

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 25, 2012, regarding Specific Design Plan SDP-1202 for Canter Creek (Formerly TLBU Property), Phase One\*; and the Planning Board finds:

\*WHEREAS, SDP-1202 for Canter Creek, Phase One, was approved by the Planning Board on November 1, 2012, 2012; and

\*WHEREAS, on November 19, 2012, the District Council elected to review this case; and

\*WHEREAS, on February 12, 2013, the District Council remanded the case back to the Planning Board for further testimony and to reconsider its decision; and

\*WHEREAS, on April 25, 2013, at a public hearing regarding Specific Design Plan SDP-1202 for Canter Creek, Phase One, the Planning Board in consideration of the evidence presented, approved the Specific Design Plan with one additional condition, made the following amended findings in response to the Order of Remand:

1. **Request:** The subject application is for approval of a SDP for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-S	R-S
Uses	Vacant	Infrastructure
Parcels	1	6
Total Acreage	342.38	342.38
Area of Phase One	N/A	162.86 acres
Disturbed Area	N/A	57.89 acres

\*Denotes Amendment

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3. **Location:** The subject property is located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9.
4. **Surrounding Uses:** To the north of the subject property is the Williamsburg Estates single-family home subdivision in the One-Family Detached Residential (R-80) Zone and a single-family detached lot in the Rural Residential (R-R) Zone. In the northeastern corner, the subject property surrounds the R-R-zoned Merrymount Equestrian Center, which is located on a separate parcel and under separate ownership. Across Frank Tippett Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development, the Brookwood subdivision, in the R-R Zone. To the south of the subject property are the Graystone at Marlborough and Conger single-family home subdivisions and an undeveloped lot in the R-R Zone. To the west of the subject property is a 404-acre undeveloped property in the Reserved Open Space (R-O-S) Zone which is owned by Maryland Environmental Services.
5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural (R-A) and R-R Zones to the Residential Suburban Development (R-S) Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review, but were withdrawn before being heard by the Planning Board. Preliminary Plan of Subdivision 4-00064 and TCPI-110-90 for the proposed development of the property (in accordance with County Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories, was approved by PGCPB Resolution No. 01-79(A).

A Type II Tree Conservation Plan, TCPII-002-02, was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, Comprehensive Design Plan CDP-0701 and a revision to the Type I tree conservation plan, TCPI-110-90-01, was approved by the District Council, subject to 31 conditions.

Preliminary Plan of Subdivision 4-07005 and TCPI-110-90-02 was disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan*. By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Countywide Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on the concept of "good cause" associated with conformance to the Green Infrastructure Plan and Woodland Conservation Ordinance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan TCPI-110-90-02 and Preliminary Plan 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

\*On October 25, 2012 the Planning Board reviewed the SDP-1202 for Canter Creek, Phase One for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 19, 2012. On February 12, 2013 the District Council remanded the case back to the Planning Board for additional consideration and information. Findings No. 7, 9 and 13 contain additional language relating to the Planning Board's reconsideration of the case.

6. **Design Features:** The subject specific design plan (SDP) is for infrastructure only within the area known as Phase One, which includes the southern and westernmost parts of the subject property. The SDP proposes six parcels including Parcels D and E, both of which are to be dedicated to M-NCPPC. The specific infrastructure improvements proposed include the following:
- a. Clearing of existing woodland for the first phase of construction only;
  - b. Rough grading of the streets and future lot area;
  - c. Construction of the Frank Tippett Road frontage improvements;
  - d. Interior street and sidewalk construction;
  - e. Storm drainage construction;
  - f. Stormwater management pond construction;
  - g. Water and sewer system construction;
  - h. Private equestrian trail construction;
  - i. Grading of the community park parcel, Parcel E, as well as specific access and trail improvements for the community park; and
  - j. Landscaping, including street tree plantings, buffer plantings along Frank Tippett Road, and stormwater management pond plantings.

No specific uses, buildings, residential lots, or architecture are proposed with this SDP, and would have to be included in a future plan for the subject property, prior to construction.

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## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to 9 conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

**Condition 1. Land uses shall be only as shown on the Basic Plan.**

The subject SDP for infrastructure only, does not propose any specific use. Therefore, this condition will be implemented on future SDPs for the subject property that include proposed uses.

**Condition 2. The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject SDP does not propose the creation of any residential lots; therefore, this condition is not enforceable at this time.

**Condition 3. The proposed day care center shall be limited to a maximum of 150 children.**

The subject SDP notes proposed Parcel A as having a future day care center, limited to a maximum of 150 children. However, this SDP is for infrastructure only and does not include the development of Parcel A as a day care center.

**Condition 4. There shall be no grading or cutting of trees on the site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.**

A comprehensive design plan (CDP) was approved for the subject property in 2008; therefore, the proposed grading and cutting of trees that is shown on this SDP is in conformance with this condition.

**Condition 5. The Basic Plan shall be modified as follows:**

- a. **The northernmost entrance shall be at least 820± feet south of the south boundary of the Merrymount Riding Academy property. The equestrian center use shall be located north of the boulevard entrance and interior roadway.**

The basic plan was modified as necessary to reflect this condition. The subject SDP proposes an entrance to the property that is approximately 1,136 feet south of the Merrymount property.

- b. A 50-foot-wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail system may be included within this buffer to the extent feasible.**

The basic plan was modified as necessary to reflect this condition. The subject SDP does not propose any improvements along the northern boundary of the property, except for the east-west equestrian trail which is a minimum of 70 feet from the northern property line.

- c. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The basic plan was modified as necessary to reflect this condition. Plant materials and screening have been provided, to a depth of 100 feet, along the Phase One portion of Frank Tippett Road on the subject SDP. This condition will be further examined at the time of a future SDP for final site development.

- d. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

The basic plan was modified as necessary to reflect this condition. The subject SDP does not propose any driveways.

- e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.**

The basic plan was modified as necessary to reflect this condition. Exhibit 44 recommended the construction of four equestrian trails; one running east-west along the property's northern edge, one running along Piscataway Creek along the property's western edge, one along Dower House Pond Branch, and one along the tributary running from Dower House Pond Branch to behind the equestrian center. The subject SDP includes the construction of the East-West Trail and the Tributary Trail as per Exhibit 44; the other two are to be constructed within the future stream valley park property with public funding, which is correctly shown as to be dedicated to M-NCPPC.

In summary, Exhibit 44 made the following recommendations:

- (1) Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the

equestrian center for equestrian uses. This is reflected on the submitted plans and the appropriate agreement between the involved parties is referenced in a condition of approval included in this report, derived from the preliminary plan of subdivision requirements.

- (2) East-West Trail—This trail connection will begin at the equestrian center and extend across the property’s northern edge. This trail is reflected on the submitted plans and will be constructed by the applicant prior to issuance of the 250th building permit.
- (3) Piscataway Creek Trail—The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail that is to be constructed through a M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.
- (4) Trail connection to Maryland Environmental Services—Exhibit 44 reads, “The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream.” This is to be located within the proposed M-NCPPC Parcel D and will have to be located and established by the Department of Parks and Recreation (DPR) at the time of development of the Piscataway Creek Trail.
- (5) Dower House Branch Trail—The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. DPR anticipates that this trail will also be constructed through a M-NCPPC CIP. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Branch will be the primary route to the state park, although some informal connections may continue to be used.
- (6) Tributary Trail—Exhibit 44 also requires a trail along the tributary running from Dower House Branch to behind the equestrian center. The submitted plans include this trail that will be constructed by the applicant.

**Condition 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

The subject plans show the equestrian center as existing and it also proposes the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed M-NCPPC parkland and constructed with public funding.

**Condition 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.**

The plan proposes Parcel A, which is not co-located with the equestrian center, as the area of the future day care center. Rough grading of this area is not proposed at this time, nor is there any other infrastructure improvements proposed on Parcel A, except for landscaping along Frank Tippett Road.

**Condition 8 Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.**

Specific timing for the contractual and covenanted arrangement recordation was established with Condition 32 of approved Preliminary Plan 4-07005 (see Finding 9 below), and has been carried forward as a condition of this approval.

**Consideration 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation was submitted with approved Natural Resources Inventory NRI-015-07. The approved TCPI showed the preservation of woodlands along streams and adjoining roads, and preserves a major forest stand identified by the NRI as Forest Stand D. The submitted TCPI conforms to this consideration because it preserves a major stand of trees on the northern portion of the site that is adjacent to a stream and property lines, and preserves additional woodland along Piscataway Creek.

\*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

**\*It is hereby ordered, after review of the administrative record, that the Planning Board’s decision in Resolution PGCPB No.12–102, approving with conditions a revision to Specific Design Plan SDP–1202, for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One, located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9, is:**

**\*REMANDED, pursuant to §27–132, §27–523, and §27–258.01 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:**

**\*1. This application request, infrastructure for phase one, was filed in June 2012. Condition 8, Consideration 2 of the Basic Plan A–9738–C states:**

**\*• The applicant shall submit a 100–year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

**\*A letter, dated September 22, 2009, from the Associate Director of Department of Public Works & Transportation (DPW&T) was submitted which indicated that the floodplain study, FSP No. 900058, approved on November 20, 1989, remains valid. PGCPB No. 12–102 at 7.**

**\*On remand, if DPW&T is the current agency that approves 100–year floodplain elevations, Planning Board shall take further testimony from the Associate Director of DPW&T on the validity of a 100–year floodplain study that is over 20 years old or the feasibility of submitting a new 100–year floodplain study.**

**\*After receiving this evidence or testimony into the record, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A–9738–C.**

**\* In the original resolution, the following finding was made by the Planning Board:**

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A 100-year floodplain study was approved for the subject property on November 20, 1989. A Stormwater Management Concept Plan, 8327602-2000-04, has been approved by the Department of Public Works and Transportation (DPW&T). Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study from the current Prince George's County agency that approves 100-year floodplain elevations should be submitted. A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicates that Floodplain Study FPS No. 900058, approved on November 20, 1989, remains valid.

\* In response to the remand order, DPW&T provided more information in a memorandum dated April 4, 2013 (Abraham to Lareuse). The following explanation was given by DPW&T for their original determination:

\*“The floodplain elevations at Canter Creek were determined from three sources:

\*“The first was FEMA Panel #245208 0080C for the floodplain of Piscataway Creek; these elevations remain current, even though other aspects of that FEMA panel have been updated since the floodplain elevations were set for this site in 1989.

\*“The second source was a study conducted in April, 1986 by the Prince George's County's Stormwater Management Technical Group for the Piscataway Creek Watershed, which was used to set the elevations along Dower House Pond Branch. This study was carried out in accordance with the County's requirements which stipulate that the hydrology from which the flood volumes are computed be based on the ultimate development of the watershed.

\*“Therefore, as long as the zoning in the watershed does not increase in density after the time of a County-compliant study, the flow quantities used in computing the flood elevations in that study would remain unchanged, regardless of the amount of actual land development which has occurred in the intervening time. And, if the flow quantities do not change, then the flood elevations do not change as long as there has been no physical alteration of the stream channel within the study limits. The natural stream channel through the Canter Creek site has remained unaltered since the time of the 1986 County study; as such, the floodplain elevations along Dower House Pond Branch remain valid as well.

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\*“The third source for the floodplain elevations at the Canter Creek Project was a study prepared by RDA in 1989 with floodplain reference number FP#900058 or the unnamed tributary which runs through the middle of the site. This study was also carried out in accordance with the County’s requirements which stipulate that the hydrology be computed for the ultimate development of the watershed. Therefore, as the zoning in the watershed of this unnamed tributary has not changed, the flow quantities and therefore the floodplain elevations would not have changed, and so the 1989 study remains valid.”

\*The Planning Board accepted the additional information from DPW&T and found that it addressed the remand order.

**Consideration 3**            **A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

In conformance with this consideration, the approved NRI and submitted TCPII show all of the required expanded stream buffers on the property.

**Consideration 4**            **The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

The subject plan provides landscaping and buffering along Frank Tippett Road which will maintain the suburban character of the area of Phase One. Since residential lots are not being proposed with this application, the issue of the view of rear yards and houses from the right-of-way will be examined at the time of an application that includes such development.

**Consideration 5**            **The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site’s central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.**

**Consideration 6**            **Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.**

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Considerations 5 and 6 above were addressed by the Transportation Planning Section as follows and this finding is adopted by the Planning Board:

A large component of the planned trail network for the site will be comprised of the stream valley trails. These trails will provide access to the surrounding trails network, including other stream valley trails in southern Prince George's County. In addition, the proposed trail along Dower House Branch will provide access to the natural surface hiking, mountain bike, and equestrian trails in Rosaryville State Park. Piscataway Creek will provide access to developing residential communities in the stream valley to the southwest, as well as Cosca Regional Park. Internal trails providing access within the community need to be evaluated to supplement the sidewalk network and provide trail access within the community, to on-site recreational facilities, and to the master plan trails.

This will be further considered at the time of final development plans for the subject property.

**Consideration 7**      **The applicant shall designate 17± acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by the Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This park land will also provide active neighborhood recreation opportunities. The entrance for the 17-acre parcel shall have a minimum 200-foot frontage on the primary roadway.**

The subject plan proposes approximately 122 acres of parkland in two parcels, adjacent to both the Dower House Pond Branch and Piscataway Creek, to be dedicated to M-NCPPC for public parks. Both parcels have more than 200 linear feet of frontage on the proposed Dressage Drive, which connects to Frank Tippett Road.

**Consideration 8**      **The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

There are no stormwater management ponds proposed on dedicated parkland.

**Consideration 9**      **The adjacent properties on the north boundary shall be buffered from the proposed development through landscaping, berming and screening techniques. The landscaping can be included in the 50-foot undisturbed buffer provided.**

The submitted plans indicate a 200-foot buffer along the property's northern boundary; however, this area of the property is not part of Phase One and therefore not affected by this application. Final design of the landscaping along the northern boundary area would be required to be shown on an application which includes that specific area.

**Consideration 10      The width of building lots adjacent to Frank Tippett Road shall be in accordance with those for the R-R Zone.**

The submitted plans do not propose any residential building lots adjacent to Frank Tippett Road, within Phase One. Proposed Parcel A, which is labeled to be used for a future day care center, has over 400 linear feet of frontage, with a depth of over 150 feet from the right-of-way. This is more than sufficient to meet the 70 feet that is required for the minimum lot width at the front street line in the R-R Zone.

**Consideration 11      Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.**

The subject plan includes only Phase One of the property, which does not include the area along the northern boundary. In fact, no grading will occur closer than 2,200 feet from the northern property line. Therefore, no road connections are shown to the stub streets along the northern boundary. In addition, the previously approved comprehensive design plan and preliminary plan of subdivision were approved without access to the streets listed above.

**Consideration 12      All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

The subject plan does not propose any structures; therefore, this condition will be enforced on future plans that do propose structures.

8. **Comprehensive Design Plan CDP-0701:** Comprehensive Design Plan CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the subject specific design plan and warrant discussion as follows:

4. **At the time of final plat, the applicant shall dedicate approximately 115 acres to M-NCPPC for a stream valley park and a community park. The exact acreage of each park shall be determined at the time of the approval of the preliminary plan of subdivision. Land to be conveyed shall be subject to the following conditions:**
  - a. **The facilities developed in the community park shall be designed to accommodate the recreation needs of the residents of the TLBU property and the surrounding community.**

The applicant proposes the grading of Parcel E, the community park, at a two percent slope to accommodate future recreational facilities. The Department of Parks and Recreation (DPR) staff will coordinate future meetings with the applicant and the community relating to planning and design of the recreational facilities for the park.

- b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens Association on the nature of the recreation facilities to be constructed on the land to be conveyed for a community park.**

The Department of Parks and Recreation will work in partnership with the applicant and each of the specified communities mentioned above in development of the recreational program for the community park on proposed Parcel E.

- e. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**

The boundaries and acreage of dedicated parkland are indicated on the specific design plans. Parcel E is proposed as 25 acres and Parcel D is proposed as 95.07 acres. The DPR and the Planning Board has found the boundaries of the dedicated parkland and acreage to be acceptable.

- 8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippet Road, unless modified by DPW&T.**

The Planning Board carried forward a condition of approval for the subject application, even though a standard sidewalk is shown on the plan along the included portion of frontage on Frank Tippet Road to ensure the requirement is fulfilled as the future community park should have pedestrian access from the surrounding neighborhoods.

- 9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This requirement does not impact this application and will be fulfilled at the time of a residential building permit.

10. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Standard sidewalks are shown on both sides of all internal roads.

11. **The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.**

The subject plans propose parkland dedication in accordance with Preliminary Plan 4-07055 and DPR Exhibit A, along Piscataway Creek.

12. **The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.**

The subject plans propose parkland dedication in accordance with Preliminary Plan 4-07055 and DPR Exhibit A, along Dower House Pond Branch.

13. **The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.**

14. **The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.**

The subject specific design plan for infrastructure reflects alignments for both the East-West Trail and the Tributary Trail that are consistent with prior approvals. The East-West Trail is aligned to avoid large trees. It should be noted that the Tributary Trail follows a largely established equestrian trail corridor while the East-West Trail will be new trail construction. Improvements to the Tributary Trail will only involve necessary items to bring it into conformance with the *Park and Recreation Facilities Guidelines*, as explained in Exhibit 44 of the basic plan. Construction of the East-West Trail shall also be in conformance with these guidelines.

15. **Prior to certificate approval of the subject comprehensive design plan application:**
  - a. **Phase I (Identification) archeological investigations, according to the Planning Board’s Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural**

**resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.**

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.

- b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**
- (1) Evaluating the resource at the Phase II level, or**
  - (2) Avoiding and preserving the resource in place.**

**If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.**

Historic Preservation staff requested Phase II evaluation studies on Sites 18PR971 and 18PR996. Site 18PR996 is located in the area included within the subject SDP and Phase II investigations were completed for this site in November 2009. Historic Preservation Section found that further investigations on Site 18PR996 should not be required, and the Planning Board agreed, because of its lack of integrity. Phase II investigations have not been completed on Site 18PR971. Site 18PR971 is not located within the area of the subject SDP and will not be affected by the current development proposal.

- 16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of the subject SDP, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II

investigations have not been completed on Site 18PR971, which is located within the planned Phase Three of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971.

- 17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP is not in an area adjacent to the Joshua Turner House (Historic Site 82A-017).

- 19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.**

Preliminary Plan of Subdivision 4-07005, as discussed in Finding 9 below, established specific requirements for conservation easements that are in line with this condition.

- 26. The stormwater management ponds shown on the TCP I associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.**

The revised plans show the use of sediment forebays on all proposed stormwater management ponds.

- 27. Prior to signature approval of the CDP, the following information shall be provided and/or changes made to the plans:**
  - a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50–53, as shown on the illustrative plan, with frontage on Frank Tippett Road. The area shall be labeled on the plan as a future day care center. No other commercial uses shall be allowed on the subject property.**

The subject SDP proposes Parcel A as a 3.92-acre parcel fronting on Frank Tippett Road and Dressage Drive and labeled as "Future Daycare Center."



- d. The 100-foot buffer along Frank Tippett Road shall be extended along the entire frontage of the roadway.**

The subject SDP shows a 100-foot planted buffer along the portion of frontage on Frank Tippett Road that is included in Phase One.

**28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:**

- a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The subject plans indicate a proposed landscape buffer consisting of evergreen and deciduous trees and shrubs of 100 feet in width along the Frank Tippett Road frontage within Phase One.

- b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

The subject plan does not propose any driveways. This condition will be reevaluated in the future review of plans that include residential driveways.

- c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.**

The submitted plans indicate that the equestrian trails have been designed in accordance with the *Parks and Recreation Facilities Guidelines* and preserve mature trees to the extent possible. The Planning Board included the requirement as a condition of approval of this SDP.

- d. The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.**

The subject SDP does not propose any residential building lots. This condition will be reevaluated in the review of future plans that include building lots adjacent to Frank Tippett Road.

- e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject plan does not propose any residential building lots. This condition will be reevaluated in the review of future plans that include building lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek, and Dower House Pond Branch.

- f. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Street, Williamsburg Drive, and Green Apple Turn.**

The subject plans for Phase One of the property do not include the area along the northern boundary. Therefore, no road connections are shown to the stub streets along the northern boundary, and future plans will be reviewed to ensure that there are no connections to James Court, Williamsburg Drive, or Green Apple Turn.

- 29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

The Planning Board adopted a condition of approval at the time of a SDP that includes the creation of residential lots.

- 30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:**

- a. Preservation of Forest Stand “D” through the elimination of the proposed stream crossing that forms the extension of Dressage Drive.**

With the approval of TCPI-110-90-02, the final decision of the Planning Board was made, and the stream crossing was eliminated and some additional area of Forest Stand D was proposed for preservation.

- b. Elimination of lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand “D” that will be preserved between the two stream valleys.**

At the time of preliminary plan approval, a 200-foot-wide buffer (or land bridge) along the northern property line was determined to be sufficient to fulfill the functional requirements of a wildlife corridor envisioned in the Green Infrastructure Plan. The subject SDP does not propose any development along the northern property line.

- c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.**

On the submitted plans, an area within 300 feet of the floodplain of Piscataway Creek has been included in woodland conservation areas to the greatest extent possible, and

unforested areas within the desired riparian buffer have been proposed for afforestation or reforestation.

**d. The use of afforestation in those areas that are adjacent to the regulated areas.**

On the submitted plans, afforestation has been proposed as a methodology to re-establish woodlands adjacent to and within stream buffers.

- 31. The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.**

The subject plans propose only the dedication and grading of the identified parkland, with no specific plan for recreational facilities. Park construction will be funded through a future M-NCPPC Capital Improvement Program and the applicant's monetary contribution of \$500 per dwelling unit. The Department of Parks and Recreation will coordinate any future meetings with the applicant and the community relating to planning and design of the recreational facilities for the park.

9. **Preliminary Plan of Subdivision 4-07005:** The relevant Preliminary Plan of Subdivision, 4-07005, was approved by the Planning Board on October 29, 2009, subject to 35 conditions. All of the conditions of the preliminary plan approval are still applicable and the following warrant discussion in relation to the subject specific design plan (SDP):

- 2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

A Type II tree conservation plan (TCPII) was submitted with the subject SDP.

\*REMAND – County Council of Prince George's County, Maryland, sitting as the District Council, Order of Remand stated the following:

\*This application was subject to a preliminary plan condition 3 since 2009, which states:

- \*3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions. PGCPB No. 12-102 at 17, 26.**

\*Denotes Amendment  
Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

**\*This application was filed on June 2012 without documentation from the applicant or from DPW&T that the subject SDP is in conformance with the Stormwater Management Concept Plan, 8327602–2000–04 and any subsequent revisions.**

**\*On remand, and pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written documentation from DPW&T that the subject SDP is in conformance with Stormwater Management Concept Plan, 8327602–2000–04 and any subsequent revisions.**

**\*If the documentation from DPW&T indicates that the subject SDP is not in conformance with Stormwater Management Concept Plan, 8327602–2000–04, and any subsequent revisions, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A–9738–C.**

**\*On remand, Planning Board and Technical Staff shall evaluate and process this SDP to determine whether Stormwater Management Concept Plan, 8327602–2000–04, and any subsequent revisions conforms to the County’s current stormwater management guidelines or whether revisions are necessary.**

\*In the original SDP, the following finding was made by the Planning Board:

General Note 11 on the SDP accurately states that the property has a Stormwater Management Concept Plan, 8327602-2000-04. The approval date of the stormwater management plan should be added to General Note 11. Additionally, the Planning Board adopted a condition of approval that requires documentation from the Department of Public Works and Transportation stating that the SDP is in conformance with the current concept plan approval.

\*In a memorandum dated April 4, 2013 (Abraham to Lareuse), the following information was provided:

**\*“Stormwater Management Concept Plan 8327602-2000-04 for the Canter Creek project was most recently updated on June 21, 2012. The plans which accompanied that update are in conformance with the grading and stormwater management shown on the subject SDP.**

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

\*“The stormwater management for the Canter Creek project was designed in accordance with the stormwater management regulations which were in effect prior to the adoption of the 2009 revisions to the Maryland Stormwater Design Manual, and is eligible for an administrative waiver pursuant to §32-170(d) under the current stormwater management guidelines, provided final technical plans for stormwater management and erosion and sediment control are approved prior to May 4, 2013.”

\*The Planning Board accepted the additional information from DPW&T and found that it addressed the remand order.

9. **The applicant and the applicant’s heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the grading of Parcel E and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property to DPR of M-NCPPC prior to the approval of building permits.**

The subject SDP shows the proposed ten-foot-wide trail along Dressage Drive within the right-of-way as has been negotiated by the applicant between DPR and DPW&T.

11. **Prior to the approval of final plats, the applicant and the applicant’s heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:**

- c. **The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**

The submitted SDP indicates the boundaries and acreage of proposed Parcels D and E, to be dedicated to M-NCPPC, which combined total approximately 120 acres. The Department of Parks and Recreation recommends approval of the plan acreage as shown on the SDP.

- i. **No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.**

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

The submitted SDP does show approximately 16.7 acres of woodland conservation on parkland to be dedicated to M-NCPPC, which is in accordance with the previously reviewed and approved TCPI. DPR Exhibit A, dated June 17, 2008, was approved with CDP-0701 and Preliminary Plan 4-07005, which shows approximately 118 acres to be dedicated to M-NCPPC, and approximately 16.7 acres of woodland conservation to be provided on land to be dedicated to M-NCPPC, outside of the 100-year floodplain. DPR has indicated agreement with this proposal to allow woodland on the future park property in an email dated October 10, 2012 (Asan to Lareuse).

**13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:**

- a. The design, specific of the location, and trigger for the construction of a ten-foot-wide asphalt trail and equestrian trail along the south side of Dressage Drive from Frank Tippett Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.**

The subject SDP shows the proposed ten-foot-wide trail along Dressage Drive within the right-of-way.

- b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.**

The Planning Board reviewed the plans for the location of the curb cut into the future park property. Revised plans indicated that the entrance had been moved to the requested location.

- c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.**

The Department of Parks and Recreation has reviewed the plans and agrees with the design of the proposed two percent slope grading of the property, Parcel E. The applicant proposes to rough grade Parcel E and stabilize the parkland prior to issuance of the 50th building permit. DPR staff finds this proposal acceptable and a condition stating such has been included in this approval.

- d. Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.**

The applicant proposes to dedicate a 45-foot-wide window between Lots 73 and 74, Block A, for access to M-NCPPC Parcel D (Piscataway Stream Valley) as shown on revised plans. The plan does not show the necessary ten-foot-wide gravel access road on the dedicated parkland for maintenance access to the stormwater management pond located on adjacent homeowners association (HOA) Parcel C. This access road will serve a dual purpose for vehicular access to the stream valley park and to the pond located on adjacent HOA Parcel C. The Planning Board finds this concept acceptable with the following modifications to the gravel road construction:

- (1) The access road should be located in the center of the parcel to provide an appropriate setback from residential Lot 73, Block A;
- (2) The applicant should extend the gravel road to the main portion of Parcel D to allow M-NCPPC vehicular access to the stream valley park;
- (3) At the time of final plat of subdivision, the applicant should record an access easement over the portion of the gravel road located on the parkland which will serve as a maintenance access road to the stormwater management pond located on HOA Parcel C.

Conditions have been included in this approval requiring these issues be resolved.

- 14. At time of final plat, conservation easements (24-130), shall be described by bearings and distances. No part of any conservation easement shall be permitted on any residential lot. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and all areas preserved or to be planted with the exception of land to be dedicated to DPR. The proposed final plat shall be reviewed by the Environmental Planning Section prior to approval of the plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

This condition continues to apply to the property.

- 18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.**

The preliminary plan and TCPI were revised to address this condition prior to signature approval. The subject specific design plan does not propose any development along the northern property line, except for the East-West Trail for equestrian use, which is labeled to be field adjusted.

- 22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant’s heirs, successors and/or assignees shall provide a plan for:**
- a. Evaluating the resources at the Phase II level, or**
  - b. Avoiding and preserving the resources in place.**

The subject SDP includes archeological Site 18PR996. Phase II investigations were completed on this site in 2009, and no further work is required. Site 18PR971 lies within a later phase of construction. It will need to be investigated prior to approval of the associated SDP for that phase.

- 23. Prior to the approval of the first specific design plan the applicant and the applicant’s heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the *Guidelines for Archeological Review*.**



The final Phase II report for archeological Site 18PR996 has been submitted and approved by Historic Preservation staff. No further archeological investigations are required. The final report for Phase II and/or III investigations for Site 18PR971 should be submitted prior to approval of the first SDP for the area containing that site.

- 24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.**

Very few artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of the subject SDP, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II investigations have not been completed on Site 18PR971, which is located within the planned Phase Three of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971, with the approval of an SDP containing that site.

- 25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Environmental Planning Section will coordinate the protection of historic resources with the Historic Preservation Section during Section 106 review for proposed disturbances to wetland, wetland buffers, streams, and waters of the U.S. This condition has been carried forward as a condition of approval of this SDP.

- 26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP does not propose any improvements in an area adjacent to the Joshua Turner House (Historic Site 82A-017).

- 27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.**

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity, and the area's equestrian heritage. This condition has been satisfied.

- 28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.**

The subject SDP for infrastructure proposes a 100-foot-wide buffer with attractive plantings near the roadway frontage of Parcel A in fulfillment of this condition.

- 30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:**

- a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.**

The submitted SDP shows a sidewalk along the frontage of Frank Tippett Road; however, to ensure it is provided, this condition has been included in this approval.

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

The submitted SDP shows sidewalks along both sides of all internal roads; however, to ensure they are provided, a condition has been required as part of this application.

- c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

The submitted SDP shows the subject trail and the Planning Board adopted a condition that sets the timing of its construction as prior to issuance of the 250th building permit.

- d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

The submitted SDP shows the subject trail and the Planning Board adopted a condition that sets the timing of its construction as prior to issuance of the 150th building permit.

- e. The design of the equestrian trails should be in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.**

The submitted SDP provides notes and a detail specifying the above condition being met. Additionally, the Planning Board adopted a condition regarding this requirement in order to ensure compliance with the *Park and Recreational Facilities Guidelines*.

- f. The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippett Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.**

The submitted SDP shows an eight-foot-wide equestrian trail along Dressage Drive from Frank Tippett Road to the Tributary Trail. The design appears to provide the four-foot-wide grass strip, but it is not clearly labeled. Therefore, the Planning Board adopted a condition requiring this to provide clarification of the side grass strip.

- g. Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.**

No detail or location has been provided for such signage, so the Planning Board adopted a condition that this should be provided prior to certification of the SDP.

- 31. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This condition will be fulfilled prior to issuance of building permits.

- 32. Prior to the approval of the first final plat the applicant and the applicant's heirs and or assignees shall record in land records of Prince George's County the cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the HOA (applicant) and Merrymount Equestrian Center for the equestrian trails on Parcel B and C. Both agreements shall terminate in the event that Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.**

This condition has been carried forward in the approval of this plan as it is required to be fulfilled prior to final plat approval per Condition 32 above.

- 33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.**

The submitted SDP proposes a ten-foot-wide public utility easement (PUE) along all public rights-of-way, except for along Parcels D and E, which are to be conveyed to M-NCPPC, free of all easements.

- 34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.**

The SDP proposes right-of-way dedication along Frank Tippett Road; however, it does not label the dimension of this area. Therefore, a condition has been included requiring this to be labeled to ensure conformance.

- 35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.**

No structures are proposed with the subject SDP; therefore, this condition is not applicable at this time.

10. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, governing development in the R-S Zone.
  - b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a specific design plan:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-0701 as detailed in Finding 8 above and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 11 below.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

The proposed plan for infrastructure development only will have no impact on the previous finding that the project will be adequately served within a reasonable period of time, as was found in the approval of Preliminary Plan of Subdivision 4-07005.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The applicant provided a copy of a current approved Stormwater Management Concept Plan, 8327602-2000-04; however, no referral was received from DPW&T indicating that the subject specific design plan is consistent with that approved plan. Therefore, the Planning Board adopted a condition requiring such evidence be provided prior to certification.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

In a memorandum dated October 4, 2012, the Environmental Planning Section recommended approval of TCPII-002-02-01 subject to conditions. The plan is in conformance with the approved Type I tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The site is grandfathered from this requirement because the project has a previously approved preliminary plan.

- (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

Conformance with the approved comprehensive design plan is discussed in Finding 8 above. The subject specific design plan for infrastructure proposes minimal improvements that are all located internal to the site. The plan meets all previous approval's environmental conditions, and other current applicable county regulations regarding grading, drainage, erosion, and pollution will be enforced by the relative agency at the appropriate time.

11. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a specific design plan (SDP) must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only, including clearing, grading, streets, and pipes, is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces, or gross floor area on the subject property. Future SDPs that include final development of the site would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.

The subject SDP does propose landscaping to meet various other requirements; therefore, conformance with Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual is required for Section 4.9, Sustainable Landscaping Requirements. The section requires certain percentages of native plants be provided on-site, prohibits the planting of invasive species, and does not give credit for plants being planted on slopes steeper than three-to-one. The submitted SDP plan provides the required schedule and notes showing the requirements being met for the proposed landscaping. However, the landscape plan is not signed and sealed by a landscape architect registered in the state of Maryland, as required by Section 2.1 of the Landscape Manual. A condition has been included requiring the correct signature prior to certification.

12. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This site also has a previously approved tree conservation plan that has not been implemented. A revised Type I Tree Conservation Plan, TCPI-110-90-02, was approved with Preliminary Plan 4-07005 that reflects the current proposed uses. The revised Type II tree conservation plan (TCPII) appropriately reflects the site statistics found on revised Natural Resources Inventory NRI-015-07-01.

It is important to understand the ecological significance and uniqueness of the subject site. This property contains upland woodland that served as a woodlot for the historic working farm. Almost all drier upland woodlands with relatively flat topography in the Maryland Coastal Plain were converted to agricultural fields during the Colonial Era; however, working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the understory a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George's County. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance.

The worksheet on the revised TCP proposes a phased worksheet, which includes the current specific design plan submittal clearing 25.79 acres of the existing 135.88 acres of upland

woodland, and clearing 0.72 acre of the existing 47.16 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 49.73 acres. Based upon the currently proposed clearing, the woodland conservation requirement is 56.90 acres. The plan proposes 107.80 acres of current on-site preservation to meet the requirement. No champion, specimen, or historic trees are proposed to be removed.

Some of the proposed woodland conservation is on land proposed for dedication to the Department of Parks and Recreation (DPR). DPR evaluated this proposal with the review of the revised TCPI and agreed to approximately 16.7 acres of woodland conservation on dedicated parkland in accordance with DPR Exhibit A dated June 17, 2008.

A land bridge of sufficient width to serve as a wildlife corridor between the fragment of Forest Stand D that is proposed to be preserved and the main Piscataway Creek stream valley is a design element that is necessary to find conformance with the Countywide Green Infrastructure Plan. During the review of the previous application, staff requested that the plans be revised to provide a minimum of a 300-foot-wide corridor along the northern property line to connect Forest Stand D to Piscataway Creek and to provide a 300-foot-wide corridor on the subject property adjacent to Piscataway Creek.

The use of 300 feet for the width of a wildlife corridor is a common standard in Maryland. The habitat of forest interior dwelling species (FIDS) has been described by the Maryland Department of Natural Resources as interior woodland of at least ten acres that is at least 300 feet from the edge of the forest. Riparian wildlife corridors are the wooded corridors at least 300 feet wide associated with a stream. Piscataway Creek is a primary corridor as designated in the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The Countywide Green Infrastructure Plan adopted measures of “countywide significance” with regard to mapping of corridors and network gaps. To be of countywide significance, a corridor has to be at least 200 feet wide or wider in the Rural and/or Developing Tiers. Because the resources in this area are clearly of countywide significance given their location and composition, a corridor of at least 200 feet is appropriate, and was approved with the preliminary plan.

As stated in the preliminary plan, the topography in the northern part of the site may be problematic for the creation of a corridor that is 200 feet wide along its entire length adjacent to single-family homes. Such a strict standard could result in the need for large retaining walls that are not advisable adjacent to homes or adjacent to areas of wildlife habitat. If, at the time of review of the specific design plan for this area, minor incursions less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is replanted.

The following technical revisions to the TCPII were also noted:

- a. For TCPIIs with more than one sheet, a woodland conservation table is required on each plan sheet, and a woodland conservation summary sheet is required on the cover sheet.



- b. The approval block needs to be revised to reflect the TCPII number and the previous plan approvals.
- c. The phasing lines shown on the specific design plan should be added to the TCPII cover sheet and plan sheets.

The listed technical revisions above have been included as conditions of approval for the subject SDP.

13. **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**—The subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site 82A-017, located at 8801 Frank Tippet Road, Tax Map 118 A-2).

The Joshua Turner House, built in the 1880s, is a two and one-half-story, cross-gable frame dwelling with paneled gable peaks and a twentieth century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late nineteenth century country house of a successful business, and its fine Queen Anne-style decorative detail. The historic site's environmental setting includes approximately five acres (Part of Parcel 91).

The Joshua Turner House historic site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is not currently proposed for development through the subject application. Great concern was expressed at the March 19, 2008 Historic Preservation Committee (HPC) meeting about the viability of the equestrian operation so close to a dense residential development, even if the outparcel adjacent to Joshua Turner House continues as open space.

As currently proposed on the subject plan, the applicant's street names are based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House historic site as the Merrymount equestrian facility.

#### **Archeology**

Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by Historic

Preservation staff on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth century domestic site; Site 18PR972 consists of the ruins of a twentieth century tenant farmer house and adjacent barn; and Site 18PR973 is a dense scatter of brick that likely represents a nineteenth century tobacco barn that had been destroyed by the late twentieth century. No further work was recommended on any of the archeological sites. Staff concurs that no additional archeological work is necessary on Sites 18PR972 and 18PR973.

Staff did not concur with the report's conclusion that no additional work was necessary on Site 18PR971. Site 18PR971 represents a late nineteenth to early twentieth century tenant house, a common property but one not well studied archeologically, in Prince George's County. Staff recommended that Phase II investigations be conducted on Site 18PR971 to determine if any intact cultural deposits or features are present. A Phase II work plan should be submitted to Historic Preservation staff prior to beginning any work.

The Phase I survey also identified an area in the southeastern portion of Field F2 where brick and some nineteenth century domestic material was found (in the location of transects YA through YC of the archeological survey). Staff found a piece of undecorated pearlware and an olive green wine bottle neck during site visits in the area where the brick pieces were identified in the shovel test pit survey. The applicant's archeological consultant was directed to record the brick fragments and associated nineteenth century artifacts as an archeological site. Although the subject property was not the primary residence of any of the eighteenth or nineteenth century owners, it is likely that tenant houses or slave quarters were located on the subject property. The Calverts, Brookes, and Sewalls, who owned the property during the course of the eighteenth and nineteenth centuries, were all large slave holders. These types of sites leave few physical remains or extensive artifact scatters that are visible on the surface. However, subsurface features may still exist. This sparse scatter of brick and domestic material was believed to represent one such site. Staff recommended that the artifact scatter be assigned an archeological site number and that Phase II investigations be conducted to determine if any intact cultural deposits or features were intact below the plow zone.

The artifact scatter was designated archeological Site 18PR996 and Phase II investigations were conducted in November 2009. Fifteen shovel test pits and five 3-foot by 3-foot test units were excavated. A metal detector survey was also conducted at the highest point of the site. Seventeen artifacts were recovered, including pieces of brick, hand wrought and cut nails, one piece of earthenware, five pieces of pearlware, and oyster shell. A shallow pit feature was identified in Test Units 2 and 3. The feature was likely part of what was once a much larger borrow pit that had been filled. No artifacts were found in the pit. The site was heavily eroded from continued use as a plowed field. Site 18PR996 was defined as a severely truncated early nineteenth century domestic site and possibly represents a temporary habitation for enslaved laborers working the adjoining fields. Due to the disturbance of the site by plowing and erosion, the site lacked integrity and no further work was recommended. Staff concurred that no further work

was necessary on Site 18PR996. Four copies of the final Phase II report were accepted and approved on January 6, 2010.

Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or permits are required for a project.

### **Conclusion**

- (1) The area within the subject specific design plan (SDP) is not adjacent to the Joshua Turner House (Historic Site 82A-017) and will not have a direct visual impact on the site. However, the SDP for the portion of the proposed development that is adjacent to the historic site should address the buffering requirements of the Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.
- (2) Use of the Joshua Turner House historic site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the eighteenth century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide tangible connections to it through a network of pedestrian and equestrian trails. Every effort should be made to assure the protection of the equestrian facility.
- (3) The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity, and the area's equestrian heritage.
- (4) Phase II archeological investigations have been completed on Site 18PR996. The final reports for the Phase I and II investigations have been submitted and approved by Historic Preservation staff.
- (5) Phase II archeological investigations have not been completed on Site 18PR971. Phase II and, if required, Phase III investigations should be completed prior to approval of the first SDP for the area that contains Site 18PR971.

The Planning Board concludes that the subject application will not impact any significant archeological resources or the Joshua Turner House historic site. Previous conditions applicable to the area located within the subject plan have been satisfied. All previously approved conditions of approval are still valid and applicable.

- b. **Community Planning**—\*~~[No comments were received from the Community Planning South Division.]~~

\*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

**\*On remand, Community Planning South shall provide comments on this SDP. After receiving comments from Community Planning South, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C and conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86B, 87A, 87B).**

\*The Community Planning Division originally reviewed the application in accordance with the 2009 Subregion 6 Master Plan and Sectional Map Amendment; however, the referral from the Community Planning Division was inadvertently omitted from the case file. Below is the finding of conformance to both the 1993 and 2009 master plans. The Community Planning Division provided the following determinations for the Planning Board in a memorandum dated March 12, 2013 as follows:

\*“a. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

\*“b. This application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* recommendations for residential living areas in the Rosaryville community portion of the planning area. The subject property was affected by a Court Order that reversed the approval of the 2009 *Subregion 6 Master Plan and Sectional Map Amendment (SMA)*. Therefore, for the purpose of evaluating this application, the 1993 *Approved Subregion VI Master Plan* is the current controlling document.

Underlining indicates new language

[Brackets] and ~~strickethrough~~ indicate deleted language

\*“The 1993 Subregion VI Master Plan land use map recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected by a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements.”

\*“The present plan is for a limited portion of the infrastructure on the southern portion of the site. Along the northern part of the site the applicant proposes a buffer to separate Willamsburg Estates with the subject property, as shown on previously approved plans. This is consistent with County Council approval of ZMA A-9738-C in 1990.”

\*“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Subsequent to the remand request from the District Council, legislation implementing JLUS has been adopted by the County Council as Sec. 27-1801 et. seq., titled the Interim Land Use Control (ILUC). This property is within an area recommended for height limits (Area F). The height on the property is recommended to not exceed 500 feet, and is not proposed by this project. This property is outside of the 65 dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.”

\*The Community Planning Division South also provided the following determination for the Planning Board in a memorandum dated August 28, 2012:

\*“This application proposal conforms to the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment* recommendations for residential living areas in Suburban/Developing Tier Communities. This plan policy recommends that the county ‘continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design.’

“The 2009 *Subregion VI Master Plan* recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected to a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements. These conform to the *Master Plan* as approved.”

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

\*“The present plan is for infrastructure on the southern portion of the site. Prior approved plans and referrals from Community Planning discussed the importance of buffers separating this property from Williamsburg Estates to the north of the site. Those issues will be reviewed in future SDP referrals.

\*“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Legislation implementing JLUS has been proposed, but not adopted. This referral addresses the recommendations of JLUS, not the proposed legislation. This property is within an area recommended for height limits. The heights on the property are recommended to not exceed 500 feet. This property is outside of the 65 dBA noise contours, so recommended noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.”

\*The Planning Board finds that the subject application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* and the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment*.

- c. **Transportation Planning**—The Transportation Planning Section offered the following information relating to the subject specific design plan for infrastructure:

Specific Design Plan SDP-1202 proposes the construction of the road network that will support Phase One of the proposed development. On October 29, 2009, the Planning Board approved Preliminary Plan of Subdivision 4-07005 for the subject property. Based on the resolution of approval PGCPB No. 08-112(A), the development was approved with several transportation-related conditions. Among those are the following:

- 19. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant’s heirs, successors or assigns:**

- a. At the intersection of Rosaryville Road & Gambier Drive**

- **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- b. **At the intersection of Rosaryville Road and Williamsburg Drive**
    - **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**
  - c. **At the intersection of Rosaryville Road and Frank Tippett Road**
    - **Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.**
    - **Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T**
20. **Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along Piscataway/Woodyard Road (MD 223) at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record Highway Construction Cost Index at the time of building permit application*) / (*Engineering News Record Highway Construction Cost Index for the second quarter 2001*).**
33. **At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.**
34. **The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.**

As of this writing, none of the conditions above have been met, and therefore, all of those conditions remain valid.

Upon review of the pending application, the applicant is proposing a road network that represents the network on which the approved preliminary plan was based. Parcel E is a proposed park that fronts the proposed Dressage Drive. The site plan shows an access point for this future park which is located directly opposite proposed Pirouette Court. Pirouette Court is designed as a crescent-shaped road with two access points on Dressage

Drive. Access to the park appears to be coincident with the eastern access of Pirouette Court on Dressage Drive. Because the two ends of Pirouette Court are only 90 feet apart on Dressage Drive, having the entrance to the park in the proposed location could lead to operational problems as traffic enters and leaves Pirouette Court, as well as the park. To that end, staff is recommending the following changes to the specific design plan layout being proposed:

- (1) Relocate the park entrance to approximately 200 feet west of the centerline of the median of Pirouette Court.
- (2) If Pirouette Court is designed to function as a one-way (counter-clockwise) road, the applicant should install a “Do Not Enter” sign at the eastern end of Pirouette Court.

The plans were revised to move the park entrance as requested, and the second comment has been included as a condition of approval.

- d. **Subdivision Review**—The Subdivision Review Section provided an analysis of the site plan’s conformance with Preliminary Plan of Subdivision 4-07005 in a memorandum dated September 21, 2012.

The subject property is located on Tax Map 117 in Grid F-2, is 342.38 acres, and is within the Residential Suburban Development (R-S) Zone. This application is specifically for Parcels A, B, D, E, G, I, and roads in the Canter Creek (TLBU) subdivision for infrastructure only. The applicant submitted a specific design plan (SDP) for the infrastructure of stormwater management, trails, and public streets of Phase One of the subdivision.

The site is the subject of the Preliminary Plan of Subdivision 4-07005 for TLBU property. Preliminary Plan 4-07005 was originally disapproved by the Prince George’s County Planning Board on July 17, 2008 for not meeting the requirements of Section 24-132, Woodland Conservation, of the Subdivision Regulations and did not conform to the Green Infrastructure Plan. In a letter date September 23, 2008, the applicant requested a reconsideration to adjust the lotting pattern to address the Woodland Conservation Ordinance and the Green Infrastructure Plan. On October 30, 2008, the Planning Board approved the request for reconsideration. On October 29, 2009, the Planning Board heard testimony for the reconsideration and approved Preliminary Plan of Subdivision 4-07005 for Lots 1–409, Parcels A–E, and Outparcel A. The amended resolution was adopted by the Planning Board on November 19, 2009 (PGCPB No. 08-112(A)). The approved preliminary plan is valid until November 19, 2015. The preliminary plan was signature approved on June 24, 2010. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The applicant



may ask for an extension of the validity period for the preliminary plan beyond November 19, 2015.

This SDP is for infrastructure only. The SDP shows the layout of roads, trails, and parts of parcels as reflected on the approved preliminary plan, with minor changes in the acreage for Parcels A, B, D, E, and G. The SDP is in substantial conformance with the approved preliminary plan if the above comments have been addressed. Failure of the site plan and record plans to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- e. **Trails**—In comments dated September 18, 2012, the Transportation Planning Section reviewed the specific design plan (SDP) application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* identifies three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Branch. Frank Tippett Road is designated as a master plan bike/trail corridor.

Piscataway Creek is one of the major stream valley trail corridors in southern Prince George's County and is envisioned as part of a "cross-county" trail that would also utilize Charles Branch. Together, the Piscataway Creek Trail and Charles Branch Trail will ultimately provide access from the Patuxent River to the Potomac River. M-NCPPC owns land along the stream valley both to the north and south of the subject site. The Department of Parks and Recreation (DPR) is requiring land dedication along both stream valleys at this time and trail construction will be provided through future Capital Improvement Program projects. The master plan trail along Dower House Branch will provide for equestrian access to the existing facilities at Rosaryville State Park, as well as serve other trail users.

It should also be noted that the property immediately to the west of the subject site includes an extensive network of natural surface trails and is owned by MES. When the Piscataway Creek Trail is completed, it may be appropriate to consider trail access to these trails from the master plan trail. Exhibit 44 from approved Basic Plan A-9738-C requires the provision of an equestrian trail crossing to existing trails on the Maryland Environmental Services site. This connection can be provided at the time of construction of the Piscataway Creek Trail.

Frank Tippett Road is also designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and either a paved shoulder or wide outside curb lane. Where frontage improvements have been made along Frank

Tippett Road, a standard sidewalk has been provided. Existing subdivisions in the corridor include standard sidewalks along both sides of all internal roads both to the north and south of the subject application. This includes Williamsburg Drive, which extends to the boundary of the subject site.

The SDP for infrastructure reflects alignments for both the East-West Trail and the Tributary Trail that appear consistent with prior approvals, including the comprehensive design plan and preliminary plan of subdivision. The East-West Trail is aligned to avoid large trees. It should be noted that the Tributary Trail follows a largely established equestrian trail corridor while the East-West Trail will be new trail construction. Improvements to the Tributary Trail will only involve improvements to bring it into conformance with *Park and Recreation Facilities Guidelines* as explained in Exhibit 44 of the basic plan. Construction of the East-West Trail shall also be in conformance with these guidelines. Also, the trail along Dressage Drive will include accommodations for equestrians from Frank Tippett Road to the Tributary Trail. This will accommodate equestrian users riding to and from Rosaryville State Park from Merrymount. A mid-block crossing is shown where the trail crosses from the south to north side of the road (Sheet 4). This crossing utilizes the median of the road, which appears to be wide enough to accommodate equestrians. The trails as shown on the SDP appear to be consistent with prior approvals.

It should also be noted that Dower House Branch and Piscataway Creek are the major master plan trail corridors in the area and will accommodate the majority of the trail users traveling to Rosaryville State Park and other regional trail destinations. The Tributary Trail and East-West Trail will be on HOA land and will service the residents of the subject application and users of the Merrymount Equestrian Center. Signage will be required at the time of SDP indicating that these connections are not open to the general public.

### **Conclusion**

- (1) Signage will be required that delineates the private or internal HOA trails from the public trails. A condition of approval is included to address this at the time of plan certification.
- (2) The design and construction of both the East-West Trail and the Tributary Trail shall be consistent with current *Park and Recreation Facilities Guidelines*.
- (3) Crosswalk striping and warning signage is recommended at the trail crossing along Dressage Drive.
- (4) The ten-foot-wide asphalt trail shall be removed from private residential lots. This can be accomplished by relocating the crossing for the paved trail to the same location as the crossing for the Tributary Trail. The paved trail can then be

continued along the north side of Dressage Drive to the entrance of the proposed parkland. This segment of the trail will then be on M-NCPPC parkland, not within an easement on private residential lots (see the attached marked up copy of Sheet 4).

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 findings required for a specific design plan.

- f. **Department of Parks and Recreation (DPR)**—The Department of Parks and Recreation (DPR) reviewed the above referenced specific design plan (SDP) for conformance with the requirements of Comprehensive Design Plan CDP- 0701 and Preliminary Plan of Subdivision 4-07055, as they pertain to this specific design plan (SDP) for Phase One infrastructure, and those conclusions are included in the above findings. In conclusion, the Planning Board approves the above-referenced SDP be subject to the following conditions with modifications as proposed by the applicant:
- (1) Prior to issuance of the first building permit, the applicant shall construct a 10-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive.
  - (2) The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way fronting park, Parcel E, in the phase with Dressage Drive construction.
  - (3) The applicant shall construct a 30-foot-wide curb cut along the frontage of park Parcel H in the phase with Dressage Drive construction.
  - (4) Prior to SDP certification, the applicant shall revise the plans to relocate the western edge of the 30-foot-wide curb cut to park Parcel H, 150 feet from the residential Lot 1, Block C.
  - (5) The applicant shall rough grade park Parcel E and stabilize the graded areas according to the grading plan approved by DPR prior to issuance of the 50th building permit.
  - (6) At the time of final plat, the applicant shall record an easement on park Parcel D over the portion of the access road serving as a maintenance access route to HOA Parcel C.
  - (7) Prior to certificate approval of the SDP, the applicant shall revise the plans to relocate the access road on park Parcel D to the center of the parcel to provide appropriate setback from residential Lot 73, Block A. The applicant shall revise

the plans to extend the gravel access road to the main portion of Parcel D to allow M-NCPPC vehicular access to the stream valley park.

- (8) At the time of construction of the stormwater management pond on HOA Parcel C located next to park access Parcel D, the applicant shall extend the gravel road to the main portion of Parcel D to provide vehicular access to the dedicated parkland.
- (9) All trails on parkland shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design for any needed structures shall be reviewed and specified by DPR.
- (10) Prior to certificate approval of the SDP, the applicant shall coordinate with DPW&T the final location and design of the pedestrian and equestrian trails crossing located in the Dressage Drive right-of-way.

\*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

**\*The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding communities. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a specific timetable and delineate responsibilities, including funding sources, for the construction of the facilities. In formulating this plan, the applicant shall have met and consulted with the M–NCPPC Parks and Recreation staff, the Brookwood–Hollaway Civic Association, and the Williamsburg Estates Citizens Association.**

\*In response to the remand order, the Department of Parks and Recreation provided comment in a memorandum dated March 27, 2013 (Asan to Lareuse) as stated below:

\*\*The District Council requested that the applicant develop a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community in consultation with DPR and the Civic and Citizens associations in the surrounding community. It is anticipated that a typical community park would include the following recreational facilities such as:

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

\*“Playground (Multi-age for children 2-5 & 5-12)

\*“Softball Field with Football/Soccer Overlay

\*“Picnic area

\*“Pavilion (w/restrooms and storage area)

\*“Walking Trails

\*“Skate Park

\*“65-space Parking Lot

\*“TIMETABLE

\*“The District Council requested that the applicant provide a specific timetable, and delineate responsibilities, including funding sources, for the construction of the facilities. The process of developing a plan for the Community Park typically considers neighborhood and regional needs and public input gathered through meetings with the community. Two major factors will determine the timetable for the park construction the timing of the developer’s payments and the Capital Improvement Program (“CIP”).

\*“Capital Improvement Program (“CIP”) process: The timing for CIP project will be established based on recommendation by the DPR staff, input from the public, recommendations by the Planning Board and a final determination by the County Council. Construction of the park by the DPR will be dependent on future allocations through the CIP.

\*“Development Phasing and Park Construction: Typically, the park facilities in a new subdivision are developed in phase with construction of the subdivision to ensure that the road network and utilities are constructed, and the new residential community is well established. The applicant had informed DPR staff that the first phase of the development would include approximately 106 dwelling units. DPR staff believes that construction of the Community Park could commence after completion of first phase of development. The applicant expects that approximately 100 dwelling units will be constructed by the end of 2016. The applicant expects that approximately 50 dwelling units will be built each year, which leads to the conclusion that the project will be built out by 2023; at that time, \$205,000 will be available for the park construction.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

\*“FUNDING SOURCES

\*“The Community Park construction will be funded through a future M-NCPPC Capital Improvement Program (“CIP”) and the applicant’s monetary contribution of \$500 per dwelling unit. It is estimated that at build out of the Canter Creek development, \$205,000 will be available for the park construction.

\*“The Department of Parks and Recreation recommends to the Planning Board that approval of the above-referenced remanded Specific Design Plan SDP-1202 be subject to the following additional condition:

\*“1. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.”

\*The Planning Board finds that the condition above is appropriate and allows the applicant to move forward with the development and recreational facilities in a reasonable timeframe.

- g. **Permit Review**—The Permit Review Section indicated that they had no comments regarding the specific design plan for infrastructure.
- h. **Environmental Planning**—The Environmental Planning Section offered a summary of the environmental site description and provided an analysis of the specific design plan (SDP) and Type II tree conservation plan (TCPII) for conformance with various environmental requirements.

The subject application is grandfathered from the requirements in Subtitles 24 and 27 of the Prince George’s County Code that came into effect on September 1, 2010 because the project has a previously approved preliminary plan.

The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, because it has a previously approved tree conservation plan.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

#### **Site Description**

The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east, and Dower House Branch on the south. There are streams, wetlands, and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. Based on the most recent Air Installation Compatible Use Zone Study released to the public in July 2008 by Joint Air Force Base Andrews (JBA), aircraft-generated noise is not significant. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury, and Westphalia series. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, a sensitive species project review area, as delineated on the SSPRA GIS layer, is found on this property. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the *Prince George's County Approved General Plan*. The site contains regulated areas, evaluation areas, and network gaps as identified on the Green Infrastructure Plan. The site is located within a priority funding area.

#### **Conformance with the Green Infrastructure Plan**

The site is within the designated network of the Countywide Green Infrastructure Plan and includes large areas designated as regulated areas, evaluation areas, and network gaps. The regulated areas contain the same features as the natural reserve, as defined in the *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* (Subregion VI Master Plan). The evaluation areas are the forested areas contiguous with the regulated areas that contain special environmental features that should be considered for preservation. The subject property was evaluated for conformance with the Green Infrastructure Plan during the review of the comprehensive design plan and preliminary plan and is not reviewed for conformance with the current application.

#### **Environmental Review**

- (1) A revised Natural Resources Inventory, NRI-030-05-01, was signed by the Environmental Planning Section on June 30, 2008. The environmental features shown on the revised NRI have been correctly reflected on the SDP and TCPII.

No further information is required with regard to revised NRI-030-05-01.

- (2) The NRI contains a forest stand delineation (FSD) and wetlands report. The FSD describes four forest stands totaling 183.06 acres (53 percent of the property).

There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain, based on the 1989 floodplain delineation.

The purpose of a NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation, and areas for development that will minimize impacts to the natural environment. As described above, there are woodlands on this site that are part of the cultural and natural heritage of Prince George's County that should be the focus of woodland conservation on-site.

Only 16 specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

Stand A contains 93.13 acres of bottomland forest dominated by red maple, sweetgum, and yellow poplar. The average diameter at breast height (DBH) is 11.9 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand D, the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. Because this stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of Basic Plan A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations and the regulated areas shown in the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

Stand B contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum, and yellow poplar. The average DBH is 5.3 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland.

Stand C contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak. The average DBH is 8.6 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland. Only one specimen tree occurs in these stands. Neither Stand B nor C contain any expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within evaluation areas designated by the Countywide Green Infrastructure Plan. Because these stands are relatively immature, have low diversity of trees, and low diversity of understory species with no special characteristics, they are rated as fair to low priority for preservation.

Stand D contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech, and red oak. The average DBH is 14.3 inches. The boundaries of this forest stand are apparent on the 1938 air



photos because, except for Stands A and D, the remainder of the property was either agricultural fields or pasture. Two specimen trees occur in this stand. This stand contains a high diversity of tree species, a high diversity of shrub species, and a high diversity of native herbaceous species. The stand forms an upland connection between the main stem of Piscataway Creek on the west to the headwaters of the streams on the east. On September 7, 2007, the Maryland Department of Natural Resources, Natural Heritage Program, and the Environmental Planning Section conducted a field visit. Stand D was extensively studied and determined to be a “rich woods,” which is an uncommon designation within any portion of the Maryland Coastal Plain. Staff of the Environmental Planning Section classifies this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. All of Stand “D” is within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within a designated Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

According to information obtained from the Natural Heritage Program, a sensitive species project review area, as delineated on the SSPRA GIS layer, is found to occur on this property. A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*), was discovered within the area of Stand D on a field visit in 1990. Although this species was not found on a September 7, 2007 field visit by staff of the Environmental Planning Section and the Natural Heritage Program, it is not to be construed that the species no longer occurs on the site. This is one of the reasons why Forest Stand D is an extremely high priority for preservation—even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future.

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

Variation requests for nine impacts were submitted and evaluated with Preliminary Plan 4-07005. The Environmental Planning Section supported variation requests for Impacts 1, 2, 3, 4, 5, 6, 7, 8, and 9, for the reasons stated below.

Impact 1 was for installation of an outfall for a stormwater management facility. Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts 2, 3, 5, 6, 8, and 9). Impacts 4 and 7 are for installation of the public roads that will allow access and services to the majority of the property. Not all impacts for outfalls for stormwater management ponds are shown. However, the impacts to the expanded stream buffer shown on the current SDP and TCPII are in conformance with those approved at the time preliminary plan review.

- (4) Frontage improvements are proposed with the current SDP for infrastructure. A determination concerning appropriate street lighting associated with the right-of-way should be made at this time. The Environmental Planning Section recommends the use of full cut-off optic fixtures to minimize overall sky glow, light spill-over, and glare, if approved by DPW&T.
- (5) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury, and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit review process.
- (6) Based on the most recent Air Installation Compatible Use Zone (AICUZ) Study released to the public in 2007 by JBA, aircraft-generated noise in the vicinity is significant, but the modeled noise levels for the subject property are less than the state acceptable noise level of 65 dBA Ldn for residential land uses.

The JBA Joint Land Use Study (JLUS) from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near JBA. Legislation implementing the JLUS has been proposed, but not adopted. This referral addresses the recommendations of the JLUS, not the proposed legislation. This property is outside of the 65 dBA Ldn lines, so recommended noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are recommended. No further information concerning the mitigation of noise impacts is required with the subject application.

- (7) A stormwater management concept approval letter and associated plans (8327602-2000-03), which expired on August 31, 2009, were submitted with the

preliminary plan. The layout of the project was subject to substantial revision during preliminary plan review for certification.

A valid, revised Stormwater Management Concept Letter, 8327602-2000-03, was submitted with the current application. Condition 26 of CDP-0701 required that the SDP show the use of forebays with the proposed stormwater management plan. The current SDP and TCPII show the use of forebays in accordance with the requirements of the Maryland Department of the Environment Stormwater Management Design Manual.

No additional information with regards to stormwater management is required with the current application.

The Environmental Planning Section recommended approval of SDP-1202 and TCPII-002-02-02 subject to conditions.

- i. **Department of Public Works and Transportation (DPW&T)**— In response to the Specific Design Plan No. SDP-1202 referral, the Department of Public Works and Transportation (DPW&T) offers the following comments:
  - a. The property is located along the western side of Frank Tippett Road, just north of the Dower House Branch. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban 4-Lane collector road for the existing Frank Tippett Road is required. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for the proposed internal subdivision streets. The internal subdivision streets center line radius are to be designed and constructed in accordance with DPW&T's Table I-2 Design Criteria. These roadways are to be consistent with the approved Master Plan for this area.
  - b. Prior to issuance of the Street construction permits, a ten-foot- wide concrete master planned hiker-biker trail within the public roadway rights-of-way (immediately adjacent to the south side of the proposed Dressage Drive (80' R/W) within the community), will be required. Additionally, as recommended by the Department of Parks and Recreation (DPR), this trail shall be 10-feet wide, where it is adjacent to roadways, in all locations.
  - c. A signal warrants study is to be undertaken at the proposed major and 4-lane collector roadway intersections, as well as at its intersections with primary residential roadways. Road right-of- way shall vary at the signalized intersection in order to provide exclusive turning lanes. These roadways are to be fully coordinated with the proposed roadway connections of the developments adjacent to this property.

- d. Any proposed &/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission and DPW&T and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specification and Standards.
- e. Full-width, 2-inch mill and overlay for all existing County roadway frontages limits are required.
- f. All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
- g. The access to the site should be constructed as a commercial driveway apron in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- h. An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for construction of an acceleration/deceleration lane.
- i. All proposed cul-de-sacs and intersections are required to allow, as a minimum, turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sacs.
- j. Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times.
- k. Street construction permits are required for improvements within public roadway rights-of-way, and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of Prince George's County.
- l. Determination of roadway identification (public or private) within the site is necessary prior to the Detailed Site Plan approval.
- m. The proposed site development is consistent to the approved DPW&T Stormwater Management Concept Plan No. 8327602-2000-04 dated June 21, 2012.
- n. All stormwater management facilities/drainage systems, including recreation features, visual amenities and facilities are to be constructed in accordance with the Specifications and Standards' of the DPW&T and the Department of

Environmental Resources. Approval of all facilities are required, prior to permit issuance.

- o. All existing/proposed culverts located under the roadway should be designed and replaced to provide 100 year frequency storm as determined by DPW&T.
- p. Conformance with DPW&T street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the Prince George's Road Ordinance, roadside trees will be required within the limits of the permit area.
- q. Tree Conservation and/or tree mitigation may be required. Coordination with the M-NCPPC, Natural Resources Division, is necessary.
- r. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required, by the applicant.
- s. Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility and Maintenance Permits" are required.
- t. A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation, for public streets is required. The soils investigation report shall be signed and sealed by-a registered professional engineer, licensed to practice engineering in the state of Maryland.

At the Planning Board hearing, a number of citizens complained about heavy traffic volumes associated with increased development in the area. A question relating to the timing of the frontage improvements was raised as the information in the record was not clear, however, the applicant testified that frontage improvements include grading within the right-of-way associated with the development. The Planning Board recognized that the findings of adequacy at the time of the preliminary plan of subdivision are valid and therefore, this specific design plan has no impact on those findings.

- j. **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 specific design plan (SDP), which was limited to details associated with infrastructure for Phase One. They provided the following summarized comments:

- (1) 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 and positioned so as to minimize light trespass caused by spill light. Light levels at residential property lines should not exceed 0.05 footcandles.

The subject SDP does not propose any light fixtures. Proposed lights within the public rights-of-way will be governed by DPW&T regulations.

- (2) 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.

This should be noted by the developer.

- (3) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- (4) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

The developer will be required to conform to dust and noise controls by other agencies at the time of construction.

- k. **Washington Suburban Sanitary Commission (WSSC)**—No comments were received from WSSC.
- l. **Verizon**—No comments were received from Verizon.
- m. **The Potomac Electric Power Company (PEPCO)**—In an e-mail dated August 8, 2012, Verizon commented that a ten-foot-wide public utility easement (PUE) had been provided along all public rights-of-way, but that in some areas it appeared that this easement was encumbered by other easements.

Exact easement locations will be finalized at the time of final plat; however, the specific design plan has been revised so as to correct the proposed easements conflict.

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 RE-APPROVED the Type II Tree Conservation Plan (TCPII-002-02-01), Specific Design Plan SDP-1202 for the above-described land, \*with the additional findings as stated above and subject to the following conditions:

1. Prior to certification of the specific design plan, the applicant shall:
  - a. Provide documentation from the Department of Public Works and Transportation (DPW&T) that the specific design plan is in conformance with approved Stormwater Management Concept Plan 8327602-2000-04 or any subsequent revision.
  - b. Coordinate with DPW&T the final location and design, including crosswalk striping and warning signage, of the pedestrian and equestrian trail crossings located in the Dressage Drive right-of-way.
  - c. Provide details, specifications, and locations for the trail signage. These signs shall state "Private trail for use by residents of Canter Creek and guests of the Merrymount Equestrian Center only. Please respect the rights of private property owners."
  - d. Revise the plans to provide a minimum four-foot-wide grass strip adjacent to the equestrian trail along Dressage Drive from Frank Tippet Road to the Tributary Trail. This grass strip shall be free of landscaping, above ground utilities, and other obstructions.
  - e. If Pirouette Court is intended to function as a one-way (counter-clockwise) road, revise the plan to include a "Do Not Enter" sign at the eastern end of Pirouette Court, or as modified by the Department of Public Works and Transportation (DPW&T).
  - f. Add the approval date of the stormwater management concept plan to General Note 11.
  - g. Label the dimension of the dedication of 40 feet from the center line of Frank Tippet Road.
  - h. Have the landscape plan signed and sealed per the requirements of Section 2.1 of the *Prince George's County Landscape Manual*.
  - i. Revise the Type II tree conservation plan (TCPII) as follows:
    - (1) Add a woodland conservation table on each plan sheet and a woodland conservation summary sheet on the cover sheet.

\*Denotes Amendment

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- (2) Revise the approval block to reflect the TCPII number and the previous plan approvals.
  - (3) Add the phasing lines shown on the specific design plan to the TCPII cover sheet and plan sheets.
  - (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the U.S. Army Corp of Engineers, and the Maryland Historical Trust.
3. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippet Road to the Tributary Trail, in phase with the construction of Dressage Drive.
4. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E, in phase with the construction of Dressage Drive.
5. The applicant shall construct the 30-foot-wide curb cut entrance along the frontage of Parcel E in phase with the construction of Dressage Drive.
6. The applicant shall rough grade Parcel E and stabilize the graded areas, according to the grading plan, as shown and noted on the approved specific design plan, prior to issuance of the 50th building permit.
7. At the time of final plat, the applicant shall record an easement on Parcel D over the portion of the access road serving as the maintenance access to future Parcel C.
8. Prior to specific design plan approval for Parcel C and Parcel D between Lots 72 and 74, Block A, the plans shall provide the following:
  - a. The access road to the stormwater management pond on Parcel C and to the stream valley park on Parcel D;
  - b. The access road shall be provided from Passage Drive on parcel Parcel D between Lot 73 and 74, Block A;
  - c. The access road shall be located in the center of the parcel to provide an appropriate setback from future residential Lot 73, Block A; and
  - d. The access road shall be extended to the main portion of Parcel D to allow vehicular access to the stream valley park.



9. All trails on parkland shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design for any needed structures shall be reviewed and specified by the Department of Parks and Recreation.
10. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
11. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.
12. Prior to approval of the first final plat, the applicant and the applicant's heirs, successors, and/or assignees shall record in Prince George's County Land Records the cooperative use agreement for part of Parcel F between the applicant and the Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the homeowners association (applicant) and the Merrymount Equestrian Center for the equestrian trails on Parcels B and C. Both agreements shall terminate in the event that the equestrian center ceases to operate, unless extended with the agreement of all parties to the easement.
13. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.
14. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road.
15. Design and construction of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.
16. The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.
17. The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

\*18. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.

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 Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, October 25, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of November 2012.

\*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 Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 25, 2013, in Upper Marlboro, Maryland.

\*Adopted by the Prince George's County Planning Board this 25<sup>th</sup> day of April 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:SL:arj

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