

## RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 7, 2012 regarding Detailed Site Plan DSP-11027 for Stonegate Estates, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for 61 single-family detached units.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Vacant/wooded	Residential
Acreage	48.1	48.1
Net tract area	41.22	41.22
Area within existing 100-year floodplain	2.1	2.1
Area of slopes greater than 25%	1.45	1.45
Number of lots	NA	61
Minimum lot area (square feet)	NA	10,000*
Number of flag lots	NA	0

### OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Cluster open space (acres)	11.83	20.85
Mandatory dedication	2.4	Fee-in-lieu

### CLUSTER MODIFICATIONS

	STANDARD	ALLOWED	APPROVED
Net lot coverage	25%	30%	30%
Lot width at building line (ft.)	100	75	75
Frontage along street (ft.)	70	50	50
Frontage along Cul-de-sac (ft.)	60	50	50

\*Note: The land area of the subject detailed site plan was platted under previously existing cluster provisions of the Prince George's County Zoning Ordinance, is grandfathered, and current regulations are therefore not applicable.

LOT SIZE DATA

Size (Sq.Ft.)	Number of Lots	Percentage
10,000–11,000	39	64
11,001–15,000	21	34
Larger than 15,001	1	2
<b>Total</b>	<b>61</b>	<b>100</b>

3. **Location:** The subject project is located on both sides of Captain Wendell Pruitt Way, approximately 563 feet west of its intersection with Stoneridge Court. The subject project is also located in Planning Area 76B and Council District 8.
4. **Surrounding Uses:** The proposed development is surrounded to the north by the Henson Creek Stream Valley Park, in the Reserved Open Space (R-O-S) Zone; to the south and east by single-family detached homes in the Rural Residential (R-R) Zone; and to the west by an undeveloped property owned by the Board of Education (BOE) in the R-O-S Zone.
5. **Previous Approvals:** The subject site has an approved Preliminary Plan of Subdivision, 4-03019, approved by the Planning Board on September 11, 2003. PGCPB Resolution No. 03-191, was subsequently adopted by the Planning Board on December 4, 2003, formalizing that approval. A Type I Tree Conservation Plan, TCPI/21/03 was approved together with the above preliminary plan of subdivision. The site was also the subject of Detailed Site Plan, DSP-04011, approved by the Planning Board on November 3, 2005. PGCPB Resolution No. 04-197 was subsequently adopted by the Planning Board on September 23, 2004, formalizing the approval, and an amended resolution was approved on December 1, 2005. A Type II Tree Conservation Plan, TCPII/28/04 was approved together with the detailed site plan. The detailed site plan was revised twice, once to add four architectural models, and once to adjust parcel lines, but the project never went to construction and DSP-04011 subsequently expired. The site also has a Stormwater Management Concept Approval 38262-2002-04, dated November 17, 2011.
6. **Design Features:** The subject property consists of approximately 48.1 acres of land in the R-R Zone. It is undeveloped and wooded. A small tributary runs across the northern section of the property and a Potomac Electric Power Company (PEPCO) easement bisects the property, running from the southeast to the northwest.

The site will be accessed via Captain Wendell Pruitt Way from the east. This main thoroughfare in the subdivision branches into four cul-de-sac streets and one stubbed street ending at the boundary line of the Board of Education property between Lots 37 and 52. The proposed 61 single-family detached homes are arrayed along both sides of the internal streets.

Two-story architectural models are proposed for the development. The models are mainly of traditional architectural style with varied roof patterns and decorative elements. Each model has a two-car garage as a standard feature and is finished with either standard vinyl siding or brick veneer. Though the originally approved detailed site plan for the site required 100 percent of the proposed units to have a full brick front, a condition of this approval allows a reduction of that requirement to 60 percent as requested by the applicant. Total base finished area of the models, as indicated in the Architectural Model Data table, varies from 2,165 to 3,893 square feet. The models proposed for the development are listed below, together with their base square footage:

**ARCHITECTURAL MODEL DATA BY BUILDER**

<b>Ryan Homes</b>	<b>Base Square Footage</b>
Courtland Gate	2,902
Avalon	2,935
Belford	2,165
Waverly	3,187
Savoy	2,304
Yorkshire	2,508
Venice	2,224
Victoria Falls	2,472
Rome	3,060
Milan	2,528
Naples	2,760
Ravenna	2,560
Balmoral	3,893
Jasmine Grove	2,746
Verona	2,822
Zachary Place	2,272
Highgrove	3,576
Jefferson Square	2,735
Oberlin Terrace	2,737
Chantilly Place	2,539
Palermo	2,265
<b>K. Hovnanian Homes</b>	
Wedgewood	2,466
Maryland I	2,380
Maryland II	2,574
Delaware	2,687
York	2,411
Hancock II	2,184
Hancock III	2,408

**Beazer Homes**

Juniper	2,688
Madison	2,382
Jefferson	2,971
Bradley	2,343

7. **Recreational Facilities:** At the time of Preliminary Plan of Subdivision 4-03019 approval, the Department of Parks and Recreation recommended a fee-in-lieu of park dedication be required because the size and location of land available for dedication is unsuitable for park purposes. The subject detailed site plan (DSP) shows a tot lot adjacent to Lot 29. One multifunction play structure, two spring buddies, one double-bay swing with two sling seats and two tot buckets, and two benches have been proposed on the tot lot. A connector trail/pedestrian path is shown along a sanitary sewer line to the Henson Valley Stream Valley Park and its master plan trail to the north.

COMPLIANCE WITH EVALUATION CRITERIA

8. **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(b), which governs permitted uses in residential zones. The proposed single-family detached dwellings are a permitted use in the R-R Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.
9. **Requirements of the Final Plat as recorded in Plat Book PM 218-57 through Plat Book PM 218-64 on March 22, 2007.** The site plan correctly shows all the bearings, distances and lot sizes as reflected on the record plat. The record plat contains nine notes. Each plat note is included in **boldface type** below, followed by Planning Board comment.
- 2. **Conservation easements described on the plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the MNCPPC Planning Director or Designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.**

The conservation easements and 100-year floodplain easements are delineated on the record plat, but the DSP does not show any of the easements. The DSP should show the conservation easements and 100-year floodplain easements as reflected on the record plat. A condition of this approval requires that prior to signature approval, the applicant shall revise the plans to correctly show conservation and 100-year floodplain easements.

3. **Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/13/03), 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/tree preservation policy.**

A condition of this approval ensures that the application is in conformance with the approved Type I Tree Conservation Plan or as modified by the Type II Tree Conservation Plan as is required by this plat note.

7. **Development of the property must conform to the detailed site plan which was approved by the PGCPB on Sept. 28, 2004, DSP-04011, or as amended by any subsequent revisions thereto.**

The approved Detailed Site Plan DSP-04011 expired on December 1, 2008 and no structures have been constructed on-site. The applicant has submitted the subject Detailed Site Plan, DSP-11027 for construction of 61 single-family dwellings. A condition of this approval requires that the applicant file plats of correction as necessary to reflect any changes in lot or parcel lines.

8. **This land lies within an approved cluster development. Subdivision or re-subdivision is strictly controlled and development of the land is permitted only in accordance with preliminary plat and conceptual site plan 4-03019 approved by the Planning Board on Dec. 4, 2003.**

The DSP shows the lot layout and parcels for open space as reflected on the record plats. The plats were recorded in accordance with the approved Preliminary Plan 4-03019.

10. **Preliminary Plan of Subdivision 4-03019:** The Preliminary Plan of Subdivision 4-03019 was approved for Henson Valley Cluster by the Planning Board on December 4, 2003, and formalized in PGCPB Resolution No. 03-191, subject to 11 conditions. The following conditions are relevant to the detailed site plan review:

3. **At the time of detailed site plan review, the following shall be provided:**
  - a. **Appropriate landscaping shall be provided along the Pepco Power lines. The area between Lots 22 and 26 and the power lines shall be landscaped with tall, fast growing shade and evergreen trees to buffer the front yards of those lots from the power lines.**

The Planning Board has reviewed the landscape plan for landscaping provided along the PEPCO power line as required by Condition 3.a. of the approved Resolution No. 03-191 for Preliminary Plan of Subdivision 4-03019 and found that of the 12 species of landscape material included in the Plant List on page 15 of the plan set, the single "tall and fast growing shade and evergreen trees" as

required by condition included was the evergreen species *Cupressocyparis leylandii* (Leyland Cypress) and only three of this species were included in the design. A condition of this approval requires the applicant include other fast growing deciduous and evergreen species such as Thuja "Green Giant" (Green Giant Arborvitae) and *Liriodendron tulipifera* (Tuliptree) in the Plant List and increase their numbers in the landscape design to better buffer the lots most proximate to the PEPCO power lines.

- b. All corner lots shall have adequate lot frontages that will allow equal building setbacks on each street while keeping a private and usable rear yard.**

The lot frontages on corner lots (Lots 18, 25, 26, 33, 35, 37, 44, and 51) are adequate and will allow equal setbacks on both street frontages, and sufficient land area to provide a private and usable backyard.

- c. Adequate yard areas shall be provided on lots with required bufferyards.**

Adequate usable rear yards have been provided for all lots, independent of any buffering that is required.

- 4. At the time of final plat, the applicant, his heirs, successors, and/or assignees shall pay a fee-in-lieu of mandatory park dedication.**

The plats for the site were recorded on March 22, 2007, and the required fee-in-lieu of mandatory park dedication was paid at that time. The original detailed site plan (DSP-04011) which was approved after the preliminary plan of subdivision but is now expired, had conditions which required the construction of private-on-site recreation facilities and an eight-foot-wide asphalt trail connector to the Henson Creek Stream Valley trail on a homeowners' association (HOA) parcel. These recreational amenities are in excess of that required for mandatory dedication at the time of approval of the preliminary plan of subdivision.

The Henson Creek Stream Valley Park and a public trail are located on The Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned land, north of the site. The current DSP (consistent with the expired DSP) indicates a private tot lot and a large stormwater management facility to serve the development located on Parcel J and a hard-surfaced trail on Parcel K, immediately northeast of Parcel J. Both parcels are to be conveyed to the HOA. The hard-surfaced trail connector extends northeast from Wendell Pruitt Way (a dedicated internal public right-of-way) to the Henson Creek Stream Valley public park trail which is planned to stub to the common property line.

The trail connector on Parcel K was not required with the preliminary plan of subdivision but was a condition of previously approved DSP-04011 (now expired). Public trails on private property are not recommended. It would be preferable for the trail connector to be located on public land. Therefore, a condition of this approval requires, as the applicant has proffered, that prior to issuance of the first building permit, the applicant dedicate a separate parcel reflected on the DSP to M-NCPPC so as to create a public trail connector between the public street and the adjacent parkland.

Conditions of the preliminary plan approval, which include a trail in close proximity to dwellings and located on private property, include adequate notice for the location of the public trail for prospective purchasers, a required disclosure notice, posting of the future public trail location, and a timeline for construction of the trail which includes a recreational facilities agreement and bonding. Conditions of this approval provide adequate notice to potential home-buyers of the proximity of the public trail.

11. **Prince George's County Landscape Manual:** The proposed development is subject to Section 4.1, Residential requirements, Section 4.7, Buffering incompatible uses, and Section 4.9, Sustainable Landscaping of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
  - a. Section 4.1(e) requires, for cluster development in the R-R Zone, a minimum of three major shade trees and two ornamental or evergreen trees for each lot. For a total of 61 single-family detached lots, a total of 183 shade trees and 122 evergreen or ornamental trees are required for this subdivision. The landscape plan proposes 183 major shade trees, 58 ornamental trees, and 64 evergreen trees and complies with the requirements of Section 4.1(e).
  - b. A PEPCO easement runs from the southeast to the northwest of the subject property and is adjacent to Lots 23, 24, 26, 27, 28, 35, 36, and 37. A PEPCO easement is defined as a "medium" impact use by the *Prince George's County Landscape Manual*. Per Section 4.7, a Type "C" bufferyard is required with a minimum 40-foot building setback and a 30-foot-wide landscaped strip to be planted with 120 plant units per 100 linear feet of property line. The landscape plan shows the required Section 4.7 bufferyard and the schedules and complies with the requirements of Section 4.7. Lot 25 is, however, not adjacent to the PEPCO easement; it should be removed from the Section 4.7 Schedule.
12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there is a previously approved Type I Tree Conservation Plan, TCPI/21/03.
  - a. The detailed forest stand delineation (FSD) was submitted and approved during the review of the Preliminary Plan of Subdivision, 4-03019. With the current application, an updated FSD was submitted.

- b. The Type II Tree Conservation Plan, TCPII-028-04, was previously approved for limited grading in the northeastern portion of the site consistent with the TCPI, and clearing occurred on that portion of the site and is documented in an updated FSD.

A revised Type II Tree Conservation Plan, TCPII/28/04-01, was reviewed and approved by the Planning Board with the approval of now expired Detailed Site Plan DSP-04011. With the application for re-approval of the platted cluster subdivision, a revised Type II Tree Conservation Plan proposes to clear 28.05 acres of the existing 43.15 acres of upland woodland, 0.22 acres of the existing 2.10 acres of floodplain woodland, and 0.40 acres of off-site woodland, resulting in a woodland conservation requirement of 17.23 acres. The plan meets the requirement by providing 12.84 acres of on-site preservation, 4.48 acres of on-site reforestation and retain an additional 3.95 acres of woodland on-site but not credited as part of any requirement. The woodland conservation areas are consistent with the approved Type I tree conservation plan and no woodland conservation area will be located on any lot. The subject project conforms to the requirements of the Woodland Conservation Ordinance, as conditioned by the Planning Board in the subject approval.

- 13. **The Prince George's County Tree Canopy Coverage Ordinance:** The approval is subject to Subtitle 25, Division 3, Tree Canopy Coverage Ordinance which became effective February 1, 2012. As the subject project is located in the Rural-Residential Zone, 15 percent tree canopy coverage is required. As the site measures 48.95 acres, the tree canopy coverage requirement is 7.21 acres or 313,959 square feet. The applicant's worksheet provided on Sheet 15 of the plan set "Landscape Notes and Details" indicates the applicant's intention to meet the requirement with 313,959 square feet of existing trees. As the ordinance requires that the provided tree canopy must meet or exceed the tree canopy requirement, the applicant has fulfilled the requirements of the Prince George's County Tree Canopy Coverage Ordinance for the subject project.

- 14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—In an e-mail dated April 13, 2012, the Historic Preservation Section stated that the project will have no effect on identified Historic Sites, Resources, or Districts.
- b. **Archeological Review**—In comments dated April 23, 2012, the staff archeologist indicated that there is no justification for requiring archeological survey for the subject project.
- c. **Community Planning**—The Community Planning South Division indicated that the subject application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by reinforcing existing suburban residential neighborhoods. In

addition, they indicated that the application conforms to the residential low-density land use recommendation in the 2006 *Approved Master Plan and Sectional Map Amendment of the Henson Creek-South Potomac Planning Area*.

- d. **Transportation Planning**—The site plan is a condition of the subdivision plan. The requirement for a site plan was recommended to address landscaping along the power lines, the issue of usable rear yards on all corner lots, and the issue of adequate yard sizes on lots with required buffers, as well as general detailed site plan requirements. There are no specific transportation-related requirements beyond issues of access and circulation, as defined by the site design guidelines in Section 27-274(a)(2)(C) of the Zoning Ordinance.

The site includes 61 lots (plus associated parcels) of Stonegate Estates. The lots were platted pursuant to Preliminary Plan of Subdivision 4-03019 and Detailed Site Plan DSP-04011; however, while the lots have been platted in accordance with the approved preliminary and detailed site plans, the detailed site plan has expired.

The site is not within or adjacent to any master plan roadways. Adequate rights-of-way were established during preliminary plan review for all other on-site roadways, and they were ultimately platted in accordance with those needs.

Access and circulation are generally acceptable and in accordance with the approved preliminary plan. However, driveways serving corner lots should generally be oriented toward the more minor of the two streets. It is recommended that the residence on Lot 18, Block A be re-oriented so that the driveway is oriented toward the minor street (Captain Edward Toppins Court).

As noted earlier, Preliminary Plan of Subdivision 4-03019 is the underlying subdivision for this site. The resolution contains no transportation-related conditions.

In conclusion, the Transportation Planning Section offered that, aside from a requirement to re-orient the residence and driveway on Lot 18, Block A to access the minor street (Captain Edward Toppins Court), they had no further comment on the plan.

The condition suggested by the Transportation Planning Section above has been included in the Recommendation Section of this technical staff report.

- e. **Subdivision Review**—The subject property is on Tax Map 10 in Grid B-1, is known as Lots 9 thru 52, Parcels B thru H, N, and O, in Block A and Lots 21 thru 37, Parcels J thru M in Block B, and is zoned Rural Residential (R-R). The site is 48.05 acres and is currently wooded and undeveloped. The site has an approved Preliminary Plan of Subdivision, 4-03019, a cluster development, and an approved but expired Detailed Site Plan, DSP-04011. The applicant submitted a detailed site plan for construction of 61 single-family dwellings.

The site has been recorded in Plat Book PM 218-57 through Plat Book PM 218-64 on March 22, 2007. The site plan correctly shows all the bearings, distances and lot sizes as reflected on the record plat. For a discussion of the subject project's conformance with the requirements of the final plat, please see Finding 9 of this technical staff report. The property is the subject of Preliminary Plan 4-03019. The Preliminary Plan of Subdivision 4-03019 for Henson Valley Cluster, a cluster development, was approved and the resolution was adopted by the Prince George's County Planning Board on December 4, 2003 (PGCPB Resolution No.03-191). The resolution for the approved preliminary plan contains eleven conditions. Finding 10 of this resolution provides a discussion of the relevant conditions of that approval.

**4. At the time of final plat, the applicant, his heirs, successors, and/or assignees shall pay a fee-in-lieu of mandatory park dedication.**

The plats for the site were recorded on March 22, 2007, and the required fee-in-lieu of mandatory park dedication was paid at that time. The original detailed site plan (DSP-04011) which was approved after the preliminary plan of subdivision but is now expired, had conditions which required the construction of private-on-site recreation facilities and an eight-foot-wide asphalt trail connector to the Henson Creek Stream Valley trail on HOA parcel. These recreational amenities are above what was required for mandatory dedication at the time of approval of the preliminary plan of subdivision.

The Henson Creek Stream Valley park and public trail is located north of the site on adjacent parkland (M-NCPPC). The current DSP (consistent with the now expired previous DSP) shows a private lot located on Parcel J, which is to be conveyed to HOA and also contains a large stormwater management facility to serve the development. Adjacent to the east of Parcel J is Parcel K which is also to be conveyed to the HOA. The DSP shows a proposed hard surface trail on Parcel K. The trail connector extends northeast from Wendell Pruitt Way (a dedicated internal public right-of-way) to the abutting Henson Creek Stream Valley public park trail (M-NCPPC) which appears to stub to the common property line.

The trail connector on Parcel K was not required with the preliminary plan of subdivision but was a condition of previously approved DSP-04011 (now expired). Public trails on private property are not recommended. As the trail is to serve the general public by condition of the approval it shall be located on public land to be conveyed to M-NCPPC. A separate parcel shall be reflected on this DSP and then conveyed to M-NCPPC prior to the approval of building permits. The record plat for Parcel K shall be revised to reflect an additional parcel to be conveyed to M-NCPPC to provide for the public trail on public land dedication.

Conditions of the preliminary plan approval, which include a trail in close proximity to dwellings and located on private property, include adequate notice for the location of the

public trail for prospective purchasers, a required disclosure notice, posting of the future public trail location, and a timeline for construction of the trail which include a recreational facilities agreement and bonding. Conditions this approval require same.

Detailed Site Plan DSP-11027 is in substantial conformance with the requirements of approved Preliminary Plan 4-03019 and recorded final plat, by conditions of this DSP approval.

f. **Trails**—The trails coordinator offered the following comments:

The Planning Board has reviewed the detailed site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements and has made recommendations based on current or proposed conditions.

The subject application is located south of Brinkley Road and south of the Henson Creek Stream Valley Trail in Planning Area 76B. The site is accessed through an existing residential community via Captain Wendell Pruitt Way (formerly Henson Valley Way).

There are no master plan trail issues identified in either the MPOT or the area master plan that impact the subject site. The existing Henson Creek Trail lies directly north of the subject site and one trail connection from the site to the trail is proposed.

The Complete Streets Section of the MPOT 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.**

**Standard sidewalks are shown on both sides of all internal roads, consistent with these policies.**

### **TRAIL PROXIMITY TO PRIVATE RESIDENTIAL LOTS:**

Due to several recent cases involving the location of trails immediately next to or behind private residential lots, the Planning Board evaluated the proximity of the trail connection to the Henson Creek Trail in relation to adjoining lots and made several recommendations designed to ensure that the trail is properly screened and buffered from the residential lot and that the trail is constructed prior to adjacent residential lots. Measures taken to ensure that all lot owners are aware of the adjacent trail include:

- Construction of the trail connection prior to the issuance of building permits for Lot 28, Block B.
- Requirement that the trail be located a minimum of twenty feet from all private residential lots and twenty-five feet from all residential dwellings

The first requirement ensures that the trail will be in place prior to the construction of the home on the adjacent lot. The second requirement reflects a general standard that the Department of Parks and Recreation (DPR) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department has used on recent cases to ensure trails are set back an adequate distance from residences and private lot lines. The only lot in close proximity to the trail connection is Lot 28, Block B. It appears that the trail is ten feet from the lot line on the submitted plans. In order to ensure adequate buffering (including space for landscaping and/or fencing) staff recommends that this distance be increased to at least twenty feet.

Due to the Planning Board's recent policy of not putting public facilities on private HOA land, by condition of this approval the trail connection shall be located on land dedicated to the Department of Parks and Recreation.

The provision of a trail connection better linking the site internally was also evaluated from the end of Captain Lee Archer Court to Captain Wendell Pruitt Way (near Lot 9, Block A). It appears that a trail connection would be extremely difficult at this location due to the presence of a stream, stream buffer, and a small area of wetlands.

The Subdivision Review Section has recommended several conditions of approval related to lot owner notification about the trail. These include a condition requiring a trail disclosure notice for Lot 28 and a condition requiring signs identifying the trail corridor to prospective lot owners. The Transportation Planning Section supports these conditions recommended by the Subdivision Section, adding that Lot 28 is the only residential lot immediately adjacent to the proposed trail corridor, so signage will likely only be necessary proximate to this lot. The condition proposed by the Subdivision Review Section accommodates this by stipulating that signage posting may be "unwarranted at certain locations," thereby allowing the flexibility to only post around the adjacent lot.

The trails coordinator then offered the following summary comments:

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a detailed site plan as described in Section 27-285 of the Zoning Ordinance subject to certain conditions that are included in the Recommendation Section of this report.

The trails coordinator's suggestions, including the provision of a fence on Lot 28, adjacent to the trail connector, have been made conditions of this approval.

- g. **Parks and Recreation (DPR)**—The Planning Board made the following findings pertaining to parks and recreation-related issues:

#### FINDINGS

The subject property is adjacent on the north to the Henson Creek Stream Valley Park which includes 5.75 miles of hiker/biker trail along the Henson Creek. The master plan trail in the park provides for pedestrian and bicycle access to the public recreational facilities in the nearby Henson Creek Neighborhood Park (baseball, football and soccer fields, picnic pavilion, and trail) located to the east of this subdivision and to the Tucker Road Athletic Complex (tennis courts, basketball courts, five softball fields, football field, playground, fitness trail) and the Tucker Road Ice Skating Center located on the west of this subdivision.

A condition of this approval requires the construction of an eight-foot-wide asphalt trail connector from this subdivision to the Henson Creek Stream Valley Park trail on land to be dedicated to the Department of Parks and Recreation. This trail connector will provide pedestrian and bicycle access to the public trail network in the park and recreational facilities in surrounding parks not only to the residents of this subdivision but also to the existing communities to the east.

The trail connector on Parcel K was not required in the Preliminary Plan of Subdivision 4-03019 but was required by conditions of previously approved DSP-04011 (now expired). In order to provide public access to the portion of the trail connector to be located on HOA land, a public access easement or dedication of a 30-foot-wide strip of land to a public agency is required. DPR staff discussed these options with the applicant and the applicant agreed with staff that it would be appropriate to locate the planned public trail connector entirely on public parkland. DPR staff recommends that the applicant convey to M-NCPPC a 40-foot-wide strip of land as shown on DPR exhibit "A." The new parcel should be shown on the revised DSP and then conveyed to M-NCPPC prior to the issuance of building permits. The record plat for Parcel K should be corrected to reflect dedication of a 40-foot-wide strip of land to M-NCPPC.

While the applicant's plans show the trail connector on the detailed site plan (DSP-11027), the construction drawings for the trail construction have not been approved. The trail location has been reviewed for conformance with the requirements of the *Park and Recreational Facilities Guidelines* and determined that the trail should be setback 20 feet from the private property line in order to provide appropriate setback from the adjoining single-family residential lot. The applicant has recorded private Recreational Facilities Agreement (RFA), Liber 26521 and Folio 152, for the construction of the trail connector on HOA land; however, there is no public RFA for the construction of the trail on parkland.

Conditions of this approval address parks and recreation concerns.

- h. **Permit Review**—Permit review issues have either been addressed by revisions to the plans or conditions of this approval.
- i. **Environmental Planning**—The Planning Board previously reviewed a preliminary plan application, 4-03019, and Type 1 Tree Conservation Plan, TCPI-021-03 for the subject property, which were approved on March 25, 2003 subject to conditions contained in PGCPB Resolution No. 03-191.

A Type II Tree Conservation Plan, TCPII-028-04, was previously approved for limited grading in the northeastern portion of the site consistent with the approved TCPI and prior to the approval of the detailed site plan.

Subsequently, a detailed site plan, DSP-04011 and Type 2 Tree Conservation Plan, TCPII-028-04-01, were submitted for the Henson Valley Cluster project, which was approved by the Planning Board on July 22, 2004 subject to conditions contained in PGCPB Resolution No. 04-197. The District Council elected to review this case on October 25, 2004, and on April 1, 2005 remanded the case to the Planning Board to address concerns which were not environmental in nature.

On November 5, 2005, the original detailed site plan resolution was amended by the Planning Board subject to conditions contained in PGCPB Resolution No. 04-197. The detailed site plan has expired, and the current application is a new approval of the detailed site plan for 61 lots and associated open space parcels on 48.05 acres in the R-R Zone.

The subject 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 and detailed site 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 2 tree conservation plans. The application is subject to Subtitle 25, Division 3, Tree Canopy Coverage which became effective February 1, 2012 at time of permit application.

### **Site Description**

This 48.05 acre property in the R-R Zone is located at the northwest end of Webster Lane about 2,000 feet west of its intersection with Allentown Road. Except for the PEPCO right-of-way, the entire site is wooded and contains some areas of severe slopes. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the subject site. The site is accessed from the east of the site via a local collector, and the road which runs adjacent to this site is classified as a collector roadway which is not generally regulated for noise. According to the *Prince George's County Soil Survey* the principal soils on this site are in the Aura, Beltsville, Bibb, Croom and Sassafras soils series. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated special roadways adjacent to the subject property. This property is located in the Henson Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the 2002 *Prince George's County General Plan*. The majority of the site contains Regulated Elements, Evaluation Areas and Network Gaps of the 2005 *Approved Countywide Green Infrastructure Plan*.

Refer to Finding 9 for a discussion of the environmentally-related conditions of the relevant preliminary plan of subdivision, 4-03019.

### **Environmental Review**

- (1) The approval of the preliminary plan for this site predates the requirement for a natural resource inventory (NRI). This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of the preliminary plan review of this site, these areas were included in the "expanded stream buffer" and included isolated sensitive environmental features.
- (2) A variation request, dated March 4, 2003, for impacts to 18,667 square feet of the delineated expanded stream buffer for the construction of Henson Valley Way was approved by PGCPB Resolution No. 03-191. The current plans are consistent with the approved variation request.

No further action regarding sensitive environmental features is required with regard to this Detailed Site Plan review.

- (3) The site contains significant environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 27-(285)(b)(4) of the Zoning Ordinance.

Conservation easements for the protection of sensitive environmental areas, except for impacts approved by the Planning Board by variation as noted above, were established at time of final plat.

The conservation easement has been shown on the DSP and landscape plan, but it is incorrectly labeled as a "forest conservation easement." The "FCE" should be correctly relabeled as a "conservation easement."

The current development application does not propose any additional impact to regulated environmental features of the site.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, consistent with conservation easements approved at time of final plat.

Prior to signature approval of the detailed site plan, the "forest conservation easement" shown should be correctly identified as a "conservation easement" and should also be shown on the TCPII plan set.

- (4) This property was subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site, and a Type I and Type II Tree Conservation Plan were previously approved for the site. A Forest Stand Delineation, dated September 4, 2003, was submitted with the preliminary plan showing 12 sample areas, two (8) forest stands and 45 specimens trees, and was found to meet the requirements of the Woodland Conservation Ordinance during the review of Preliminary Plan of Subdivision 4-03019. With the current application, an updated FSD was submitted.

No further action regarding the Forest Stand Delineation is required with regard to this Detailed Site Plan review.

- (5) A Type II Tree Conservation Plan, TCPII-028-04, was previously approved by staff for limited grading in the northeastern portion of the site consistent with the TCPI, and clearing occurred on that portion of the site. The clearing that occurred is documented in the updated FSD submitted with this application.

A revised Type II Tree Conservation Plan, TCPII/28/04-01, was reviewed and approved by the Planning Board with the approval of DSP-04011. With the

application for reapproval of the platted cluster subdivision, a revised Type II tree conservation plan will be reviewed.

The current plan proposes clearing 28.05 acres of the existing 43.15 acres of upland woodland, 0.22 acres of the existing 2.10 acres of floodplain woodland, and 0.40 acres of off-site woodland off-site, resulting in a woodland conservation requirement of 17.23 acres. The plan proposes to meet the requirement by providing 12.84 acres of on-site preservation, 4.48 acres of on-site reforestation and retain an additional 3.95 acres of woodland on-site but not credited as part of any requirement.

The woodland conservation areas are consistent with the approved Type I Tree Conservation Plan and no woodland conservation area will be located on any lot.

The TCPII requires minor technical revisions to fulfill the requirements of the Environmental Technical Manual, prior to signature approval of the plan.

Prior to certificate approval of the preliminary plan, the TCPII shall be revised as follows:

- (a) Revise the approval block to include the TCPII number, the prior plan approvals and the approval dates.
- (b) Provide a summary table on each individual sheet which summarizes the woodland conservation methodology proposed on that sheet, and summarizes the individual summary tables on the detail sheet.
- (c) Provide permanent tree protection fencing along all vulnerable edges of afforestation/reforestation area, including those adjacent to the public rights-of-way and public utility easements.
- (d) Provide the missing details on the detail sheet for seedling planting technique, handling bare root stock, seedling and whip planting techniques, and planting distribution patterns.
- (e) Revise the reforestation planting table to reflect the woodland conservation stocking requirement of 1,000 ½ inch-caliper seedling equivalents per acre. A whip is considered to be equivalent to two seedlings (one- inch caliper).
- (f) Remove the tree canopy coverage notes from the TCPII.
- (g) Add the delineation of the conservation easement to the TCPII plan set.
- (h) Have the plan signed and dated by the qualified professional who prepared it.

- (6) According to the *Prince George's County Soil Survey* the principal soils on this site are in the Aura, Beltsville, Bibb, Croom and Sassafras soils series. Aura soils are in the B-hydric series and are highly erodible. 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. Croom soils are in the C-hydric soils series and are highly erodible. Sassafras soils are in the B-hydric series and pose no special problems for development.

This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Public Works and Transportation Resources during the permit process review.

- (7) Stormwater Management Concept Plan 38262-2002-04 was approved by the Prince George's County Department of Public Works and Transportation (DPWT) Office of Engineering on November 17, 2011. The revised plan continues to show one proposed stormwater management pond, and all previously approved conditions remain in effect. The DSP and TCP2 are consistent with the concept plan.

No further information regarding stormwater management is required with respect to this Detailed Site Plan review.

- (8) The site contains streams or wetland areas which may be regulated by Federal and State requirements.

Prior to the issuance of any local grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

- j. **Prince George's County Fire Department**—The Prince George's County Fire Department offered information regarding needed accessibility, private road design and the location and performance of fire hydrants.
- k. **Department of Public Works and Transportation (DPW&T)**—DPW&T offered the following comments:
- (1) The extension of Captain Wendell Pruitt Way through Stonegate Estates subdivision will be required prior to development. Right-of-way dedication and roadway improvements for Captain Wendell Pruitt Way along the frontage of the property are required in accordance with DPW&T's standards for a primary residential road.
- (2) Conformance with DPW&T street tree and lighting standards is required.

- (3) Sidewalks will be required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the Prince George's County Road Ordinance.
- (4) All improvements within the public rights-of-way, as dedicated for public use to the County, are to be designed in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards and the American with Disabilities Act.
- (5) All storm drainage systems and facilities are to be designed in accordance with DPW&T's Specifications and Standards.
- (6) The proposed site has an approved DPW&T Stormwater Management Concept Plan 38262-2002-04, dated November 17, 2011.
- (7) The floodplain easement is to be recorded prior to issuance of building permits for the project.
- (8) Please note that DPW&T's requirements are enforced through their separate permitting process.

- l. **Prince George's County Police Department**—A representative of the Prince George's County Police Department, Community Services Division, expressed concern regarding the design of the playground. More particularly, the representative was concerned that its placement behind trees and shrubs might not be consistent with the Crime Prevention Through Environmental Design (CPTED) principle of Natural Surveillance. Under this principle, the opportunity for crime is reduced by increasing the perception that people can be seen. Design should focus on the placement of physical features, activities and people so that visibility and opportunities for positive social interaction are maximized. In this way, potential offenders are discouraged by increased scrutiny, which also limits their avenues of escape.

Partially in response to the Police Department's comments, the applicant has redesigned the tot lot so as to make it easier to see and be seen, and thereby discouraging criminal activity in that location.

- m. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for Stonegate Estates and offered the following comments/recommendations:
  - (1) A PEPCO easement and transmission line bisects the project site. According to the National Institute of Environmental Health Sciences, there is a "weak association" between increasing exposure to electromagnetic fields (EMFs) and an

increased risk of childhood leukemia, but no evidence of a link between residential EMF exposure and adult cancers.

- (2) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded so as to minimize light trespass caused by spill light.
  - (3) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.
  - n. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered numerous comments that will have to be addressed through the separate WSSC permitting process.
  - o. **Potomac Electric Power Company (PEPCO)**—A representative of PEPCO stated that they concur with the location of the public utility easements as shown and had no further comment.
15. Based on the foregoing analysis, and as required by Section 27-285 (b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. As required by Section 27-285(b)(4) the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, consistent with conservation easements approved at time of final plat.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-28-04-02) and further APPROVED Detailed Site Plan DSP-11027 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Revise the plans to provide driveway access to the residence on (corner) Lot 18, Block A from Captain Edward Toppins Court.
  - b. Revise the plan set to show the conservation and 100-year floodplain easements as reflected on the record plat and to correct any reference to a "forest conservation easement" to a "conservation easement."

- c. Revise the plans to indicate the boundaries and acreage of a separate parcel to be created from Parcel K of the subject site to be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to accommodate a public trail connection between Captain Wendell Pruitt Way, a public street, and the public parkland immediately adjacent to the north of the subject property. Indicate the connector trail within this parcel no less than twenty feet from all private residential lot lines and twenty-five feet from all residential dwellings, excluding where trails connect with the internal road network. Additionally, revise the plans to consolidate the isolated triangle of land to be created by this conveyance either with Lot 28 or the parcel to be conveyed to M-NCPPC.
- d. Submit to the Department of Parks and Recreation (DPR) for review and approval detailed construction drawings for the construction of the trail and any needed structures to assure dry passage on the adjacent parkland and the parcel on the subject site to be dedicated to The Maryland-National Capital Planning and Commission and provide a detail in the plan set. The trail shall be designed and constructed in accordance with the *Park and Recreation Facilities Guidelines* and the following standards, which shall be included as a note in the general notes in the plan set:
  - (1) The trail shall be designed at a maximum 8.3 percent grade and 2 percent cross slope grade.
  - (2) The trail shall be constructed of asphalt, with a minimum three-inch bituminous concrete surface course and a minimum of four-inch compacted CR-6 base.
  - (3) Any structures to be installed along the trail to assure dry passage shall be designed in accordance with *Park and Recreation Facilities Guidelines*. Such plans shall be prepared by a registered professional engineer and bear his/her stamp and signature on all plans and specifications.
  - (4) All trails shall be constructed to ensure dry passage.
  - (5) The applicant shall be responsible for obtaining all permits that may be required by Federal, State and/or Local authorities needed to accomplish its purpose.
- e. Provide a written statement from the Department of Public Works and Transportation (DPW&T) indicating that the subject DSP conforms to the requirements of the approved stormwater management concept for the project, or a revision thereto.
- f. Correct lot numbers for currently identified Lots 53, 54, 55, and 56 on Block A to reflect their current legally correct lot numbers 39, 40, 41 and 42 on Sheets 1, 8 and 11.
- g. Add a note to the plans stating that a minimum of 60 percent of the units (or 37) shall have brick fronts or other similar/comparable masonry.

- h. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- i. The Type II tree conservation plan (TCPII) shall be revised as follows:
  - (1) The approval block shall be revised to include the TCPII number, the prior plan approvals and the approval dates.
  - (2) A summary table shall be provided on each individual sheet providing information on the woodland conservation methodology proposed on that sheet, and summarizing the individual summary tables on the detail sheet.
  - (3) A permanent tree protection fencing shall be provided along all vulnerable edges of the afforestation/reforestation area, including those adjacent to the public rights-of-way and public utility easements (PUEs).
  - (4) Provide the missing details on the detail sheet for seedling planting technique, handling bare root stock, seedling and whip planting techniques, and planting distribution patterns.
  - (5) Revise the reforestation planting table to reflect the woodland conservation stocking requirement of 1,000 ½-inch caliper seedling equivalents per acre. A whip is considered to be equivalent to two seedlings (one-inch caliper).
  - (6) Remove the tree canopy coverage notes from the TCPII.
  - (7) Add the delineation of the conservation easement to the TCPII plan set.
  - (8) Have the plan signed and dated by the qualified professional who prepared it.
- j. The applicant shall provide front, side and rear elevations for each architectural model, with materials clearly labeled. Each side elevation shall include a minimum of three standard architectural features. Partial elevations that do not contain three standard features shall include a note below them stating: "Side elevations shall include three standard architectural features." Where brick or masonry is included on the front façade, it shall be wrapped for one foot on the side elevations.
- k. Lots Block A 9, 13, 18, 25, 26, 30, 31, 33, 35 36, 43, and 44 and Block B 21, 28, and 29 shall be deemed "highly visible" and receive enhanced architectural treatment on the side that is exposed to view from the street. The side elevations shall contain four instead of the standard three architectural features, or provide brick or similar stone masonry on the first story of the side elevations.

- l. Identical front elevations shall not be located side by side or directly across the street from one another.
  - m. Plans for all of the architectural models by a builder active in the subject project shall be maintained in that builder's sales office for the subject project.
  - n. Should the applicant subsequent to approval wish to add Gateway signs for the development pursuant to Section 27-624 of the Zoning Ordinance, a revision application for such signage shall be approved by the Planning Board or its designee.
  - o. The applicant shall revise the landscape plan adjacent to Lots 31, 32, 34, 35, 44, and 45 to include more fast growing deciduous species such as *Liriodendron tulipifera* (Tuliptree) and evergreen species such as *Cupressocyparis leylandii* (Leyland Cypress) and Thuja "Green Giant" (Green Giant Arborvitae). Final design of such landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
  - p. The applicant shall include a note on the plans indicating that Lot 25 is not subject to the requirements of Section 4.7 of the 2010 *Prince George's County Landscape Manual* schedule as it is not immediately adjacent to the Potomac Electric Power Company (PEPCO) power line easement.
  - q. The applicant shall revise the plans to indicate a minimum five-foot tall, non-wood, non-white, durable, low-sheen fence on Lot B-28 from even with the rear corner of the house to the rear corner of the lot adjacent to the shared property line with land to-be-dedicated to M-NCPPC for a public trail and a four-foot tall, three board paddock style non-wood fence from the rear corner of the house forward to but not into the public utility easement (PUE). For the fence along the rear yard, any portion of the fence above four feet tall may be lattice or other partial screen and the bottom four feet shall be solid in appearance. Future homeowners of lot B-28 shall have the right to remove or modify the fence at their discretion, subject to normal approval of the homeowner's association and the county permitting process as necessary.
2. Prior to issuance of each building permit the applicant shall:
  - a. Provide all building setbacks for the front, both sides and rear.
  - b. Provide the actual percentage of lot coverage for each lot.
3. Prior to issuance of the first building permit for the subject project, the applicant shall:
  - a. Receive approval of corrected record plats to conform to the approved detailed site plan only for plats on which lot or parcel lines have been modified.
  - b. The corrected plats shall reflect the correct detailed site plan number, the recorded recreational facilities agreement, and any additional conditions of approval appropriate to be reflected on the record plat.

- c. The plats shall delineate the parcel to be conveyed to The Maryland-National Capital Park and Planning Commission parkland for a public trail purpose. The record plat for Parcel K shall be corrected to reflect dedication of a 40-foot-wide strip of Parcel K to M-NCPPC.
4. Prior to the approval of the first building permit in Block B:
  - a. The trail connection location shall be posted at 200-foot intervals and inspected by M-NCPPC trails coordinator.
  - b. The signage shall be approved by the trails coordinator prior to posting and shall state at a minimum: "Future location of a public trail."
  - c. The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed toward the lots of the subdivision and the public street.
  - d. The height of the signage shall be determined by the trails coordinator in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trails coordinator, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted at certain locations along the proposed trail.
5. Prior to the submission of plats of correction for the project, the applicant and the applicant's heirs, successors and/or assignees shall submit three original private Recreational Facilities Agreements to the Development Review Division for construction of recreational facilities on homeowners land, and shall submit three original public Recreational Facilities Agreements to the Department of Parks and Recreation (DPR) for the trails to be constructed on existing and to-be-dedicated parkland for approval. Upon approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Development Review Division or the Department of Parks and Recreation, the Recreational Facilities Agreements shall be recorded among the County Land Records.
6. Prior to issuance of the 31st building permit, the applicant shall complete construction of the eight-foot-wide asphalt connector trail from Captain Wendell Pruitt Way to the existing trail on the adjacent public parkland to the north of the subject site.
7. Prior to issuance of any local grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
8. Prior to the approval of the plats of correction, the Declaration of Covenants shall be revised to ensure that they include language notifying the homeowners of the location of the existence of a public trail adjacent to Lot 28.

- a. The Declaration of Covenants shall include the Master Plan Public Trail Disclosure Notice.
  - b. The contract purchaser of Lot 28 abutting homeowners' association (HOA) Parcel K shall sign a disclosure notice of the public trail location.
  - c. 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 public trail, if this portion of the trail is determined to be a public trail connection with the detailed site plan.
9. Two weeks prior to making application for building permits for the project, the applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to assure for the construction of recreational facilities specified in the appropriate recreational facilities agreement on homeowners land and M-NCPPC public parkland, in amounts to be determined by the Development Review Division and the Department of Public Works and Recreation (DPW&T), respectively.
10. Prior to construction of the trail, it shall be field located and approved by the Department of Parks and Recreation staff.
11. Prior to issuance of a building permit for Lot B-28, plans that accompany the building permit application shall show a fence on the lot adjacent to the shared property line with the land to-be-dedicated to M-NCPPC for a public trail that complies with Condition 1q above.

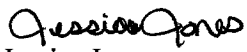
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Squire, with Commissioners Washington, Squire, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 7, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of June 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPE Legal Department

Date 6/20/12