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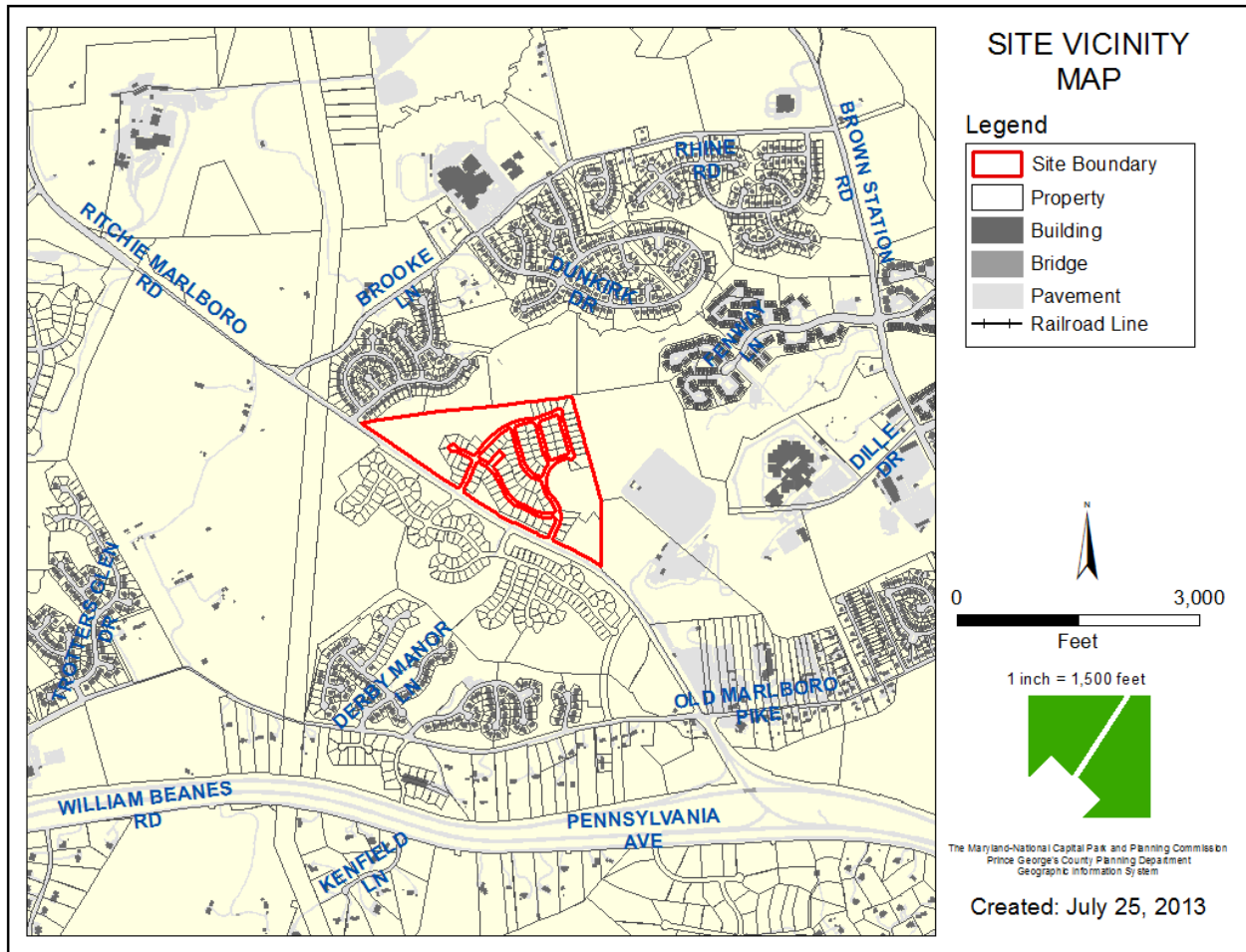
Detailed Site Plan

DSP-05011-01

Application	General Data	
Project Name: Marlboro Pointe Cluster Location: On the northeastern side of Ritchie Marlboro Road, approximately 700 feet southeast of its intersection with Foyette Lane. Applicant/Address: SM Waterford Estates, LLC 44425 Pecan Court, Suite 153 California, MD 20619	Planning Board Hearing Date:	11/14/13
	Staff Report Date:	10/30/13
	Date Accepted:	09/09/13
	Planning Board Action Limit:	11/14/13
	Plan Acreage:	71.48
	Zone:	R-R
	Dwelling Units:	101
	Gross Floor Area:	N/A
	Planning Area:	79
	Tier:	Developing
	Council District:	06
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	206SE11

Purpose of Application	Notice Dates	
101 single-family detached residential units.	Informational Mailing:	06/11/13
	Acceptance Mailing:	08/29/13
	Sign Posting Deadline:	10/15/13

Staff Recommendation		Staff Reviewer: Ruth Grover, MUP, AICP Phone Number: 301-952-4317 E-mail: Ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-05011-01
Type II Tree Conservation Plan TCPII-122-05-01
Marlboro Pointe Cluster

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Zoning Ordinance in the Rural Residential (R-R) Zone.
- b. The requirements of Preliminary Plan of Subdivision 4-04151.
- c. The requirements of Detailed Site Plan DSP-05011.
- d. The requirements of the 2010 *Prince George's County Landscape Manual*.
- e. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- g. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application requests approval of a detailed site plan (DSP) for a 101-lot cluster subdivision in the Rural Residential (R-R) Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	71.84	71.84
Parcels	2	2
Lots	0	101

3. **Location:** The site is in the Developing Tier, Planning Area 79, and Council District 6. More specifically, it is located on the northeastern side of Ritchie Marlboro Road, approximately 700 feet southeast of its intersection with Foyette Lane.
4. **Surrounding Uses:** The subject property is bounded to the north by parkland in the Reserved Open Space (R-O-S) Zone and existing single-family detached residential development in the Residential Suburban Development (R-S) Zone; to the southwest by Ritchie Marlboro Road, with vacant land in the R-R Zone beyond; and to the east by an automobile impound lot.
5. **Previous Approvals:** The site is subject to the requirements of approved Stormwater Management Concept Plan 35758-2003-03, approved on September 10, 2013 and valid until September 10, 2016, and Preliminary Plan of Subdivision 4-04151, approved by the Prince George's County Planning Board on December 19, 2004, which approval was formalized in PGCPB Resolution No. 04-286, adopted by the Planning Board on January 6, 2005. The latter approval was then given a one-year extension on January 5, 2007 and a six-month extension on January 10, 2008. The site is also the subject of recorded final plats. The site is the subject of Detailed Site Plan DSP-05011 approved by the Planning Board on December 1, 2005, with PGCPB Resolution No. 05-249 adopted by the Planning Board on December 22, 2005, formalizing the approval. The Prince George's County District Council subsequently called up the case, heard oral argument regarding it, and issued an order dated May 22, 2006 affirming the Planning Board's decision, subject to certain conditions. The applicant's request is that the subject DSP-05011-01 entirely supersede the approval of DSP-05011.
6. **Design Features:** The proposed subdivision is triangular in shape with Ritchie Marlboro Road as its hypotenuse. Access to the subdivision is provided from two points along Ritchie Marlboro Road. The more northerly access, Marlboro Pointe Drive, feeds through the subdivision, past one of the two stormwater management ponds provided for the subdivision, two environmentally-sensitive areas of the site, with the subject site's main recreational facilities (a basketball and tennis court) between them, to the most northern corner of the subdivision. There it makes a 90 degree turn (via an elbow cul-de-sac) in a southeasterly direction to another elbow cul-de-sac, where it takes another 90-degree turn to the southwest, winding its way past another environmentally-sensitive section of the site. The road then continues south to provide the second access to and from Ritchie Marlboro Road. Marlboro Pointe Drive provides frontage for 44 lots of the 101-unit development. Payan Street, Tripper Lane, and Groover Lane provide access to the remaining 57 lots in the subdivision. Payan Street also extends to the northwest of Marlboro Pointe Drive, where it terminates in a cul-de-sac, which provides access to nine of the lots. Lots are predominantly arranged back-to-back, except where the limits of the site, environmental features, or the placement of recreational facilities or stormwater management ponds prevent it, mainly on the periphery of the site.

The recreational features planned for the subdivision more specifically include:

- A passive recreational area including a gazebo with blue flagstone paving immediately around it in a circular fashion, three benches, four picnic tables, three specialty park lights, three trash receptacles, and a three-foot-high by one-foot-wide brick wall surrounding the gazebo, surrounded by its blue flagstone paving. One of the picnic tables, two of the benches, two of the specialty park lights, and one of the trash receptacles are to be located within the area encompassed by the wall. The other features are located proximate to but outside the wall.
- A 1,100-foot, eight-foot-wide, off-site hiker/biker trail
- A 1,000-foot, eight-foot-wide, on-site hiker/biker trail
- A tennis court
- A basketball court

A proposed condition in the Recommendation section of this staff report would require that these recreational facilities be bonded and completed in accordance with the following schedule:

Recreational Facility	Bonded By	Completed By
A passive recreational area including gazebo with blue flagstone paving immediately around it, three benches, four picnic tables, three specialty park lights, three trash receptacles, and a three-foot-high by one-foot-wide brick wall surrounding the gazebo, its paving, one of the picnic tables, two of the benches, two of the specialty park lights, and one of the trash receptacles.	Issuance of the first building permit for the proposed development	Issuance of the 27th building permit for the proposed development
1,000-foot, on-site, eight-foot-wide, hiker/biker trail	Issuance of the first building permit for the proposed development	Issuance of the 40th building permit for the proposed development
A basketball and a tennis court, including an ancillary passive recreational facility including a picnic table, two benches and two trash receptacles	Issuance of the first building permit for the proposed development	Issuance of the 54th building permit for the proposed development
1,100-foot, off-site, eight-foot-wide, off-site hiker/biker trail	Issuance of the first building permit for the proposed development	Issuance of the 81st building permit for the proposed development

The architecture for the project includes a selection of well-designed single-family homes ranging from 2,776 to 4,728 square feet. More particularly, the architecture for the proposed project includes:

Model Name	Total Base Finished Area (Square Feet)
Rockwell	2,776
Chatham	2,818
Cambridge	2,936
Sudbury	3,281
Portsmouth	3,333
Mansfield	3,668
Stratford	3,694
Crosby	4,056
Windermere	4,728

In order to improve the general appearance of the architecture of the subdivision, staff is suggesting that no less than 60 percent of the units in the subdivision have brick fronts. In addition, staff suggests that, on highly-visible lots, the brick should wrap to the sides that are visible and that three, rather than two, minimum endwall features be required. Staff offers the following table of the highly-visible lots on each block, indicated by block letter and lot number:

Block	Lot
A	1, 4, 12, and 13
B	1, 4, 16 and 17
C	1 and 4
D	1 and 15
E	1, 5, 6, and 10
F	1, 8, 9, and 14
G	1, 6, 15, and 18

The above suggestions are reflected in the recommended conditions below.

The lot sizes are distributed in the proposed subdivision as follows:

Lot Size (Square Feet)	Number of Lots
10,000–12,000	34
12,001–14,000	33
14,001–16,000	27
16,001–18,000	4
18,001 and larger	3
Total Number of Lots	101

For a discussion of the landscaping for the project and its conformance to the requirements of the 2010 *Prince George's County Landscape Manual*, see Finding 10 below.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed cluster subdivision is a permitted use in the R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones.
8. **Preliminary Plan of Subdivision 4-04151:** Preliminary Plan of Subdivision 4-04151, approved by the Planning Board on December 19, 2004, was formalized in PGCPB Resolution No. 04-286, adopted by the Planning Board on January 6, 2005. The approval was then given a one-year extension on January 5, 2007 and a six-month extension on January 10, 2008. Final plats have been recorded for the subdivision. However, the following conditions of approval apply to the review of the subject DSP. Staff has included the relevant condition in **boldface** type below, followed by Urban Design staff comments:
 3. **In conformance with the adopted and approved Melwood-Westphalia Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **A trail connection from the subject site to the existing master plan trail on the adjacent M-NCPPC land at a location agreeable to the Department of Parks and Recreation.**
 - b. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Comment: The trail required by this condition connecting to the adjacent Fox Chase Community Park owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) is shown on Sheet 6 of the plan set. In an email dated October 23, 2013, the Department of Parks and Recreation indicated that the trail as shown on the subject DSP is acceptable to them, also as required by this condition. Additionally, four-foot-wide sidewalks along the public rights-of-way have been provided in conformance with this requirement. The Transportation Planning Section has indicated that four-foot-wide sidewalks are what the Department of Public Works and Transportation (DPW&T) considers standard for this location.

4. **Development of this site shall be in conformance with the approved Stormwater Management Concept Plan No. 35758-2003-00, and any subsequent revisions.**

Comment: The approved "-03" revision (35758-2003-03) of Stormwater Management Concept Plan 35758-2003-00, submitted together with the subject DSP for consideration, is not consistently and correctly reflected throughout the plan set. However, a proposed condition in the Recommendation section of this staff report requires that the concept be revised after one of the two entrances to the stormwater management pond along Ritchie Marlboro Road is eliminated. Therefore, staff has proposed a second condition below that would require that, prior to certificate approval, the revised stormwater concept be consistently and correctly reflected throughout the

plan set. Therefore, it may be said that the development of this site shall be in conformance with a revision of Stormwater Management Concept Plan 35758-2003-03 in accordance with this requirement.

- 5. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.**

Comment: Although this condition is triggered at the later time of issuance of grading permits, staff is including it here as the Prince George's County Health Department's comments provided for the subject project mentioned the need to address the removal of the above-referenced fuel storage tanks. The proper removal and disposal of the tanks will be implemented prior to issuance of grading permits for the project in conformance with the above preliminary plan requirement.

- 6. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.**

Comment: Although this condition is triggered at the later time of issuance of grading permits, staff is including it here as the Health Department's comments provided for the subject project mentioned the need to address the removal of the above-referenced tires. The proper removal and disposal of the tires will be implemented prior to issuance of grading permits for the project in conformance with the above preliminary plan requirement.

- 17. The Type II tree conservation plan planting schedule shall include a mixture of plant sizes for all reforestation areas within 100 feet of residential lot lines. At a minimum, the planting schedule shall provide at least 35 percent of the planting stock as being one- to two-inch caliper trees. The planting schedule for afforestation areas more than 100 feet from lot lines shall provide at least 10 percent of the planting stock at one-inch caliper or greater.**

Comment: In a memorandum dated October 21, 2013, the Environmental Planning Section stated that the submitted TCPII meets the requirements of this condition.

- 18. All afforestation areas abutting residential lot lines shall be fenced with permanent fencing such as split-rail fencing or the equivalent prior to the issuance of the use and occupancy permit for the adjacent lots. All required fencing shall be shown on the TCPII and a detail of the fencing shall be provided.**

Comment: In a memorandum dated October 21, 2013, the Environmental Planning Section stated that the submitted TCPII meets the requirements of this condition.

- 19. Prior to submittal of the detailed site plan, the applicant shall meet with the Environmental Planning Section to evaluate alternatives that may allow for a reduction in the extent of the proposed PMA impacts associated with the widening of Ritchie Road and the construction of proposed Street B. Those alternatives determined to be feasible shall then be incorporated into the detailed site plan.**

Comment: In a memorandum dated October 21, 2013, the Environmental Planning Section stated that this condition had been previously addressed and that no additional information or revisions to the plan were necessary with respect to meeting the requirements of this condition at this time.

- 23. Prior to approval of the detailed site plan, the geotechnical engineer shall sign a statement on the detailed site plan indicating that the site grading has mitigated all potential slope failure areas and that there are no slopes with a slope safety factor of less than 1.5 located on any portion of any residential lot.**

Comment: As this condition was addressed at the time of approval of DSP-05011 and because a proposed condition in the Recommendation section of this staff report would require that it be met prior to certification of the subject project, this requirement may be considered met.

- 24. As part of the detailed site plan submittal, a Phase II noise study shall be submitted addressing the proposed noise attenuation measures necessary for the mitigation of transportation-related noise impacts for proposed lots located within 170 feet of the centerline of Ritchie Road. All mitigation measures and areas of disturbance for installation of noise attenuation measures shall be shown on the detailed site plan and Type II tree conservation plan, on HOA lands. Any lots where interior and/or exterior noise levels cannot be mitigated to meet the state noise standards shall be eliminated.**

Comment: A Phase II noise study was submitted at the time of the approval of DSP-05011 and the proposed noise attenuation measures suggested therein for the mitigation of transportation-related noise impacts for the proposed lots located within 170 feet of the centerline of Ritchie Road are shown on the DSP. Therefore, it may be said that the applicant has met this prior condition of approval.

- 26. The detailed site plan shall address the specific landscape treatments proposed for the 40-foot scenic easement and show how those treatments are coordinated with the proposed noise attenuation measures.**

Comment: The submitted DSP and TCPII show the noise wall and the required plantings. However, the plan shows two entrance roads to access the stormwater management pond that were not contemplated at the time that the noise study was completed. In order to reduce the impacts of including these two entrances, staff has proposed a condition in the Recommendation section of this staff report to reduce the number of entrances from two to one. Therefore, it may be said that the application conforms to the requirements of this condition.

- 27. At time of detailed site plan, the applicant shall reduce the disturbance of naturally occurring slopes to 1.62 acres (25 percent) or by a minimum of 2,178 square feet. Additional opportunities to reduce the amount of severe slopes disturbed shall be explored and implemented by the applicant's engineer and reviewed by applicable agencies.**

Comment: The submitted TCPII shows the minimum grading consistent with the need for positive drainage and road construction as required by the County Code. As the Environmental Planning Section did not suggest that any changes to the submitted plans were necessary to ensure that the project is in conformance with this requirement, conformance to it may be found.

- 28. In accordance with Part III, Division 9 of the Zoning Ordinance, a detailed site plan shall be approved prior to final plat approval. A Type II tree conservation plan shall be approved at the time of approval of the DSP.**

Comment: Should the DSP and TCPH be approved by the Planning Board as recommended herein, it may be said that the applicant has conformed to the requirements of this condition.

- 29. The applicant shall submit a complete Phase I investigation with the application for DSP that shall include research into the property history and archeological literature, approximate dates, condition and character, as well as digital photographs of the buildings labeled “to be removed.” At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by Planning Department staff as needed. Depending on the results of any study required, the Historic Preservation staff may schedule a hearing before the Historic Preservation Commission to evaluate Historic Resource 79-000-36 and/or require a historic marker or other interpretive devices be placed at the site. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.**

Comment: After reviewing the subject DSP application at its October 15, 2013 meeting and in a memorandum dated October 16, 2013, the Historic Preservation Commission (HPC) stated that at the time of the review of relevant Preliminary Plan of Subdivision 4-04022, the applicant submitted a Phase 1A archaeological report on May 2004 entitled “A Phase 1A Background Cultural Resources Investigation of the Proposed Marlboro Point Development, Prince George’s County, Maryland.” The report identified the likelihood for prehistoric, historic, and antebellum resources on the property. The report concluded that a Phase 1B report would not be necessary and that no significant archaeological features exist on the property. After reviewing the report, however, the M-NCPPC archeological consultant recommended that a Phase 1B archeological survey was warranted as a review of the 1850–1860 Slave Censuses indicates that the Clagett family held a number of slaves, although their dwellings and places of burial are unknown. A Phase 1B archeological survey was conducted on the subject property in December 2004. A revised Phase 1B report was submitted to the Planning Board on April 5, 2005. Four copies of the final Phase 1B report were accepted as complete on September 22, 2005 and the HPC determined that no further archeological investigations were recommended on the Marlboro Pointe Cluster property. Further, at its October 15, 2013 meeting, the HPC voted to remove Historic Resource 79-000-36, Navajo Tenant House, from the Inventory of Historic Resources. They also recommended the installation of a historic marker to commemorate the history of the site on the subject property. The HPC noted that the submitted DSP did not show the location or detail of the interpretive sign. Therefore, a proposed condition in the Recommendation section of this staff report would require that, prior to signature approval, the applicant indicate the location and a detail of the historic marker.

- 30. The applicant, his successors and/or assignees, shall provide adequate, private and public recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail.**

Comment: The applicant is required to provide a passive recreational facility including a gazebo, specialty paving, benches, picnic tables, specialty lighting, trash facilities, a three-foot-high by one-foot-wide brick wall, a 1,000-foot, eight-foot-wide, on-site hiker/biker trail, a tennis court, a basketball court, a second passive recreational facility adjacent to the courts, and a 1,100-foot off-site trail. Staff finds these recreational facilities adequate, and a proposed condition in the Recommendation section of this staff report would ensure that they are designed in accordance with the *Park and Recreation Facilities Guidelines*. A second proposed condition below would require that, if wet areas must be traversed by the trails, suitable structures shall be constructed to assure dry passage. Therefore, it may be said that the application meets the requirements of this condition.

- 31. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting at the time of review of the detailed site plan.**

Comment: The DSP proposes recreational facilities on Parcels A and C, which are to be dedicated to the homeowners association (HOA). The recreational package described above has been reviewed and found adequate as part of the review for this DSP. Therefore, it may be said that the applicant has allocated appropriate and developable areas for private recreational facilities on HOA open space land in conformance with this condition.

- 32. The applicant, his successors and/or assignees shall construct an eight-foot-wide asphalt trail, connecting the subject property to the existing trail system in the adjoining King's Grant Community Park.**

Comment: The required eight-foot-wide asphalt trail is shown on the submitted DSP in conformance with this condition.

- 33. The applicant, his successors and/or assignees, with submission of the detailed site plan, shall submit construction drawings for the construction of the trail on adjacent parkland for DPR review and approval. The DSP shall include a grading plan, limit of disturbance, and construction details for trail construction on park property. The location of the trail shall be staked in the field and approved by DPR prior to construction. All trails shall be constructed to assure[sic] dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail. Review shall include a determination of appropriate triggers for construction of the trail.**

Comment: The required construction drawings for construction on the adjacent parkland were submitted and approved as part of the prior DSP. Such plans met the above specifications. The location of the trail will be staked and approved prior to construction and all suitable structures needed to ensure dry passage would be provided in accordance with proposed conditions in the Recommendation section of this staff report.

9. **Detailed Site Plan DSP-05011:** The applicant has requested that the subject application be afforded a completely new review to enable it to be approved for a new three-year validity period for the subject DSP. Staff has, in response to the applicant's request, ensured that an entirely new review of the case was completed. Therefore, should the Planning Board approve the project as

recommended, the requirements of Detailed Site Plan DSP-05011-01 would entirely supersede those of Detailed Site Plan DSP-05011. The requirements of the earlier approval are moot and have been reviewed only to determine if language in previously approved conditions is appropriate to be employed in new conditions recommended to be attached to DSP-05011-01.

10. **2010 Prince George's County Landscape Manual:** The proposed development is subject to the requirements of Section 4.1, Section 4.4, Section 4.6, Section 4.7, and Section 4.9 of the 2010 *Prince George's County Landscape Manual*.

Staff has reviewed the project in accordance with the relevant requirements of those sections and found the submitted landscape plan to be in conformance.

11. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance (WCO) because the property has an approved tree conservation plan. A Type I Tree Conservation Plan, TCP1-27-04, was approved together with Preliminary Plan 4-04151. As a Type II Tree Conservation Plan (TCPII-122-05-01), was reviewed together with this DSP by the Environmental Planning Section and recommended for approval with conditions and, as those conditions have been included in the Recommendation section of this staff report, it may be said that the subject DSP is in conformance with the requirements of the WCO.

12. **Prince George's County Tree Canopy Coverage Ordinance:** The application is subject to the requirements of the Tree Canopy Coverage Ordinance because it involves more than 5,000 square feet of ground disturbance. The applicant has included the correct tree canopy coverage (TCC) schedule on Sheet 3 of the landscape plan demonstrating conformance to its requirements. More particularly, due to the site's location in the R-R Zone, 15 percent TCC, or 10,776 square feet of tree canopy is required. The applicant's schedule indicates that this requirement has been met by the conservation of 9.23 acres (402,058.8 square feet) of woodland, plus the retention of an additional 14.44 acres (629,006 square feet) of trees, together with the installation of 1,363 landscape trees (476 ornamental landscape trees, 603 deciduous major shade trees, 72 small evergreens, 50 medium evergreens, and 163 large evergreens for a total 1,363 landscape trees) totaling 207,400 square feet, meets and exceeds the 10,776 square feet of tree canopy required. Therefore, it may be said that the subject application meets the requirements of the Tree Canopy Coverage Ordinance.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation and Archeological Review**—The Historic Preservation Commission (HPC) reviewed the subject DSP at its October 15, 2013 meeting and requested that the following background, findings, conclusions, and recommendations be forwarded to Planning Board:

The 71.84-acre tract contained a house known as Navajo Tenant House, which was included as Historic Resource 79-000-36 in the Inventory of Historic Resources of the *Prince George's County Historic Sites and Districts Plan* (1981, 1992 and 2010). The Navajo Tenant House was one of a group of nineteenth century dwellings built near Upper Marlboro for the Clagett family; the house was demolished in September 1987. The Navajo farm was part of a large agricultural area near Upper Marlboro that was composed of several tracts acquired early in the nineteenth century by Thomas Clagett VI of Weston, and developed into plantations for his children and grandchildren. The Clagett

family held the Navajo Tenant House parcel from 1831 through 1973. The actual construction date of the building had not been determined. Surviving dwellings of the Clagett family in this immediate area include The Cottage, Oakland, and Strawberry Hill; these houses are prominent features of the still-agricultural landscape and important representatives of the agricultural practices of prominent nineteenth century Prince George's County families.

A large area (the Clagett Agricultural Area, approximately six square miles), including all of the Navajo property, The Cottage, Strawberry Hill, and several other Clagett family properties, has been determined eligible for listing in the National Register of Historic Places because of its unique historical and architectural importance.

- (1) At the request of Historic Preservation staff, at the time of preliminary plan review in 2004 for 4-04022 for this same parcel of land, the applicant submitted a Phase 1A archaeological report entitled "A Phase 1A Background Cultural Resources Investigation of the Proposed Marlboro Pointe Development, Prince George's County, Maryland." The report identified the likelihood for prehistoric, historic, and antebellum resources on the property. The report concluded that a Phase 1B report would not be necessary and that no significant archaeological features exist on the property. After reviewing the report, however, the M-NCPPC archaeological consultant recommended that a Phase 1B archaeological survey was warranted. Review of the 1850 and 1860 Slave Censuses indicates that the Clagett family held a number of slaves, although their dwellings and places of burial are unknown. A Phase 1B archeological survey was conducted on the subject property in December 2004. A revised Phase 1B report was submitted to the Planning Department on April 5, 2005. Four copies of the final Phase 1B report were accepted as complete on September 22, 2005. No additional archeological investigations are recommended on the Marlboro Pointe Cluster property.
- (2) Prior to its review of DSP-05011-01 at its October 15, 2013 meeting, the HPC considered the September 14, 2013 request by the applicant to remove Historic Resource 79-000-36, Navajo Tenant House, from the Inventory of Historic Resources. Based on the staff report, the Maryland Inventory of Historic Places form, and the findings of the Phase 1 archeology survey completed in September 2005, the HPC found that the property did not meet the criteria for historic site designation of the Prince George's County Historic Preservation Ordinance (Subtitle 29-104 of the Prince George's County Code). Through action on a separate application, the HPC voted to remove the property as a historic resource from the Inventory of Historic Resources in the *Prince George's County Historic Sites and Districts Plan*.
- (3) The following conditions of DSP-05011 adopted by the District Council on May 22, 2006 are relevant to this DSP application:
 1. **Prior to signature approval of the plans, the applicant shall provide the additional specified materials or revise the plans as follows:**
 - i. **The applicant shall correctly identify the location of Historic Resource 79-000-36, site of the Navajo Tenant House on the detailed site plan.**

Comment: At its October 15, 2013 meeting, the HPC voted to remove the Navajo Tenant House Site (79-000-36) from the Inventory of Historic Resources, as it does not meet the criteria for designation as a historic site. Therefore, this condition is no longer applicable.

- p. A note shall be added to the plans stating that the applicant shall place an historic marker or other interpretive device at or near the site of Historic Resource 79-000-36 Site of the Navajo Tenant House and shall consult with Historic Preservation staff on design, location and wording.**

Comment: Although the HPC removed the Navajo Tenant House site from the Inventory of Historic Resources, it recommends the installation of a historic marker to commemorate the history of the site on the subject property. The submitted DSP does not show the location of the interpretative sign or include its design details or proposed language. Prior to the Planning Board hearing, the applicant should show the location of the interpretive sign on the plan and provide details of the design and wording of the sign. The HPC recommends that the applicant place the interpretive sign in the proposed park on the east side of Marlboro Pointe Drive.

Conclusions

- (1) The final version of the Phase 1 archeological report has been submitted and all comments have been addressed. The report includes a detailed and very helpful historic context with a comprehensive discussion of the history of the property, list of slaves that worked on the Clagett farm, and chain-of-title. No further archeological work is recommended on the subject property.
- (2) The Navajo Tenant House was demolished in 1987. No significant archeological resources were identified around the site in the Phase 1B survey. At its October 15, 2013 meeting, the HPC voted to remove the Navajo Tenant House Site (79-000-26) from the Inventory of Historic Resources, as it could not be found to meet the criteria for designation as a historic site. Therefore, the location of the Navajo Tenant House site, now proposed to be the location of a stormwater management pond, does not need to be shown on the plans.

Recommendations

Historic Preservation staff recommends that the Planning Board approve Detailed Site Plan DSP-05011-01, Marlboro Pointe Cluster, with the following condition:

- (1) Prior to signature approval of the plans, a note shall be added to the plans stating that the applicant shall place a historic marker or other interpretive device at or near the site of the Navajo Tenant House (79-000-36) and shall consult with Historic Preservation staff on design, location, and wording.

Comment: The above-proposed condition has been included in the Recommendation section of this staff report.

- b. **Community Planning Division**—In a memorandum dated October 18, 2013, the Community Planning Division stated that the subject application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and that the development proposal conforms to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendations for residential land use. With respect to aviation, the Community Planning Division stated that the subject property is located within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area, in subarea Imaginary Surface F (requiring a maximum height of 500 feet above the runway surface), but not in an accident potential zone (where controls on use or density are required). Further, they stated that the subject property is located outside of the 65 dBA Ldn noise contours, so noise attenuation is not required. These categories do not prevent any of the proposed development, but should be noted on the DSP.

Comment: A proposed condition in the Recommendation section of this staff report would require the applicant to include the above information in a general note in the plan set prior to signature approval.

- c. **Transportation Planning Section**—In a memorandum dated October 4, 2013, the Transportation Planning Section stated that a site plan is a condition of the subdivision plan and a requirement of using the cluster subdivision provisions, is required to address issues related to architecture, residential siting, and relationships between development and the open space, and is required to address general DSP requirements. Noting that there are no specific transportation-related requirements beyond the issues of access and circulation, as defined by the site design guidelines of Section 27-274(a)(2)(C) of the Zoning Ordinance, they offered that the site is adjacent to Ritchie Marlboro Road, which is a master plan arterial facility, and that adequate rights-of-way for this roadway and all on-site roadways were established during preliminary plan review, and were ultimately platted in accordance with those needs. In its review of the requirements of the approval of relevant Preliminary Plan 4-04151, the Transportation Planning Section noted that transportation-related Conditions 8 and 9 had been verified with signature approval of the preliminary plan and recordation of the plat, and that Condition 7 (a three-part condition requiring specific off-site transportation improvements) must be fully satisfied prior to issuance of building permits for the project.

In conclusion, the Transportation Planning Section stated that access and circulation are acceptable and that, from the standpoint of transportation, the site plan meets cluster requirements and the requirements of Section 27-285, but the applicant is hereby put on notice that the requirements of Condition 7 of PGCPB Resolution No. 04-286 are enforceable prior to issuance of building permits for the project and that evidence of meeting that condition should be submitted with the building permit package.

- d. **Subdivision Review Section**—In comments dated October 10, 2013, the Subdivision Review Section stated that the site is subject to the requirements of Preliminary Plan of Subdivision 4-04151 for Marlboro Pointe, approved by the Planning Board on December 19, 2004, as formalized in PGCPB Resolution No. 04-286, adopted by the Planning Board on January 6, 2005, subject to 33 conditions. That approval was given a one-year extension on January 4, 2007 and a six-month extension on January 10, 2008.

Further, the Subdivision Section offered the following regarding the subject project:

The subject site was recorded in Plat Book PM 229-59 through PM 229-71 on February 3, 2009. The record plat contains nine notes and they were addressed in the preliminary plan conditions above. The lot sizes, bearings, distances, 40-foot-wide historic buffer, and the 10-foot-wide public utility easement on the site plan are consistent with the record plats except for a few inconsistencies. Then, the Subdivision Section suggested that the following proposed condition be included in the recommendation of this staff report:

- (1) Prior to approval of the detailed site plan, the following site plan comments should be addressed:
 - (a) Add general notes to the subject detailed site plan providing:
 - i. The approved preliminary plan of subdivision, record plat, and current ownership information.
 - ii. The approved stormwater management concept plan number and approval date.
 - (b) Revise Parcels B and C; Lot 6, Block G; Lots 5 and 14, Block F; Lot 1, Block E; and Lot 4, Block D to reflect the lot and parcel size on the record plat.
 - (c) Label Parcel A on Sheet 5, Part of Parcel B on Sheet 11, Part of Parcel C on Sheets 12 and 13.

In closing, the Subdivision Section stated that DSP-05011-01 would be in substantial conformance with the relevant requirements of approved Preliminary Plan 4-04151 and the relevant record plats if the above comments have been addressed, and that failure of the site plan and record plat to match would result in permits being placed on hold until the plans are corrected.

Comment: For a discussion of the conditions of the approval of the preliminary plan relevant to the review of the subject DSP, see Finding 8 above. For a discussion of the relevant requirements of the approval of the final plats, see Finding 9 above. As the relevant requirements of the preliminary plan and final plats appear to have been met by the subject DSP and as the above Subdivision Section proposed conditions have been included in the Recommendation section of this staff report, it may be said that DSP-05011-01 conforms to the requirements of Preliminary Plan of Subdivision 4-04151 and the requirements of the relevant record plats.

- e. **Trails**—In a memorandum dated October 10, 2013, the Transportation Planning Section offered the following:

The subject DSP-05011-01 was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan), and the requirements of previous approvals in order to implement planned trails, bikeways, and pedestrian improvements and offered review comments. See Finding 8 for a discussion of the trails,

bikeways, and pedestrian-related requirements of Conditions 2, 3, and 33 of Preliminary Plan of Subdivision 4-04151, as formalized in PGCPB Resolution No 04-286.

Additionally, the Transportation Planning Section suggested the following requirements, previously included in the approval of DSP-05011 (PGCPB Resolution No. 05-249) to be replaced, be included in the subject approval:

- (1) Prior to signature approval of the plans, the applicant shall provide the additional specified materials or revise the plans as follows:
 - (a) The applicant shall bond and install the proposed recreational facilities in accordance with the following schedule. The schedule shall be included on the plans and in public and private recreational facilities agreements, as appropriate:

Recreational Facility	Bonded By	Completed By
A passive recreational area including gazebo with blue flagstone paving immediately around it, three benches, four picnic tables, three specialty park lights, three trash receptacles, and a three-foot-high by one-foot-wide brick wall surrounding the gazebo, its paving, one of the picnic tables, two of the benches, two of the specialty park lights, and one of the trash receptacles.	Issuance of the first building permit for the proposed subdivision	Issuance of the 27th building permit for the proposed subdivision
1,000-foot, on-site, eight-foot-wide hiker/biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 40th building permit for the proposed subdivision
A basketball and a tennis court, including an ancillary passive recreational facility including a picnic table, two benches and two trash receptacles	Issuance of the first building permit for the proposed subdivision	Issuance of the 54th building permit for the proposed subdivision
1,100-foot, off-site, eight-foot-wide hiker/biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 81st building permit for the proposed subdivision

- (b) The applicant shall revise the plans to include a trail connection from the subject site to the existing master plan trail on the adjacent land owned by The Maryland-National Park and Planning Commission (M-NCPPC) at a location agreeable to the Department of Parks and Recreation.
 - (c) The applicant shall revise the plans to indicate standard sidewalks along both sides of all internal roads (including Street A and Street C between Street B and Ritchie Marlboro Road), unless modified by the Department of Public Works and Transportation (DPW&T).
 - (d) The Department of Parks and Recreation (DPR) shall confirm that the connection with the adjacent master plan trail is located as was agreed to between the applicant and DPR.

- (e) The applicant shall add a note to the plans stating that, if wet areas must be traversed, suitable structures shall be constructed to ensure dry passage along the trail.

Comment: Staff has ensured that the above proposed trails, bikeway, and pedestrian-related conditions have been included in the Recommendation section of this staff report. However, as the submitted DSP includes the required sidewalk and trail facilities, only the requirements regarding the timing for installation of the required trails have been included as proposed conditions in the Recommendation section of this staff report. Where applicable, the conditions defer to the appropriate approving authority including the Department of Permits, Inspections and Enforcement (DPIE) for those on public county roads and by DPR for those impacting public parkland.

Further, the Transportation Planning Section noted that the MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Comment: The subject site reflects standard sidewalks along both sides of all internal roads, along its frontage of Ritchie Marlboro Road, and includes an off-site trail connection to an adjacent park property and local trail network. These facilities accommodate pedestrians throughout the subject site and to the surrounding community. The trail connection to the adjacent park property and the partially completed sidepath along Ritchie Marlboro Road are segments of what is planned to be a larger network of facilities for bicyclists as well.

In conclusion, the Transportation Planning Section stated that they have no master plan trail recommendations, and that internal sidewalks and trails are reflected on the submitted DSP consistent with the area master plan and prior approvals.

- f. **Parks**—In an email dated October 23, 2013, the Department of Parks and Recreation (DPR) stated that the applicant, pursuant to a signed and recorded recreational facilities agreement (RFA), is required to construct an eight-foot-wide, asphalt, hiker/biker trail connector to the adjacent Fox Chase Community Park. Further, they noted that the required trail was accurately indicated on the DSP and that, by terms of the RFA, the trail is required to be completed prior to issuance of the 81st building permit of the project. In a separate email dated October 25, 2013, DPR indicated that they would like all DPR-related conditions of the approval of DSP-05011 to be included in the subject approval.

Comment: Staff has ensured that all DPR-related conditions of the original approval of the project have been included as proposed conditions in the Recommendation section of this staff report.

- g. **Permit Review Section**—In a memorandum dated October 17, 2013, the Permit Review Section offered numerous comments that have been either addressed through revisions to the plans or in the proposed conditions in the Recommendation section of this staff report.
- h. **Environmental Planning Section**—In a memorandum dated October 21, 2013, the Environmental Planning Section offered the following background on the project:

The Environmental Planning Section previously reviewed Preliminary Plan of Subdivision 4-04022 and Type I Tree Conservation Plan TCPI-27-04 for this property. This application was withdrawn prior to consideration by the Planning Board. Preliminary Plan 4-04151 and Type I Tree Conservation Plan TCPI-27-04 was approved with conditions by PGCPB Resolution No. 04-286. Detailed Site Plan DSP-05011-01 was required by Condition 28 of PGCPB Resolution No. 04-286 and was approved for 108 lots in a cluster subdivision in the R-R Zone, with conditions.

The Environmental Planning Section then offered the following regarding grandfathering for the project:

This application is not subject to the environmental regulations that came into effect on September 1, 2010 because the site has a previously approved preliminary plan. The application is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans.

Then, the Environmental Planning Section provided the following site description related to environmentally-related issues:

A review of the available information indicates that streams, wetlands, and steep slopes greater than 15 percent are found on this site. Ritchie Road has been identified as a transportation-related noise generator that will impact portions of this site. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), are Adelphia silt loam, Adelphia-Holmdel complex, Donlonton fine sandy loam, Marr-Dodon complex, and Westphalia and Dodon soils. Some of these soils have limitations with respect to high watertables, impeded drainage, or steep slopes that may affect the construction phase of the development, but will not affect the proposed lot layout or the number of proposed lots. According to available information, Marlboro clay is found to occur in the vicinity of this property, but is not a constraint for this site. Several potential slope stability areas were identified by the geotechnical report submitted with the previous application. According to the Sensitive Species Project Review Area (SSSPRA) layer by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species on or in the vicinity of this property. Ritchie Marlboro Road is a designated scenic and historic road located along the frontage of this property. This property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

The Environmental Planning Section then offered a review of environmentally-related conditions of the approval of Preliminary Plan 4-04151, as formalized in PGCPB Resolution No. 04-286. For a discussion of environmentally-related Conditions 4, 17, 18, 19, 23, 24, 26, 27, and 28, see Finding 8 of this staff report.

The Environmental Planning Section then offered the following environmental review of the proposed project:

- (1) This property is subject to the provisions of the 1993 Woodland Conservation Ordinance and Tree Preservation Ordinance (WCO) because the property has an approved tree conservation plan. A Type I Tree Conservation Plan, TCPI-27-04, was approved with Preliminary Plan 4-04151.

A Type II Tree Conservation Plan, TCPII-122-05-01, has been submitted with this application. This TCPII plan shows a smaller gross tract area of 71.84 acres than the approved TCPII of 74.66 acres. At the Subdivision and Development Review Committee meeting on October 11, 2013, the applicant explained that the change in gross area was from a loss of land from road dedication. The Environmental Planning Section staff explained that the total gross area was set at 74.66 once the preliminary plan was approved by the Planning Board. Land dedication as part of the approval, or subsequent to the approval, cannot be subtracted from the gross acreage. Revise the woodland conservation worksheet to reflect the approved areas with any new woodland clearing.

The plan shows the preservation and planting of the highest priority areas on the site. The overall pattern will serve to create large contiguous stream valley woodlands and enhance existing abutting parkland. The planting of a strip along Ritchie Marlboro Road will provide screening between the residences and help preserve the scenic qualities of Ritchie Marlboro Road. The overall concept is consistent with the 2005 *Approved Countywide Green Infrastructure Plan* and the goals of the WCO.

Comment: The Environmental Planning Section recommended a proposed condition that has been included in the Recommendation section of this staff report to correct the deficiencies identified in their review.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated October 9, 2013, the Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 9, 2013, DPIE offered general information regarding right-of-way dedication and frontage improvements including street tree, lighting, storm drainage systems, traffic impact studies, soil studies, and other requirements. In addition, DPIE stated that the proposed site development plan is consistent with approved Stormwater Management Concept Plan 35758-2003-03, dated September 10, 2013, and that the relocation of the pond is in accordance with the approved site development concept plan.

Comment: In response to comment received from the Environmental Planning Section, staff has included a proposed condition in the Recommendation section of this staff report that would require the applicant to revise the stormwater concept for the site to reflect one instead of two entrances to the site.

- k. **Prince George's County Police Department**—In a memorandum dated October 7, 2013, the Police Department stated that, after reviewing the plans, they found no crime prevention through environmental design (CPTED) related issues at this time.
- l. **Prince George's County Health Department**—In a memorandum dated October 7, 2013, the Health Department offered the following:

The Environmental Engineering Program of the Health Department has completed a desktop health impact assessment review of the detailed site plan submission for DSP-05011-01, Marlboro Pointe Cluster, and has the following comments and recommendations:

- (1) The site is bordered by Ritchie Marlboro Road, which is an arterial road, to the west. Proximity to sources of fine particulate air pollution has been associated with poor health outcomes. Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. In addition, studies have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children and contribute to childhood asthma. The applicant should incorporate options to mitigate human exposure to fine particulate air pollution and prevent potential adverse health impacts on susceptible population.

Comment: The Planning Department does not have the authority to require that either the subdivision be reconfigured, or that the applicant be required to provide particulate filtration systems in houses within 1,000 feet of Marlboro Pike.

- (2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Ritchie Marlboro Road has been identified as a transportation-related noise generator. Noise issues have been discussed previously and the applicant is required to keep interior noise levels at 45 dBA Ldn or less.

Comment: The Environmental Planning Section has reviewed and proposed conditions as necessary to ensure that all interior noise levels are a maximum of 45 dBA Ldn in accordance with the Health Department's recommendation.

- m. **Prince George's County Soil Conservation District**—In an email dated September 16, 2013, a representative of the Soil Conservation District stated that they had previously approved the plan on April 16, 2013 and has no further comment except that their department would need to review and approve the revised plan for stormwater management.

- n. **Washington Suburban Sanitary Commission (WSSC)**—In emailed comments received September 24, 2013, WSSC offered review comments specific to the subject project, standard comments that they provide for all plans, design review comments, and hydraulic review comments. WSSC’s comments will be addressed through their separate permitting process.
 - o. **Verizon**—In comments received October 11, 2013, a representative of Verizon offered the following comments, specifying the plan sheet:

Sheet 5: The stormdrain easement on Block G, Lot 6, and Parcel A is in the public utility easement;

Sheet 12: The path is in the public utility easement.

Comment: Staff has included a proposed condition in the Recommendation section of this staff report which would require that, prior to signature approval of the plans, the applicant relocate the stormdrain easement on Block G, Lot 6 and Parcel A as shown on Sheet 5, and the path as shown on Sheet 12 be relocated from the public utility easement. The applicant shall provide proof that DPIE consents to the new location of the stormdrain and the Planning Board or its designee shall approve of its relocation and of the relocation of the path on Sheet 12, as well.
 - p. **Potomac Electric Power Company (PEPCO)**—In an email received September 18, 2013, PEPCO, noting that additional easements may be required for switches, fuses, and transformers (depending on load) stated that they concur with the ten-foot public utility easement as shown.
14. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject detailed site plan satisfies the site design guidelines as contained in Section 27-274 (cross-referenced in Section 27-283) and represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5). As all environmentally-related recommendations have been incorporated below, this finding may be made.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-05011-01 and Type II Tree Conservation Plan TCP11-122-05-01 for Marlboro Pointe Cluster, subject to the following conditions:

1. Prior to signature approval of the detailed site plan (DSP), the applicant shall provide the additional specified materials or revise the plans as follows:
 - a. Add general notes to the subject DSP providing:
 - (1) The approved preliminary plan of subdivision, record plat, and current ownership information.
 - (2) The approved stormwater management concept plan number and approval date.
 - (3) The applicant shall include a note stating that the subject property is located in the Joint Base Andrews Interim Land Use Control (JBA ILUC) area, and Imaginary Surface F (maximum height 500 feet above the runway surface), that the subject property is not located in an accident potential zone, or in an area identified as having noise levels above 65 dBA Ldn.
 - (4) If wet areas on the site must be traversed, suitable structures shall be constructed to ensure dry passage along the trails included on the subject DSP.
 - b. Revise Parcels B and C; Lot 6, Block G; Lots 5 and 14, Block F; Lot 1, Block E; and Lot 4, Block D to reflect the lot and parcel size on the record plat.
 - c. Label Parcel A on Sheet 5, Part of Parcel B on Sheet 11, Part of Parcel C on Sheets 12 and 13.
 - d. A note shall be included on the plans stating that no less than 60 percent of the units in the subdivision shall have brick fronts and that units on highly-visible lots shall have brick fronts, with the brick wrapping to any side that is highly visible as well on those lots. The applicant shall provide a brick tracking chart on the coversheet or elsewhere in the plan set and three, rather than two, minimum endwall features shall be required on any highly-visible sides.
 - e. A geotechnical engineer shall sign a statement on the DSP indicating that the site grading has mitigated all potential slope failure areas and that there are no slopes with a slope safety factor of less than 1.5 located on any portion of any residential lot.
 - f. An acoustical engineer shall sign a statement on the DSP indicating that exterior noise levels shall not exceed 65 dBA Ldn and that interior noise levels shall not exceed 45 dBA Ldn.
 - g. The approved stormwater management concept plan shall be revised to reduce the number of road access entrances from two to one, and the DSP, landscape plan, and Type II tree conservation plan shall be revised accordingly.
 - h. Any retaining wall over 18 inches high shall have a safety fence/railing on it. If the safety fence/railing is attached to the retaining wall, the applicant shall provide the overall height of the retaining wall including the fence/railing. If the fence/railing is not attached to the retaining wall, the applicant shall provide both the height of the fence/railing and the distance between the retaining wall and the fence/railing on the site plan.

- i. Provide all dimensions of each house type being approved under this DSP including all details such as bay or bow windows, chimneys, decks, extensions, projections, and front porches.
- j. The recreational facilities for the subject project shall be bonded and completed in accordance with the following schedule:

Recreational Facility	Bonded By	Completed By
A passive recreational area including gazebo with blue flagstone paving immediately around it, three benches, four picnic tables, three specialty park lights, three trash receptacles, and a three-foot-high by one-foot-wide brick wall surrounding the gazebo, its paving, one of the picnic tables, two of the benches, two of the specialty park lights, and one of the trash receptacles.	Issuance of the first building permit for the proposed subdivision	Issuance of the 27th building permit for the proposed subdivision
1,000-foot, on-site, eight-foot-wide hiker/biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 40th building permit for the proposed subdivision
A basketball and a tennis court, including an ancillary passive recreational facility including a picnic table, two benches, and two trash receptacles	Issuance of the first building permit for the proposed subdivision	Issuance of the 54th building permit for the proposed subdivision
1,100-foot, off-site, eight-foot-wide hiker/biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 81st building permit for the proposed subdivision

- k. The private recreational facilities agreement shall be revised if necessary to reflect inclusion of all of the information included in Condition 1j above.
- l. The applicant shall provide the dimensions of the lettering area of the gateway sign shown on the site plan.
- m. After the stormwater concept plan is revised to reduce the number of road access entrances from two to one, a copy of the revised plan and the approval letter shall be submitted to the Environmental Planning and Urban Design Sections (M-NCPPC), and the requirements of the revised concept shall be correctly reflected on the DSP and correctly referred to as Stormwater Management Concept Plan 35758-2203-03, or the new number assigned to it by the Department of Permits, Inspections and Enforcement.
- n. The applicant shall provide proof to the Planning Board or its designee of the Department of Permits, Inspections and Enforcement's consent to the new location of the stormdrain, and the Planning Board or its designee shall approve of its relocation and of the relocation of the path on Sheet 12.
- o. The location, design, and wording of the historic marker, or other interpretive device, to be located at or near the site of the Navajo Tenant House shall be approved by the Planning Board or its designee, and the approved location and detail of the historic marker, or other interpretive device, shall be included on the detailed site plan.

2. At the time of issuance of each building permit for the project, the applicant shall:
 - a. Provide the actual height of the building in accordance with the Zoning Ordinance provisions for this measurement.
 - b. Show on the detailed site plan the actual house type approved on the individual lot, together with the actual setbacks to be provided from each property line and the lot coverage resulting.
3. Prior to signature approval of Type II Tree Conservation Plan TCPII-12 -05-01, the following revisions shall be made:
 - a. The forest conservation worksheet shall be revised to include the amount of gross tract area and floodplain considered at the time of approval of Detailed Site Plan DSP-05011 and the amount, if any, of woodland cleared on the site since that time.
 - b. Revise the worksheet as necessary.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
4. Prior to approval of a sign permit for each entrance monument, the applicant shall provide an executed and valid maintenance agreement with the Department of Permits, Inspections and Enforcement indicating that the maintenance of the gateway sign will be the responsibility of a homeowners association (HOA), or other entity or person designated.