded stream buffers and will be reviewed with the limited detailed site plan to minimize the impacts to the extent possible. The limited detailed site plan will establish the specific location of the trail where the impacts can be clearly determined.

Section 24-113 of the Subdivision Regulations contains four required findings **[text in bold]** to be made before a variation can be granted. Each variation is described individually above. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

**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:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop a substantial portion of this property as described above.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of proper sediment/erosion controls, public streets and the Master Plan Trail are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The property contains extensive areas of wetlands, wetland buffers, stream buffers and 100-year

floodplain that are unusual in not only quantity but in placement.

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

The installation of proper sediment/erosion controls, public streets and the Master Plan Trail are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The property is bisected by the PEPCO ROW, and is unusually shaped when compared to the surrounding properties. Without the required impacts, the property could not be reasonably developed in accordance with the R-80 zoning.

The Environmental Planning Section recommends approval of the variation requests (1-5) for the reasons stated above.

The Type I Tree Conservation Plan, TCPI/023/03, has been reviewed. The plan proposes clearing 26.36 acres of the existing 41.94 acres of upland woodland and clearing of 0.16 acres of the existing 18.86 acres in the 100-year floodplain. The woodland conservation threshold is 13.88 acres. Based upon the proposed clearing, the woodland conservation requirement is 20.63 acres. The plan proposes to meet this requirement by providing 15.58 acres of on-site preservation, 0.56 acres of on-site planting and 4.49 acres of off-site conservation. The plan correctly avoids placing woodland conservation areas on lots less than 20,000 square feet in area or on land proposed for dedication to the Department of Parks and Recreation.

The TCPI submitted creates an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and natural ecological features and capitalizes on natural assets through the retention and protection of trees, streams and other ecological features. The TCP shows conservation of large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. The plan correctly indicates that no woodland conservation will be on any residential lot.

According to the *Prince George's County Soil Survey* the principal soils on this site are in the Adelphia, Beltsville, Bibb, Elkton, Galestown, Kleg, Marr, Matapeake, Othello, Sassafra, Westphalia and Woodstown soils series. Adelphia soils are in the B-hydric series and are subject to a seasonally high water table and impeded drainage. Beltsville soils are in the C-hydric group, are highly erodible and may be subject to a perched water table and impeded drainage. Bibb soils are associated with floodplains. Elkton soils are in the D-hydric soils series and are subject to a high water table and poor drainage. Galestown soils are in the A-hydric series and pose no special problems for development. Kleg soils are in the B-hydric series and are subject to a seasonally high water table and impeded drainage. Marr and Matapeake soils are in the B-hydric series and pose no special problems for development. Othello soils D-hydric soils series and are subject to a high water table and poor drainage. Sassafra soils are in the B-hydric series and pose no special problems for development. Westphalia soils are in the B-hydric series and are highly erodible.

Woodstown soils are in the C-hydric series and are subject to a high water table and impeded drainage. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by Prince George's County during the permit process review.

6. **Community Planning**—The 2002 General Plan locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities. The plan is not inconsistent with the 2002 General plan Development Pattern policies. The site is also located within the 1993 Approved Subregion V Master Plan and Sectional Map Amendment, in Planning Area 81A in the Clinton Community. The master plan land use recommendation is for residential density at up to 3.5 dwelling units per acre. The 1993 Sectional Map Amendment classified this property in the R-80 Zone, which is generally consistent with the land use recommendations of the master plan. The preliminary plan is not inconsistent with the General Plan and master plan based on all of the findings contained in this staff report.
7. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the preliminary plan application for conformance with the requirements and recommendations of the Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Area 81A, the Land Preservation and Recreation Program for Prince George's County and current zoning and subdivision regulations as they pertain to public parks and recreation.

The property includes 21.28 acres of the floodplain along the Piscataway Creek Stream Valley. The property is adjacent to M-NCPPC-owned Piscataway Stream Valley Park located on the east and west of the subject property. The applicant proposes to construct 108 single-family residential dwelling units, which will result in a population of 316 new residents.

The Subregion V, Planning Area 81A Master Plan recommends dedication of the Piscataway Creek Stream Valley to M-NCPPC and hiker/biker/equestrian trails construction along the stream. The property is bordered by the Piscataway Creek on the south. The Piscataway Stream Valley corridor is a significant natural resource in Prince George's County. The master plan trail along the stream valley will provide an important recreational link between the communities and parks in southern Prince George's County. The segment of the Piscataway Creek Stream Valley in this project area is one of the few missing links to complete public land acquisition along the Piscataway Creek between Branch Avenue and the Potomac River.

Section 24-134 of the Prince George's County Subdivision Regulations requires the mandatory dedication of 6.8 acres of parkland suitable for active and passive recreation.

Section 24-134(a)(4) states:

“When land is shown for preservation as part of a stream valley park on an official master plan, such land may be dedicated or preserved in lieu of active recreation, provided that the Planning Board finds that there is a reasonable amount of active recreation in the general area and that any trails shown on the master plan are provided.”

The 2005 Land Preservation and Recreation Program for Prince George's County level of service analysis indicate that there is a high need for outdoor recreation facilities in the surrounding community. The applicant proposes dedication of 25± acres along the Piscataway Creek to fulfill the mandatory dedication requirements for parkland in accordance with Section 24-134(a)(4). The area proposed for parkland dedication is mostly comprised of a 100-year floodplain, wetlands and wetland buffers. However, there is adequate room for the construction of the trail along the

stream valley as proposed by the applicant. Staff is recommending that the review and approval of the trail construction be included as a part of the limited detailed site plan. There are a number of issues that relate to the trail installation which include the number and location of outfalls extending from Hunt Weber Drive to the trail, the location of the connector trail, the trail crossing of the PEPCO easement, the notice of the trail location as discussed further, and any resulting modifications to the layout that could occur.

The hiker/biker trail along the Piscataway Creek will provide access to the South Clinton Community Center which is planned on the 155-acre park parcel that is part of Cosca Regional Park. This parcel is located 0.6 miles west of subject property. In addition to the community center, DPR has plans to provide additional recreational facilities to include ball fields, basketball courts and play areas.

The DPR staff recommends the following combination of mandatory dedication of parkland and recreational facilities on dedicated parkland:

- Dedication to The M-NCPPC of approximately 24 acres of open space land as shown on the DPR Exhibit A, and the
- Construction of the ten-foot-wide hiker/biker asphalt trail and construction of an 8-foot-wide hiker/biker connector trail from the subject property shown on the DPR Exhibit A. The connector trail should have 30 feet of frontage on the cul-de-sac of Hunter Weber Drive as depicted on DPR Exhibit A.

The public master trail is in close proximity to Lots 87-92. Staff is recommending a minimum setback from the rear lot line of these lots of 30 feet from the master plan trail. The applicant will be clearing so there will be no existing buffer behind the lots and the grade is fairly flat. Recently, residents have raised concerns where a public trail passed within their communities or is located in close proximity to their rear lot lines. In order to address some of the issues of notice to perspective homeowners' staff is recommending two additional conditions relating to a public master plan trail and notice to homeowners:

1. **Notice of public trail environment**—Utilizing the Aviation Policy Analysis Zone (APA) legislation (CB-51-2002) as a model, staff recommends that a Disclosure Notice be included as an addendum in the contract for sale for Lots 87-92 which are located on the south side of Hunt Weber Drive, east of the 80-foot-wide PEPCO easement adjacent to the master plan public trail.

Prior to final plat approval the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, should include language notifying future contract purchasers of homes on Lots 87-92 of the existence of a master plan public trail adjacent to those lots. The Declaration of Covenants should include the Master Plan Public Trail Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser should sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants should be noted on the final plat along with a description of the proximity of the development to the master plan public trail.

2. **Posting of location**—Staff recommends that the location of the future master plan public trail be posted with highly visible signage. The posting should occur on park property in the conceptual alignment and location of the future trail, on poles of construction grade, with signage at least 5 feet above grade. The signs should be posted no less than the



number of lots that are adjacent (Lots 87–92). The details, placement, and timing for installation and removal of the signage should be determined with the limited detailed site plan.

### **Conclusions**

Staff finds that this proposal will fulfill the requirements of Section 24-134(a)(4) Subdivision Regulations and finds that there is a reasonable amount of active recreation in the general area as described above, with conditions for the dedication of the SVP and the construction of the master plan trail with connections in accordance with DPR Exhibit A.

8. **Trails**—The Adopted and Approved Subregion V Master Plan recommends two master plan trails on the subject site. A “multi-use hiker-biker equestrian” trail is recommended in the master plan on the subject property between Tinkers Creek and Piscataway Creek (page 167). The master plan also recommends a multi-use trail in the Piscataway Creek Stream Valley Park and will be the main greenway/trail corridor between the Potomac River and the Patuxent River.

The revised proposal adequately incorporates standard sidewalks along the new subdivision roads and includes the master plan trail. Technical staff supports the provision of the land along the Piscataway Creek Stream Valley Park to accommodate the future construction of the stream valley trail.

9. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of 108 single-family detached lots. Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (Guidelines), it is determined that the proposed development would generate 82 AM (16 inbound and 66 outbound) and 98 PM (64 inbound and 34 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- MD 5 and Surratts Road (unsignalized)
- Brandywine Road and Surratts Road (signalized)
- Brandywine Road and Thrift Road (signalized)
- Brandywine Road and Summersweet Drive (unsignalized)
- Brandywine Road and Burch Hill Road (unsignalized)

The application is supported by a traffic study dated September 2008 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines.”

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

- **Links and signalized intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Guidelines.”

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

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in April 2008 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,724	1,238	F	C
Brandywine Road and Surratts Road	1,233	1,513	C	E
Brandywine Road and Thrift Road	947	1,042	A	B
Brandywine Road and Summersweet Drive	10.9*	12.5*	--	--
Brandywine Road and Burch Hill Road	10.0*	19.2*	--	--
*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.				

Improvements to Surratts Road, Brandywine Road, and the Brandywine/Surratts and Brandywine/Thrift intersection are programmed for improvement with 100% construction funding within the next six years in the Prince George's County "Capital Improvement Program (CIP)." There are no improvements that are currently programmed in the current Maryland Department of Transportation "Consolidated Transportation Program." Background traffic has been developed in the traffic study using approved development encompassing nearly 1,200 approved residences in the area and 1.0 percent annual growth rate in through traffic along the major roadways. In reviewing the study, it has been noted that 160 residences that were counted as background have been constructed. Furthermore, the traffic study's background analysis did not take into account the programmed improvements along Brandywine and Surratts Road. Therefore, the following critical intersections, interchanges and links, when analyzed with the programmed improvements and background traffic as developed using the "Guidelines" and adjusted as noted above, operate as follow:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,877	1,412	F	D
Brandywine Road and Surratts Road	836	957	A	A
Brandywine Road and Thrift Road	632	1,171	A	C
Brandywine Road and Summersweet Drive	12.3*	14.7*	--	--
Brandywine Road and Burch Hill Road	12.8*	92.7*	--	--
*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.				

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Guidelines," including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV,AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,887	1,417	F	D
Brandywine Road and Surratts Road	878	989	A	A
Brandywine Road and Thrift Road	664	1,229	A	C
Brandywine Road and Summersweet Drive	13.8*	16.2*	--	--
Brandywine Road and Burch Hill Road	12.9*	98.4*	--	--
*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.				

Issues have been noted with two of the intersections listed above. These issues are discussed further below.

#### **MD 5 and Surratts Road**

In response to the inadequacy at this intersection, the applicant has proffered mitigation in a separate document received late in the review process. This intersection is eligible for mitigation under the fourth criterion in the "Guidelines for Mitigation Action" (the portion of the "Guidelines" approved as CR-29-1994). The proffer recommends the following improvements:

- A. On the eastbound Surratts Road approach, restripe an existing eastbound through lane to become a shared through/left-turn lane.

- B. On the westbound Surratts Road approach, construct a new westbound shared through/left-turn lane.

SHA, as the agency with jurisdiction for permitting the ultimate improvement, reviewed this proposal. SHA concurred with the recommendations. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5 and Surratts Road				
Background Conditions	F/1877	D/1412		
Total Traffic Conditions	F/1887	D/1417	+10	N/A
Total Traffic Conditions w/Mitigation	E/1796	--	-91	N/A

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited. Additional through lanes along MD 5 through the intersection would not be effective; MD 5 is already three through lanes northbound and southbound at this location. The western and eastern legs of the intersection could be widened in theory, but the traffic volumes are not sufficient to have a great effect on the overall CLV. The only identifiable improvement that would result in LOS D operations at this location would be the construction of the planned MD 5 and Surratts Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, but there has been no funding to date for design or construction.

As the CLV at the critical intersection is above 1,813 during the AM peak hour, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813 during the AM peak hour, according to the "Guidelines". The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips during the AM peak hour. This table also indicates that the resulting CLV under total traffic with the mitigation improvements is 1,813 or less in the AM peak hour. The table indicates that the proposed mitigation action would mitigate 900 percent of the trips generated by the subject property in the AM peak hour. As the intersection operates at LOS D during the PM peak hour, while mitigation would improve operations incrementally during the PM peak hour, the overall mitigation findings are not germane to the PM peak hour. **Therefore, the applicant's proposed mitigation at MD 5 and Surratts Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

As noted earlier, SHA does concur with the mitigation that is proposed. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board would seriously consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

#### **Brandywine Road and Burch Hill Road**

This intersection operates inadequately during the PM peak hour as an unsignalized intersection.

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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. With a signal in place, it is estimated that the intersection would operate at LOS A during both peak hours.

### **Agency Review**

DPW&T and SHA have reviewed the original traffic study and have offered several comments. DPW&T has noted that full payment toward the Brandywine Road/Surratts Road CIP project has not been received. It has been noted that this project is fully funded for construction; however, that full funding includes a substantial portion from developers. DPW&T indicated that needed payments from this site were not made in full. In response, a copy of an agreement between the applicant and DPW&T, along with a proof of payment of \$245,000 made on behalf of White Property (the name of the previous application, Preliminary Plan of Subdivision 4-03014, on this site), were provided for review by DPW&T. In response, DPW&T has stated that the signed agreement calls for the payment of \$287,138 in 2003 dollars, which is greater than the payments made to date. For this reason, a condition is included requiring that needed payments, in accordance with the Brandywine/Surratts Road Highway Club Agreement, dated June 21, 2006 and provided as an attachment to this memorandum, be made prior to the appropriate building permit issuance.

DPW&T also commented that the developer should provide an acceleration/deceleration lane along southbound Brandywine Road at Summersweet Drive, along with a bypass lane along northbound Brandywine Road at the same location. Information provided by the applicant has referenced a \$77,000 payment toward this improvement that DPW&T has stated was never made. The expectation of these improvements and/or payment was likely initiated by a condition on the previous preliminary plan requiring these improvements, and the intersection has been built, possibly with an expectation of receiving some funding from this applicant. The condition was originally imposed due to safety concerns, and for that reason it is being reimposed to ensure that the needed improvements are in place.

SHA's review indicated a concern that the failing intersections in the traffic study were not addressed. Additional materials provided by the applicant have addressed SHA concerns.

### **Connectivity**

The site is not adjacent to any master plan rights-of-way. At the time of Subdivision Review Committee, it was suggested that, because Elysse Drive stubs into the subject property from the west, perhaps Elysse Drive should be extended to connect to the internal street system. In response, the applicant provided the grade establishment plans for Elysse Drive, which indicates that the eastern end of the pavement has an elevation of 175 feet  $\pm$ . This pavement would need to connect the centerline of Hunt Weber Drive approximately 150 feet to the east. This portion of Hunt Weber Drive is proposed with an elevation of 154 feet  $\pm$ . The resulting grade of approximately 14 percent significantly exceeds the DPW&T standard of ten percent, and would not be approvable.

While the extension of Cushwa Drive would appear to have similar geometry, the elevation of Cushwa Drive is approximately 165 feet, and the resulting grade of ten percent is within DPW&T standards. For that reason, the Cushwa Drive extension is feasible for this plan.

### **Nonstandard Centerline Radius**

The Department of Public Works and Transportation (DPW&T) issued a referral dated

September 24, 2008 which stated that the curve radius of Hunter Weber Drive in two locations did not meet the County standards. The County standards were amended subsequent to the original preliminary plan approval from 300 feet to 500 feet radius. Because the previous application expired the new preliminary plan application is subject to the new standard. The applicant indicated at SRC in October that they had received a waiver from DPW&T. However, the DPW&T issued a new referral dated January 15, 2009, that the previous comments stand and that the plan continued to proposed curve radius that did not meet the County standard. On February 3, 2009, staff received via e-mail from DPW&T an agreement to waive the required 500-foot radius, and approved the nonstandard radius proposed on the preliminary plan.

## TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Schools**—The preliminary plan has been evaluated for its impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003, and the following was found:

**Impact on Affected Public School Clusters**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 5</b>	<b>Middle School Cluster 3</b>	<b>High School Cluster 3</b>
Dwelling Units	110 DU	110 DU	110 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	26.4	6.6	13.2
Actual Enrollment	3,909	4,065	7,278
Completion Enrollment	44.4	45.54	91.08
Cumulative Enrollment	112.56	34.38	68.76
Total Enrollment	4,092.36	4,151.52	7,438.4
State Rated Capacity	3,771	4,983	7,792
Percent Capacity	108.52%	83.31%	94.74%

Source: Prince George's County Planning Department, M-NCPPC, July 2008

The original application proposed 110 lots.

County Council bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 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 (WMATA); or \$12,000 per dwelling for all other buildings. 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 which is collected

by the Department of Environmental Resources (DER).

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

11. **Fire and Rescue**—This preliminary plan is within the required 7-minute response time for the first due fire station Clinton Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department.

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

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

12. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard is 10 minutes for emergency calls 25 minutes for nonemergency 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 September 17, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date September 17, 2008	08/07-08/08	8 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met May 31, 2008. The Police Chief has reported that the Police 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) and(B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

13. **Health Department**—The Environmental Engineering Program with the Health Department has reviewed the preliminary plan and notes that 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 structure being razed. A general note should be provided on the preliminary plan that requires the well and septic systems be properly abandoned before the release of the grading permit. The abandoned wells (located on the plans) should be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze

permit. The abandoned septic tank (located on the plans) must be pumped out by a licensed scavenger and either removed or backfilled in place.

14. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 28228-2004-00 has been approved for Phase I (SWM pond 1) and a Stormwater Management Concept Plan, 28231-2004-00 has been approved for Phase 2 (SWM pond 2) with conditions to ensure that development of this site does not result in on-site or downstream flooding. The plans provide for retention and extended detention using the ponds as shown on the preliminary plan and Type I tree conservation plan. Development must be in accordance with this approved plan.
15. **Urban Design**—The property is zoned R-80, which has a minimum lot size of 9,500 square feet. All of the lots proposed meet or exceed the minimum lot size. However, because of the lotting pattern and size of the lots, it may be difficult for housing sitings which create a streetscape which will propose the fronts of dwellings being oriented to the most traveled streets. In several cases the lotting pattern may result in the sides of dwellings, particularly on corner lots, being oriented toward the main street. Staff recommends that the dwellings on corner lots be oriented toward the street most traveled, which equates to the street with the widest street right-of-way, or toward the corner.
16. **Historic**—Piscataway Creek borders the subject property on the south and several tributaries of Piscataway Creek run through the property. Prehistoric archeological sites have been found in similar settings. The probability of the subject property containing prehistoric sites is moderate to high.

The Natural Resources Inventory (NRI) notes two existing houses and several outbuildings in the northeast portion of the property. An examination of aerial photographs, deed, and tax records indicates that the two-story frame house was built in the early 20<sup>th</sup> century and the one-story brick house in the 1960s. All standing structures should be recorded on a Maryland Inventory of Historic Properties form prior to demolition. The 1861 Martenet map shows a house belonging to J. Burch on or near the subject property. Members of the Burch family appear to have owned and lived on this parcel of land throughout the 19<sup>th</sup> century and possibly in the 18<sup>th</sup> century as well. As indicated, the probability of the subject property containing historic archeological resources is high.

Five archeological sites, 18PR740, 18PR831, 18PR833, 18PR834, and 18PR835, have been identified within a one-mile radius of the subject property. Four of the sites are historic and one is a multi-component prehistoric and historic site. A Phase III archeological investigation was completed on site 18PR833, yielding important information on the 18<sup>th</sup> century occupation of the Piscataway area. The subject property may also contain 18<sup>th</sup> century archeological resources. In addition, a County Historic Site, Wyoming and Cemetery (81B-4) and a Historic Resource, Thrift Schoolhouse (81B-3) are located within a one-mile radius of the subject property.

A Phase I archaeological survey was conducted on the subject property in July and August 2008. A total of 752 shovel test pits (STPs) were excavated across the Vineyards property. Two archeological sites, 18PR952—a historic farm complex (the Jamison House, 81A-11) containing artifacts dating from the 18<sup>th</sup> to 20<sup>th</sup> centuries, and 18PR953 – a large prehistoric artifact scatter and tool manufacturing site, were identified.

A total of 241 historic and three prehistoric artifacts were recovered from 27 positive STPs near



the Jamison farmhouse. Artifacts recovered date from the 18<sup>th</sup> to 20<sup>th</sup> centuries. One feature, a layer of brick and mortar, was noted near the Jamison farmhouse and may possibly represent an earlier walkway. The Jamison farm complex and associated artifact scatter were recorded as archeological site 18PR952 and covers an area measuring 135-x-90 m. Site 18PR952 also has a small prehistoric component adjacent to Parcel H at Hunter Weber Drive. Site 18PR953 represents an occupation area where the prehistoric inhabitants could take advantage of the various locally available resources. Site 18PR953 also contains a small historic component and historic artifacts recovered include dark olive green bottle glass, unidentified metal, window glass, and bottle glass.

Due to the possibility of intact cultural deposits at both sites and their potential to yield significant information on the prehistoric and historic occupation of the southwestern portion of Prince George's County, Phase II investigations are recommended on sites 18PR952 and 18PR953. Four copies of the final Phase I report were received and approved on January 16, 2009. Phase II work plans for sites 18PR952 and 18PR953 were submitted to Historic Preservation staff and approved on January 16, 2009.

If the Phase II study determines that archeological site 18PR952 and/or 18PR953 may be eligible for the National Register of Historic Places, this subdivision application should be referred to the Historic Preservation Commission (HPC). The HPC should review the impact of the proposed development on the significant archeological sites and determine whether they should be designated as historic sites based on the criteria of Section 29-104 of the Historic Preservation Ordinance, and preserved in place or if Phase III excavations are appropriate.

If a Phase III archeological mitigation is necessary, as determined by the Historic Preservation Commission, the applicant should provide a final report detailing the Phase III investigations or a plan for preservation in place, and ensure that all artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits.

If the HPC recommends the preservation in plan a modification to the lotting pattern would most likely occur. Therefore, prior to the approval of the final plats a limited detailed site plan should be approved to address the future disposition of the archeological resources identified in the Phase I archeological study submitted by the applicant. As a part of a limited detailed site plan, this process would allow the applicant to appeal a decision of the HPC to the Planning Board if the applicant is in disagreement with the HPC recommendation.

The Jamison House (81A-11) is a documented property. The applicant should update the information in the Maryland Inventory of Historic Properties form to reflect current conditions.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public right-of-way as requested by the utility companies.

18. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan placed this property in Water and Sewer Category 4, which is defined as a Community System Adequate for Development Planning.

## RECOMMENDATION

APPROVAL of Preliminary Plan of Subdivision 4-07082 (The Vineyards), subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Renumber the lots, the revised plan submitted 1/9/09 is 108 lots not 109. Adjust general notes accordingly.
  - b. Revise general Note 10 to reflect “Water and Sewer Category 4,” as requested by DER.
  - c. Combine Lots 28 and 29 into one lot to meet the lot width at the front street line of 50 feet.
  - d. Provide distances on all lot lines, including front street line and side lot lines.
  - e. Delineate the proposed master plan trail on all sheets of the TCPI and preliminary plan.
  - f. Revise to conform to DPR Exhibit A dated January 29, 2009 and adjust the general notes as appropriate.
  - g. Oscar King Drive is labeled as 50-foot ROW but scales at 60 feet, correctly label 60 feet.
  - h. Lot 34 and Lot 37 do not scale as dimensioned. Correct the dimension to meet minimum lot standards, or delete the lots.
2. A Type II Tree Conservation Plan TCPI/023/03 shall be approved with the Limited Detailed Site Plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 28228-2004-00 and 28231-2004-00, and any subsequent revisions.
4. At the time of final plat, the applicant shall dedicated a ten-foot public utility easement along the public right-of-way as delineated on the approved preliminary plan of subdivision.
5. The applicant shall, unless modified by the Department of Public Works and Transportation, provide standard sidewalks along both sides of all of the roads, including the cul-de sac roads. Where the sidewalks intersect with roadways, a yellow truncated dome should be installed with tactile asphalt paving. This tactile treatment should be flush with the sidewalk.
6. Prior to the approval of any final plat, a Limited Detailed Site Plan (LDSP) shall be approved by the Planning Board or it’s designee to address the following:
  - a. **Archeological site 18PR952 and 18PR953**—The applicant shall submit the final Phase

II Report for archeological sites 18PR952 and/or 18PR953:

- (i) If the Phase II study has determined that archeological site 18PR952 and/or 18PR953 may be eligible for the National Register of Historic Places, this subdivision application will be referred to the Historic Preservation Commission (HPC). The HPC shall review the impact of the proposed development on the significant archeological sites and determine whether they shall be designated as historic sites based on the criteria of Section 29-104 of the Historic Preservation Ordinance, and preserved in place or if Phase III excavations are necessary.
    - (ii) If a Phase III archeological mitigation is necessary, as determined by the Historic Preservation Commission, the applicant shall provide a final report detailing the Phase III investigations or a plan for preservation in place, and ensure that all artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits.
    - (iii) Prior to the approval of building permits, depending upon the significance of findings (at Phase II or III level), the applicant shall provide interpretive signage. The location and wording shall be subject to approval by the Historic Preservation Section archeologist prior to the issuance of any building permits.
  - b. **Stormwater Management Facilities**—On Parcels A and B to evaluate landscaping, and review shall include plant materials quantities and location of those plant units to provide pleasing views and enhance the overall appearance of the facilities and triggers for instillation.
  - c. **AT&T Easement**—The treatment of the AT&T easement area which may include the placement of a split rail fence or some other acceptable alternative to delineate this area from the lots. This will provide notice to the individual lot owners and the HOA for maintenance and ownership knowledge. The timing, and details for construction should be established.
  - d. **Master Plan Trail Construction**—The review shall include the details for construction of the master plan trail and its location. The public master trail is in close proximity to Lots 87–92. The plan shall demonstrate a minimum setback from the rear lot line of these lots of 30 feet. Posting notice of the location of the master plan trail, the number and location of outfalls extending from Hunt Weber Drive to the trail, the location of the connector trail, the trail crossing of the PEPCO easement, and any resulting modifications to the layout that could occur. The master plan trail shall be completed prior to the issuance of building permits for Lots 87-92.
7. Prior to approval of the final plat the Maryland Inventory of Historic Properties (MIHP) form for the Jamison House (81A-11) shall be updated to reflect the current condition of all standing structures on the property and shall be submitted for approval by Historic Preservation Section.
8. Prior to approval of the final plat, if state or federal monies or federal permits are required for this project, 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. The applicant shall provide proof to the Historic Preservation Section that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on

historical resources on the subject property prior to approval of this preliminary plan.

9. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 29.20± acres of open space land (Parcels A-G). 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 be in accordance with an approved permit 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. 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.
10. The applicant and the applicant's heirs, successors and/or assignees shall submit to the Park Planning and Development Division submit three (3) original Recreational Facilities Agreements (RFA) for construction of the master plan trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
11. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
12. Prior to the approval of building permits the applicant and the applicant's 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.

13. Prior to approval of any final plat, the applicant shall provide final approval from AT&T for the relocation of the 16.5-foot-wide AT&T easement as depicted on the approved preliminary plan of subdivision.
14. Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
15. Prior to the approval of any final plat the applicant shall provide a copy of the stipulation letter concept approval from PEPCO for the relocation of the 80-foot-wide easement and infrastructure improvements within the easement. If requested by PEPCO revisions shall be reviewed by the Subdivision Section prior to final plat to determine if the layout remains in conformance with the approved preliminary plan.
16. Prior to any final plat approval the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying future contract purchasers of homes on Lots 87-92 of the existence of a master plan public trail adjacent to those lots. The Declaration of Covenants shall include the Master Plan Public Trail Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the master plan public trail.
17. Prior to issuance of the building permits for the Lots 81–97 as designated on the preliminary plan, the master planned trail and connector trail shall be constructed. These lots are located on the south side of Hunt Weber Drive, east of the 80-foot side PEPCO easement adjacent to the master plan public trail, as shown on the preliminary plan. At the time of final plat these lot numbers may have to be adjusted. The location of these lots which are the subject of this condition are as described here in.
18. The applicant and the applicant's heirs, successors and/or assignees shall be subject to the following conditions:
  - a. The applicant shall construct a ten-foot-wide asphalt hiker/biker trail along the Piscataway Creek Stream Valley as shown on Exhibit A. The trail shall be setback a minimum of 30 feet from the rear property lines as shown on the approved limited detailed site plan.
  - b. The applicant shall construct an eight-foot-wide asphalt connector trail as shown on attached Exhibit A and the limited detailed site plan.
  - c. The location of the trails shall be staked in the field and approved by the DPR prior to construction.
  - d. With the submission of the Limited Detailed Site Plan, the applicant shall submit to the DPR the detailed construction drawings for the construction of the recreational facilities on parkland for review and approval. The recreational facilities shall be designed in accordance with the applicable standards in the *Park and Recreation Facilities Guidelines*.

- e. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the DPR.
  - f. The handicapped accessibility of all trails shall be reviewed during the review of the LDSP.
  - g. At the time of the limited detailed site plan review, the DPR shall review and approve the location and design of the storm drain outfalls on parkland. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to M-NCPPC and on master planned trails on dedicated parkland. All outfalls shall be extended beyond the hiker/biker trail on dedicated parkland. Any end walls shall be finished in stone veneer. Safety fencing shall be provided along the endwalls higher than two feet located in close proximity to the trail.
  - h. Prior to approval of any final plat of subdivision and conveyance of the parkland to M-NCPPC, the applicant, PEPCO and M-NCPPC shall enter into easement agreement for PEPCO utility lines crossing the parkland. This easement agreement shall insure the construction and maintenance of the master planned trail in the PEPCO easement in perpetuity.
19. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcel H, 24+ acres of land. Land to be conveyed shall be subject 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 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, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The 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. Prior to approval of any final plat of subdivision, the applicant shall stake the boundaries of the dedicated parkland in the field and schedule an inspection of the dedicated land by DPR staff.
  - g. 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.
  - h. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - i. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - j. 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.
  - k. 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.
20. **MD 5 at Surratts Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. Restripe an existing eastbound through lane to become a shared through/left-turn lane.
  - b. Construct a new westbound shared through/left-turn lane.
21. **Brandywine Road and Burch Hill Road:** Prior to the issuance of any building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study the intersection of Brandywine Road and Burch Hill Road to the County Department of Public Works and Transportation (DPW&T). The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with DPW&T prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. The performance of a new study may be waived by DPW&T if DPW&T determines in writing that an acceptable recent study has been conducted.
22. Prior to the issuance of any building permit, the applicant shall pay to Prince George's County the appropriate share of costs for improvements to the Brandywine Road/Surratts Road intersection and other improvements to Brandywine and Surratts Roads. The amount to be paid shall be

determined by an existing agreement between the applicant and Prince George's County, and in consideration of any payments made pursuant to that agreement on behalf of The "White Property (4-03014)."

23. **Brandywine Road at Buckler Property site access:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency: provision of a southbound acceleration/deceleration lanes, along with a northbound left-turn bypass lane.
24. 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/023/03), 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 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."
25. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers, except for areas with approved variation requests, and shall be reviewed by the Environmental Planning Section prior to approval. In addition, 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 permitted."
26. 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.
27. Building permits for corner lots shall orient the front of the dwelling toward the street with the greatest right-of-way width or toward the intersection.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/023/03 AND VARIATIONS FROM SECTION 24-130.