

Staff Exhibit A

The following is the staff recommendation as presented to the Planning Board at the December 20, 2010 hearing date with revisions for clarification after consultation with the Associate General Counsel.

APPLICANT'S PROPOSED REVISIONS TO CONDITIONS THE PRESERVE AT PISCATAWAY SDP-0608-01

1. Prior to certification of the specific design plan, the following revisions shall be made:
 - a. All proposed recreational facilities shall conform to the *Parks and Recreational Facilities Guidelines*.
 - b. Revise the plans to include a striped crosswalk where the walkway from the traffic circle along St. Mary's View Road intersects with the access road for the recreation center.
 - c. Provide a bicycle rack(s) accommodating a minimum of ten bicycles at a location convenient to the proposed recreation center. The bicycle rack(s) shall be marked and labeled on the approved SDP.
 - d. All trails shall be a minimum of 20 feet from all private lot lines and 25 feet from all dwelling units, excluding where trails intersect with the road network.
 - e. The plans shall be revised to demonstrate conformance to the *Prince George's County Landscape Manual*, Section 4.6, Special Roadways and Section 4.9, Sustainable Landscaping, as appropriate.
 - f. Show the correct boundary of Parcel GC-1 as reflected on approved Preliminary Plan of Subdivision 4-03027.
 - g. Reflect a 20-foot-wide access easement over the eight-foot-wide hard surface hiker-biker trail to the benefit of the homeowners association (HOA). Delineate appropriate and adequate easements around the proposed open play area facility to the benefit of the HOA.
 - h. Provide a note that the former golf course property shall be entirely encumbered by an [covenant] **easement** that shall ensure the proper and final preservation of the golf course property as permanent open space.
 - i. Revise Specific Design Plan SDP-0318 for the community center and all other SDPs as appropriate to provide for the recreational facilities, including trail connections, as proposed on the exhibits for the twin entry ponds, Edelen Village South, Lusby Village, and Bailey's Village. The revised plans shall be reviewed and approved by the Planning Board or its designee.

2. Prior to the certification of Specific Design Plan SDP-0608-01, the Type II tree conservation plan (TCPII) shall be revised as follows:
 - a. On all applicable sheets:
 - (1) The approval block shall be revised to reflect the correct TCP number format of TCPII-044-07-01.
 - (2) A landscape buffer, exclusive of the public utility easement, shall be delineated and labeled along the special roadways surrounding the site in accordance with Section 4.6 of the *Prince George's County Landscape Manual*. If tree conservation credit is proposed as afforestation or natural regeneration areas within the buffer, the plant material shall be large stock material consistent with the sizes required in the Landscape Manual.
 - (3) Wherever natural regeneration areas are proposed directly adjacent to residential lots, trails, stormwater management facilities, or roadways, a permanent tree protection device shall be provided adjacent to lots and behind the public utility easement along all roadways, and a planted edge of one-inch caliper whips placed 20 feet on-center or similar planting detail acceptable to the Environmental Planning Section (M-NCPPC) shall be provided to define the edge of the natural regeneration area adjacent to lots, trails, stormwater management facilities, and roadways.
 - (4) An area clear of woodland conservation shall be shown ten feet on either side of the centerline of the proposed eight-foot-wide pathway to define a maintenance area and allow for the possible delineation of a recreational use easement free of woodland encumbrance.
 - (5) The plans shall delineate the 8-foot-wide hiker-biker trail placed in a 20-foot-wide clear zone, free and clear of woodland conservation.
 - b. On the coversheet:
 - (1) General Note 13 shall be revised to reflect the correct TCPII number and a new general note shall be added to the plan which indicates that Danville Road, Floral Park Road, and Piscataway Road are designated historic roads in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
 - (2) A note shall be added under the Specimen Tree Table which indicates that the specimen trees identified were field located.
 - c. On Sheet 2 of 15:
 - (1) The overall worksheet shall be revised to include a line for "Off-site woodland preservation provided on this property" and "off-site afforestation/reforestation provided on this property" in both the calculation section and the provided sections of the worksheet. Appropriate numbers shall be provided if the TCPII plan includes a proposal for off-site woodland conservation banking.

- (2) The individual worksheet shall be revised to accurately reflect the woodland conservation requirement for the TCPII based on the most current overall worksheet.
 - (3) The individual worksheet shall be revised to include a line for “off-site woodland preservation provided on this property” and “off-site afforestation/reforestation provided on this property” in the provided section of the worksheet. Appropriate quantities shall be provided if the TCPII plan includes a proposal for off-site woodland conservation banking.
 - (4) On both the overall and individual worksheet, a line shall be provided for “afforestation/reforestation” and a line shall be provided for “natural regeneration” in the provided portion of the worksheet, and the appropriate quantities shall be provided.
 - (5) The final calculation shown on the overall worksheet and the individual worksheet shall be the same.
 - (6) The custom seed mix proposed for natural regeneration areas shall be revised to eliminate sugar maple, and a fast growing pioneering major shade tree shall be substituted in the mix, such as tulip.
 - (7) Additional implementation details shall be provided for the tree protection signage detail, including dimensions and specification of the post material, and specifications for attachment of the signage to the post material in accordance with the Woodland and Wildlife Habitat Conservation Technical Manual.
- d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. Prior to certification of the specific design plan (SDP) and the Type II tree conservation plan (TCPII), a woodland conservation easement shall be recorded which provides perpetual protection for the woodland conservation areas approved with TCPII-044-07-01 to indicate the area of primary concern related to the Mount Vernon viewshed, and this area shall be shown on the TCPII and the SDP.
 4. Prior to approval of the 570th building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall do the following:
 - a. Draft an [covenant] **easement** to ensure the proper and final preservation of the golf course as permanent open space and shall be approved by the Planning Board or its designee.
 - (1) The [covenant] **easement** shall allow for appropriate recreational uses as set forth on the approved specific design plan.
 - (2) The [covenant] **easement** shall allow for an appropriate access easement to the **open space and** recreational facilities to the benefit of the homeowners association (HOA) on land currently identified as golf course. The easement shall contain a reverter clause in the event that the land is conveyed to the HOA.

- (3) The easement shall set forth the rights, responsibilities, and liabilities of the parties.
- b. The approved [covenant] **easement** shall be recorded in Land Records by the applicant.
- 5. Prior to approval of the 570th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of final plats for the golf course property in accordance with Section 24-119(e) of the Subdivision Regulations and Specific Design Plan SDP-0608-01, and the final plats shall reflect:
 - a. The liber/folio of the document abandoning the covenants for the preferential membership, Liber 15709 / Folio 678.
 - b. The liber/folio of **an** [covenant] **easement** to ensure the proper and final preservation of the golf course as permanent open space, and appropriate access.
 - c. The liber/folio of the amended or new recreational facilities agreement, with the trigger for construction prior to the issuance of the [570th] **640th** building permit, with appropriate bonding required.
- 6. Prior to approval of the [570th] **640th** building permit, the trail location shall be posted at 200-foot intervals and inspected by the M-NCPPC trails coordinator. The signage shall be approved by the trails coordinator prior to posting and shall, at a minimum, state "Future location of Pedestrian Trail." The signage shall be of durable materials, colors that will attract attention, and directed toward the lots and public street. The signage height shall be determined by the site grading to ensure visibility. This condition may be partially waived by the trails coordinator, at the request of the applicant, if specific site conditions make the trail posting unwarranted at certain locations.
- 7. The applicant and the applicant's heirs, successors, and/or assignees shall not convey the former golf course property (Parcels GC-1, GC-2, GC-3, and GC-4) to the homeowners association (HOA) until such time as:
 - a. The HOA is established as a homeowner-controlled entity in accordance with the recorded "Declaration of Covenants, Conditions and Restrictions for The Preserve" governing the community; and
 - b. The homeowner-controlled HOA votes in the affirmative to agree to accept the conveyance of the land.

Comment: The applicant testified that the developer-controlled HOA will release its control to a homeowner-controlled HOA upon 75 percent owner occupancy of the units within the development. Staff has calculated that 75 percent to be approximately 690 dwelling units. Therefore, the following condition has been revised to reflect the 690th dwelling unit count.

- 8. Prior to issuance of the [570th] **690th** building permit, the disposition of the golf course land shall be determined. If the homeowner-controlled homeowners association (HOA) votes to accept the land formerly known as the golf course (as stated in Condition 8 above), the applicant and the applicant's heirs, successors, and/or assignees, shall demonstrate that the common areas have been conveyed to the HOA (Parcels GC-1, GC-2, GC-3, and GC-4). Land to be conveyed shall be subject to the following:

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC) along with the final plat.
- b. 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.
- c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter. The applicant shall certify that the land has been properly inspected and cleaned up.
- d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved specific design plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee may be required to warrant restoration, repair, or improvements required by the approval process.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division (M-NCPPC) prior to issuance of grading or building permits, in accordance with the approved specific design plan.
- f. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by the Development Review Division (M-NCPPC) in accordance with the approved specific design plan.
- g. 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.

If the land is not conveyed to the HOA, [the above] Conditions **8(a) through (g)** become null and void.

9. Prior to signature approval of the plans, one of the following determinations shall be made:
 - a. If Sites 18PR470b and 18PR521 are to be preserved in place, the plans shall be altered to avoid the sites completely, or
 - b. If the sites cannot be avoided, a plan for burying the sites with fill to protect them from construction activities shall be provided by the applicant and shall be reviewed by the Historic Preservation Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The eight-foot pathway to the south of Glassford Village shall be shown as a fill in this area, rather than cutting into the soil to avoid disturbance to the Archeological Site 18PR470b.
10. Prior to any ground disturbance or the issuance of grading permits, the applicant shall meet with the Army Corps of Engineers archeologist and the Prince George's County Planning Department archeologist to coordinate a plan for burying the sites with fill to protect them from construction

activities. All parties shall discuss the impact to the site of any heavy machinery to be used in this operation and devise methods to minimize those impacts. An archeologist shall be present at any pre-construction meetings with the Department of Environmental Resources.

11. A note shall be placed on the final plat that Archeological Sites 18PR470b and 18PR521 are located beneath the surface of fill material on this property and shall not be disturbed except with written approval of the Prince George's County Planning Board or its designee and any other legal entity with jurisdiction over these sites. The required note is:

“Archeological Sites 18PR470b and 18PR521 are located within this Property. These sites shall not be disturbed except with written approval of the Prince George's County Planning Board or designee and any other legal entity with jurisdiction over them.”

12. Prior to approval of any ground disturbance within 50 feet of the area of Sites 18PR470b and 18PR521, the applicant shall deliver all artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory, and shall provide documentation of the state's acceptance of the materials to the M-NCPPC Planning Department's archeologist, unless such delivery is in conflict with any directive of the Memorandum of Agreement between the Army Corps of Engineers, the Maryland State Historic Preservation Office, and the applicant.
13. The applicant shall contact the Army Corps of Engineers, Baltimore District, and advise the Corps of their construction plans. If the Army Corps of Engineers determines that Sites 18PR470b and 18PR521 fall within the area of potential effects, the Corps will become the lead agency on any archeological mitigation of these sites.