

R E S O L U T I O N

WHEREAS, MetroScape, Inc. & Art is the owner of a 60.24-acre parcel of land known as Parcel 12, Tax Map 83 in Grid C-2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 19, 2005, Washington Management & Dev. Co. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 85 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05083 for Grasslyn Cluster 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 May 11, 2006, 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 May 11, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

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/11/00-01), and further APPROVED Preliminary Plan of Subdivision 4-05083, Grasslyn Cluster for Lots 1-85 and Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Revise the cluster data table to reflect:
    - i. The correct acreage (1.4 acres) for one-quarter of slopes exceeding 25 percent.
  - b. Delete Lots 1 and 2, unless satisfactory findings can be made for their retention at the time of DSP.
  - c. Note the need for a 30-foot-wide landscaped buffer along the rear of Lot 53 where it adjoins the Wigton property.
  - d. Relocate the six-foot-high sight-tight fence to the perimeter of the site.
2. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.

3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (CSD 11293-2004) and any subsequent revisions thereto.
4. Review of the detailed site plan (DSP) shall include but not be limited to:
  - a. Reduce grading in the vicinity of the northwest perimeter of Area B, specifically at the ends of Courts C and D.
  - b. Reduce the length of culs-de-sac C and D to the extent possible.
  - c. Selection and placement of materials in the 20-foot-wide landscaped buffer along the rears of Lots 13-15 and the required 30-foot-wide buffer along the rear of Lot 53.
5. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. A raze permit is required prior to removal of any of the structures on site.
6. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 14.88± acres of cluster open space land (Parcels B-D). Land to be conveyed 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 detailed site 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 stormdrain 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. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to

a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- 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. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC (Parcel A) 17.41± acres of land. Land to be conveyed shall be subject the following:
- a. At the time of final plat, 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, M-NCPPC, along with the final plat.
  - b. 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 M-NCPPC shall be indicated on all development plans and permits that 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, 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, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and 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. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to conveyance.

- g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
8. Prior to the issuance 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.
  9. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
  10. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
  11. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three original recreational facilities agreements (RFAs) 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 Park Planning and Development Division, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
  12. 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 park property.
  13. Prior to or in conjunction with the approval of the final plat for the subject property, the applicant shall dedicate the needed right-of-way for the construction of a primary residential public street (Road A, 60-foot-wide right-of-way) from Brown Road to the southern property line of Parcel 12 (subject site). This roadway shall serve as access for the subject property.
  14. **Ritchie Marlboro Road at Westphalia Road:** Prior to the approval of the detailed site plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a signal at the intersection of Ritchie Marlboro Road and Westphalia Road. The applicant shall utilize a new 12-hour count and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. 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. This condition shall be waived upon a positive determination in writing by DPW&T that adequate recent studies regarding signal warrants have been done by the applicant or any other party.

15. **Ritchie Marlboro Road and Brown 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 through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. The widening of the westbound approach to provide exclusive right-turn and left-turn lanes.
  - b. An acceleration lane along northbound Ritchie Marlboro Road.
  - c. A southbound left-turn lane along Ritchie Marlboro Road.
  - d. Prior to the approval of the detailed site plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a signal at the intersection of Ritchie Marlboro Road and Brown Road. The applicant shall utilize a new 12-hour count and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. 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. This condition shall be waived upon a positive determination in writing by DPW&T that adequate recent studies regarding signal warrants have been done by the applicant or any other party.
16. **Brown Station Road at Brown Road:** Prior to the approval of the detailed site plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a signal at the intersection of Brown Station Road and Brown Road. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. 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. This condition shall be waived upon a positive determination in writing by DPW&T that adequate recent studies regarding signal warrants have been done by the applicant or any other party.
17. The applicant shall provide standard sidewalks along both sides of all internal roads unless modified by DPW&T.

18. Subject to the approval of the Commission, the Planning Board shall authorize the Executive Director to dispose of 1.2± acres of park property.
19. The applicant shall prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation (DPR) for its review at least four weeks prior to submission of the final plat of subdivision. A title report shall accompany the deed for the land to be conveyed to M-NCPPC. Following approval by DPR, the deed for the property to be conveyed to M-NCPPC shall be submitted to the Subdivision Section along with the final plat of subdivision. Upon receipt of a signed deed for the property to be conveyed to M-NCPPC, DPR staff will take necessary actions to convey the 1.2 acres of parkland to the applicant. The applicant shall record the deeds in land records of Prince George's County.
20. The applicant shall construct the following recreational facilities
  - a. Soccer Field
  - b. Eight-foot-wide master planned Chesapeake Beach Railroad trail along the east property line from the north to the south property boundary. It shall include a pedestrian bridge to the Chesapeake Beach Railroad Trail in the adjacent Winshire Community in accordance with staff Exhibit "A."
  - c. Eight-foot-wide trail connector from planned Chesapeake Beach Railroad trail to the proposed recreational facilities in the park.
  - d. Multi-age playground
  - e. 60-space parking lot
  - f. Grading of existing parkland for the future ball fields
  - g. Eight-foot-wide asphalt trail along the entry road connecting south and north portions of the park.
  - h. Landscaping along the entry road between road pavement and trail.
21. The recreation facilities on the park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
22. 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 and approved by DPR prior to construction.
23. The applicant shall complete the construction of the recreation facilities on dedicated parkland prior to issuance of the 42nd building permit.

24. Building permits shall not be approved for lots adjoining the master planned Chesapeake Beach Railroad trail (Lots 55-67 and 83-85) until the trail adjacent to such lot is under construction. Installation of base material will be considered evidence of construction.
25. Concurrent with submission of the detailed site plan, the applicant shall submit detailed construction drawings for park facilities to DPR for review. The construction drawings shall be approved by the Planning Board at the time of DSP approval
26. Tree preservation as required for on-site tree conservation shall be allowed on dedicated parkland, with the exception of the areas of the park to be developed (play field, playground, parking lot and trails). At the time of the DSP review, DPR staff will refine the tree conservation areas based on final park construction plans.
27. The location of the trails shall be staked in the field and approved by DPR prior to construction.
28. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
  - a. Revise the TCPI worksheet to provide 0.48 of woodland conservation using fee-in-lieu.
  - b. Submit written authorization from the Department of Parks and Recreation for any woodland conservation provided on land to be dedicated
  - c. Add the following note: "Reforestation and afforestation areas shall be delineated on-site through the use of two-rail split-rail fences or some other permanent device that is aesthetically compatible with the development. Fence locations and details shall be specified on the Type II TCP."
  - d. Eliminate the use of a "proposed tree line" and only use a limit of disturbance.
  - e. Revise the worksheet as needed.
  - f. Have the plans signed and dated by the qualified professional who prepared the plans.
29. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/11/00-01). The following note shall be placed on the final plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/11/00-01), 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."

30. Prior to approval of the TCPII for this site, the TCPII shall include the proposed access road and address all proposed clearing on an acre for acre basis.
31. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River primary management area except for areas of approved disturbance and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
32. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
33. A detailed site plan shall be approved by the Planning Board for the development of this property prior to approval of a final plat.
34. Prior to signature approval of the preliminary plan, a revised NRI shall be submitted by the applicant and be signed by the qualified professional who prepared it.
35. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have 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.

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 Tax Map 83, Grid C-2, and is known as Parcel 12. The property is approximately 60.24 acres and is zoned R-R. The property is currently improved with accessory structures and an abandoned single-family dwelling. All of the existing structures are to be razed. The sole access to the property is via an existing easement along the west property line. That access serves several other properties and is not sufficient to accommodate the development of the property as proposed. The site has no other access opportunity and does not have frontage on a dedicated public street.
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-R	R-R
Use(s)	Vacant/residential	Single-family dwellings
Acreage	60.24	60.24
Lots	0	85
Parcels	1	4
Dwelling Units:		
Detached	1 (to be razed)	85
Public Safety Mitigation Fee		No

4. **Cluster Regulations Section 24-137**—Purposes of cluster development are to permit a procedure that will result in improved living environments, promote more economic subdivision layout, encourage a variety of designs of dwellings, encourage ingenuity and originality in total subdivision layout and individual site and building design, encourage compatibility with surrounding properties, and preserve open space to serve recreational, scenic, and public service purposes within the densities established for the cluster net tract area. To achieve these purposes:

- (1) Modifications in net lot areas, lot coverage, frontages, and yards are permitted;
- (2) Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use; and
- (3) Procedures are established to assure protection of existing and potential developments adjoining cluster developments.

Modification of yard, frontage, lot coverage, and net lot area requirements may be permitted by the Planning Board in accordance with the pertinent provisions of the Zoning Ordinance for lots within the interior of the cluster subdivision and cannot be modified for lots at entrances to cluster developments unless a combination of cluster open space and lot areas will result in development that appears to have occurred without approval of modified development regulations. The proposed preliminary plan conforms to these requirements as demonstrated in Finding 3 of this report. In addition, the applicant has proposed lot widths that are more consistent with the lot widths required for conventional R-R zoning.

In each zone allowing cluster development, the net lot area may be reduced from the general net lot area for that zone to a specified minimum net lot area for cluster development, subject to the restrictions. All such reductions will be compensated for by an equivalent amount of land in cluster open space to be preserved and maintained for its scenic value, for recreational or conservation purposes, or for schools, community buildings, or related uses. Improvements shall be limited to serving such purposes. Up to one-third of such net lot area reductions may be located either in a 100-year floodplain, or on land dedicated for a community building or school site, or for a stormwater management facility that provides scenic or recreational amenities for the

community. Cluster open space does not include areas devoted to streets. The proposed preliminary plan is consistent with these requirements as demonstrated in Finding 3 of this report.

The Subdivision Regulations require that through creative design and variety the subdivision will provide for a total environment that is better than that which would normally be achieved under standard regulations. The following are considerations when reviewing the preliminary plan:

- (1) Individual lots, buildings, streets, and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code and in order to minimize alteration of the historic resource or natural site features to be preserved.

**Comment:** The proposed development generally meets these considerations. Staff is recommending a reduction in the disturbance to the severe slopes on site as discussed further in Findings 4 and 5 of this report.

- (2) Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography, and location, and is suitable for the particular purpose it is to serve on the site.

**Comment:** The recreational and cluster open space elements are centrally located for their purposes and are appropriate in size and configuration. Much of the cluster open space is provided for conservation and buffering purposes. A large area with Marlboro Clay beneath it has been preserved, with the developable area of the site being lotted out. This is an appropriate use of cluster open space.

- (3) Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).

**Comment:** The applicant has proposed the conveyance of the 100-year floodplain and primary management areas of the site to M-NCPPC and the HOA. A limited amount of these features is located on individual lots and will be protected with a conservation easement. The applicant has proposed to disturb less than 25 percent of the naturally occurring severe slopes on site and has requested a variation from Section 24-137(g)(9) to address the disturbance of manmade severe slopes.

- (4) Cluster open space intended for a recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.

**Comment:** The cluster open space is either centrally located to the site or along the perimeter and is easily accessible by pedestrians. The applicant will be constructing trail connections from the site to the master plan trail facility located along the eastern property line on land to be dedicated to M-NCPPC. Staff is recommending that sidewalks

be provided along both sides of the internal public streets. Development of this property is subject to the Americans with Disabilities Act, and conformance will be evaluated at the time of review of the DSP.

- (5) Cluster open space intended for scenic value will achieve this purpose through the retention of those irreplaceable natural features described in Consideration 3 above; or where natural features do not exist, such techniques as berms planted with trees and the use of landscaping materials may be required to eliminate visual monotony of the landscape.

**Comment:** The applicant has proposed conservation and conveyance of significant natural features of the property to the HOA and M-NCPPC. Additional on-site woodland conservation will assist in the retention of the scenic value of the open space. Review of the landscape and buffering on site will be reviewed at the time of DSP.

- (6) Diversity and originality in lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.

**Comment:** The applicant has provided a curvilinear street design that will promote the best possible relationship between the development and the land. The review of the individual building design, orientation, and location will occur with the review of the DSP.

- (7) Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.

**Comment:** Staff believes that the layout as proposed relates harmoniously with the surrounding properties and will be further improved with the review of the DSP, when house siting, landscaping, buffering, and architecture are evaluated. Surrounding properties are in the R-A, R-R and R-S zones and have been substantially buffered with wide forested buffers along the perimeter. Where lot lines abut surrounding properties, a sight-tight fence and substantial landscaping is proposed. Thus, pleasant views will be retained, and a harmonious relationship maintained.

- (8) Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic and afford privacy to the residents of the site.

**Comment:** The dwelling unit orientations, lot orientation, and on-site circulation relate internally to the subdivision. The layout is also focused on the proposed public park on Parcel A as well as the stormwater management facility on Parcel B. These orientations afford privacy and avoid adverse effects of noise and traffic.

- (9) Not more than one-fourth of any land having slopes greater than 25 percent will be removed or altered, and then only when such slopes are isolated, small, or otherwise

occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.

**Comment:** Finding 4 of this report discusses the applicant's request for a variation to allow the disturbance of more than one-fourth of the 25 percent slopes on the property. Staff conditionally supports this request.

- (10) Appropriate landscaped screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development and to provide an attractive appearance from the streets. Individual lots will also be appropriately landscaped in such a manner as to provide an attractive appearance. With the preliminary plan, adequate lot sizes and open space areas have been proposed to provide for appropriate landscaping and buffering of abutting properties.

**Comment:** Landscape elements, buffering and entrance feature treatments will be evaluated at the time of review of the DSP. The applicant is showing a sight-tight fence along the rear property lines of the lots. Staff recommends that this fence be located along the perimeter of the site, since having a fence along the lot lines would disconnect the cluster open space from the lots, thus defeating the purpose of the cluster development technique. Four lots directly adjoin agriculturally assessed and actively used properties. Lots 13-15 back to the Cator property, the adjoining section of which is planted in field crops. The plan notes the required 20-foot landscaped buffer (Single-family Residence against a Low Impact Use [General Agriculture]). Lot 53 backs to part of the Wigton property that is used for pasturing horses. This will require a 30-foot-wide landscaped strip to be provided (Single-family Residence against a Medium Impact Use [Keeping of Horses or Ponies]). The plan should be revised to note this required buffer.

- (11) All dwellings and other buildings will be served by public water and sewerage.

**Comment:** The site is within water and sewer service 3, as indicated in Finding 5 of this report.

The preliminary plan has gone through several revisions to improve recreational areas, buffering, and pedestrian circulation. Staff believes that the plan, if approved with conditions, conforms to the purposes of the cluster regulations as stated above and demonstrated in the findings below. The layout of the subdivision is unique and promotes the conservation of open space areas for recreational needs and buffering of abutting properties. The applicant has proposed a variety of lot sizes and lot widths and a design that promotes a more economic layout by clustering the needed infrastructure and generally creates a better environment than that which could be achieved through the exclusive use of a conventional design.

Through review of the required DSP, further modification and improvements can be required, as determined appropriate by the Planning Board. Staff supports the applicant's proposal to utilize the optional design technique of cluster subdivision.

5. **Cluster Development Data**

		<b>Zone R-R</b>
Gross Tract Area	60.24	
Area with Slopes Greater than 25%		5.60
Area within Preliminary 100-year Floodplain		3.14
Cluster Net Tract Area		51.50
Minimum Lot Size Permitted		10,000
Minimum Lot Size Proposed		10,028 to 19,666
Number of Lots Permitted		103
Number of Lots Proposed		85
Flag Lots Proposed		0
Cluster Open Space Required		13.96
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities		9.21
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities		23.28
Cluster Open Space Provided		28.38
Mandatory Dedication Required		3.01
Mandatory Dedication Proposed		17.41
Total Open Space Required (Cluster plus Mandatory Dedication)		16.97
Total Open Space Provided		28.38
Open Space to be Conveyed to Homeowners Association		
10.97		
Open Space to be Conveyed to M-NCPPC		17.41*
Open Space to be Conveyed to Prince George's County		0
Slopes Exceeding 25% in grade		5.6
One-Quarter of Slopes Exceeding 25%		1.4
Area of Steep Slopes to be Disturbed		3.06**

\*The Department of Parks and Recreation recommends 13.5 acres (see Finding 7).

\*\*Variation required to Section 24-137(g)(9), see Finding 3

<b>Modification in Dimensional Standards Permitted in Cluster R-R Zone Proposed</b>		<b>Standard in Zone</b>	<b>Modification Allowed</b>	
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	80'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-Sac	60'	50'	50'

**6. Variation Requests—**

**Section 24-137(g)(9):** The Subdivision Regulations require that in a cluster subdivision, no more than one-quarter of the total area of slopes of 25 percent or greater can be disturbed, without the Planning Board granting a variation. One of the stated purposes of the cluster regulations is to preserve irreplaceable natural features including steep slopes. In this case, the total area of slopes of 25 percent or greater is 5.60 acres. Therefore, the applicant cannot disturb more than 1.42 acres (one-quarter) of the 25 percent slopes. Of these 5.6 acres, approximately 2.3 acres were constructed during former activities on the site. The remaining 3.3 acres are natural. The proposed design shows disturbance to 96.4 percent of the constructed slopes and 36,400 square feet or 24.7 percent of the natural slopes.

The slope analysis exhibit submitted by the applicant demonstrates that these areas of manmade slopes (Area B) are located within the interior of the site and are not associated generally with other naturally occurring areas of slopes. To determine the accuracy of the applicant's slope exhibit, staff visited the site. Staff found that the southeast areas of 25 percent slopes within Area B were generally unstable, and when combined with severe slopes (25 percent), generally unsafe as well as not being of significant scenic value to the development of this property.

However, portions of the manmade slopes in the northwest quadrant of Area B are contiguous to areas of naturally occurring slopes and could be supplemental to the naturally occurring slope. While staff generally agrees with the applicant's analysis, portions of these slopes are wooded and could be of scenic value. Staff recommends that with the review of the detailed site plan (DSP), grading should be reduced in the vicinity of the northwest perimeter of Area B, specifically at the ends of Courts C and D. The DSP should reduce the length of those culs-de-sac to the extent possible.

The applicant is proposing to disturb 24.7 percent of the naturally occurring severe slopes; and 96.4 percent of the manmade slopes, for a total of 53.7 percent of the overall 25 percent slopes. The cluster subdivision regulation does not distinguish between naturally occurring and manmade slopes, therefore, to meet the requirement of Section 24-137(g)(9) the approval of a variation is required.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**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:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in a public safety issue if the variation is not granted to allow the removal of unstable steep slopes on this property. In addition, the areas of manmade slopes are centrally located within the site and practical difficulties to the applicant could result without the approval of the variation because a significant portion of this property would not be developable.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

**Comment:** The granting of the variation will not be detrimentally affect surrounding properties, and is internal to the subdivision. The grading out of these slopes will benefit the public safety by removing unstable slopes.

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

**Comment:** This site is unusual in that the majority of the severe slopes are not associated with the expanded stream buffer or the PMA as is typical. The majority of the severe slopes is isolated from these protected features and are situated on the site such that avoidance would create small, disconnected pockets of development. As a result there are few alternatives to the development of the interior portion of the site where the majority of the severe slopes are located. The site is unique because of the location of the 25 percent slopes, and as such, the approval of the variation would not generally apply to other properties.

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

**Comment:** There are other applicable laws, ordinances or regulations that specifically protect severe slopes. However, the scope of those laws is limited to the protection of severe slopes associated with expanded stream buffers or the Patuxent River primary management area (PMA). Because the slopes to be disturbed are not part of an expanded stream buffer or part of the PMA, there is no other specific protection afforded these severe slopes beyond that associated with the cluster provision of the Subdivision Ordinance. In addition, other regulations regarding grading

and sediment and erosion control will result in the needed protections to off-site properties and on-site sensitive features. No other permits, variances or variations are required for the aspect of the development.

- (4) Because of the particular 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 strict letter of these regulations is carried out;**

**Comment:** The topographic conditions of the site are quite unusual and do not allow for the design of an orderly subdivision. If the strict letter of these regulations were carried out it would be extremely difficult to design a subdivision that addresses all issues of public health, safety and welfare. The severe slopes would remain and be a burden on future property owners. The development pods would be isolated and a cohesive neighborhood would not be created.

Staff supports the variation request to Section 24-137(g)(9) of the Subdivision Ordinance that would allow the grading of a total of 3.06 acres, or 53.7 percent of the 5.60 acres of 25 percent slopes located on this property. Staff recommends that the applicant reduce the amount of grading of 25 percent manmade slopes at the time of review of the DSP. At time of review of the detailed site plan, additional opportunities to reduce the amount of severe slopes disturbed should be explored and required.

**Section 24-130(b)(7):** The TCPI shows impacts to two small isolated wetlands. A variation request for these impacts has been submitted. The request refers to proposed impacts to the two isolated wetlands for the construction of a road and grading for residential lot. Impacts to isolated wetlands are prohibited unless the Planning Board approves a variation request.

All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential 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 for essential development features require variations to the Subdivision Regulations.

Impact area 'A' is associated with the construction of road A and grading for lots 16 and 17. Impact area 'B' is also associated with the construction of road A and grading for lots 4 and 5. Although staff does not generally support impacts for grading for lots, it would be very difficult to avoid these impacts and have a design that results in a reasonable use of the subject property. In addition, the wetlands are small, isolated and do not contribute significantly to the regulated areas.

Impacts to these buffers are restricted 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. Even if approved by the Planning Board, the applicant will need to obtain federal and

state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**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:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties causing the applicant to be unable to develop this property.

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

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 property is unique in terms of access (lack of road frontage) and topography (manmade and natural slopes) compared to other surrounding properties. These factors exacerbate the existing environmental constraints. The majority of the developable land along Courts A and B cannot be served by a public street without impact to the wetlands and wetland buffers. Thus, the requested variation is not generally applicable to other properties.

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

Road construction is 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 extensive areas of wetlands that create a proportionately high area of wetland buffers. The denial of these impacts would result in the loss of 20 lots along Courts A and B. Because of these factors, and in view of the fact that these isolated wetlands are of a small (1,288 square feet) and unrelated nature, a particular hardship would result from their denial. Therefore, staff supports A and B for the reasons stated above.

7. **Environmental**—A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found to occur within the limits of this application. There are no transportation-related noise generators located in the vicinity of this property. The soils found to occur, according to the Prince George's County Soil Survey, include Bibb silt loam, Collington fine sandy loam, Croom gravelly sandy loam, Mixed alluvial land and Shrewsbury fine sandy loam. The soils in the Bibb, Croom, Mixed alluvial land and Shrewsbury soils series have limitations with respect to slow permeability, impeded drainage, seasonally high water tables, slopes or stability. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *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. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Western Branch and Southwest Branch watersheds of the Patuxent River basin. The property is located in the Developing Tier as reflected in the 2002 General Plan.

### **Natural Resources Inventory**

A revised natural resources inventory plan, NRI/104/05-01 has been submitted; however it has not been signed. The NRI correctly shows all of the required information. The revised NRI, signed by the qualified professional who prepared it, should be submitted prior to signature approval of the preliminary plan.

### **Forest Interior Dwelling Species (FIDS) Habitat**

The existing woodland on-site is part of a large contiguous forest that contains FIDS habitat, an area of sensitive wildlife habitat. The approved Countywide Green Infrastructure Plan identifies regulated areas, evaluation areas, and gap areas on this property that are within the network.

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS

buffer is considered moderate to high priority for woodland conservation, while the FIDS habitat is considered high priority for woodland conservation. Within the 300-foot buffer, clearing should be minimized and fragmentation of the existing forest should be avoided. The FIDS habitat should be retained and preserved to the greatest extent possible.

The plans submitted show contiguous areas of woodland conservation that are around the edges of the development. This is an appropriate method for preserving FIDS habitat to the fullest extent possible. The plan is in conformance with the Green Infrastructure Plan because the regulated areas were preserved, except for necessary impacts and the evaluation areas were preserved to the fullest extent possible.

### **Impacts to PMA**

Streams, wetlands, 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found on this property. These features along with their respective buffers comprise the Patuxent River primary management area (PMA). The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible.

The Type I tree conservation plan shows impacts to the PMA for the construction of road crossings, a stormwater management outfall, a sewer outfall, and residential lots. It must be noted that PMA impacts associated with infrastructure such as road crossings, sewer outfalls and stormwater management outfalls are generally supported when those impacts have been placed in such a way as to first avoid the impacts and then minimize it. However, impacts to the PMA that are necessary solely for the purpose of creating additional lots are generally not supported, unless the impacts are to isolated wetlands that are small and do not contribute significantly to the overall regulated areas network.

The TCPI shows impacts to two small isolated wetlands. A variation request for these impacts has been submitted. A variation request for the grading of slopes was also submitted. Both of these variations are discussed in Finding 4 of this report.

A letter of justification, date stamped as received by the Environmental Planning Section on April 25, 2006, was reviewed and was found to adequately address the proposed impacts. Below is a summary of the proposed PMA impacts.

Impact Number	Justification and Recommendation
Area C	This 0.12-acre impact is necessary for the construction of a stormdrain outfall. This impact is located on Parcel B and has been minimized to the fullest extent possible for the safe conveyance of water to the stream. Staff supports this impact.
Area D	This 0.57-acre impact is necessary for the construction of a road to provide access to the proposed subdivision. Although an access exists on the west side of the site, the current owner was unwilling to allow this road to be used for entrance to the subject property. The road has been designed with a trail adjacent to the right-of way. This impact is located between Parcels A and B on the south side of the site. The impact associated with this road crossing, as shown on the exhibit, has been minimized to the fullest extent possible. Staff supports this impact.
Area E	This 0.5-acre impact is necessary for the construction of a culvert under the proposed access road described in Area D. This impact is located Parcels A and B and has been minimized to the fullest extent possible for the safe conveyance of water to the stream. Staff supports this impact.
Area F	This 0.29-acre impact is necessary to connect to an existing sewer line located in the stream valley at the southeast corner of the site. A trail has also been designed within this area and the impacts have been minimized to the fullest extent possible. Staff supports this impact.

**Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

A Type II Tree Conservation Plan, TCPII/188/92, was previously approved for the portion of this application on which the access road is located. No woodland conservation areas are found within the limits of the proposed access road. Because woodlands will be disturbed for the construction of the proposed access road, the TCPII for this site shall include the proposed access road and address all proposed clearing on an acre for acre basis because this clearing is off-site. It appears that this has been shown correctly on the worksheet.

The site contains a total of 48.63 acres of existing woodland, of which 3.14 acres is in the floodplain. The woodland conservation threshold (WCT) for this 60.24-acre site in the R-R Zone is 11.42 acres, or 20 percent of the net tract. The TCPII proposes to clear 27.15 acres of woodland on the net tract, 0.06 acre of woodland in the floodplain, and 1.76 acres off-site. The woodland conservation requirement has been correctly calculated as 20.03 acres. The plan proposes to meet the requirement by providing 18.34 acres of on-site preservation, and 1.21 acres of reforestation/afforestation, and 0.48 acre of off-site mitigation. The TCPII should be revised to remove the off-site mitigation proposal and provide 0.48 acre of fee-in-lieu because it is less than an acre in size.

The submitted plan shows woodland preservation on land to be dedicated to the Department of

Parks and Recreation. Woodland conservation may not be proposed on any land to be dedicated to the Department of Parks and Recreation unless written permission has been obtained. To date, permission has not been provided.

Afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation should be completed prior to the issuance of building permits for the sites; afforestation areas should be protected by permanent tree protection devices, such as two-rail split fences or equivalent; and all afforestation should be placed in conservation easements at time of final plat.

### **Soils**

The soils found on this property include Bibb silt loam, Collington fine sandy loam, Croom gravelly sandy loam, Mixed Alluvial land and Shrewsbury fine sandy loam. Some of these soils have limitations with respect to impeded drainage, erodibility, or seasonally high water tables. Although these limitations may affect the construction phase of this development there are no limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

### **Marlboro Clay**

The Environmental Planning Section has identified Marlboro clay on the property with an approximate top elevation of 145 feet above sea level. Marlboro clay creates a condition of potentially unsafe land that must address Section 24-131 of the Subdivision Regulations. Additionally, because of the presence of Marlboro clay, special measures may be required to control stormwater runoff. These issues directly impact the lot layout and placement of proposed streets.

The geotechnical report submitted with this application indicates that Marlboro clay was found at elevations between 135 and 155 feet above sea level but suggest that the clay is found primarily between the elevations of 145 and 155 feet above sea level. The report indicates that the clay found at lower elevations is likely due to slope failures and erosion. Slope areas with a safety factor of less than 1.5 are considered to be unsafe land. No lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line and a 25-foot building restriction line shall be established along the 1.5 safety factor line.

A subsurface soil investigation and slope stability analysis was also submitted with this application. The study investigated four areas with the potential of critical slope failure with respect to the Marlboro Clay. According to the study, "the limits of search were selected to include intermediate and large deep failure potentials and calculate the corresponding factors of safety. The report concludes that computed factor of safety for the selected sample areas were between 2.86 and 3.69. The proposed grading will involve up to 30 feet of grading and 7 feet of fill for the proposed development, which will remove the steep slopes located on the site. An evaluation of the slope stability with respect to proposed grading, dated February 2, 2006, was

submitted for review. The evaluation concludes that removal of these slopes will only increase the factor of safety for the proposed development based on the proposed grading. Staff concurs with these findings. The Department of Environmental Resources may require a soils investigation with respect to the foundation of the proposed lots.

### **Water and Sewer Categories**

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

8. **Community Planning**—The property is located within the limits of the 1994 Melwood Westphalia Master Plan, Planning Area 78 in the Robshire community. The master plan recommended land use is rural residential, at approximately two dwelling units per acre. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed preliminary cluster subdivision plan is consistent with both the recommendations of the master plan and the General Plan.
9. **Parks and Recreation**—The preliminary plan application has been reviewed for conformance with the requirements of the adopted and approved master plan for Melwood-Westphalia, Planning Area 78, the Land Preservation and Recreation Program for Prince George's County, and current subdivision regulations as they pertain to public parks and recreation. Section 24-134 of the Prince George's County Subdivision Regulations requires the mandatory dedication of three acres of parkland suitable for active and passive recreation for this subdivision.

The proposed subdivision is adjacent to the undeveloped Turkey Branch Neighborhood Park, which is located to the south. The public recreational facilities agreement recorded for the Winshire subdivision, abutting to the east and southeast, provided for the construction of the master planned Chesapeake Beach Railroad trail throughout the Winshire development up to the northern property line with the subject subdivision.

The Melwood-Westphalia Master Plan for Planning Area 78 proposes a 50-acre community park in the vicinity of subject property. Staff evaluated the subject property for possible reservation; however, this 60-acre property includes 100-year floodplain, steep slopes, and Marlboro clay soils and is not suitable for development of the master plan community park, which requires an extensive flat area for ball fields.

The subject property is land-locked and does not have frontage on a dedicated public street. In order to obtain access the applicant proposed an agreement with DPR that would require the applicant to:

- a. Convey 13.5 acres to M-NCPPC for a neighborhood park.

- b. Construct the following recreational facilities on the existing Turkey Branch Neighborhood Park and proposed Parcel A, to be dedicated to M-NCPPC:
  - i. Soccer Field
  - ii. Eight-foot-wide master planned Chesapeake Beach Railroad trail along the east property line from the north to the south property boundary. It shall include a pedestrian bridge to the Winshire trail system. See attached Exhibit "A."
  - iii. Eight-foot-wide trail connector from planned Chesapeake Beach Railroad trail to the proposed recreational facilities in the park.
  - iv. Multi-age playground
  - v. 60-space parking lot
  - vi. Grading of existing parkland for the future ball fields
  - vii. Eight-foot-wide asphalt trail along the entry road connecting south and north portions of the park.
  - viii. Landscaping along the entry road between road pavement and trail

In return, the Department of Parks and Recreation (M-NCPPC) have agreed to:

- a. The conveyance of 1.2 acres from M-NCPPC to the applicant for the access road construction, along the western boundary of the undeveloped Turkey Branch Neighborhood Park, abutting to the south.

In order to convey 1.2 acres of the public park to the applicant for future access, the Planning Board must authorize, with the approval of this preliminary plan, the Executive Director to request the full Commission (Prince George's and Montgomery Counties) to dispose of the 1.2 acres of park property. If approved by the full Commission, the applicant can then dedicate and construct a 60-foot-wide right-of-way from Brown Road to the subject property to obtain access. The development of this property is contingent on the applicant dedicating and constructing entrance Road A from Brown Road to the site.

Staff would note that the Prince Georges County property located to the west of the Turkey Branch Neighborhood Park, west of Road A, was sold and is no longer available for parkland expansion as hoped by DPR staff. Further, the CIP does not include funds for the purchase of the land for a community park at the subject location. Alternative locations will be investigated to meet future needs for parkland in the area.

The applicant should prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation for their

review at least four weeks prior to submission of the final plat of subdivision. A title report should accompany the deed for the land to be conveyed to M-NCPPC. Following approval by DPR, the deed for the property to be conveyed to M-NCPPC should be submitted to the Subdivision Section along with the final plat of subdivision. Upon receipt of a recorded deed, DPR staff will take necessary actions to convey the 1.2 acres of parkland to the applicant. The applicant should record the deeds in land records of Prince George's County.

10. **Trails**—There are two master plan trails issues identified in the adopted and approved Melwood-Westphalia master plan. The Chesapeake Beach Rail-Trail runs through the subject site. This master plan trail has been implemented or approved for construction in several subdivisions in the vicinity of the subject site, including the adjacent Winshire Estates and the nearby Foxchase and Kings Grant subdivisions. The trail has been constructed in Fox Chase and Kings Grant. It is approved for construction (SDP-9008/03) in the adjacent Winshire Estates development and is reflected on that approved SDP. The trail is reflected on the submitted preliminary plan and should be constructed in conformance with DPR guidelines and standards. The timing for construction should be determined at the time of review of the DSP.

Staff also recommends two connector trails from the proposed subdivision to the master plan trail. It is recommended that these connections be from the end of Court E and the southern end of Road B. This will provide trail access from both the northern and southern ends of the subject site.

The master plan also recommends a trail/bikeway along Ritchie-Marlboro Road. However, due to the limited frontage of the subject site (approximately 20 feet according to the GIS property layer), no recommendations are made regarding this planned facility.

### **Sidewalk Connectivity**

Staff recommends the provision of standard sidewalks along both sides of all internal roads, unless modified by DPW&T. This is consistent with the existing road cross-sections used for the nearby Kings Grant and Foxchase subdivisions.

11. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated January 2006. 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*.

### **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.

**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**

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

- Ritchie Marlboro Road/White House Road (signalized)
- Brown Station Road/White House Road (signalized)
- Ritchie Marlboro Road/Brown Road (unsignalized)
- Ritchie Marlboro Road/Westphalia Road (unsignalized)
- Brown Road/Brown Station Road (unsignalized)
- Brown Road/site access (future/unsignalized)

The existing conditions for the peak period at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Ritchie Marlboro Road and White House Road	1,096	587	B	A
Brown Station Road and White House Road	770	898	A	A
Ritchie Marlboro Road and Brown Road	31.6*	14.0*	--	--
Ritchie Marlboro Road and Westphalia Road	27.0*	16.7*	--	--
Brown Road and Brown Station Road	27.8*	16.8*	--	--
Brown Road and site access	future			
*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The area of background development includes eight properties in the vicinity of the subject property. Also, background conditions also assume through traffic growth of 2.0 percent annually in the area. There are no programmed improvements in the county's Capital Improvement Program (CIP) or the

state's Consolidation Transportation Program (CTP). Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
	Ritchie Marlboro Road and White House Road	1,395	901	D
Brown Station Road and White House Road	1,092	1,146	B	B
Ritchie Marlboro Road and Brown Road	422*	69.5*	--	--
Ritchie Marlboro Road and Westphalia Road	753*	512*	--	--
Brown Road and Brown Station Road	88.3*	22.7*	--	--
Brown Road and site access	Future			

\*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 85 single-family detached residences. The site trip generation would be 64 AM peak-hour trips (13 in, 51 out) and 77 PM peak-hour trips (51 in, 26 out). With the trip distribution and assignment as assumed 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 (AM & PM)	
	Ritchie Marlboro Road and White House Road	1,412	910	D
Brown Station Road and White House Road	1,094	1,154	B	C
Ritchie Marlboro Road and Brown Road	497*	81.8*	--	--
Ritchie Marlboro Road and Westphalia Road	812*	539*	--	--
Brown Road and Brown Station Road	127*	24.6*	--	--
Brown Road and site access	11.3*	10.0*	--	--

\*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 guidelines, an average

vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Given these analyses, the development of the subject property would raise issues at the unsignalized intersections of Ritchie Marlboro Road/Brown Road and Ritchie Marlboro Road/Westphalia Road. In response, the applicant proposes the following at each intersection:

*Ritchie Marlboro Road/Brown Road:* The applicant proposes that signalization be studied. 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. With a signal in place, it is estimated that the intersection would operate at LOS C in the AM peak hour with a CLV of 1,161; in the PM peak hour, it would operate at LOS A with a CLV of 894.

Additionally, DPW&T has requested, as a matter of policy, that the Planning Board approach widenings at the time that signalization is also considered. This is especially important at locations where traffic from a site will have significant impacts. This request was made by the attached letter dated December 6, 2005. Due to the heavy turning volumes generated by the subject development at Ritchie Marlboro Road and Brown Road, it is recommended that the subject property construct the following:

1. The widening of the westbound approach to provide exclusive right-turn and left-turn lanes.
2. An acceleration lane along northbound Ritchie Marlboro Road.
3. A southbound left-turn lane along Ritchie Marlboro Road.

It is noted that these improvements would serve 60 to 70 percent of site-generated traffic, and as a means of improving general safety should be made conditions for the subject property.

*Ritchie Marlboro Road/Westphalia Road:* The applicant proposes that signalization be studied. 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. With a signal in place, it is estimated that the intersection would operate at LOS C in the AM peak hour with a CLV of 1,257; in the PM peak hour, it would operate at LOS A with a CLV of 930.

*Brown Station Road/Brown Road:* The applicant proposes that signalization be studied. 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. With a signal in place, it is estimated that the intersection would operate at LOS A in the AM peak hour with a CLV of 879; in the PM peak hour, it would operate at LOS A with a CLV of 833.

**Plan Comments**

The subject property is not within or adjacent to any master plan transportation facilities.

Although the layout on the preliminary plan is acceptable, it should be noted that the property does not have frontage on a public street. The plan proposes the construction of a primary residential street for access between the property and Brown Road. While this is acceptable, that primary roadway is necessary for the development of the subject property; therefore, its dedication to public use must be made a condition of approval in order for the required findings to be made.

**Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with the conditions consistent with these findings.

- 12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	85 sfd	85 sfd	85 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	20.40	5.10	10.20
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	33.84	8.58	18.24

Total Enrollment	4,195.24	7,343.68	11,090.44
State-Rated Capacity	4,140	6,569	8,920
Percent Capacity	101.33%	111.79%	124.33%

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-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 an 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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 public policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

13. **Fire and Rescue**—The preliminary plan was accepted for processing by the Planning Department on 12/19/05 and is subject to the requirements in place at that time. The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Ritchie, Company 37, using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the then current staff complement of the Fire Department was above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 12/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

14. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on 12/19/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	10.00	24.00
Cycle 1			
Cycle 2			

Cycle 3			
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The Police Chief reported that the then current staff complement of the Police Department was 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on 11/05/05. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

15. **Health Department**—The Health Department notes that the septic tank and shallow well associated with the abandoned dwelling must both be properly abandoned and that a raze permit is required prior to removal of any of the structures on the site. The Health Department also indicated that they found a grave marking on proposed Lot 10 that consists of a wooden cross with a child’s picture on it. The applicant should be aware of this for the future development of this property.
16. **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 (CSD 11293-2004, dated January 24, 2005) has been approved. Development must be in accordance with that approved plan or any approved revision thereto to ensure that disturbance of this site does not result in on-site or downstream flooding.
17. **Historic**—Phase I archeological investigations were recommended because this property is close to and may be part of the antebellum McGregor, Bowie, and Talbot holdings. Furthermore, archeological site 18PR605 (the late 19<sup>th</sup> to early-20<sup>th</sup> century Chesapeake Beach Railway) is located close to the eastern portion of the project area. The subject property location also held the potential for the presence of prehistoric archeological resources.

A Phase I archeological survey was completed for the subject property, and the final report was submitted on January 19, 2005. The report is entitled “Phase I Archeological Survey of the Grasslyn Property, Prince George’s County, Maryland, Preliminary Plan 4-04053.” The report was reviewed by staff and no further archeological work is required on the subject property. Section 106 review may require archeological survey for state or federal agencies, however.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns,

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Clark, Squire and Parker voting in favor of the motion, and with Commissioner Eley opposing the motion, at its regular meeting held on Thursday, May 11, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of June 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:bjs