

A M E N D E D R E S O L U T I O N

WHEREAS, Nancy D. and Lawrence T. Wolfe are the owners of a 333.62-acre parcel of land known as Parcel 65, Tax Map 133, Grid E-3, said property being in the 5th and 9th Election Districts of Prince George's County, Maryland, and being zoned R-A and R-E; and

WHEREAS, on May 18, 2004, Sevag Balian on behalf of Haverford Homes, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for \*156[8] lots \*(or as modified by Condition 1d)] and \*[5]11 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04099 for Wolfe Farm was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 4, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on November 4, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, by a letter dated October 11, 2006, the applicant requested a reconsideration for the purpose of dedicating the Master Plan road A-65 and adjusting the lotting pattern to accommodate that dedication; and

\*WHEREAS, on November 2, 2006, the Planning Board approved the request for reconsideration based on the good cause associated with the dedication of the Master Plan roadway; and

\*WHEREAS, on February 8, 2007, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/53/04), and further APPROVED Preliminary Plan of Subdivision 4-04099, Wolfe Farm for Lots 1-23, Block A; Lots 1-31, Block B; Lots 1-47, Block C; Lots 1-57, Block D; and Parcels A-E with the following conditions:

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1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - \*a. ~~[Provide the net tract area for the R-E zoned portion and R-A zoned portion of the property.]~~ Each parcel shall be noted by land area and to which entity (HOA or M-NCPPC) it is to be conveyed.
  - b. ~~\*[Provide the approval date of the stormwater management plan.]~~ \*The layout, trails and parcel conveyances shall be consistent with Amended Exhibit "A".
  - ~~\*c. Provide a general note regarding 27-442(b) Footnote 5(D)(E).~~
  - ~~\*d. To remove the use of Lot size averaging and provide conventional R-E lotting pattern, on the north side of Thrift Road.]~~
2. ~~\*[Prior to the issuance of detailed site plans, a]~~ A Type II Tree Conservation Plan shall be approved prior to the approval of the final plat of subdivision.
3. Prior to approval of the final plat and in accordance with Part 3 Division 9 of the Zoning Ordinance a Limited Detailed Site Plan shall be approved by the Planning Board, or its designee. Review shall be limited to the ~~\*[following:]~~
  - ~~\*a. Grading;~~
  - ~~\*b. House siting;~~
  - ~~\*c. R] recreational facilities to be constructed on HOA land and M-NCPPC land[;].~~
4. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
  - a. The Adopted and Approved Subregion V Master Plan recommends that Thrift Road be designated as a Class III bikeway with appropriate signage. Because Thrift Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this 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 asphalt shoulders are encouraged along both sides of Thrift Road within the subject site.

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- b. If a closed road cross-section is used, provide standard sidewalks along one side of all internal roads, unless modified by DPW&T.
- c. Dedicate the land along Piscataway Creek to the M-NCPPC Department of Parks and Recreation. A final determination regarding trail construction will be made by the Department of Parks and Recreation.
5. Prior to \*the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) \*[76.64 ± acres of] areas of open space land ~~(Parcels A, B, C, D)~~ not being conveyed to M-NCPPC per staff Exhibit "A". Land to be conveyed \*to the HOA shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

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- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
7. The applicant, his heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
  8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
  9. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
  10. Submission to the DPR of a performance bond, letter of credit or other suitable financial guarantee for the trail construction on dedicated parkland, in an amount to be determined by the DPR, at least two weeks prior to applying for building permits. In the event that construction of the trail is delayed because of construction permit, the performance bond may be replaced by escrow agreement and cashier's check to be held in an escrow account.
  11. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
  12. ~~\*[Prior to approval of the final plat of subdivision and/or any disturbance the applicant shall submit a Phase I archeological investigation and, a Phase II and Phase III investigation, as determined appropriate by the Planning Department staff. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.]~~ \*The applicant shall provide at least 40-feet of public frontage on Public Street G for use as a trailhead for the master planned trail. Public Street G must be at least 60 feet

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wide to serve as a public entrance to the stream valley park.

13. ~~\*[At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 24.79 ± acres of open space land (Parcel E). Land to be conveyed shall be subject the following:~~
- ~~\*a. — The conveyance to the M-NCPPC of 26± acres of parkland as shown on the Department of Parks and Recreation (DPR) Exhibit A.~~
  - ~~\*b. — Land to be conveyed subject to conditions 1 through 9 of M-NCPPC Exhibit B.~~
  - ~~\*c. — The subdivider, his successors and/or assigns shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to the M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.~~
  - ~~\*d. — The applicant shall construct a 10-foot wide asphalt hiker/biker trail along the Piscataway Creek as shown on attached Exhibit A.~~
  - ~~\*e. — The applicant shall construct an 8-foot wide asphalt trail connectors from the subdivision to the stream valley trail as shown on attached DPR Exhibit A.~~
  - ~~\*f. — Prior to submission of the Limited Detailed Site Plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master planned trails along the Cabin Branch and Back Branch Stream Valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.~~
  - ~~\*g. — The location of the trail shall be staked in the field and approved by DPR prior to construction.~~
  - ~~\*h. — The applicant, his successors, and/or assigns, shall construct the trails in phase with development, no building permits shall be issued for lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 90 percent of residential building permits, the 10-foot wide asphalt hiker/biker trail along the Piscataway Creek shall be completed. the eight-foot wide feeder trails shall be constructed in phase with development. In the event the required permits for the trail construction are applied with the 1<sup>st</sup> building permit but cannot be obtained in a timely manner, the deadline for the trail completion may be extended by mutual agreement of the applicant and DPR.~~

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- ~~\*i. With the submission of the Limited Detailed Site Plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.~~
- ~~\*j. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.~~
- ~~\*k. The handicapped accessibility of all trails shall be reviewed during the review of the LDSP.]~~

\*The conveyance to the M-NCPPC of 38.3<sup>+</sup> acres of parkland including a portion of the A-65 right-of-way as shown on the Department of Parks and Recreation (DPR) amended Exhibit "A." Land to be conveyed to M-NCPPC shall be subject to the following conditions.

- \*a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
- \*b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- \*c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
- \*d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by The M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
- \*e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and

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easement agreement prior to issuance of grading permits.

- \*f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - \*g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - \*h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
  - \*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.
14. The applicant shall provide a fee to Prince George’s County, which shall serve as a fair share contribution towards the construction of the proposed Brandywine Fire Station and acquisition of an ambulance. The fee shall be paid at the time of issuance of building permits. The fair share fee is \$480 per lot with the exception of the following lots: Lots 1-22, Block B; Lots 1-14 and 35-44, Block C; Lots 18-21 and 43-63, Block D, these lots shall pay a fee of \$440. per lot. The lot numbers identified in this condition should be revised to correspond to the lot numbers on the final plat, as determined by the Public Facilities Planning Section.
15. ~~\*[The Limited Detailed Site Plan required in Condition 3 shall include but not be limited to grading, useable outdoor activity areas on individual lots, protection of sensitive environmental features and woodland conservation.]~~ The applicant shall construct a 10-foot wide asphalt hiker/biker trail along the Piscataway Creek (from the east to west side of the subject property) as shown on attached DPR Amended Exhibit “A.”
16. ~~\*[Prior to signature approval of the Preliminary Plan and prior to submission of the Limited Detailed Site Plan, a wetland delineation shall be certified by the Maryland Department of the Environment. If the extent of wetlands and wetland buffers increases, lots may be deleted.]~~ The applicant shall construct two 8-foot-wide asphalt trail connectors from the subdivision to the stream valley trail as shown on attached DPR Amended Exhibit “A.”
17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and all wetlands and their

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buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to ~~\*[certification]~~ approval. 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."

18. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
19. ~~\*[The Limited Detailed Site Plan required in Condition 3]~~ The Type II Tree Conservation Plan shall show the proposed preservation of existing vegetation and/or landscaping in the 40 foot-wide scenic easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. The combination of preserved trees and landscaping shall be sufficient to preserve the scenic character of Thrift Road.
20. Landscape buffers, a minimum of 40 feet-wide on both sides of Thrift Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

"Scenic easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
21. ~~\*[Prior to signature approval of the Preliminary Plan and prior to submission of the Limited Detailed Site Plan, the Forest Stand Delineation shall be revised to:~~
  - ~~\*a. — show areas of wetlands with a distinct pattern on the plan and in the legend~~
  - ~~\*b. — use the same topographic base as the Preliminary Plan and TCPI~~
  - ~~\*c. — revise the data sheets to indicate when the data was collected and by whom~~
  - ~~\*d. — add the erodibility coefficients to the soils chart~~
  - ~~\*e. — resolve the discrepancy in the total woodland acreage~~

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~~\*f. — have the revised text signed and dated by the qualified professional who prepared the text~~

~~\*g. — have the revised plan signed and dated by the qualified professional who prepared the plan]~~

\*At the time of final plat approval, the applicant shall dedicate 120 feet of right-of-way along the proposed A-65 facility, as shown on the submitted plan and as modified by the Parks exhibit.

22. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/53/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. \*This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department”

23. ~~\*[Prior to signature approval of the Preliminary Plan and submission of a Limited Detailed Site Plan a copy of the Stormwater Management Concept Approval Letter shall be submitted.]~~ The final plat of subdivision shall note a denial of access to any lot with frontage along A-65.

24. ~~\*[Prior to signature approval of the Preliminary Plan the applicant shall receive written consent from the Department of Park and Recreation to permit woodland conservation on land proposed to be dedicated or the TCPI shall be revised to remove all woodland conservation areas from land to be dedicated. Woodland on land already owned by the Department of Parks and Recreation cannot be used to meet any woodland conservation requirements, now or in the future.]~~ Prior to signature approval of the Preliminary Plan, either the applicant shall receive written consent from the Department of Park and Recreation to permit woodland conservation on land proposed to be dedicated and submit that approval with the TCPI for signature approval or the TCPI shall be revised to remove all woodland conservation areas from land to be dedicated and that area shall be provided in the form of off-site woodland mitigation. Woodland on land already owned by the Department of Parks and Recreation cannot be used to meet any woodland conservation requirements, now or in the future.

25. Prior to signature approval of the Type I Tree Conservation Plan it shall be revised to:

a. ~~\*[provide patterning for all areas of severe slopes and all areas steep slopes containing highly erodible soils]~~ ensure that each proposed structure has at least 40 feet of

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unencumbered rear yard area to provide room for construction of the homes

- b. ~~\*[meet the woodland conservation threshold on site and provide for contiguous areas to meet the ordinance requirements]~~ ensure that no planting areas will be placed on existing woodland
- c. ~~\*[amend the expanded stream buffers]~~ calculate all of the proposed right-of-way of A-65 as cleared
- d. ~~\*[provide 40 foot wide landscape buffers adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road]~~ revise the worksheet as needed
- e. ~~\*[remove the soils boundaries]~~ have the revised plan signed and dated by the qualified professional who prepared the plan
- ~~\*f. show areas of wetlands and associated buffers with a distinct pattern on the plan and in the legend~~
- ~~\*g. resolve the discrepancy in the total woodland acreage~~
- ~~\*h. provide 40 foot wide cleared areas to the rear of all conceptual house locations~~
- ~~\*i. revise the worksheet as needed~~
- ~~\*j. have the revised plan signed and dated by the qualified professional who prepared the plan~~

26. Tippett Road at Thrift Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T:

- a. Provision of a two-lane approach along westbound Thrift Road at Tippett Road.
- b. Provision of an exclusive left-turn lane along northbound Thrift Road at Tippett Road.
- c. Provision of an exclusive right-turn along southbound Tippett Road at Thrift Road.

27. At the time of final plat approval, the applicant shall dedicate right-of-way along Thrift Road of 40 feet from centerline.

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28. MD 223 at Tippet Road: Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and DPW&T for a possible signal at the intersection of MD 223 and Windbrook Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any *building permits within the* subject property, and install it at a time when directed by the appropriate permitting agency. The requirement for this study shall be waived upon a future determination by SHA in writing that peak hour volumes are insufficient to meet minimum signal warrants. Such determination shall not be made more than three months prior to issuance of the initial building permit.
29. MD 223 at Tippet Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA, and (c) have an agreed-upon timetable for construction with SHA:
- a. Provision of a two-lane approach along westbound MD 223 at Tippet Road, with an exclusive through lane and an exclusive left-turn lane.
30. MD 223 at Steed Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA, and (c) have an agreed-upon timetable for construction with SHA:
- a. Provision of a two-lane approach along southbound Steed Road at MD 223, with an exclusive right-turn lane and an exclusive left-turn lane.
31. The driveway to each lot fronting Thrift Road shall be directed onto interior primary or secondary streets, or shall be designed with a turnaround capability in order to minimize the need for vehicles accessing the lot to have to back onto Thrift Road. The design of the driveways to each lot with frontage along Thrift Road shall be verified at the time of building permit.
- \*32. All reforestation/afforestation areas on or adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the building permits for the subject lots or adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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- \*33. The following conditions relate to the portion of the 120-foot-wide A-65 Right of Way to be dedicated to M-NCPPC.
- \*a. If funds are programmed for construction of the A-65 Right-of-way, then DPR shall convey the property to public use at no cost upon request by DPW&T. DPW&T shall prepare the documents necessary for the transfer of property.
  - \*b. The construction of A-65 shall accommodate an adequate crossing for the master-planned trail. The location of this crossing shall be determined at the time of conveyance of the property to public use.
  - \*c. In the case that the A-65 right-of-way is not constructed and is later deleted from the master plan of transportation, then the property may be used for active recreational purposes.
  - \*d. The final plat of subdivision shall clearly reflect, by bearing and distance and square footage, the area of the future right-of-way and it shall be labeled as such.
  - \*e. The applicant shall provide an appropriate monument (split rail fencing or other such fencing acceptable to the Department of Parks and Recreation) at the point along the A-65 alignment where the land ownership changes from M-NCPPC to HOA.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north and south of Thrift Road, between Broken Lane Court and Tippet Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E (168.33) R-A (165.29)	R-E (168.33) R-A (165.29)
Use(s)	Vacant	Single-family dwellings
Acreage	333.62	333.62
Lots	0	*15[8]6*

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Parcels	2	*[5]11
Dwelling Units:		
Detached	0	*15[8]6*

\*[\*or as modified by Condition 1d]

- \*4. **Environmental**—~~There are streams, wetlands and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. Current air photos indicate that most of the site is forested. The *Subregion V Master Plan* shows Natural Reserve on the property associated with the stream valley. Thrift Road is a designated scenic road. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted *General Plan*.~~

~~\*Review of this application has been hampered by the use of four different topographic bases on a site that contains significant areas of steep and severe slopes. The Forest Stand Delineation (FSD) and wetland delineation plan each use a unique base topography and have existing tree lines that are different. The Preliminary Plan and Type I Tree Conservation Plan sets use the same topographic base; however, the plan sets accepted for processing on May 18, 2004 and those accepted for processing on September 23, 2004 use different topographic bases. The Woodland Conservation Ordinance requires that the FSD, TCP and Preliminary Plan be of the same scale and use the same topographic base. Because the site has many areas containing steep and severe slopes and extensive sensitive environmental areas, careful grading is needed to ensure that the proposed lot layout and TCPI can be accomplished as proposed.~~

~~\*This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Streams, minimum 50-foot stream buffers, wetlands, most of the minimum 25-foot wetland buffers, areas of 100-year floodplain, areas with severe slopes and areas with steep slopes containing highly erodible soils are shown on the Preliminary Plan and the Type I Tree Conservation Plan. The expanded stream buffer as defined in Section 24-130 of the Subdivision Regulations is for the most part correctly shown; however, minor changes are needed where the minimum 25-foot wetland buffers have not been shown. All of the required changes to the expanded buffer are in areas away from the proposed limit of disturbance.~~

~~\*A wetlands report, dated September 9, 2004, was submitted on October 25, 2004. The wetlands report is based on investigations performed from July 2003 through October 2003. Five wetland delineation data sheets were completed and included in the report. Only three of the five sample~~

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~~areas were determined to be wetlands and one of these is not on the property that is the subject of this application. The plan accompanying the report shows 13 individual areas on the property designated as wetlands. The topographic base map of the wetland delineation is different from that used for the revised Preliminary Plan and the revised TCPI, and also it is different than that used for the Forest Stand Delineation.~~

~~\*Two wetland areas that were shown on the Preliminary Plan and TCPI that were accepted for processing on May 19, 2004 are no longer shown; however, these wetlands are still shown on the Forest Stand Delineation. One of these was in the area of Lot 30, Block D and the other was near Lot 34, Block D.~~

~~\*Unlike Forest Stand Delineations, County Code does not provide standards for wetland reports and delineations. Staff notes that the wetland delineation has not been certified by the Maryland Department of the Environment or the US Army Corps of Engineers. Because of the multiple inconsistencies between the plans, and the numerous missing data sample sheets, a certification of the wetlands report by the Maryland Department of the Environment is needed prior to signature approval of the Preliminary Plan.~~

~~\*The plan proposes impacts to stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the existing sanitary sewer main is entirely within the expanded stream buffer and that the topography of the site controls stormwater drainage patterns. Seven variation requests, dated September 23, 2004, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted. The plans have been revised to eliminate one of the impacts proposed on September 23, 2004; however, the exhibits that are part of the variation requests have not been revised.~~

~~\*Request #1 is for the construction of a street to serve the 23 lots in the northwestern portion of the site. Request #2 is for the construction of a sanitary sewer on the site to serve all of the 101 lots west of Thrift Road. Request #3 is for the off-site connection of the sanitary sewer from the subject property to the existing sanitary sewer. Requests #4 and #6 are for the construction of a sanitary sewer connection that will serve all 57 lots east of Thrift Road. Request #5 has been eliminated from the plans currently under review. Request #7 is for the construction of a hiker/biker trail.~~

~~\*Requests #1, #2, #3, #4 and #6 are the minimum necessary for the infrastructure of the site. Request #7 is for the purpose of fulfilling a Master Plan trail.~~

~~\*Staff notes that the property may be served by public sewer only if connections are made to the existing sewer mains that are wholly within expanded stream buffers. Additionally, the property has several streams and extensive areas of severe slopes and highly erodible soils that create a~~

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~~proportionately high area of expanded stream buffers.~~

~~\*Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.~~

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

~~\*The installation of sanitary sewer as described by impacts #2, #4 and #6 is required to provide for public safety, health and welfare. Street construction is required to provide access for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.~~

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

~~\*The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variance; however, that option is not available for this particular site. The number and placement of sanitary sewer connections is determined by the Washington Suburban Sanitary Commission. The property contains many stream valleys that dissect the land into developable pods and one relatively large area that cannot be served by a public street without a stream crossing. The alignment of the hiker/biker trail is mandated by the approved Master Plan. Thus, all of the requested variations are not generally applicable to other properties.~~

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

~~\*The installation of sanitary sewer connections, hiker/biker trail and road construction are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.~~

~~**\*(4) — Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict**~~

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**~~letter of these regulation is carried out.~~**

~~\*The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. The denial of impact #1 would result in the loss of 23 of the proposed 101 lots west of Thrift Road. The denial of impacts #2 or #3 would result in the loss of all 101 lots west of Thrift Road. The denial of impact #4 would result in the loss of 19 lots. The denial of impact #6 would result in the loss of 51 lots. The denial of impact #7 would severely impair the Master Plan trail.~~

~~\*The Planning Board approves requests #1, #2, #3, #4, #6 and #7 for the reasons stated above.~~

~~\*Thrift Road is designated in the Subregion V Master Plan as a scenic road. A visual inventory was in the review package. The Preliminary Plan and TCPI provide 40 foot wide scenic buffers adjacent to the land to be dedicated for Thrift Road; however, the standard in current use requires that the plans provide 40 foot wide scenic buffers adjacent to the 10 foot public utility easements parallel to the land to be dedicated for Thrift Road. No specific treatments for the scenic easements have been proposed.~~

~~\*A Forest Stand Delineation (FSD) showing 34 sample areas, four forest stands totaling 252.6 acres and 52 specimen trees has been reviewed and was found to require revisions. Areas of wetlands should be indicated with a distinct pattern. The data sheets do not indicate when the data was collected or who collected the data. Neither the plan nor text are signed and dated by a qualified professional. Erodibility coefficients are not included in the soils chart. The FSD indicates approximately 252.6 acres of woodland; however, the TCP worksheet indicates 298.95 acres of woodland.~~

~~\*On in the memorandum dated June 4, 2004, the Environmental Planning Section requested the following:~~

~~\*"Required Revisions: At least days prior to any Planning Board hearing, the Forest Stand Delineation shall be revised to:~~

~~\*a. — show areas of wetlands with a distinct pattern on the plan and in the legend~~

~~\*b. — revise the stream in the southeastern portion of the site as noted above~~

~~\*c. — revise the data sheets to indicate when the data was collected and by whom~~

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- ~~\*d. — add the erodibility coefficients to the soils chart~~
- ~~\*e. — resolve the discrepancy in the total woodland acreage~~
- ~~\*f. — have the revised text signed and dated by the qualified professional who prepared the plan~~
- ~~\*[g. — have the revised plan signed and dated by the qualified professional who prepared the plan<sup>22</sup>]~~

~~\*[No revised FSD was submitted.]~~

~~\*[Although most of the required changes are technical, the discrepancy of 46+ acres in the total area of woodland on site is significant. The TCP shows different tree lines than the FSD. Additionally, the base topography used for the FSD is not the same as that used for the revised Preliminary Plan or the revised TCPI. If the FSD is correct, the TCPI cannot be correct. Staff notes that the TCPI was prepared by a different qualified professional than the FSD and may be based upon the most current information.]~~

~~\*[This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and it has more than 10,000 square feet of woodland.]~~

~~\*[The revised Type I Tree Conservation Plan, TCPI/53/04, has been reviewed and was found to require revisions. As noted above, revisions are required to portions of the expanded stream buffer. Soils boundaries should not be on the TCP. The FSD indicates approximately 252.6 acres of woodland; however, the TCP worksheet indicates 298.95 acres of woodland. The plan proposes woodland conservation on land proposed to be dedicated to the Department of Parks and Recreation; however, prior written consent of the Department of Parks and Recreation is required, and woodland conservation cannot be placed on land that has already been dedicated. Sheets #2 and #4 incorrectly label the symbol used for reforestation as “preserved woodland in floodplain and not in calculations.” The pattern used for woodland conservation areas is missing for proposed Preservation Area “E”. All areas of severe slopes and steep slopes should be patterned, not just those adjacent to perennial streams.]~~

~~[At least 40 feet of unencumbered rear yard area is needed to provide room for construction of the homes, to ensure the long term protection of the preserved woodland and to allow for future changes in house types that may impact the clearing and grading around each house; meeting this standard for several lots is not possible and these lots should be eliminated. At the Planning Board hearing the applicant stated that **none** of the yard areas proposed on any of the lots, on the~~

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~~revised plans, are encumbered by tree conservation. This will therefore be an expectation of the plans submitted for the required limited detailed site plan.]~~

~~\*[The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Aura, Beltsville, Croom and Mattapex soils are highly erodible and require special attention to erosion/sediment control on slopes in excess of 15 percent. Bibb soils are associated with floodplains. Fallsington and Othello soils typically have associated wetland areas. Sassafras soils pose no special problems for development.]~~

~~\*[A Stormwater Management Concept Approval Letter was not submitted. Although this is a large lot subdivision, extensive areas of impervious surface may be constructed and there may be a need for on-site ponds. Because ponds can affect the layout of the subdivision and the Tree Conservation Plan, copies of the approved stormwater management concept letter and plan are required for review of the limited detailed site plan.]~~

\*The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Wolfe Farm, 4-04099, and the revised Type I Tree Conservation Plan, TCPI/53/04, stamped as received by the Environmental Planning Section on December 11, 2006. The Environmental Planning Section supports the variation requests for the reasons stated in this report and recommends approval of 4-04099 and TCPI/53/04 subject to the conditions. The 333.62-acre property in the R-E and R-A zones straddles Thrift Road between Broken Lane Court and Tippet Road. There are streams, wetlands and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. Current air photos indicate that most of the site is forested. Thrift Road is a designated scenic road. There are no nearby sources of traffic-generated noise. The Transportation Planning Section has indicated that the proposed A-65 will be built to the standards of a major collector and should not be a generator of significant traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan. The property contains significant Regulated Areas and Evaluation Areas as designated in the Countywide Green Infrastructure Plan.

### **\*Environmental Review**

\*This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Streams, minimum 50-foot stream buffers, wetlands, most of the minimum 25-foot wetland buffers, areas of 100-year floodplain, areas with severe slopes and

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areas with steep slopes containing highly erodible soils are shown on the Preliminary Plan and the Type I Tree Conservation Plan. The expanded stream buffers as defined in Section 24-130 of the Subdivision Regulations are correctly shown on the Preliminary Plan and the Type I Tree Conservation Plan.

\*A wetlands report, dated September 9, 2004, was submitted on October 25, 2004. The wetlands report is based on investigations performed from July 2003 through October 2003. Five wetland delineation data sheets were completed and included in the report. Only three of the five sample areas were determined to be wetlands and one of these is not on the property that is the subject of this application. The plan accompanying the report shows 13 individual areas on the property designated as wetlands. Staff notes that the wetland delineation has been certified by the Maryland Department of the Environment.

\*At time of final plat, a conservation easement should be established. This conservation easement should contain the expanded stream buffers, all wetlands and their buffers, excluding those areas where variation requests have been approved, and all woodland conservation areas and be reviewed by the Environmental Planning Section prior to certification.

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

\*The design should avoid any impacts to streams and their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with necessary road crossings or the installation of public utilities that are required to serve the development as a whole. Sixteen variation requests, dated December 6, 2006, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted.

\*Request "A" is for the construction of a sanitary sewer to serve a significant area of approved development north of the subject property. Request "B" is for the construction of is for the construction of a street to serve 40 lots [25% of the lots proposed]. Request "C" is for a stormwater management outfall. Request "D" is for a sanitary sewer to serve approximately 60

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lots in this application and a significant area of approved development north of the subject property. Request “E” is for a stormwater management outfall. Request “F” is for the construction of a sanitary sewer connection that will serve all of the lots northwest of Thrift Road and a significant area of approved development north of the subject property. Requests “G” and “H” are for the construction of a sanitary sewer connection that will serve all of the lots southeast of Thrift Road. Request “I” is for the purpose of fulfilling a Master Plan trail. Requests “J”, “K” and “L” are for stormwater management outfalls. Request “M” is for the construction of a sanitary sewer to serve all of the lots southeast of Thrift Road.

\*Requests “X”, “Y” and “Z” are associated with the future construction of A-65.

\*Staff notes that the property may be served by public sewer only if connections are made to the existing sewer mains that are wholly within expanded stream buffers. Additionally, the property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. The alignment of A-65 on this property is constrained by the previous approvals on abutting properties.

\*Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

**\*Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

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

\*The installation of sanitary sewers as described by impacts “A”, “D”, “F”, “G”, “H” and “M” are required to provide for public safety, health and welfare. The installation of stormwater outfalls as described by impacts “C”, “J”, “K” and “L” are required to provide for public safety, health and welfare. Street construction is required to provide access for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

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

\*The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variance; however, that option is not available for this particular site. The Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. The property contains many stream valleys that dissect the land into developable pods and one relatively large area that cannot be served by a public street without a stream crossing. The alignment of the hiker/biker trail is mandated by the approved Master Plan. Thus, all of the requested variations are not generally applicable to other properties.

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

\*The installation of sanitary sewer connections, stormwater outfalls, the hiker/biker trail and road construction are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

\*The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. The denial of impact "B" would result in the loss of 40 of the proposed 102 lots northwest of Thrift Road. The denial of impact "F" would result in the loss of all 101 lots northwest west of Thrift Road and a significant area of approved development north of the subject property. The denial of impacts "A" and "D" would result in the loss of a significant area of approved development north of the subject property. The denial of impact "M" would result in the loss of 64 lots. The denial of impact "I" would severely impair the Master Plan trail. The denial of impacts "X", "Y" and "Z" would block the implementation of A-65.

\*The Environmental Planning Section supports the variations requests for the reasons stated above.

\*Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland

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permits, evidence that approval conditions have been complied with, and associated mitigation plans.

\*Thrift Road is designated in the Subregion V Master Plan as a scenic road. A visual inventory was in the review package. The Preliminary Plan and TCPI provide 40 foot-wide scenic buffers adjacent to the land to be dedicated for Thrift Road; however, the standard in current use requires that the plans provide 40 foot-wide scenic buffers adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. No specific treatments for the scenic easements have been proposed. The Type II Tree Conservation Plan should show the proposed preservation of existing vegetation and/or landscaping in the 40 foot-wide scenic easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Thrift Road. The combination of preserved trees and landscaping should be sufficient to preserve the scenic character of Thrift Road. Landscape buffers, a minimum of 40 feet-wide on both sides of Thrift Road, should be shown on the final plats as scenic easements with notes establishing their purpose.

\*This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and it has more than 10,000 square feet of woodland.

\*The revised Type I Tree Conservation Plan, TCPI/53/04, has been reviewed. The plan proposes clearing 40.02 acres of the existing 148.81 acres of upland woodland, clearing 2.79 acres of the existing 44.99 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 105.51 acres. Based upon the proposed clearing, the woodland conservation requirement is 118.31 acres. The plan proposes 81.68 acres of on-site preservation, 31.81 acres of on-site planting and off-site conservation of 4.81 acres for a total of 118.30 acres. An additional 27.11 acres of woodland will be preserved on-site but not part of any requirement.

\*The plan calculates as cleared all woodland within the area to be dedicated for A-65. Each lot must have at least 40 feet of unencumbered rear yard area to provide room for construction of the homes, to ensure the long-term protection of the preserved woodland and to allow for future changes in house types that may impact the clearing and grading around each house. Lot 30, Block C, Lot 35, Block E and Lot 44 Block E must conform to this requirement on the Type II TCP.

\*The Countywide Green Infrastructure Plan indicates the presence of Regulated Areas and Evaluation Areas on the site. The Regulated Areas contain the same features as the Natural Reserve as defined in the Subregion V Master Plan. The Evaluation Areas are the forested areas contiguous with the Regulated Areas. The Type I Tree Conservation Plan is in conformance with the Green Infrastructure Plan and the Woodland Conservation Ordinance.

\*A portion of the proposed woodland conservation areas are on land that will be dedicated to M-

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NCPPC. The Department of Park and Recreation accepted this woodland conservation in the previous version of the TCPI; however, there has not been sufficient time to coordinate the review of this plan.

\*There are some technical errors on the plan. North of proposed A-65 near the northern boundary there are a few small areas where planting is proposed on top of existing woodland. A portion of the proposed A-65, in the extreme southeastern corner of the property, is not calculated as cleared.

\*Because of the extensive areas of sensitive environmental features, extensive on-site planting areas and extreme topography of the site, a Type II Tree Conservation Plan should be approved prior to final plat to ensure that development can occur without creating impacts to any sensitive areas that have not been reviewed by the Planning Board as part of this application. Several other conditions relating to woodland conservation on proposed Park property, minor correction to the Type I plan, the need for a Type II plan, appropriate final plat notes, and implementations restrictions are recommended.

\*The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Fallsington, Mattapex, Othello and Sassafras series. Aura, Beltsville, Croom and Mattapex soils are highly erodible and require special attention to erosion/sediment control on slopes in excess of 15 percent. Bibb soils are associated with floodplains. Fallsington and Othello soils typically have associated wetland areas. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report in conformance with CB-94-2004 will be required during the permit process review.

\*The Prince George's County Department of Environmental Resources approved Stormwater Management Concept CSD #36565-2006-00 on August 30, 2006 and the approval is valid through August 30, 2008. This large-lot subdivision will have open section streets with grass swales and each structure will utilize drywells. There is no portion of the site where combined flow from impervious surfaces would require a stormwater management pond.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the property will be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81B in the Tippet Community. This preliminary subdivision is

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proposed on property planned for low-density development, with Thrift Road as a boundary line between two levels of intensity. The master plan land use recommendations is as follows:

North of Thrift Road - Suburban Estate/Low-Density Planned Neighborhood residential land use as up to 1.5 dwelling units per acre.

South of Thrift Road - Large-Lot/Alternative Low-Density residential land use at up to 0.9 dwelling units per acre.

The proposed development conforms to the Suburban Estate/Low-Density Planned Neighborhood and Large-Lot/Alternative Low-Density residential land use recommendations of the 1993 *Subregion V Master Plan* for this \*area as explained below in this paragraph, and is consistent with the recommendations for this land use in the developing tier as designated by the General Plan because it is a low-to-moderate density suburban residential community in conformance with the vision for the Developing Tier. ~~\*[However, due to the proximity of the portion south of Thrift Road to the Piscataway Creek stream valley and its designation as a Large Lot/Alternative Low Density Development Area, consideration should be given to the possible impact of development in this area, particularly concerning construction impacts such as runoff and erosion. On page 49, the master plan recommends "As development occurs, the emphasis should be to minimize the disruption of natural features in the stream valleys by consolidating home sites and construction activity." The Department of Environmental Resources has indicated that an approval of the conceptual stormwater management plan is forth coming, however, an approved plan has not been submitted to ensure that the proposed development on the preliminary plan is consistent with the stormwater management plan.]~~

~~\*[The submitted preliminary subdivision plan indicates that large portions of Blocks A, C, and D feature areas of steep and severe slopes which may pose a significant challenge to development on a number of lots. On page 54, the master plan recommends that "18. Residential structures should be designed in harmonious relationships to one another, to the terrain, to adjacent roadways, and should be sited to create interesting, useable spaces." Consideration should be given to reconfiguring those lots, particularly in Blocks A and D, that are most affected by severe slopes.]~~

\*Although a master planned arterial roadway, A-65 (Old Fort Road East Extended), is shown on the proposed preliminary subdivision in an alignment that differs from that identified in the approved master plan, the proposed alignment conforms to the recommendations of the master plan insofar as it will allow MD 5, east of the subject property and MD 210, west of the subject property to be connected.

\*The alignment of A-65 in the master plan enters this site in the northwest corner of the property and crosses through the subject property in a southeasterly direction. The alignment proposed by

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the applicant enters the site at generally the same location as recommended by the master plan but follows the northern property boundary, crosses Thrift Road approximately 2,500 feet north of the master plan alignment for this road and departs the site at its northeast corner. A key planning consideration in this instance is whether the proposed alignment allows for the completion of this arterial roadway so it can fulfill the intent of the master plan to connect two major corridors (MD 5 and MD 210) in the regional freeway system. It appears that the right-of-way for A-65 shown on Specific Design Plan SDP-0516 for Phase IV of Bevard East, on the property immediately north and west of the subject site can be connected to A-65 as proposed. It also appears to be consistent with the right-of-way for A-65 shown on the Detailed Site Plan for the Villages of Savannah, (DSP-05036), southeast of the subject site. Staff concludes that the proposed alignment of A-65 fulfills the recommendations of the approved master plan.

6. **Parks and Recreation**—\*~~[In accordance with Section 24-134 of the Subdivision Regulations staff recommend the dedication of Parcel E (24.79 acres) to M-NCPPC for the fulfillment of the mandatory dedication of parkland requirements. The portion of this property located on the south side of Thrift Road, zoned R-A and 165.29 acres, and is located in the Brandywine/Cedarville Area of Subregion V. The property is bordered by Piscataway Creek on the southeast.]~~

~~\*[The proposed residential development is located in the Brandywine/Cedarville Area of Subregion V. The subject property is bordered by Piscataway Creek on the south. The Adopted and Approved Subregion V Master Plan identifies Piscataway Creek Stream Valley Park on the south of the property as a stream valley park and shows a master-planned hiker-biker-equestrian trail along Piscataway Creek.]~~

~~\*[The applicant is proposing a combination of parkland dedication, public recreational facilities and private recreational facilities to address the Master Plan recommendations and the mandatory dedication of parkland requirement.]~~

~~\*[The applicant is proposing to dedicate 24.79± acres of the 100-year floodplain to the Commission as an addition to the Piscataway Creek Stream Valley Park. This dedication will connect the existing parkland along the stream on the east and west of subdivision. The applicant agreed to construct a master-planned trail along the dedicated portion of the Piscataway Creek and the trail connectors to the subdivision. The master-planned trail will provide access to the adjacent parkland on the east (undeveloped portion of Cosca Regional Park) from that point the master-planned trail will eventually be extended to the existing recreational facilities in the Cosca Regional Park. In addition, the applicant is proposing to provide private on-site recreational facilities on homeowner's association land.]~~

\*The staff of the Department of Parks and Recreation has reviewed the above referenced Preliminary Plan reconsideration request for conformance with the conditions of the approved

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preliminary plan 4-04099, the Subregion V Master Plan and the Land Preservation and Recreation Program for Prince George's County and current subdivision regulations as they pertain to public parks and recreation.

\*The plan submitted pursuant to the approval of the reconsideration request shows a 120-foot wide dedication for the master planned A-65 arterial right-of-way. This dedication has caused the applicant to rearrange their lots and street pattern and as a result the area of parkland dedication has been altered.

\*The A-65 right-of-way bisects the land that was approved to be dedicated to M-NCPPC and leaves a fragmented stream valley park system. To address this concern, DPR has recommended that the portion of the proposed A-65 right-of-way be dedicated to M-NCPPC with the provision that when the road is to be constructed, DPR will convey a public use easement to the appropriate agency. This approach has been utilized before and is appropriate when the approval is clear that the dedication for the roadway cannot be impeded in any way when it is requested by the Department of Public Works and Transportation (DPW&T). Furthermore, the final plat of subdivision should clearly reflect, by bearing and distance and square footage, the area of the future right-of-way. This will help to provide clarity as to the area to be dedicated as well as notifying future residents in the vicinity that a road right-of-way has been secured. This approach will also allow for the construction of the 10-foot wide master plan trail by the applicant. The preliminary plan currently shows this as an 8-foot wide trail. The plans should be revised to reflect a 10-foot wide trail. It is understood now that at the time of the future road construction, the Parks Department and DPW&T will need to facilitate the relocation of this trail. The current thinking is that it may need to be incorporated as an underpass where the road needs to bridge the major stream channel.

\*With the exception of the two parcels containing HOA recreational facilities, the new plan proposes that all other open space parcels be conveyed to M-NCPPC. The Parks Department has determined that it is appropriate to only dedicate those areas of land that are contiguous to existing or future off-site parkland dedication. Additionally, Parks has requested that the park parcel and the HOA parcel at the end of Street G be adjusted so that the park parcel has a minimum street frontage of 40 feet and the 8-foot wide trail connector is properly located with regard to the required stormwater management outfall. There is another trail connection proposed from the end of Street I. This has been modified from the original approval. The benefit of this new location is that the slopes are more suitable for the trail, however, it causes the trail to have to cross over wetlands. The Parks Department supports this location provided the applicant builds a suitable structure to cross the wetland and that the HOA will own and maintain this portion of the trail.

\*All of the recommendations from the Parks Department are reflected in Amended Exhibit "A" and the re-approval of this application should be consistent with that exhibit.

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7. **Trails**—The Adopted and Approved Subregion V Master Plan recommends four trail/bikeway facilities that impact the subject site:

- A stream valley trail along Piscataway Creek
- A bikeway along Thrift Road
- A master plan trail along A-65, if implemented

The master plan trail along A-65 will be completed at the time of road construction, if required. No recommendations regarding this trail are made at this time. The bikeway along Thrift Road can be accommodate with “Share the Road with a Bike” signage and paved asphalt shoulders, per the concurrence of DPW&T.

The Department of Parks and Recreation (DPR) has acquired a significant amount of land along Piscataway Creek, and has been studying the best location for this major stream valley trail. Staff supports the dedication of the land along Piscataway Creek to DPR. The final determination on the location of the trail, and if trail construction is required at this time.

It should also be noted that M-NCPPC owns several properties in the vicinity of the subject site. Nearby Cosca Regional Park provides miles of hiking and equestrian trails, as well as a nature center and other recreational facilities. Many properties along Piscataway Creek have been acquired, including along both sides of the subject site. In addition, one of the properties immediately to the east of the subject site has been acquired. In extensive network of trails are proposed within this land. A stream valley trail is proposed for the entire length of Piscataway Creek, and a trail connection is proposed from Piscataway Creek to the existing trail network in Cosca Regional Park.

**SIDEWALK CONNECTIVITY:**

Sidewalks are present along most recently constructed subdivision streets, including the nearby Windbrook and Boniwood subdivisions. If a closed road cross section is used, staff recommends the provision of a standard sidewalk along one side of all internal roads.

8. **Transportation**— The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 333.62 acres of land in the R-A and the R-E zones. The property is located north and south of Thrift Road, between Tippett Road and Windbrook Drive. The applicant proposes a residential subdivision consisting of 158 single family detached residential lots. However, the Planning Board denied the applicants request to utilize Lot Size Averaging and the preliminary plan will be revised accordingly prior to signature approval. This may result in a loss of lots.

The transportation staff determined that a traffic study detailing weekday analyses was needed.

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In response, the applicant submitted a traffic study dated September 2004 that was referred for comment. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The applicant has provided additional information that, upon consideration and verification, provides a basis for a change in posture regarding the subject application.

### **Growth Policy - Service Level Standards**

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

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

### **Analysis of Traffic Impacts**

#### ***Study Area***

The study area for the subject site has been a source of considerable discussion for the subject site since the application was submitted. At the subdivision review committee meeting on June 6, 2004, the applicant was given a scope by staff that included the MD 223/Old Branch Avenue/Brandywine Road intersection. In response, the applicant provided an indication that data was available that would demonstrate that the above intersection would not be critical to the site. At that point, staff agreed to review the submitted traffic study, which does not include the MD 223/Old Branch Avenue/Brandywine Road intersection, subject to review of the underlying data.

The underlying data that formed the basis of the submitted traffic study was provided as an

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attachment to the October 19, 2004 memorandum. Review of the data prompted the following findings:

1. A sample of 107 homebuyers in the area, a nicely sized sample of homebuyers for new construction in the area, was reviewed by the transportation staff.
2. It was agreed that the data had credibility, and it was agreed that work trips to most destinations were accurately assigned in developing a trip distribution.
3. Nonetheless, staff believed that work trips destined for DC would represent a major departure from the applicant's contention. Although staff did not disagree that MD 210 would be the nearest and most direct travel route into the DC core, it was also determined, based upon an aggregate transit mode split for person-trips entering the DC core, that approximately 40 percent of persons entering the DC core would do so by means of transit, not automobile. While there are transit facilities along MD 210, the MD 5 corridor contains over 75 percent of the available transit capacity as a result of having metro rail service. This was deemed to be a major deficiency in the methodology used to estimate a trip distribution for this site.
4. In the estimation of staff, given the above findings, it was determined that the MD 223/Old Branch Avenue/Brandywine Road intersection would serve 23 percent of site traffic.

The applicant was given the opportunity to provide additional data, and this was done during the two weeks preceding and following the continuance of this case. The new data was provided to staff late on Thursday, October 28, 2004, and is provided as an attachment. The additional data is briefly discussed below:

1. The applicant contacted the Metropolitan Washington Council of Governments (COG) and obtained a mode share for trips between Prince George's County and DC of 33.2 percent. This statistic is based upon a home interview survey conducted by COG in 2004.
2. The applicant also conducted a telephone survey of homeowners in the same group of communities previously cited (while staff has the original survey, for the sake of privacy the names of individuals have been covered in the attachment). In this survey, the applicant was able to make contact with 31 homeowners who worked in DC, and 5 of these homeowners, or 16 percent, indicated that they used transit for their trip to work.

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3. Independently, staff examined details of the same counts that were earlier used to estimate the 40 percent transit figure, but still found the information to be too unspecific to respond to the applicant's contention. The most relevant recent data found was contained in COG's Transportation Demand Management Resource Guide and Strategic Marketing Plan. That resource included a 1999 regional survey done by the Washington Metropolitan Area Transit Authority (WMATA) of "usage and attitude assessment." This survey identified a group of users termed "Affluent Suburban Metrorail Market." This group was identified as residing mainly in Montgomery and Fairfax Counties, and heavily oriented toward the DC core as a workplace. It was stated that Metrorail accounted for 28% of commute trips in this group. Although a percentage was not given, the group was not likely to use the bus for commuting.
4. The applicant states that they believe 20 percent of DC-oriented trips from the site would use transit. Given the information presented by the applicant along with sources used by staff to confirm this information, it is believed that the number is closer to 25 percent, suggesting that 18-19 percent of site traffic would use the MD 223/Old Branch Avenue/Brandywine Road intersection. In any regard, additional and more specific information now causes staff to believe that the subject site would send less than 20 percent and less than 150 peak hour trips through the MD 223/Old Branch Avenue/Brandywine Road intersection. According to the Planning Board's *Guidelines*, this intersection is not critical for this site, and the study area need not be extended to it.
5. This determination is specific to the subject property due to its unique location and access onto roadways, which serve the area.

### ***Traffic Analysis Results***

The traffic study for this site examined the site impact at five intersections:

MD 223/Tippett Road (unsignalized)  
MD 223/Steed Road  
Thrift Road/Tippett Road (unsignalized)  
Brandywine Road/Surratts Road  
Brandywine Road/Thrift Road

The existing conditions at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>
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Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Tippett Road	22.7*	19.6*	--	--
MD 223 and Steed Road	1,329	1,215	D	C
Thrift Road and Tippett Road	8.9*	9.3*	--	--
Brandywine Road and Thrift Road	1,100	988	B	A
Brandywine Road and Surratts Road	1,462	1,319	E	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The area of background development extensive development in the vicinity of the subject property. Background conditions also assume through traffic growth of 1.5 percent annually along MD 223. There are no programmed improvements in the area contained in the County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP) that are fully funded for construction. The applicant has assumed that improvements in the vicinity of Surratts Road and Brandywine Road will be constructed through the funding of approved developments in that area within the time period of the traffic study. Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Tippett Road	34.4*	25.2*	--	--
MD 223 and Steed Road	1,404	1,285	D	C
Thrift Road and Tippett Road	9.4*	10.2*	--	--
Brandywine Road and Thrift Road	1,363	1,012	D	B
Brandywine Road and Surratts Road	1,175	1,051	C	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters				

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are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development as a residential development. The traffic study is based upon 195 residences. The current proposal is for 158 single family detached residences. The site trip generation is 119 AM peak hour trips (24 in, 95 out) and 142 PM peak hour trips (94 in, 48 out). With the trip distribution shown in the traffic study, the following results are obtained under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 223 and Tippett Road	57.7*	28.5*	-- --
MD 223 and Steed Road	1,425	1,401	D D
Thrift Road and Tippett Road	10.7*	12.7*	-- --
Brandywine Road and Thrift Road	1,391	1,027	D B
Brandywine Road and Surratts Road	1,186	1,061	C B
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>			

Given these analyses, several intersections within the study area would operate unacceptably in one or both peak hours. Each of these intersections is discussed in a separate section below.

***MD 223/Tippett Road***

The applicant proposes the possible signalization at this intersection. The analysis indicates that this intersection operates unacceptably as an unsignalized intersection. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. This intersection operates with a single lane on each approach, with Tippett Road coming into the intersection to create a "T" intersection. Much of the delay results from left-turning and right-turning traffic on Tippett Road queuing at the intersection.

***Brandywine Road/Thrift Road and Brandywine Road/Surratts Road***

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It is noted that these intersections operate acceptably under total traffic, largely as a result of funded CIP improvement, which are partially funded through the financial contributions of developers in the area. It is also noted that less than 10 percent of site-generated traffic would use these two intersections. As such, while they were included in the traffic study they are not critical intersections as defined in the *Guidelines*. Neither serves 20 percent of site traffic or 150 peak hour trips. Therefore, there does not appear to be a justification for the subject site to participate in funding the CIP improvements in the area of these intersections.

#### ***MD 223/Steed Road***

It is noted that this intersection operates acceptably under total traffic. DPW&T has commented that, for safety reasons and for the effective operation of the signalized intersection, there is a need for an exclusive right-turn lane along the Steed Road approach to MD 223. It appears that right-of-way exists to accomplish this improvement, and the applicant has verbally agreed to make the improvement.

#### ***Comments – Operating Agencies***

Both DPW&T and SHA have provided comments on the traffic study, and the comments are attached. SHA provided comments that expressed general agreement with the recommendations, provided that the southbound MD 223 approach at Tippet Road would be improved to provide an exclusive left-turn lane and an exclusive through lane.

DPW&T had concerns about safety at the Thrift Road/Tippet Road intersection, and indicated that the applicant should provide the following improvements at that location:

1. A two-lane approach along westbound Thrift Road at Tippet Road.
2. An exclusive left-turn lane along northbound Thrift Road at Tippet Road.
3. An exclusive right-turn along southbound Tippet Road at Thrift Road.

It appears that right-of-way exists to accomplish this improvement, and the applicant has verbally agreed to make the improvement.

#### **Plan Comments**

Thrift Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline.

~~\*[The *Subregion V Master Plan* shows an arterial facility, designated as A-65, crossing the subject property from southeast to northwest. The subject plan to date has not recognized this right of way or proffered any action to preserve the potential right of way.]~~

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~~\*[Procedurally, staff sent referrals for the purpose of determining the feasibility of reservation for portions of the subject site. In order to place any property or portion of a property in reservation, the Planning Board must have an affirmative report from a public agency that could potentially acquire the property, along with a map showing the boundaries and area of the proposed reservation and an estimate of the time required to complete the acquisition.]~~

~~\*[The reservation comments from DPW&T and SHA are attached. While both agencies spoke supportively of potential reservation, neither agency provided specific comments concerning the area of the reservation or the time required to complete the acquisition. Therefore the planning staff cannot recommend that the Planning Board place portions of the subject property in reservation.]~~

~~\*[Nonetheless, the Planning Board may determine that there is a nexus between the development of this site and the A-65 facility, and may require the applicant to demonstrate preservation or dedication of the needed right of way. Otherwise, the A-65 alignment, if determined to be needed at a future date, must be moved onto adjacent properties.]~~

~~\*[Approximately 5 lots on the current plan are shown with access only via Thrift Road, which is a collector roadway. While ordinances do not prohibit driveway access onto collectors, Thrift Road is a rural collector, and traffic currently using Thrift Road travels at a higher speed. Therefore, this plan should be approved with a requirement that driveways to all lots along Thrift Road be directed onto internal streets or designed with a turnaround capability.]~~

~~\*[Based on the preceding findings adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County.]~~

\*The Transportation Planning Section has reviewed the request for reconsideration for the above-mentioned case. By letter dated October 11, 2006, the applicant requested a reconsideration of the layout of the above-mentioned plan for the purpose of accommodating a master plan roadway. The Planning Board agreed to consider the merits of the request. This memorandum only provides key facts and background information related to the merits of the reconsideration, which is primarily concerned with site layout issues.

\*Thrift Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline. This analysis reaffirms existing Condition 27, requiring dedication along Thrift Road.

\*The *Subregion V Master Plan* shows an arterial facility, designated as A-65, crossing the subject property from southeast to northwest. The right-of-way is of adequate size. The alignment, while not fully consistent with the master plan, has been carefully studied with regard to

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topography and environmental features, and it presents a better alternative than the published master plan. It is consistent with the right-of-way for A-65 shown on Specific Design Plan SDP-0516 for Phase IV of Bevard East, the property immediately north and west of the subject site. It is also consistent with the right-of-way for A-65 shown on Detailed Site Plan DSP-05036 for the Villages of Savannah (a.k.a. Saddle Creek), the property immediately south and east of the subject site. It is recommended that the Planning Board resolution be amended to include a condition requiring dedication of the A-65 right-of-way as shown on the plan submitted for reconsideration.

\*All internal streets serving lots within the subdivision are adequately sized and acceptable in alignment.

\*As with the previously approved plan, approximately 5 lots on the current plan are shown with sole frontage and access only via Thrift Road, which is a collector roadway. 12 other lots have frontage on Thrift Road, but also have frontage on internal subdivision streets. These 12 lots should have access to Thrift Road denied. While ordinances do not prohibit driveway access onto collectors, Thrift Road is a rural collector, and traffic currently using Thrift Road travels at a higher speed. The previous plan was approved with Condition 31, requiring that driveways to all lots along Thrift Road be directed onto internal streets or designed with a turnaround capability, and this analysis reaffirms the need for that condition.

\*It is noted that the original preliminary plan approval allowed 158 residences, and the current layout proposes 156 residences. The original adequacy finding and the related conditions are still valid with this minor reduction in development. Staff analysis reaffirms the adequacy finding made by the Planning Board in the original hearing, and further reaffirms Conditions 26, 28, 29, and 30.

\*Several lots in both the R-E and R-A sections of this development will have frontage along the right-of-way for A-65. All of these lots will also have frontage on internal subdivision streets that are intended as the means for vehicular access. No lot in this subdivision should have direct access to A-65. A note should be placed on the final plat of subdivision that restricts such access.

\*Transportation Staff Conclusions

\*Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the subject plan as required under Section 24-124 of the Prince George's County Code. It is recommended that all existing transportation-related conditions be retained (Conditions 26 through 31), and that one additional condition be added to reflect the dedication of A-65.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this

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subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	158 sfd	158 sfd	158 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	37.92	9.48	18.96
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	301.92	83.94	167.88
Total Enrollment	4616.32	4868.64	8998.91
State Rated Capacity	4214	5114	7752
Percent Capacity	109.55%	95.20%	116.09%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- Fire and Rescue**— The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

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- a. The existing fire engine service Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is beyond the 5.25-minutes travel time guideline.
- b. The existing ambulance service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is beyond the 6.25-minutes travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 7.25 minutes, which is within the 7.25-minutes travel time guideline for Block B Lots 1-22; Block C Lots 1-14, 35-44; Block D Lots 18-21, 43-63. All other Lots are beyond.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the proposed Brandywine Fire Station and acquisition of an ambulance. The fee shall be paid at the time of issuance of building permits. The fair share fee is \$480 per lot with the exception of the following lots: Lots 1-22, Block B; Lots 1-14 and 35-44, Block C; Lots 18-21 and 43-63, Block D, these lots shall pay a fee of \$440. per lot. The lot numbers identified in this condition reflect the preliminary plan submitted on October 25, 2004.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**— The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the County had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**— The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including discarded roofing shingles and empty tar buckets must be

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removed and properly discarded.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but not yet approved. The applicant has proposed low-impact development techniques with no stormwater management facilities and DER has indicated that the approval is forthcoming. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan and the approved plan submitted. Stormwater management facilities cannot be added at a later date.

Staff was concerned that this approval was not secured prior to the writing of the staff report. At the June 4, 2004 Subdivision Review committee meeting staff requested that the applicant submit the approval letter and approved plan 30 days prior to the Planning Board hearing. With the significant site constraints and lotting pattern proposed careful site planning and evaluation should be benefited by the approved stormwater management plan and associated information.

14. **Lot Size Averaging**— The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the R-E zoned portion of the property (168.33 acres), north of Thrift Road.

Approximately 168.33 acres of the 333.62 acres of this subdivision are in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- a. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet) or 183 lots.
- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet) or 51 lots, the remaining lots must be created with a minimum lot size of 30,000 square feet.

\*The application is proposing 101 R-E zoned lots. 64 of the lots (63%) will meet or exceed 40,000 square feet. 37 lots (37%) will be no less than 30,000 square feet.

\*Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

~~\*[For the 168.33 acres located in the R-E Zone, 183 lots would be allowed based on gross tract area. The applicant proposes 101 lots; of the proposed lots 51 or 50 percent meet or exceed 40,000 square feet. The remaining 50 lots range in lot size between 30,000 and 40,000 square~~

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feet in size. Therefore, the proposed subdivision meets the minimum technical zoning ordinance standards for lot size averaging.]

~~\*[However, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:]~~

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

**Comment:** ~~\*[The use of lot size averaging in this case does not protect or enhance the existing natural features of the property. In fact the use of lot size averaging has increased the density by allowing “clustering” of the lots on the top of the steep and seer slopes. This has resulted in an excessive amount of grading.~~

~~\*[The applicant’s contention that the use of lot size averaging increases the protection of the environmental features is based on an assumption that the Subdivision Regulations does not already require such protections. In fact in this case the use of lot size averaging only increases density. The Subdivision Regulations requires the preservation and protection of environmental features of a site.]~~

~~\*[Therefore, the applicant’s contention that the use of lot size averaging increases preservation is incorrect. The use of lot size averaging in this case only provides for an increase in the density of the site and does not provide a better environment that could be achieved by the exclusive use of standard lots. With a conventional development and less density there is less potential for the excessive grading proposed under this plan.]~~

Staff believes that the use of lot size averaging to be appropriate in this case. Several natural features are protected by the proposed lotting pattern. With the exception of one road crossing, the wooded, steeply sloped stream channels that run through the central and western portion of the site will be protected.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

~~\*[The applicant proposed conventional lots along the perimeter of the site and therefore provides adequate transitions between lot sizes and locations of lots and adjacent residential parcels.]~~

\*With the exception of one lot along Thrift Road, all of the lots below 40,000 square feet are located along open space land or tucked into the northwestern portion of the property.

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The surrounding development proposed in this area is part of the Bevard East project which contains open space or lots well below the 30,000 square feet minimum in the Wolfe Property. Lot 2, Block A backs up to Thrift Road. This lot is shown with an area of 36,768 square feet, a lot width of 155 feet and is next to a lot (Lot 3) that is 46,520 square feet in size. Given the configuration of these two lots, staff is confident that Lot 2 will appear as though it were 40,000 square feet in size.

**C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

The plan provides for an adequate transition between the proposed natural features of the site and any natural features of ~~\*[adjacent parcels~~ ] \*the adjacent Bevard East Project.

~~\*[The applicant's proposal to utilize lot size averaging (LSA) for the development of this property is denied because the use of lot size averaging does not result in a better environment than that which could be achieved with the exclusive use of conventional lots. Prior to signature approval of the preliminary plan it should be revised to reflect only conventional R-E zoned lots. This revision may result in a loss of lots. Further adjustments to the lotting pattern may occur with the review of the Limited Detailed Site Plan required in Condition 3.]~~

15. **Historic Preservation**—North and east of the subject property is Wyoming, Historic Site 81B-4. Wyoming is a large, three-part frame plantation house, built in sections circa 1760, 1800 and 1850. The gambrel-roof main block was built circa 1760 for the Marbury family. The early nineteenth-century kitchen building, with heavy timber framing and brick nogging, was connected circa 1850 to the main block by a two-story addition, forming a picturesque example of telescoping. Members of the Marbury family that lived at Wyoming for over two centuries are buried in the small family cemetery on the grounds. The present Environmental Setting of the Wyoming Historic Site is 50 acres.

Part of the eastern boundary of the subject (developing) property adjoins the western boundary of the Environmental Setting of Wyoming, Historic Site 81B-4. General Note #6 on the preliminary plan incorrectly indicates “no known Historic Site within or adjacent to proposed preliminary plan.” The *Prince George's County Landscape Manual* requires that a 50-foot bufferyard on the developing property wherever it adjoins a Historic Site. The bufferyard is indicated on the preliminary plan.

The present Wyoming Historic Site was part of a large plantation owned by the Marbury family. During the early nineteenth century, the Wyoming plantation comprised well over 700 acres, including much of the surrounding acreage, and at least part of the subject property.

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The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Because the subject property was part of the Wyoming plantation, it should be investigated before development to be sure that any evidence of slave quarters or burials, or of Native American occupation, is documented and possibly preserved.

~~\*[Prior to the approval of the preliminary plan of subdivision, the applicant shall complete the documentary background research on the property, and prepare a design plan for Phase I archaeological investigation of the property. The applicant's findings shall be submitted to the staff of M-NCPPC for review and approval. Upon completion of the Phase I work, staff of M-NCPPC as to whether further investigation is needed shall make a determination.]~~

~~\*[If it is determined that archeological resources exist in the project area, the applicant shall provide a plan for avoiding and preserving the resource in place, such as adjustments of the lotting to avoid disturbance of significant features; or provide a plan for mitigating the adverse effect upon these resources by conducting Phase II and Phase III investigations as needed prior to final plat approval.~~

~~\*[All investigations shall be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and shall be presented in a report following the same guidelines.]~~

\*A Phase I archeological survey was conducted on this 333-acre property in December 2004. Three historic archeological sites were identified, 18PR739, 18PR740, and 18PR741. The archeological contractor recommended that these sites were not eligible for inclusion on the National Register of Historic Places and that no further archeological work was necessary. A draft report was reviewed and staff concurred that no further archeological work was required on the Wolfe Farm property. A final report, *Phase I Archeological Survey of the Wolfe Farm Property, Prince George's County, Maryland, County Plan No. 4-04099* was submitted in July 2005 and was accepted by staff by a letter dated August 18, 2005. Therefore, no further archeological work is required at the County level for this property.

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

- \*16. **Existing Approved Conditions**—A number of the previously approved conditions related to the signature approval of both the preliminary plan and the woodland conservation plan. Because those plans received signature approval prior to the reconsideration request, most of those

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conditions are no longer applicable or have a new requirement associated with the new plan.

Some of the existing 31 conditions are standard conditions for a development of this size and type. Since the original approval, refinements some of these conditions have been implemented to provide clarity or an appropriate trigger.

Because concerns over the extent of grading and house siting existed at the time of the original approval, a limited detailed site plan (LDSP) was conditioned. As part of this reconsideration, staff had appropriate time to review more detailed plans. Staff is now of the opinion that the LDSP is no longer warranted for grading and house siting and should be adjusted to only control the implementation of the recreational facilities provided on the two HOA parcels.

At the time of the original approval, the Phase I archeological study had not been completed so a condition was established. The Phase I archeological report was conducted in December of 2004 and a final report was submitted in July of 2005. Staff concurs with the recommendation that no further archeological work should be required. The existing condition requiring the study should be deleted.

- \*17. **Lotting Pattern Changes Conditions**— The subject property is located on the north and south sides of Thrift Road, between Broken Lane Court and Tippet Road. The Piscataway Stream Valley is located on the property along the southern property boundary. Existing M-NCPPC property abuts the southeast and southwest property lines. All of the properties abutting the southern half of the site are zoned R-A, saving the parkland that is zoned R-O-S. With the exception of the Ward Subdivision to the north, the entirety of the R-E portion of this property is surrounded by the Bevard East development that was approved for 827 various types of residential lots in the R-L Zone.

\*The originally approved plan contained 101 lots in the R-E Zone and 57 lots in the R-A Zone for a total of 158 lots. That approved plan also contained four parcels (totaling 73.62 acres) to be conveyed to a Homeowners Associations (HOA) and one parcel (totaling 24.79 acres) to be conveyed to M-NCPPC. The Park parcel was adjacent to existing parkland in the stream valley. The written approval is embodied in resolution PGCPB No. 04-268 and is subject to 31 conditions. Most of these conditions require modification or deletion because of this reconsideration.

\*The originally approved plan utilized varying lot size (VLS) standards in the R-A Zone and conventional lotting standards in the R-E Zone. The current proposal is to continue the use of VLS in the R-A portion and to propose the use of Lot Size Averaging (LSA) in the R-E portion. With the approval of CB-6-2006, the District Council established that both VLS and LSA might only be utilized by preliminary plans "...accepted prior to July 1, 2006." The subject application was accepted on May 18, 2004; therefore both of these development techniques are permitted.

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\*The R-A zoned portion of the property is located on the south side of Thrift Road and is approximately 165.29 acres. The lotting pattern has been adjusted because of the A-65 right-of-way and the applicant is now proposing 55 lots (two less than the 57 lots originally approved) utilizing the varying lot size (VLS) standards provided for in the Zoning Ordinance. Varying Lot Size is permitted by right and without additional findings being made by the Planning Board at the time of subdivision. Of the 55 lots now proposed, 33 (66%) meet or exceed two acres in size; 21 range in size from 50,000 square feet to less than two acres; and one lot will be 49,708 square feet. Development of the R-A zoned portion of the property, as now proposed on the preliminary plan of subdivision, conforms to the standards of development for VLS in the R-A Zone.

\*The R-E zoned portion of the property is located on the north side of Thrift Road and is approximately 168.33 acres. With the addition of the A-65 right-of-way, the applicant is now proposing to develop this portion of the property utilizing Lot Size Averaging. While the applicant is still proposing 101 lots, 64 (63%) meet or exceed 40,000 square feet and 37 (37%) will meet or exceed 30,000 square feet. Staff supports the use of Lot Size Averaging on this site.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, February 8, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of May 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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