

R E S O L U T I O N

WHEREAS, a 503.53-acre parcel of land known as Tax Map 76 in Grid E-3 (Parcels 22, 23 and 30), said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-L; and

WHEREAS, on August 23, 2006, Mercantile Bank Real Estate Services filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 554 lots and 24 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06075 for Locust Hill 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 January 25, 2007, 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 January 25, 2007, 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/24/06-01), and further APPROVED Preliminary Plan of Subdivision 4-06075, Locust Hill, for Lots 1-554 and Parcels A-X with the following conditions:

1. In conformance with the Adopted and Approved Bowie and Vicinity Master Plan and approved Basic Plan A-9975, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the master plan trail along the subject site's portion of Collington Branch. Park dedication and the alignment of the trail shall be coordinated with the Department of Parks and Recreation.
 - b. Construct a Class I master plan trail (or side path) along the subject site's entire frontage of Oak Grove Road.
 - c. Construct a Class I master plan trail (or side path) along the subject site's entire frontage of Church Road.

- d. Construct the master plan trail along the subject site's portion of Black Branch. This trail shall either be within land dedicated to DPR or within a public use easement on HOA land.
 - e. A detailed analysis of the master plan trails, internal trail network, sidewalk network, and neighborhood connector trails shall be completed at the time of specific design plan. Trail locations may be affected by the location of environmentally sensitive features and other constrains. Connector trails to the master plan trails, to other park and recreation facilities, and between neighborhoods shall be provided.
2. With the submission of each building permit, the applicant, his heirs, successors or assigns shall pay to Prince George's County a fee calculated as $\$1,550/\text{DU} \times (\text{FHWA Construction Cost Index at time of payment})/(\text{FHWA Construction Cost Index for 2nd quarter, 1989})$ as its share of costs for improvements to US 301 between MD 725 and MD 214.
 3. In lieu of the payment of fees required in Condition 2 above, and subject to approval by the Department of Public Works & Transportation (DPW&T) and the State Highway Administration (SHA), the applicant, his heirs, successors or assigns may be required to construct a third northbound through lane on US 301 from a point just north of Leeland Road to a point just north of Trade Zone Avenue. Additionally, the improvement may include a third eastbound left turn lane along Leeland Road at its intersection with US 301. The total cost of these improvements, or other variation determined by SHA shall not exceed an amount calculated as $\$2,170,000.00 \times (\text{FHWA Construction Cost Index at time of payment})/(\text{FHWA Construction Cost Index for 2nd quarter, 1989})$.
 4. Prior to the issuance of any building permit, the applicant shall dedicate all rights-of-way for MC-600 (Leeland Road) as identified by the Planning Department.
 5. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors or assigns:
 - a. **Leeland Road**

Construct Leeland Road-Oak Grove Road to provide a minimum of 2 lanes of the ultimate 4-lane master plan alignment between US 301 and MD 193, in accordance with DPW&T standards.
 - b. **MD 193/Oak Grove Road Intersection (roundabout)**

The applicant shall provide an exclusive right turn lane at the westbound approach.

- c. **MD 202/MD 193 Intersection**
 - 1) Provide a left turn, a shared left/through lane, and a right turn lane on the southbound MD 193 approach
 - 2) Provide a second left turn on the eastbound MD 202 (towards Upper Marlboro) approach
 - 3) Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from eastbound MD 202
6. Prior to the issuance of any building permit, the applicant shall conduct signal warrant studies at the following intersections, and install said signal if deemed to be warranted, or provide an alternate improvement as deemed necessary by DPW&T;
 - a. Leeland Road/Safeway Access
 - b. Leeland Road/ Site Access B
 - c. Leeland Road/ Site Access A
 - d. Oak Grove Road/Whistling Duck Drive.
7. Prior to signature approval of the preliminary plan, the following note shall be placed on the preliminary plan: "All community lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
8. Prior to signature approval of the TCPI, the TCPI shall be revised to eliminate the 0.50 acres of clearing from the column for floodplain clearing, and add it to the column for PMA and off-site impacts.
9. Prior to signature approval of the preliminary plan, and prior to acceptance of the specific design plan, a copy of the revised and approved stormwater management concept plan shall be submitted. The plan shall include the use of sheet flow buffers, vegetated channels, and rooftop and non-rooftop disconnection to the fullest extent possible in addition to other stormwater management techniques. The approved concept shall be reflected on the SDP and TCPII.
10. Prior to signature approval of the preliminary plan and the TCPI, both plans shall be revised to add the following note: "Development of this site is subject to a habitat protection and management program, conceptually approved concurrently with the preliminary plan of subdivision. Submittal of a detailed habitat protection and management program for the site is required with the submittal of the first specific design plan for this site, and is also subject to the approval of the Planning Board. The detailed habitat protection and management program shall be based on the conceptual plan, but is not necessarily limited to elements outlined in the

conceptual plan.”

11. Prior to signature approval of the preliminary plan, the TCPI shall be revised to conceptually show the proposed limits of disturbance for the proposed church/school property as identified on the north portion of Parcel J (Sheet 3 of the TCPI). All impacts shall be limited to those only necessary for development. The worksheet shall be adjusted as necessary to accommodate this development.
12. Prior to the issuance of the building permits for lots adjacent to planting areas, all afforestation and associated fencing shall be installed. A certification prepared by a qualified professional shall 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.
13. Prior to the issuance of any permits which 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.
14. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the Patuxent River Primary Management Area, and all adjacent preservation and reforestation/afforestation areas, excluding those areas where requests for impacts have been approved, and the final plat shall be reviewed by the Environmental Planning Section prior to 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.”
15. The final plat shall contain the following note:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/24/06-01), 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 and Tree Preservation Ordinance. 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.”

16. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the M-NCPPC 44.32± acres of land (Parcels A, E, X and W). Land to be conveyed shall be subject the following:
- a. At the time of final plat the applicant 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 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 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 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 and an

easement agreement may be required prior to the issuance of grading permits.

17. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 151.56± acres of open space land. 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 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. 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.
18. The applicant shall provide sufficient and uninterrupted access to Parcels 2 and 6, either along the existing ingress/egress easement or through some other means mutually agreeable to all parties. This shall be resolved at the time of the SDP affecting this area.
19. Prior to the 301st building permit, the portions of all existing roads that cross through the active park shall be formally abandoned and any interest in this abandoned right-of-way shall be conveyed to M-NCPPC.

20. Prior to either the 414th Building Permit or 75 percent of the total building permits, whichever comes first, the applicant shall provide two junior soccer fields, one playground, one picnic shelter and 60 parking spaces on the area to be used as an active park.
21. Prior to the final plat of subdivision, the applicant shall relocate the existing easement on land to be dedicated to M-NCPPC to minimize the impact on active parkland as shown on DPR's Exhibit A. If the applicant is unsuccessful in relocating this easement, then the applicant shall provide additional dedicated parkland to the M-NCPPC to replace the land rendered unusable due to the location of the existing driveway. The size, location and orientation of this dedication will be determined prior to the final plat of subdivision.
22. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* and the accessibility guidelines in the latest edition of the *Americans with Disabilities Act for the Outdoor Development Areas*.
23. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.
24. Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
25. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.
26. Prior to certification of the preliminary plan, the stormwater management facility shall be moved and redesigned to minimize the impact to parkland. The applicant shall revise the plan to show the stormwater management pond on a parcel to be conveyed to the HOA or DPW&T. The size, configuration and location of the pond shall be revised and approved by DPR. The exhibit shall show adequate landscaping and fencing to serve as a buffer to the active park.

27. With the submission of the specific design plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail corridor shall be treated as follows:
- a. When trails are constructed through wooded areas, all trees shall be removed that are within two feet of the edge of the trail. Within 20 feet of the trail, 1) All trees shall be cleared to 12 feet in height; and 2) Other vegetation obstructing the view from the trail shall be removed (shrubs, fallen trees).
 - b. When possible, the trail shall be aligned to preserve trees 12 inch or greater caliper.
 - c. Shallow rooted species, i.e. Maples, should be a minimum of 10 feet from the edge of pavement.
 - d. The location of the trail shall be staked in the field and approved by DPR prior to construction.
28. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$731,280.00, (\$1,320 x 554 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
29. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors or assigns:

Church Road / Oak Grove Road relocated (roundabout)

The construction of a roundabout subject to DPW&T approval.

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 sides of Oak Grove Road and east of Church Road, east and west of the Popes Creek Branch Railroad tracks. It is undeveloped and predominately

wooded. The 82-acre portion of Locust Hill north of Oak Grove Road is surrounded by undeveloped land that is part of the 890-acre R-L Zoned Oak Creek development.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-L	R-L
Use(s)	Vacant	Single-Family & Townhouses
Acreage	503.53	503.53
Lots	0	554
Outlots	0	0
Parcels	3	24
Dwelling Units:		
Single-Family		438
Multifamily	0	0
Townhouses	0	116
Public Safety Mitigation Fee		Yes

4. **Prior Approvals**—The Comprehensive Design Plan for the project was approved by the Planning Board on December 7, 2006 by the Planning Board and PGCPB Resolution 06-274 was adopted by the Planning Board on January 4, 2007, formalizing that approval. The relevant conditions of that approval are listed below in bold face type, followed by staff’s comments:

- 6. All private recreational facilities to be provided for the proposed development shall be constructed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.**

Comment: This condition should be carried forward in the preliminary plan approval as follows: Prior to approval of each specific design plan for the project, it shall be ensured that any private recreational facilities to be provided for the proposed development are constructed in accordance with the standards outlines in the Parks and Recreation Facilities Guidelines.

- 36. The applicant shall construct an eight-foot wide master plan hiker/biker trail along Collington Branch Stream Valley and six-foot wide feeder trails to the development pods. The applicant shall connect the section of the master planned trail in Locust Hill to the trails in the Beech Tree and Woodside Village developments. The applicant shall construct any needed structure to provide a dry passage.**

Comment: Plans should be sent to the trails planner for review and comment and the above condition should be brought forward as a recommended condition of approval of the preliminary plan requiring proper attention to the details of the trail’s construction at the time of specific design plan approval.

- 37. The applicant shall construct an eight-foot wide hiker/biker trail (extension from Oak Creek) along Black Branch Stream Valley and six-foot wide feeder trails to the development pods. The applicant shall connect the master plan trail to the Oak Creek trail system. The applicant shall construct any needed structures to provide a dry passage.**

Comment: Plans should be sent to the trails planner for review and comment and the above condition should be brought forward as a recommended condition of approval of the preliminary plan requiring proper attention to the details of the trail's construction at the time of specific design plan approval.

- 39. 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.**

Comment: This condition should be brought forward in the approval of the preliminary plan of subdivision as follows: "At time of specific design plan, it should be assured at all trails are constructed to assure dry passage. If wet areas are to be traversed, suitable structures shall be constructed and their design shall be reviewed and approved by DPR."

- 41. The applicant shall allocate appropriate and developable areas for the private recreational facilities on Home Owners Association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of the DRD for adequacy and property siting. The private recreational package shall be approved by Planning Board at the time of SDP.**

Comment: The four recreational nodes indicated on the preliminary plan of subdivision, combined with the recreational facilities to be offered in the adjacent Willowbrook subdivision, should be sufficient to serve the needs of the projected population of the subdivision. A recommended condition of the preliminary plan of subdivision should reiterate that the Urban Design Review Section of the DRD shall review the private recreational facilities for adequacy and property siting at time of specific design plan approval and that the private recreational package shall be approved by the Planning Board.

5. **Environmental**—A review of the available information indicates that extensive areas of streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. These features are within the Collington Branch watershed of Western Branch, a major watershed in the Patuxent River Basin. These features and their associated buffers are required to be protected to the fullest extent possible by Section 24-130(b)(5) of the Subdivision Regulations. According to the "Prince George's County Soil Survey" the soils found to occur on this site are in the Adelpia, Bibb, Collington, Ochlockonee, Monmouth, Mixed Alluvial, Sandy Land, Shrewsbury, and Westphalia soil series. According to available information, Marlboro clay occurs on this site. One significant source of noise is from the CSX Railroad tracks, which bisect the eastern portion of the site on the south side of Oak Grove Road.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are known to occur on this property. Oak Grove Road is a designated historic road. The site contains regulated areas, evaluation areas, and network gaps within the green infrastructure network of the Countywide Green Infrastructure Plan. The north section of the site is located within the Bowie & Vicinity Planning Area. The south section of the site is located in the Subregion VI Planning Area. The site is also in the Developing Tier as reflected in the 2002 General Plan.

BASIC PLAN, A-9975, PGCPB. No. 06-61

The following are the conditions of approval of the Basic Plan, A-9975. The text in **bold** reflects the actual text from the conditions. The text in plain type discusses how the condition has been addressed with the current application

- “6. A staff signed natural resources inventory (NRI) shall be submitted with the CDP. All subsequent plan submittals shall clearly show the PMA as shown on the signed NRI.**

Comment: The site has a signed Natural Resources Inventory (NRI/47/06-01) that was submitted with this application.

The FSD describes five forest stands totaling 413.60 acres. Stands A, B, C, and E are all immature hardwoods, while Stand D is a successional hardwood forest. Some of the dominant tree species found to occur on this site include sweetgum, red maple, yellow poplar, green ash, river birch, hickory, American beech, southern red oak, white oak, tree of heaven, black cherry, and black locust. Forest stands A and B are considered high priority for retention because they abut sensitive environmental features such as streams and wetlands. Stand C is part of the on-site Forest Interior Dwelling Species (FIDS) habitat and is a high priority for preservation. According to the FSD text, Stand D contains a significant amount of invasive plant species in the herbaceous layer and is not associated with FIDS habitat or sensitive environmental features, and Stand E contains a limited area of FIDS habitat but is not adjacent to any regulated features; however, a review of the NRI shows that both of these stands are associated with regulated features in several areas. Based upon this review, both stands D and E have a moderate to high priority for retention in areas adjacent to regulated features.

All environmental features of the property, which include stream buffers, wetlands, and floodplain, are correctly delineated on the NRI. The PMA has been correctly shown on the NRI. The revised TCPI and preliminary plan are consistent with the NRI.

- 7. A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to acceptance of the CDP and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**

Comment: This condition has been addressed. Because the locations of the rare, threatened and endangered fish species are now known, a protocol or survey for fish species is not required. A completed survey of RTE plant species was submitted as part of the CDP application. The protocol described in the survey was found to address the above condition. Discussion regarding RTE species is detailed in the Environmental Review section.

- 8. The woodland conservation threshold (WCT) shall be 25 percent. The WCT requirements shall be met on-site. The Type I tree conservation plan required with the CDP application shall focus on the creation of contiguous woodland. Priority areas for tree preservation shall be concentrated in areas within the framework of the approved Green Infrastructure Master Plan. No woodland conservation shall be provided on any residential lot.**

Comment: This condition has been addressed. The TCPI submitted with this application correctly shows the woodland conservation threshold as 25 percent. The areas of woodland conservation are within the framework of the Countywide Green Infrastructure Plan and no woodland conservation is proposed on any residential lots.

- 9. Woodland cleared within the PMA's Preservation Area shall be mitigated on-site at a ratio of 1:1 for all impacts associated with development of the subject parcels. Woodland cleared within the PMA for the construction of the master planned roadway shall be mitigated in conformance with the standards of the Woodland Conservation Ordinance. This note shall also be placed on all tree conservation plans.**

Comment: This condition has been addressed. The TCPI includes a plan identifying all areas proposed for clearing, including areas of clearing on the net tract, within the PMA, off-site, and areas within the PMA for the master planned roadway. The note is correctly shown on the TCPI.

- 10. A Marlboro clay geotechnical report that identifies the location and elevation of the Marlboro clay layer throughout the site shall be submitted as part of the CDP application package.**

Comment: This condition has been addressed. See condition 17 of the CDP condition for detailed information.

- 11. A Phase I noise study shall be submitted with the preliminary plan application package. The noise study should address the location of the 65 dBA Ldn noise**

contour related to the CSX Railroad tracks, and what mitigation measures, if any, will be required to reduce noise impacts to 65 dBA Ldn in outdoor activity areas.

Comment: This condition was addressed with the CDP application. The study has predicted the unmitigated 65 dBA Ldn noise contour to be approximately 60 feet from the centerline of the CSX railroad near the horn post. This contour decreases even further as distance from the horn post increases. The unmitigated 65 dBA Ldn noise contour is correctly shown on the TCPI and preliminary plan. Mitigation for the proposed rear outdoor activity areas and indoor living areas is not required for this site.

12. If noise mitigation is required to reduce noise levels to below 65 dBA Ldn in outdoor activity areas, a Phase II noise study shall be submitted with the preliminary plan application package. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior.

Comment: Based on the submitted Phase I noise study, a Phase II noise study will not be required because no lots will be impacted by noise above levels the state standards. The study also finds that special modifications are not necessary to reduce interior noise levels to 45 dBA Ldn or less. Staff concurs with these findings based on the proximity of the proposed structures to the railroad.

13. No residential lots shall be located within 150 feet of the centerline of the CSX Railroad tracks.”

Comment: The condition has been addressed with this application.

COMPREHENSIVE DESIGN PLAN, CDP-0506, PGCPB. No. 06-274

The following are the conditions of approval of the Comprehensive Design Plan, CDP-0506. The text in **bold** reflects the actual text from the conditions. The text in plain type discusses how the condition has been addressed with the current application

5. All future submissions to the Development Review Division regarding Locust Hill, CDP-0506 shall indicate the PMA as shown on the NRI submitted with the subject application.

Comment: This condition has been addressed with this application. A revised NRI has been submitted and signed. The PMA is correctly shown on all plans.

12. At time of Specific Design Plan submission, each SDP shall include a statement regarding how the proposal uses green building techniques and alternative energy sources.

Comment: This condition shall be addressed at the time of SDP.

- 13. The following note shall be placed on the preliminary plan and all future Tree Conservation Plans: “All community lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”**

Comment: The note is correctly shown on the TCPI; however, it is not shown on the preliminary plan.

- 14. Prior to certification of the CDP, note five of the NRI shall be revised to correctly address all rare, threatened, and endangered species on the site. The NRI shall also be revised to include a wetland delineation that includes the area to the east of the railroad tracks.**

Comment: This condition has been addressed with this application. A revised NRI, stamped as received by the Environmental Planning Section on December 4, 2006, correctly addresses the information regarding rare, threatened, and endangered species. An addendum to the wetland delineation report has also been submitted and the NRI correctly reflects the delineated wetlands located east of the CSX railroad tracks.

- 15. Prior to certification of the CDP, the TCPI shall be revised to add the following note below the TCPI worksheet: “The acreage of all clearing within the 100-floodplain is reflected in the worksheet column for PMA clearing and off-site impacts. PMA clearing for the master planned roadways is included in the site clearing calculations.”**

Comment: This note is correctly shown on all plans; however, the TCPI worksheet shows the clearing of 0.50 acre of woodland in the column for clearing in the 100-year floodplain. The worksheet needs to be revised to remove this acreage from that column, and add it to the column for PMA and off-site impacts because the floodplain is located within the PMA and the replacement requirement for clearing in each of these areas is the same.

- 16. The TCPI submitted with the preliminary plan shall identify each clearing area by type: Net Tract Clearing, PMA Clearing (Master Plan Road), PMA Clearing (includes floodplain), and Off-Site Clearing. Each of the clearing types shall be identified using a different symbol. A chart indicating the type and size of each isolated clearing area in its respective category shall also be added to the plan.**

Comment: This condition has been addressed with this application.

- 17. At least 30 days prior to Planning Board hearing for the preliminary plan, a detailed geotechnical report based on the existing conditions of the site, including the most current topographical information (or as shown on the NRI) shall be submitted. It shall also address the existing outcrop pattern of Marlboro clays and areas of slope stability concerns with respect to the existing conditions. The study**

shall provide the appropriate plans and/or exhibits, showing the location of all slope stability cross-sections, and identify the unmitigated 1.5 safety factor lines. The unmitigated 1.5 safety factor lines based on that report shall then be placed on the TCPI and the preliminary plan.

Comment: This condition has been addressed with this application. A revised geotechnical report for a preliminary subsurface exploration for the location of the Marlboro clays was submitted. The study is based on the most current topographical information of the site and addresses the actual limits of the Marlboro clays. The delineations of the Marlboro clays are correctly shown on the TCPI and preliminary plan. The study also shows cross sections of areas of potential slope failure based on the existing topography.

The stability of the existing undisturbed slopes containing Marlboro clays was analyzed using the STEDWIN computer program, which calculates the factor of safety. Based on the results of the testing, the factor of safety for the existing slope exceeds the minimum requirement of 1.5. The proposed grading will remove many of the existing steep and severe slopes, which will increase the factor of safety for the site.

Comment: No further information is required regarding Marlboro clay and the unmitigated 1.5 safety factor line.

- 18. At least 30 days prior to any Planning Board hearing on the preliminary plan application, the existing conditions and proposed 1.5 safety factor line shall be shown on the preliminary plan and Type I Tree Conservation Plan. No structures, septic fields, or lots less than 40,000 square feet in area shall be placed within the mitigated 1.5 safety factor line. All subsequent plans shall also show this information. If proposed engineering of the site will change the location of the existing 1.5 safety factor line, the proposed 1.5 safety factor line must also be shown on all plans.**

Comment: A slope stability analysis based on the proposed grading and layout was submitted with this revised preliminary plan package. The exhibit submitted with the report identifies all existing areas of possible slope failure with respect to the proposed design. Based on the layout and proposed grading, the shear strength of the mitigated slopes will not be adversely affected, and will have a factor of safety ranging from 2.75-3.05, which exceeds the minimum of 1.5.

- 19. At least 30 days prior to any Planning Board hearing for the preliminary plan, the associated TCPI shall be revised to show a 100-foot protection buffer for rare, threatened and endangered species with respect to all streams and wetlands on the site. The PMA shall be revised to include that 100-foot buffer. Impacts shown to the 100-foot buffer and PMA on the TCPI associated with the CDP shall be re-evaluated and reduced or eliminated during the review of the preliminary plan. Impacts should be limited to those that are essential for the development of the site.**

Comment: This condition has been addressed with this application. The PMA is correctly shown on all plans in accordance with the above condition. All impacts are discussed in detailed in the Environmental Review section of this memo.

- 20. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept plan shall be submitted. The plan shall include the use of sheet flow buffers, vegetated channels, and rooftop and non-rooftop disconnection to the fullest extent possible in addition to other stormwater management techniques.**

Comment: This condition refers to a revised stormwater management concept plan that is required to address protection measures for the rare, threatened and endangered species associated with the on-site stream valley. To date, the Environmental Planning Section has not received a revised stormwater concept plan. This condition should be revised to ensure that the revised concept plan is approved prior to signature approval of the preliminary plan.

- 21. At least 30 days prior to any Planning Board Hearing on the preliminary plan application, a conceptual Habitat Protection and Management Program shall be submitted for approval with the Preliminary Plan of Subdivision. The program shall include, but not be limited to:**
- a. Hydrologic monitoring for a minimum of a year prior to the issuance of the first grading permit to establish a baseline of data, during construction, and post construction for the following elements: water quality, benthic macroinvertebrate, hydrologic flow, sedimentation.**
 - b. Monitoring during construction for the following: sediment and erosion control measures, stormwater management controls, special protection measures for rare, threatened and endangered species habitat.**
 - c. Monitoring of the rare, threatened and endangered species during and post-construction.**

Comment: A conceptual habitat protection and management program as required by Condition 21 of PGCPB Resolution 6-274, was submitted on December 20, 2006. The text submitted provides an overview of the monitoring practices and special protection measures proposed for the site. The program was forwarded to staff members at the Maryland Department of Natural Resources associated with the Maryland Biological Stream Survey, Wildlife and Natural Heritage, and the Environmental Review Unit, but comments have not yet been received. The program submitted is based on the hydrologic monitoring and habitat management frameworks for nearby projects affecting the Collington Branch (Oak Creek Club and Beechtree), and provides an acceptable conceptual framework for the development of a detailed program, but cannot be considered complete at this time because detailed comments from state and federal agencies have not been provided.

A detailed habitat protection and management program is required prior to the submission of the first specific design plan for the site due to conditions of comprehensive design plan approval. Detailed comments from the Maryland Department of Natural Resources, Maryland Biological Stream Survey, and the Maryland Department of Environment based on the species to be protected, and the unique environmental characteristics of this site, will be incorporated into that document. Staff anticipates that comments from these agencies will contribute greatly to the design of an effective program.

- 22. At least 30 days prior to any Planning Board Hearing on the first SDP application, a detailed Habitat Protection and Management Program shall be submitted to be approved with the first SDP which addresses specific implementation methodologies for the long-term protection and assessment of the rare, threatened and endangered species habitat on this site. Prior to issuance of the first grading permit, a minimum of one year of hydrologic monitoring data, as determined by the program, shall be submitted, to establish a baseline for evaluation impacts to the RTE habitat resulting for construction activities, and post development.**

Comment: This condition shall be addressed with review of the first SDP.

- 23. As part of the submission package for the first SDP, a plan and text shall be submitted that addresses a sediment and erosion control protocol that is more stringent than the minimum required. It shall include phasing of the site in such a way that the erosion prevention and sediment control mechanisms such as sediment basins stay in place until the last lot is built in the phase. The plan shall incorporate additional control measures and inspections to ensure maximum filtration of runoff and complete implementation of the plan. The package will be reviewed by the Environmental Planning Section staff in coordination with the staff of the Soil Conservation District.**

Comment: This condition shall be addressed with the first SDP.

- 24. Prior to certificate approval of the CDP, the TCPI shall be revised as follows:**
- a. Add the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."**
 - b. Clearly identify the proposed master planned trails and show the associated width.**

Comment: This condition has been addressed with this application.

- 25. Prior to the issuance of any permits which 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 Planning Department.

Comment: This condition shall be addressed at the review of grading permits.

- 26. Prior to certification of the CDP, the Type I Tree Conservation Plan, TCPI/24/06, shall be revised as follows:**
- a. Add the following note: “Woodland cleared within the PMA Preservation Area shall be mitigated on-site at a ratio of 1:1 for all impacts associated with development of the subject parcels. Woodland cleared within the PMA for the construction of the master planned roadway shall be mitigated in conformance with the standards of the Woodland Conservation Ordinance.”**
 - b. Revise note 1 as follows: “This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0506. The TCPI will be modified by a TCP I in conjunction with the review of the Preliminary Plan of Subdivision and subsequently by a Type II Tree Conservation Plan (TCPII) in conjunction with the approval of a SDP and/or a grading permit application.”**
 - 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. Calculate all woodland on lots less than 20,000 square feet as woodland cleared, add lot sizes to the plan, add a table calculating all woodland treatment areas, and label all areas appropriately.**
 - e. Eliminate the use of a “proposed tree line” and only use a limit of disturbance.**
 - f. Show a continuous match-line for each match-line boundary on each sheet.**
 - g. Show one continuous limit of disturbance for all areas proposed for development, particularly the master planned roadway located outside the eastern boundary of the site.**
 - h. Remove the proposed structure from the parcel located north of Lot 1 Block G.**
 - i. Show the conceptual clearing for Parcels R and T.**

- j. Add the following note: “Prior to contract signing, the seller shall show the prospective buyer a copy of this Type I Tree Conservation Plan or the subsequent Type II Tree Conservation Plan, whichever plan is most current and has received signature approval, as required by CB-60-2005.”**
- k. Revise the worksheet as necessary.**
- l. Have the plans signed and dated by the qualified professional who prepared the plans.**

Comment: All of the above conditions have been addressed with the exception of Condition 26(i). The revised TCPI now shows Parcel R designated as Parcel J, and Parcel T is now designated as Parcel D. The proposed clearing and limits of disturbance are shown for the future church proposed on Parcel D. No clearing is shown for the proposed church/school site on the north portion of Parcel J; however, the plans show an undefined area designated for these structures. The proposed reforestation does not appear to reflect the area necessary for the proposed development. The limits of disturbance for the proposed development must be shown for this site so that the woodland conservation requirements and regulated areas are properly evaluated.

- 27. Prior to signature approval of the preliminary plan, submit written authorization from the Department of Parks and Recreation for any woodland conservation provided on land to be dedicated.**

Comment: This condition shall be addressed prior to signature approval of the preliminary plan.

- 28. At the time of Specific Design Plan, the SDP and TCPII shall have the same sheet sections, sheet key, and sheet order. The sheet key shall be placed on all sheets.**

Comment: This condition shall be addressed with all future specific design plans.

- 29. Prior to the issuance of the building permits for lots adjacent to planting areas, all afforestation and associated fencing shall be installed. 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.**

Comment: This condition should be carried over to this application because the TCPI proposes extensive afforestation to meet the total requirement on-site.

- 30. At least 30 days prior to Planning Board hearing for the preliminary plan, the TCPI associated with that plan shall be revised to show the scenic easement with a minimum width of 40 feet located outside of the ultimate right-of-way and exclusive**

of the public utility easement and proposed master planned trail adjacent to the realigned Oak Grove Road.

Comment: This condition has been addressed with this application.

- 31. At the time of Specific Design Plan, all planting within the scenic easement shall be native plant material.**

Comment: This condition shall be addressed with all future specific design plans.

- 32. At time of final plat, a 40 foot-wide scenic easement shall be established adjacent to Oak Grove Road and a note shall be placed on the final plat as follows: “Oak Grove Road is a designated Historic Road. The scenic easement described on this plat is an area 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.”**

Comment: This condition shall be addressed at the time of final plat.

MASTER PLAN CONFORMANCE

Bowie and Vicinity

In the Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity (February 2006), the Environmental Infrastructure section contains goals, policies and strategies. The following policies have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1. Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Collington Branch is designated in the Bowie and Vicinity Master Plan as a Primary Corridor, meaning that development within this watershed should seek to protect, enhance or restore the resource. It is located on the east side of the CSX Railroad tracks that run north-south in that area. The extensive stream network on the site feeds directly into Collington Branch. The Countywide Green Infrastructure Plan shows this site as containing significant amounts of regulated areas and almost the entire site is an evaluation area. Because of this site's prominent location in the network, and because it is directly adjacent to the Collington Branch system, every effort must be made to protect the high quality environmental resources on-site.

Comment: The preservation of the sensitive resources is discussed in detail later in this memorandum.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Comment: The Western Branch Watershed Restoration Action Strategy (WRAS) has identified several sites in need of restoration upstream from the subject property. The problems identified on-site are related to erosion and trash dumping. These sites should be investigated for opportunities for restoration. The areas of restoration within the Collington Branch system will be addressed with the review of the Willowbrook application. Additional recommended conditions in this memorandum address erosion and sediment control requirements to preserve water quality.

Policy 3: Protect and enhance tree cover within the master plan area.

Comment: The TCPI shows that approximately 97 percent of the woodland conservation requirement for this site is being met on-site. There are several areas where the primary management area (the regulated areas adjacent to streams) is proposed to be planted where vegetation does not currently exist.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Comment: The development is conceptual at the present time. In future applications, the use of these building techniques should be addressed.

Policy 5: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

Comment: The site is adjacent to an environmentally sensitive area (Collington Branch and its tributaries). All street lights in the new subdivision should use full cut-off optics to ensure that light intrusion is minimized.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

Comment: The plan shows the placement of structures a considerable distance from the main noise generator: the CSX Railroad tracks to the east. The state noise standards have been met using this design.

Policy 7: Protect wellhead areas of public wells.

The site is not in a wellhead protection area and does not propose any public wells.

Subregion VI Study Area

The following goals, policies and strategies of the Subregion VI Study Area (September 1993), have been determined to be applicable to the current project. The text in **BOLD** is the text from

the master plan and the plain text provides comments on conformance of the current application with this sector plan.

- “1. An open space and conservation area network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

Comment: The open space and conservation areas as shown on the TCPI are focused in and around the regulated areas of the site and on land to be dedicated to the Department of Parks and Recreation.

- 2. Land dedicated in accordance with the subdivision regulations for the provision of needed recreation facilities should not consist solely of floodplains or other parts of the Natural Reserve Areas.**

Comment: The plans as submitted do not propose any recreation facilities on dedicated lands. The proposed trails on dedicated land are in accordance with the sector plan recommendations. Recreation facilities are being proposed across the street on the Willowbrook project.

- 3. The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

Comment: The proposed use of this property is for a private residential subdivision and special provisions for the preservation and protection of the on-site habitat associated with rare, threatened and endangered fish and plant species are being established as part of this application. This includes enhanced stormwater management, sediment and erosion control mechanisms, and a habitat management program. These requirements are detailed in the conditions of the CDP.

- 4. All public and private development proposals shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.**
- 5. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**
- 6. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**
- 7. Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural recreational and similar uses. Landfilling should be normally discouraged. Where permitted for special reasons, all necessary conditions should be imposed.**

- 8. All development proposals should provide effective means for the preservation and protection of natural reserve areas, and development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**
- 9. Development plans and permits for development within the conditional reserve areas should be carefully reviewed for adherence to the regulations regarding physiographic constraints and natural processes of the land.**

Comment: These guidelines have all been addressed on the current TCPI. The TCPI shows the regulated features have been protected to the fullest extent possible and all woodland conservation is being met on-site through preservation and afforestation/reforestation, focused on the highest priority areas of the site. Floodplains and wooded stream buffers have been protected. Large, contiguous blocks of open space have been preserved.

- 10. In perceptual liability areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise attenuation, air pollution, and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

Comment: Noise associated with the CSX railroad was reviewed as part of the CDP and this plan. Mitigation for noise will not be required due to the location of the unmitigated 65 dBA Ldn noise contour, the proximity of the proposed structures from the railroad tracks, and the expansive wooded buffer between the proposed structures and the railroad tracks. See conditions 11 and 12 of the basic plan for additional information.

- 11. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the States current maximum standard.**

Comment: As previously discussed, the site has been designed to address this guideline. Noise mitigation for this site is not required.

- 12. Citizens, developers, and others should be encouraged to seek current information on the area's environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, state, and federal agencies."**

Comment: During the review of the CDP, the developers and staff worked together to preserve the rare, threatened, and endangered species habitat on the site. Future preservation and protection measures were also addressed during that review.

The final plat will note the approved Type I tree conservation plan associated with this site and also delineate the location of a permanent conservation easement to protect the sensitive regulated features on the site. In accordance with CB-60-2006, all prospective buyers shall be given a copy of the most current tree conservation plan, which will detail guidelines on the maintenance, and preservation of the natural features on the site with regard to woodland conservation areas.

Green Infrastructure Master Plan

The site contains extensive areas designated as regulated areas and evaluation areas within the green infrastructure network. The TCPI shows some isolated areas of woodland conservation; however, the plan primarily focuses on creating large tracts of contiguous woodland by preserving a significant amount of priority woodland within areas designated as regulated areas and evaluation areas. The proposed woodland conservation areas have been expanded to include a significant portion of the evaluation areas and network gaps that are within or connected to sensitive species habitat and buffers for this habitat on proposed Parcel J. According to the NRI, this area is predominately associated with Forest Stand B, which has a high habitat value and a high priority for retention. The overall design provides significant protection for the sensitive environmental features and the rare, threatened, and endangered species that are known to occur on this site. The TCPI has been found to be in conformance with the Countywide Green Infrastructure Plan.

Rare, Threatened and Endangered Species

During the review of the CDP, the Environmental Planning Section conducted an extensive review of the site with regard to rare, threatened, and endangered species. In a letter dated September 6, 2006, the Department of Natural Resources Natural Heritage Program noted that rare, threatened, and endangered (RTE) species are known to occur on the subject property. The letter specifically addressed three fish species identified as the state-listed endangered Stripeback darter (*Percina notogramma*), the state-listed threatened American brook lamprey (*Lampetra appendix*), and the state-listed threatened Glassy darter (*Etheostoma vitreum*). Also identified on the site was one RTE plant species, **Coville's phacelia** (*Phacelia covillei*), which is listed as endangered by the State of Maryland, and is globally rare. These, along with several other RTE plant species, have been identified in Collington Branch of the Western Branch watershed in the Patuxent River basin, which runs north-south along the eastern portion of the subject site. It should be noted that the distribution of the Stripeback darter in Maryland is limited to Western Branch, which is ranked eighth out of 84 watersheds in Maryland with respect to aquatic biological diversity and priority for conservation. Zekiah Swamp, which is partially located within Prince George's County, is ranked first. The only other known location of this species is along the James River in Virginia. Preservation and protection of the biological integrity of Western Branch is critical to the continued sustainability of this diverse and sensitive community of fish and plant species.

Conditions of approval regarding preservation and protection of the on-site habitat are contained in Resolution 06-274 for the CDP. This includes the expansion of the PMA for all streams and

wetlands, additional stormwater management techniques, enhanced sediment and erosion control mechanisms, and a conceptual habitat protection and management program.

Environmental Impacts and Preservation of the PMA

When a property is located within the Patuxent River watershed, certain designated features comprise the Patuxent River Primary Management Area Preservation Area (PMA). Section 24-130(b)(5) requires that the Planning Board find that the PMA is preserved in its natural state to the fullest extent possible. All disturbances not essential to the development of the site as a whole are prohibited within the PMA. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road 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. Because this site contains fish and plant species designated as threatened and/or endangered, it is very important that impacts be limited to only those areas necessary for development.

All of the proposed impacts as shown on the TCPI and preliminary plan are for the construction of road crossings, public utilities (water and sewer), and stormwater outfalls, which are essential for development. The plans also show impacts for pedestrian trails, which are in accordance with the Bowie and Vicinity Master Plan.

A Letter of Justification with exhibits for 16 impacts were stamped as received on December 20, 2006.

Impacts 1, 4, 11, 12, and 15 are solely for the connection of sanitary sewer lines to existing sewer lines within the stream buffers. These impacts are necessary for the health and safety of the proposed community. The total area of the requested impacts is 127,873 square feet (2.93 acres).

Impacts 2, 3, 9, and 10 are for stormwater outfalls that are necessary to safely convey stormwater to the stream system.

Impact 13 is for a stormwater outfall and sanitary sewer connection, which are both essential impacts. The total area of this impact is 6,627 square feet (0.15 acre).

Impact 5 is for a 10 foot-wide master planned trail located on proposed Parcel E. The total area of this impact is 43,683 square feet (1.0 acre). While this impact could be relocated to be outside the stream buffer, it needs to be connected to other trail segments and as a result this location is preferred.

Impacts 6, 8, and 14 are for internal road crossings, which are necessary to access the largest developable areas for the site. Also associated with exhibit 14 is an impact for the re-alignment of Oak Grove Road and the restoration of this area with reforestation. The total area of impact is 128,761 square feet (2.95 acres). Extensive discussions were held with the applicant regarding

the reduction of impacts for road crossings. The plan recommended for approval represents the least number of crossings to safely provide access to the future residences.

Impacts 7 and 16 are for the realignment and construction of Oak Grove Road, a master planned roadway. Also shown on Exhibit 16 are proposed impacts for a master planned trail, sanitary sewer connection, and stormwater outfall. The total area of impact is 260,786 square feet (5.98 acres). These impacts are all necessary for the construction of the proposed development.

The proposed impacts as requested and shown on the associated exhibits are all necessary and essential for the development of the site. Staff supports all of the requested impacts. It should also be noted that the proposed plans were revised multiple times during the CDP review process in order to minimize the disturbance of sensitive environmental areas.

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 I Tree Conservation Plan, TCPI/24/06-01, has been submitted for review. The site contains a total of 413.6 acres of existing woodland, of which 67.18 acres are in the floodplain. The woodland conservation threshold (WCT) for this 503.53-acre site in the R-L zone has been correctly calculated at 108.74 acres, or 25 percent of the net tract. The TCPI proposes to clear 201.65 acres of woodland on the net tract, and a total of 9.56 acres of woodland in the PMA preservation area, 100-year floodplain, and off-site. The woodland conservation requirement has been correctly calculated as 168.72 acres. The plan proposes to meet the total requirement on-site by providing 125.93 acres of on-site preservation, and 42.79 acres of reforestation/afforestation. All acreages are correctly reflected on the TCPI worksheet.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 in accordance with Council Resolution CR-81-2006 (December 16, 2006), and the site will, therefore, be served by public systems.

6. **Community Planning**—The subject property is located in Planning Areas PA 79/Marlboro and PA 74A/Mount Pleasant. It is subject to the recommendations of the *Subregion VI Study Area Approved Master Plan and Sectional Map Amendment* (1993) and the *Approved Master Plan for Bowie and Vicinity* (2006) which recommend estate residential land use south of Oak Grove/Leeland Road at up to 1.5 dwelling units per acre and low-density residential land use north of Oak Grove/Leeland Road at up to 1.5 dwelling units per acre, respectively. The 2002 General Plan places the site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The applicant's proposal is in conformance with these recommendations. The proposed density of .87

dwelling per acre is consistent with the low-density residential recommendations of the Master Plan and General Plan.

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation has reviewed the above-referenced preliminary plan for conformance with the conditions of the Basic Plan A-9975 and Conceptual Design Plan CDP-0506, and the approved master plan and sectional map amendment for Bowie and vicinity, the requirements of the R-L Zone and the Subdivision Ordinance as they pertain to public parks and recreation facilities.

Parks Findings

The previous approved phases contained conditions for park and trail development that affect the subject preliminary plan:

Condition 27 of the Conceptual Design Plan CDP-0506, states:

Prior to signature approval of the preliminary plan, submit written authorization from the Department of Parks and Recreation for any woodland conservation provided on land to be dedicated.

Comment: On December 18, 2006 DPR received a letter from the applicant and an exhibit showing proposed tree conservation on land to be dedicated to M-NCPPC. The applicant is proposing to utilize 8.97 acres of future parkland in 10 separate locations. We are in the process of working with the applicant to determine appropriate locations for tree conservation that will not impact potential future development on parkland.

Condition 35 of the Conceptual Design Plan CDP-0506, states:

The applicant shall construct recreational facilities on dedicated parkland typical for the neighborhood park. The applicant shall develop the park development concept plan and incorporate into the preliminary plan of the subdivision. The concept plan shall be reviewed and approved by DPR staff.

Comment: The applicant provided a park concept plan to DPR on January 11, 2007, showing two junior soccer fields, a picnic shelter, a playground and sixty parking spaces on site. We believe that the amenities shown on the concept plan are appropriate for a neighborhood park.

Condition 44 of the Conceptual Design Plan CDP-0506, states:

The applicant shall work with the owners of Parcels 2 and 6 to realign the existing access driveway and easement from Leyland Road to the properties on the north to minimize impacts to the planned park. The final determination of the easement location shall be made at the time of preliminary plan of subdivision.

Comment: The applicant sent a letter on July 17, 2006, to the owners of Parcels 2 and 6 in an effort to realign the existing easements. At the time of this memo, the applicant has been unsuccessful in reaching an agreement with the owners of these adjacent parcels. A proposed alignment for the relocated driveway is shown on Exhibit A. In the event the applicant cannot relocate the adjoining property owner's driveway and easement, the applicant shall provide additional dedicated parkland to the M-NCPPC to replace the land rendered unusable due to the location of the existing driveway.

8. **Trails**—Both applicable master plans include recommendations that impact the subject site. South of Oak Grove/Leeland Road, the subject site is included in the Adopted and Approved Subregion VI Master Plan. North of Oak Grove/Leeland Road, the subject site is within the area included in the Adopted and Approved Bowie and Vicinity Master Plan.

The Subregion VI Master Plan recommends a stream valley trail along Collington Branch. The Department of Parks and Recreation (DPR) has had extensive discussions and field visits with the applicant regarding the alignment of this trail. Currently, in the immediate vicinity of the subject site, it appears that the trail will be located along Collington Branch in both Locust Hill and the adjacent Willowbrook development. This trail will ultimately connect to residential developments both to the north and south of Locust Hill, including Karington and Beech Tree. Staff recommends that the stream valley trail be provided through the subject site per the agreement/discussions between the applicant and DPR. The ultimate trail alignment will be approved by DPR. Significant issues remain to be resolved regarding the location of the trail, impacts to environmental buffers, and the preservation of water quality and rare, threatened and endangered species. Discussion will be necessary to resolve these outstanding issues.

The Adopted Bowie and Vicinity Master Plan also recommends a master plan trail along Black Branch. The trail along Black Branch has also been approved through the Oak Creek Club subdivision. The trail includes several stream crossings and various segments that are along either the east or west side of the stream valley. The adopted plan recommends that this stream valley trail be extended to the southeast to the area including the northern portion of Locust Hill. Staff recommends that this stream valley trail be constructed along the subject site's portion of the Black Branch stream valley. This trail should either be within land dedicated to M-NCPPC, or within a public use easement on HOA land. Similar discussion to those noted above will be required regarding the location of the trail.

The Bowie and Vicinity Master Plan designates both Leeland Road and Church Road as master plan trail/bikeway corridors. The trail along Oak Grove Road is being implemented through the Oak Creek Club subdivision (4-01032) as a side path along the north side of Oak Grove Road (west of Church Road). The trail along Church Road is being implemented as a side path along the east side of Church Road through Oak Creek Club. Staff recommends that these improvements be continued on the subject site's frontages of Church Road and Oak Grove Road.

The approved basic plan addressed this issues and required the construction of the master plan trails along the roads and adjacent to the stream valleys. Condition 15 of approved Basic Plan A-9975 requires the following:

- “15. The applicant and the applicant’s heirs, successors, and/or assignees shall provide the following trail facilities:**
- a. Construct the 8-foot wide master plan hiker-biker trail along the subject property’s portion of the Collington Branch Stream Valley and 6-foot-wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.**
 - b. Construct the 8-foot wide master plan hiker/biker trail (extension from Oak Creek development) along the Black Branch stream valley and 6-foot wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.**
 - c. Construct a Class I master plan trail (or side path) along the subject property’s entire frontage of both Oak Grove Road and Church Road.”**

Staff recognizes that extensive discussions will be necessary between the Environmental Planning Section, DPR, and the applicant to ensure that trails do not have an adverse impact on the environmental buffers, stream valley corridors, water quality, and identified rare, threatened, and endangered species.

A more detailed analysis of the master plan trails and the internal trail network will be completed at the time of SDP. Connections between neighborhoods will be a priority, in addition to the connections to the master plan trails. The sidewalk system will also be an integral part of the pedestrian network, and will be analyzed in more detail at later phases of review.

9. **Transportation**—On October 31, 2006, the District Council heard oral arguments for the basic plan for Locust Hill under ZMA A-9975. The application was approved by the council however, as of this writing, the council’s final order has not been released, hence the conditions of approval are not known at this time.

On March 9, 2006, The Planning Board approved the rezoning application for the subject property (PGCPB No. 06-61 File No.A-9975) with 26 conditions, included the following pertaining to transportation:

- “22. At the time of the submission of a comprehensive design plan/preliminary plan of subdivision, the applicant (or his heir, successors or assignees) shall provide a traffic study that analyzes the following intersections:**

- a. **US 301/MD 725**
- b. **US 301/Village Drive**
- c. **US 301/Leeland Road**
- d. **US 301/Trade Zone Avenue**
- e. **Leeland Road/Safeway Access**
- f. **Oak Grove Road/Church Road**
- g. **Oak Grove Road/MD 193**
- h. **MD 202/MD 193**
- i. **Link of Leeland Road-Oak Grove Road, between US 301 and MD 202.”**

Traffic Study Analysis

On May 12, 2006, staff received a traffic study in support of the comprehensive design plan/preliminary plan phases of the subject property. Given the close proximity of the subject property to the Willowbrook property (CDP and preliminary plan applications pending), and the fact that both properties share a common ownership, all of the analyses presented in the traffic impact studies (original and revised) are based on the traffic generated by both the subject application and the proposed Willowbrook applications (CDP-0505 and Preliminary Plan 4-06066). The analyses and findings presented in this memorandum are generally similar (with minor differences) for each Site. The study identified the following link and intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Road to US 301)	0.10 – v/c ratio	0.08 – v/c ratio
US 301/Trade Zone Ave.	D/1330	E/1533
US 301/Leeland Road	C/1216	D/1347
US 301/Village Drive	B/1096	D/1304
US 301/MD 725	D/1404	D/1357
MD 202/MD 193	D/1364	B/1077
MD 193/Oak Grove Road (Roundabout)	A/8.2 secs.	A/5.1 secs.
Oak Grove Road/Whistling Duck Drive **	C/15.2 secs.	B/12.2 secs.
Oak Grove Road/Church Road **	C/16.2 secs.	B/10.6 secs.
Leeland Road/Safeway Access **	B/12.3 secs.	B/11.3 secs.
<p>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i>.</p>		

The study cited seventeen (17) approved background developments that collectively, will impact the above intersections and link during the morning and evening peak hours. An analysis of the background developments was completed based on a 4-year (2010) build-out. Those analyses yielded the following results:

BACKGROUND CONDITIONS		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Road to US 301)	0.30 – v/c ratio	0.31 – v/c ratio
US 301/Trade Zone Ave.	F/2196	F/2665
US 301/Leeland Road	F/2186	F/2359
US 301/Village Drive	F/1715	F/2057
US 301/MD 725	F/2214	F/2170
MD 202/MD 193	F/1753	E/1490
MD 193/Oak Grove Road (Roundabout)	E/72.4 secs.	A/7.9 secs.
Oak Grove Road/Whistling Duck Drive **	F/58.9 secs.	D/29.0 secs.
Oak Grove Road/Church Road **	F/149.3 secs.	F/156.6 secs.
Leeland Road/Safeway Access **	F/66.4 secs.	F/62.0 secs.
<p>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i>.</p>		

Using the “Guidelines For The Analysis Of The Traffic Impact Of Development Proposals,” the study has indicated that the proposed development (554 dwelling units) will be adding 413 (83 in, and 330 out) AM peak hour trips and 495 (322 in, 173 out) PM peak hour trips at the time of full build-out.

The traffic study also included projected traffic from the proposed Willowbrook Preliminary Plan. Eight hundred and fifty (850) dwelling units are being proposed generating 626 (125 in and 501 out) AM peak hour trips and 743 (483 in, 260 out) PM peak hour trips at the time of full build-out. As was the case for the background analyses, the study assumed full build-out up to the year 2010. Applying a growth rate of 3 percent per year for through traffic along US 301, and combining the site-generated traffic along with background developments, the following results

were determined:

TOTAL CONDITIONS (Without Improvements)		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Road to US 301)	0.43 – v/c ratio	0.47 – v/c ratio
US 301/Trade Zone Ave.	F/2316	F/2780
US 301/Leeland Road	F/2306	F/2663
US 301/Village Drive	F/1749	F/2190
US 301/MD 725	F/2333	F/2294
MD 202/MD 193	F/1853	E/1587
MD 193/Oak Grove Road (Roundabout)	E/132.6 secs.	B/19.8 secs.
Oak Grove Road/Whistling Duck Drive **	F/153.3 secs.	F/51.1 secs.
Oak Grove Road/Church Road **	F/419.1 secs.	F/482.1 secs.
Leeland Road/Site Access “A”	F/71.0 secs.	F/82.3 secs.
Leeland Road/Site Access “B”	F/93.3 secs.	F/108.0 secs.
Leeland Road/Safeway Access **	F/201.8 secs.	F/212.9 secs.
<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 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</p>		

To provide adequate levels-of-service at the facilities mentioned above, the traffic study cited improvements along US 301 between MD 214 and MD 725 which are described in the current Prince George's County *Capital Improvement Program* (CIP) FY 2006 - 2011 (Project FD669161). Specifically, the CIP describes the improvements as **“providing a third through lane north and south bound between MD 214 and MD 725 and further widening, as needed at Trade Zone Avenue, MD 214 and MD 725. Associated intersection improvements at Old Central Avenue, Trade Zone Avenue, Leeland Road and Village Drive West also will be undertaken.”**

The improvements that have been identified in the applicant's traffic impact study as needed to provide adequate levels of service for the 2010 build-out are as follows:

US 301/Trade Zone Avenue

1. Construct an additional northbound left turn lane along US 301
2. Construct a third eastbound left turn lane along Trade Zone Avenue
3. Construct three additional southbound through lanes along US 301
4. Construct two additional northbound through lanes along US 301

US 301/Leeland Road

1. Construct two additional northbound through lanes along US 301.
2. Construct an additional eastbound left turn lane along Leeland Road
3. Construct two additional southbound through lanes along US 301.

US 301/Village Drive

1. Construct two additional northbound through lanes along US 301
2. Construct two additional southbound through lanes along US 301

US 301/MD 725

1. Construct an additional northbound through lane along US 301
2. Construct two additional southbound through lane along US 301
3. Construct an additional eastbound left turn lane along MD 725

4. Construct an additional westbound through lane along MD 725
5. Construct an exclusive westbound right turn lane along MD 725.

Citing these improvements (along US 301), the traffic study projected the following levels of service:

TOTAL CONDITIONS – BOTH DEVELOPMENTS (With CIP Improvements)		
Intersections (All Signalized)	(LOS/CLV) AM	(LOS/CLV) PM
US 301/Trade Zone Ave.	C/1250	D/1370
US 301/Leeland Road	C/1290	D/1450
US 301/Village Drive	B/1077	D/1397
US 301/MD 725	D/1439	D/1422
MD 202/MD 193 (Not part of US 301 CIP)	D/1351	B/1053

Based on the results shown in the aforementioned table, all of the intersections along US 301 were shown to operate at adequate levels of service.

In addition to analyzing the projected levels of service for the intersections along US 301, the traffic study also identified the overall cost of the CIP improvements, the capacity created as a result of the improvements and the site's proportion of the capacity created by the improvements. According to the applicant's traffic study, the total cost of the CIP improvements as used in the analyses would be \$31 million. The study also indicated that approximately 7 percent of the capacity created by the CIP improvements would be needed for the proposed developments (subject property + Willowbrook). The study concludes therefore that a reasonable fair share contribution towards the CIP improvements would be \$31,000,000.00 x 7 percent = \$2,170,000.00. The study also suggested that in lieu of actual payment of cash, the pro-rata payment should be applied to construction of improvements along the US 301 corridor, within the limits of the CIP project.

Currently, there are no funded CIP or CTP improvements along the MD 202 or Leeland Road-Oak Grove Road corridor. However, there are several intersections along these corridors that are

projected to operate beyond acceptable levels of service.

At the signalized intersection of MD 202 and MD 193, the applicant has proffered the following improvements:

- Provide a left turn, a shared left/through lane, and a right turn lane on the southbound approach
- Provide a second left turn on the eastbound (towards Upper Marlboro) MD 202 approach
- Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from eastbound MD 202

The improvements proposed for the MD 202/MD 193 intersection would provide acceptable levels of service.

All of the unsignalized intersections along Leeland Road-Oak Grove Road are projected to operate with delays greater than 50 seconds. Since no specific improvements were proffered by the applicant for these unsignalized intersections, staff will request that a signal warrant study be done for all of the unsignalized intersections along this corridor with the exception of the roundabout at the intersection of MD 193 and Oak Grove Road.

Transportation Staff Review and Comments

Upon review of the applicant's traffic study (including revisions) staff does not totally concur with its findings and conclusion. In addition to the planning staff, the May 12, 2006 study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a June 13, 2006 memorandum to staff (*Issayans to Burton*), all of the comments expressed by Mr. Issayans—the county's chief Traffic Engineer—were confined to issues relating to Leeland Road-Oak Grove Road, a county maintained facility. While most of those issues are operational and engineering related, DPW&T did indicate that the future access points of the property will operate with failing levels of service, and should therefore conduct the appropriate signal warrant studies. Staff supports this request.

In several correspondences from SHA, including an October 4, 2006 memorandum to staff (*Foster to Winters*), the SHA has indicated that the financial contribution (\$2.17 million) proposed by the applicant will not result in adequate levels of service along the US 301 corridor. The memorandum recommended that improvements should be constructed along US 301, between MD 214 and MD 725 (a similar recommendation was made during the Specific Design Plan (SDP) phase of the Beech Tree development).

Staff is in general support of SHA's position regarding the fact that the applicant's contribution represents only 7 percent of the total cost of the improvements required to provide an acceptable level of service. However, there is a provision in the CIP project that allows for developers to

make contributions towards the total cost of the CIP project. Previous actions by the Planning Board have established precedents for the use of developer contributions in the case of Beechtree (PGCPB 98-50) and other nearby subdivisions along the US 301 CIP project. To date, the Beechtree, Buck Property and Karington developments have all been conditioned to provide various improvements along US 301. The applicant provided staff with an exhibit that indicated how the various sets of improvements could be coordinated. Staff and SHA are fully supportive of this proposal.

Transportation Findings

1. The application is a preliminary plan for a residential development consisting of 554 single-family dwelling units. For the purpose of determining adequacy, and given the fact that the subject application shares a common ownership with the adjacent Willowbrook development, and the fact that both developments are in close proximity to each other, the projected traffic from both developments are being combined. Willowbrook is a residential development proposing 623 single family and 227 town homes. The combined developments (1,400 DU) would generate 1,039 AM (208 in, 831 out) and 1,238 PM (805 in, 433 out) peak hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”
2. The traffic generated by the proposed developments would impact the following intersections and links:
 - Link – Leeland Road – Church Road to US 301
 - US 301/MD 725
 - US 301/Village Drive
 - US 301/Leeland Road
 - US 301/Trade Zone Avenue
 - MD 202/MD 193
 - Oak Grove Road/ MD 193
 - Oak Grove Road/Whistling Duck Drive
 - Oak Grove Road/Church Road
 - Leeland Road/Safeway Access
3. Four of the intersections (along US 301) identified in number 2 above are programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007 - 2012) Prince George's County *Capital Improvement Program* (CIP). While the CIP identifies this project as being fully funded, there is also a provision for developer contributions should funding from the State of Maryland be delayed. This applicant has proffered a contribution of \$2,170,000.00 or \$1,550/DU. To date the following developments have made financial commitments towards the aforementioned CIP improvements through Planning Board resolutions:

Collington (Safeway)	4-97044	PBR97-214(C)	\$456,000.00
Marlboro Square	4-96084	PBR96-342	\$30,880.00
Meadowbrook	4-89227	PBR90-102	\$106,948.31
Karington	4-04035	PBR04-247(C)	\$725,094.25
Beechtree	CDP-9706	PBR98-50	\$1,194,805.08
Buck Property (Balmoral)	4-03100	PBR04-21	\$172,252.64
TOTAL			\$2,685,980.28

4. The subject property is located within the Developing Tier as defined in the *Prince George's County Approved General Plan*. 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.

5. The following intersections identified above, when analyzed with the programmed improvements above and with total future traffic as developed using the guidelines, were **not** found to be operating at LOS D or better:
 - MD 193/MD 202
 - MD 193/Oak Grove Road
 - Oak Grove Road/Whistling Duck Drive
 - Oak Grove Road/Church Road
 - Leeland Road/Safeway Access

6. The applicant has agreed to provide the following improvements to the intersections, in consideration of the findings above:

At the signalized intersection of MD 202 and MD 193

- Provide a left turn, a shared left/through lane, and a right turn lane on the southbound MD 193 approach
- Provide a second left turn on the eastbound (towards Upper Marlboro) approach
- Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from eastbound MD 202

At the unsignalized intersection of Oak Grove and MD 193 (roundabout)

- Provide an exclusive right turn lane at the westbound Oak Grove Road approach (towards MD 202)
7. The intersections identified in Finding 6 above will both operate acceptably as a result of the improvements proffered by the applicants. All of the remaining unsignalized intersections along Oak Grove Road-Leeland Road will operate with delays greater than 50 seconds in at least one movement. Consequently, those intersections will require signal warrant analyses.

Transportation Staff Conclusions

The Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters	Elem School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	543 sfd	543 sfd	543 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	130.32	32.58	65.16
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	938.64	235.92	472.92
Total Enrollment	5,209.96	7,598.5	11,600.08
State-Rated Capacity	4,140	6,569	8,920
Percent Capacity	125.84%	115.67%	130.05%

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

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 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 \$7,671 and \$13,151 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 adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is beyond the required seven-minute response time for the first due fire station Kentland, Company 46, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-06075 fails to meet the standards for fire and rescue response times. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council’s adopted “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure.”

12. **Police Facilities**—The 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 preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on August 23, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-07/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on March 5, 2006. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and reminds the applicant that raze permits are required prior to demolition of any structure on the site. The Health Department also noted that wells and septic systems to be abandoned must be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04.
14. **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 approved for this site, CSD 47462-2005-00 (May 9, 2006). Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
15. **Historic**—A Phase I archeological survey was completed for the above-reference property. Four

copies of a revised final report, "A Phase I Archaeological Survey of the Locust Hill Property Prince George's County, Maryland Preliminary Plan 4-06075," were submitted to staff on December 22, 2006. No archeological sites were identified and no further archeological work is recommended.

Section 106 review may require archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

16. **Easements**—There is an existing 20-foot-wide easement across the subject property to provide access to two otherwise landlocked parcels (Parcel 2, Parcel 6, the D'Aulerio Property). The applicant provides for the easement partially within its descriptive location on the preliminary plan, but shows a portion of it to be relocated. Such access must be provided either along the existing ingress/egress easement or through some other means mutually agreeable to all parties.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of March 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator