The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Detailed Site Plan DSP-07058

Application	General Data	
Project Name: Marlboro Ridge, Phase 5	Planning Board Hearing Date:	02/25/10
	Staff Report Date:	01/28/10
Location: Southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road	Date Accepted:	11/23/09
	Planning Board Action Limit:	Waived
	Plan Acreage:	112.57
	Zone:	R-R
Applicant/Address: Toll MD V Limited Partnership 7164 Columbia Gateway Drive, Suite 230 Columbia, MD 21046	Dwelling Units:	67
	Gross Floor Area:	N/A
	Planning Area:	78
	Tier:	Developing
	Council District:	06
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	206SE10

Purpose of Application	Notice Dates	
This case was continued from the Planning Board agenda date of February 18, 2010 to February 25, 2010 at the applicant's request due to scheduling conflicts.	Informational Mailing:	09/23/09
	Acceptance Mailing:	11/18/09
67 Single Family Detached Units within Phase 5	Sign Posting Deadline:	01/12/10

Staff Recommendation		Staff Reviewer: Jeanette Silor	
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-07058, Marlboro Ridge, Phase 5
(Formerly Village of Clagett Farm, the Clagett Property)
Type II Tree Conservation Plan TCP II/083/05-06

The Urban Design staff has reviewed the detailed site plan for the proposed recreational community development and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

a. The requirements of the Zoning Ordinance in the R-R Zone, the additional requirements for a recreational community development in the R-R Zone, and the site design guidelines.

b. The requirements of Conceptual Site Plan CSP-03005.

c. The requirements of Preliminary Plan of Subdivision 4-04080.

d. The requirements of Umbrella Architecture Detailed Site Plan DSP-05040.

e. The requirements of the *Prince George's County Landscape Manual.*

f. The requirements of the Woodland Conservation and Tree Preservation Ordinance.

g. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of a detailed site plan for 67 single-family detached dwelling units within Phase 5 of Marlboro Ridge.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-R	R-R (Recreational Community Development-Equestrian)
Use	Agriculture	Single-family Detached Residential
Gross tract area of this DSP (Acre)	112.57	112.57
Number of lots	-	67

3. **Location:** The subject detailed site plan (DSP) is a portion of a larger development known as Marlboro Ridge, which is located on the southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road, in Planning Area 78, Council District 6 and the Developing Tier. The area covered in the subject DSP is located in the northern portion of the property, west of and immediately adjacent to the Potomac Electric Power Company (PEPCO) property that bisects the overall site.

4. **Surrounding Uses:** The Marlboro Ridge site is bounded to the northeast by the right-of-way of Ritchie Marlboro Road. To the south of the property is an existing single-family detached residential subdivision in the R-R Zone; to the north is a vacant wooded property in the R-M Zone; to the west are two vacant wooded properties in the R-M Zone, known as Woodside Village and Smith Home Farms and a vacant property in the M-X-T Zone; to the south is Melwood Manor and North Roblee Acres, existing single-family detached developments in the R-R Zone; to the southeast is an agricultural property in the R-A Zone owned by the Chesapeake Bay Foundation. The subject DSP covers area in the northern portion of the property, west of and immediately adjacent to the PEPCO property that bisects the overall site. The subject site is bounded to the north by a vacant wooded property in the R-M Zone; to the east by the PEPCO parcel; to the south by Phase 4B, which is the subject of companion Detailed Site Plan DSP-09018, and to the west by vacant property in the R-M Zone.

5. **Previous Approvals**: Marlboro Ridge is designed as a residential recreational community with an equestrian center in the R-R Zone under the Recreational Community Development code of Section 27-444 of the Zoning Ordinance. The entire property has an approved Conceptual Site Plan CSP-03005 including Type I Tree Conservation Plan TCPI/81/03, which was approved by the District Council on November 22, 2004. Subsequently, the Preliminary Plan of Subdivision 4-04080 was approved by the Planning Board (PGCPB Resolution No. 04-255) on October 28, 2004. On June 16, 2005, the Planning Board approved the first Detailed Site Plan DSP-04088 (Phase I, Part A) for 32 single-family detached and 32 single-family attached dwelling units (PGCPB Resolution No. 05-136). On January 26, 2006, the Planning Board approved an umbrella architecture Detailed Site Plan DSP-05040 including 28 single-family detached houses (PGCPB Resolution No. 06-21). On March 30, 2006, the Planning Board approved (PGCPB Resolution No. 06-83) Detailed Site Plan DSP-05035 (Phase I, Part B and C) for an equestrian center and community center for the development. On February 26, 2006, the Planning Board approved (PGCPB Resolution No. 06-48) Detailed Site Plan DSP-05075 (Phase I, Part D) for Phase I of the development for 144 single-family detached and 44 single-family attached dwelling units. On March 19, 2007, the Planning Board approved Detailed Site Plan DSP-06010 (Phase II) for 198 single-family detached and 77 townhouse units. The site also has an approved Stormwater Management Concept Plan 21383-2003-03, which will remain valid through May 4, 2010.

6. **Design Features:** The subject DSP proposes 67 single-family detached dwelling units within Phase 5. The area covered in this DSP is in the north portion of the Marlboro Ridge project on the west side of the PEPCO property. Phase 5 is accessed through Phase 2 via North Riding Road, which traverses the northern portion of the site from east to west and ends at a T intersection with Polo Place, an internal street that will be stubbed to the north and south. The proposed lots are sited so that lots will front on North Riding Road and four short culs-de-sac and one stub street that connect to North Riding Road. A stormwater management facility is proposed in the easternmost portion of Phase 5 within a homeowner's association parcel, south of the lots that front on North Riding Road. The master plan hiker biker and equestrian trails follow the southern lot lines of the lots between the stormwater management facility and North Riding Road and connect to the stream valley park to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC).

   According to the applicant, the models used in the DSP will be selected from the umbrella architecture approval (DSP-05040 for 28 single-family detached models); no additional models have been provided with this detailed site plan. Models approved with the architectural umbrella range in size from 2,400 to 4,955 square feet (base square footage).

   The approved Detailed Site Plan, DSP-05035, for Phase I Part B and C also serves as a special purpose DSP devoted to elements of streetscape and signage including street trees, entry monuments, signage, special paving at equestrian facilities and intersections, etc. for the entire development to ensure a high quality and harmoniously built environment. DSP-05035 has been conceived based on the images for equestrian components and the project-wide signage package approved in Conceptual Site Plan CSP-03005. As such no specific signage information has been provided in this DSP.

7. **Recreational Facilities:** At the time of the conceptual site plan approval, the on-site recreational facility package was evaluated and a condition was attached to the approval to ensure sufficient recreational facilities will be provided for the overall development. In addition to the equestrian components, which include an indoor ring and an outdoor ring, pasture and equestrian trails system, the CSP also proposed a central park and a community center behind the pasture to the southeast of the main entrance. Two tennis courts and one swimming pool are shown on the CSP. In addition, five on-site small-scale neighborhood outdoor play areas and picnic areas were also required as a part of the CSP approval. This DSP does not include any of the recreational facilities approved with the Conceptual Site Plan CSP-03005.

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements in the R-R Zone, the additional requirements for recreational community development as well as the site design guidelines of the Zoning Ordinance*:*

   a. The subject application is in conformance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs development in the residential zones. The single-family detached units are permitted uses in the R-R Zone under the recreational community development provisions (Section 27-444).

   b. The subject application is in conformance with the requirements of Section 27-442, of the Zoning Ordinance, as modified in Section 27-444 (net lot area and lot width).

c. The DSP is also in conformance with requirements of Section 27-444, Recreational Community Development.

9. **Conceptual Site Plan CSP-03005:** Conceptual Site Plan CSP-03005 was the first approval for the entire Marlboro Ridge development and was approved by the Planning Board on July 8, 2004, subject to 13 conditions. The District Council affirmed the Planning Board's decision on November 22, 2004, with two additional conditions attached to the Order of Approval. The conditions of approval that are applicable to the review of this DSP are discussed as follows:

4. Prior to approval of a detailed site plan, the following shall be demonstrated on the plans:

a. The streetscape treatments such as special pavers in crosswalks, special pedestrian lighting, and furnishings including seating elements.

Comment: The plans demonstrate site furnishings consistent with the Comprehensive Design Standards Program approved with the community character element of DSP 05035.

b. Street trees on the main entrance boulevard shall be located approximately 35 feet on-center if they do not exist in the right-of-way. A staggered row of the same species shall be planted at the same interval on the other side of the sidewalk

c. The building materials and architecture of the equestrian building, barns, and community clubhouse shall be high quality and compatible to each other. The same materials shall be used and the colors of materials shall be strategically repeated to create a harmonious built environment.

Comment: These two conditions have been fulfilled through the approval of Detailed Site Plans DSP-04088, DSP-05035 and DSP-05075.

d. Private recreational facilities, such as small-scale neighborhood outdoor play areas and picnic areas in at least five locations, shall be reviewed by the Urban Design Review Section of the Development Review Division (DRD) for adequacy and property siting.

Comment: The subject site plan does not include any recreational facilities.

e. Off-street parking and loading areas shall be provided in accordance with Part 11, and sign design shall be in accordance with Part 12 of the Zoning Ordinance.

Comment: A special purpose DSP for signs and amenities has been approved for the Marlboro Ridge development (DSP-05035) and covers the design of signs and amenities for this section.

5. At the time of detailed site plan approval, the following areas shall be carefully reviewed:

b. The screening and buffering of the rear yards from the views, smell and noise from the equestrian trails.

Comment: The rear and/or side yard of several lots in Phase 5 are adjacent to the proposed master planned equestrian trail. The plans show that three-rail paddock style fencing and landscaping will be provided between the side and rear yards of lots 1–4, Block C and the proposed trails to mitigate any adverse impacts. The Department of Parks and Recreation (DPR) has expressed concern relating to the proximity of the trail to the lots and the sharp turn proposed at the southeast corner of Lot 1. Specifically, DPR is recommending that the trails be rerouted south of the stormwater management facility so as to provide a more desirable alignment and to provide more separation between the trail and the rear yards of the proposed houses on Lots 1-4, Block C. A condition has been included which would require the revision of the plans to reflect this realignment prior to signature approval.

6. At the time of the applicable detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall provide the following trail-related information with the site plans:

a. A composite trails map showing the connection to the regional trail network, multiuse master plan trails, equestrian trails, bikeways, and sidewalks shall be submitted with the first DSP. Trails widths and surface types should be indicated on that plan.

Comment: A composite trails map was submitted with this application. The overall planned trail network was reflected as part of the approvals for CSP-03005 and 4-04080. However, due to constraints on the placement of trails within the PEPCO right-of-way, the trails network was revised to reflect trails crossing the PEPCO right-of-way only at approved road crossings. The Department of Parks and Recreation has indicated that it will need assurances that the trail within the public right-of-way will be maintained to DPR standards.

Approved Detailed Site Plan DSP-06010 included an overall trails map (Design Features Locator Plan) that reflected the master planned trails, internal hiker-biker trails, and natural surface equestrian trails. This network included the master plan trails along Cabin Branch, Back Branch, and Ritchie-Marlboro Road, an extensive network of equestrian trails linking to all of the major proposed facilities, and neighborhood trail connections.

Staff reviewed the subject application and revised composite trails map against the approved Design Features Locator Plan and offers the following comments:

- A portion of the Cabin Branch Trail runs along the south side of North Riding Road. The paved portion of the trail was originally listed at six-feet in width. However, based on meetings with DPR, the trail has been widened to eight feet on the revised plans. Staff agrees with and supports this revision as reflected on the revised plans.

- A segment of the master plan trail along Cabin Branch is off dedicated M-NCPPC parkland and shown on HOA Parcel F (see Sheet 11 of 13). This area is adjacent to North Riding Road (Block C, Lots 1-4). Unlike some neighborhood trail connections, staff generally recommends that all major master plan trails be located on public land and that private homeowner's associations not be encumbered with their operation and maintenance.

  DPR is recommending that the configuration of Parcels F (HOA Parcel containing stormwater management facility) and Parcel G (Parcel to be dedicated to M-NCPPC) be revised to provide legal frontage to Parcel G and to locate the trails on M-NCPPC-owned property if possible.

- After discussion with the Department of Parks and Recreation (DPR), staff is now recommending that all trails should be located a minimum of twenty feet from all private residential lots and/or twenty-five feet from all private dwellings. This only appears to impact the trail adjacent to Block C, Lots 1–4 (North Riding Road) and Block C, Lots 10 and 11 (Whisper Hill Court). However, the trail will not conflict with Lots 10 and 11 due to the location of the retaining wall behind these lots, which provides a degree of separation and buffering between the trail and the lots. As mentioned above, DPR has expressed concern relating to the proximity of the trail to Lots 1–4, Block C and the sharp turn proposed at the southeast corner of Lot 1. Specifically, DPR is recommending that the trails be rerouted south of the stormwater management facility so as to provide a more desirable alignment and to provide more separation between the rear yards of the proposed houses on Lots 1–4, Block C. A condition has been included which would require the revision of the plans to reflect this realignment prior to signature approval.

  The Department of Parks and Recreation (DPR) has issue with the retaining wall proposed behind Lots 10 and 11, Block C at the end of Whisper Hill Court. Given the physical constraints and environmental considerations, the applicant has proposed 450± linear feet of retaining wall up to 18 feet in height at the edge of the proposed M-NCPPC property and trails. The plans have been revised to show the retaining wall on homeowner association (HOA) property and setback from the proposed trail by 12 feet. DPR staff is concerned about the retaining wall for many reasons, such as aesthetics, safety, wall maintenance and accessibility and is recommending that the retaining walls be eliminated or redesigned within the following parameters: the walls should be terraced to create two smaller height walls, the maximum recommended wall height preferred is 8–10 feet, and a setback of 50 feet from the proposed trails is preferred; however, the minimum setback should be 30 feet.

  In addition, DPR is recommending that applicant prepare and execute an easement agreement with M-NCPPC to provide for maintenance access over Parcel G (to be dedicated to M-NCPPC) to the retaining walls located on Parcel E (HOA) prior to the issuance of any building permits within Marlboro Ridge Phase 5. This would ensure that the HOA will be able to access the walls via the trail system for maintenance purposes.

- Staff supports the provision of standard sidewalks along both sides of the internal roads, as shown on the submitted DSP.

  The Department of Parks and Recreation (DPR) indicated that the applicant has submitted a composite trails map that identifies the proposed trail network and parkland dedication for the property which was included in the Phase IV submission and final plans. DPR recommends that the applicant continue to amend and update the Composite Trails Map through the current and future phases of the project.

b. A multiuse, hiker-biker-equestrian trail along the subject site's entire length of Cabin Branch. This trail should be constructed to DPR standards and guidelines.

Comment: According to the Transportation Planning Section's trails planner, the subject detailed site plan includes a segment of the Cabin Branch Stream Valley and reflects a proposed alignment for this trail.

c. A hiker-equestrian trail along the subject site's entire length of Back Branch.

Comment: The stream valley trail along Back Branch has been constructed along its entire length on the subject site as part of earlier phases of development.

d. Depending upon the road cross section required by DPW&T, one of the following should be constructed along the subject site's entire road frontage of Ritchie Marlboro Road:

(1) An eight-foot-wide hiker-biker trail.

(2) Wide (seven- to ten-feet-wide) asphalt shoulders and the placement of bicycle signage.

Comment: The master plan trail along Ritchie Marlboro Road has been implemented as an eight-foot-wide sidewalk separated by the curb by grass planting strip and was constructed as part of the road frontage improvements already required and completed along the site's frontage on Ritchie Marlboro Road.

g. All equestrian trails shall meet the standards provided in Figure 3 of the Adopted and Approved Melwood-Westphalia Master Plan. Main trails should have a minimum ten-foot-wide trail width (with a two-foot-wide buffer on each side) and a minimum head clearance of 12 feet. Feeder trails, or trails receiving less volume, should meet the subdivision park trail standard, with a minimum trail width of six to eight feet, with a two-foot-wide buffer on each side. In order to accommodate equestrians, a minimum head clearance of 12 feet is recommended on these trails as well. All trails on land to be dedicated to the Department of Parks and Recreation should meet all DPR standards and guidelines.

Comment: Ten-foot-wide equestrian trails are shown on the plans. Maintenance necessary to ensure the required overhead clearance will be the responsibility of M-NCPPC or the homeowners association.

h. Due to the density of the proposed development, standard sidewalks shall be provided along both sides of all internal roads, subject to concurrence by DPW&T.

Comment: Standard sidewalks are shown along both sides of all internal roads.

i. With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.

Comment: The required detailed construction drawings have been submitted to the Department of Parks and Recreation (DPR) at the time of review of DSP-04088.

k. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

Comment: According to the Transportation Planning Section's trails planner, the trails meet Americans with Disabilities Act (ADA) requirements.

15. The existing Ashford Drive right-of-way within the Roblee Acres subdivision shall not be extended into the proposed subdivision for the Clagett Farm.

Comment: This condition was added by the District Council in response to citizens' requests during the District Council's review of Conceptual Site Plan CSP-03005. Due to the addition of this condition, Condition 25 attached to the approval of Preliminary Plan of Subdivision 4-04080 is not valid. Phase 5 is not directly adjacent to the existing Roblee Acres subdivision. No road connection to the existing Ashford Drive has been shown on the detailed site plan.

10. **Preliminary Plan of Subdivision 4-04080:** Preliminary Plan of Subdivision 4-04080 was approved by the Planning Board on October 28, 2004, subject to 32 conditions, of which the following are applicable to the review of this DSP and warrant discussion as follows:

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/81/03-01). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/81/03-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

Comment: A Type II Tree Conservation Plan TCPII/083/05-06 has been submitted with this DSP application. Per the review by the Environmental Planning Section, TCPII/083/05-06, which

is a modification of previously approved Type II Tree Conservation Plan TCPII/083/05, is in compliance with the Woodland Conservation Ordinance.

3. The detailed site plan and the Type II tree conservation plan shall refine the proposed trail alignment to follow proposed and existing alignments for other infrastructure components to the extent reasonable based in the type of trail proposed.

Comment: According to the Transportation Planning Section's trails planner, in general, the trails are located along existing utility corridors where feasible. All of the PEPCO crossings and some of the stream crossings are combined with the road bridges where necessary. In some cases, trails or wide sidewalks are proposed along roads to accommodate certain connections where an off-road trail is not practical.

Although it is not feasible or desirable to locate all trails with other facilities (particularly where equestrian or stream valley trails in a natural setting are planned), the following examples from the subject application illustrate where the developer is doing this:

In Phase 5, the Cabin Branch Trail is located along North Riding Road where it crosses the PEPCO property. This minimizes the impacts to the PEPCO land. The Cabin Branch Trail is also located along a stormwater management access road where the two routes coincide. This route utilizes an access road that would be required for the pond anyway and further minimizes the impacts of the trail. The rest of the Cabin Branch Trail is separate from Phase 5 and previously approved as the "Cabin Branch Trail Construction Plan". No other trails are included in Phase 5, largely due to steep slopes and other environmental constraints. In addition to the Cabin Branch Trail, the rest of the pedestrian network in Phase 5 consists of planned sidewalks where no trails exist.

It appears that the water and sewer right-of-way on the applications are all along planned roads. Sometimes it is possible to locate stream valley trails within the utility easements within stream valleys to minimize clearing and grading. However, as the water and sewer easements appear to be along the roads in the subject application and there are no pre-existing easements along Cabin Branch, it is not possible to align the off-road trails with utility easements in this location.

4. During the review of the detailed site plan, all PMA impacts approved by this plan shall be evaluated in order to further minimize the number and extent of the proposed PMA impacts. This shall include documentation that identifies the impacts as approved by this plan and the revised impact as proposed by the detailed site plan.

Comment: Section 24-130(b)(5) of the Subdivision Regulations requires that the Patuxent River Primary Management Area (PMA) be preserved in a natural state to the fullest extent possible. The Preliminary Plan of Subdivision 4-04080 proposed 52 PMA impacts, 43 of which were approved.

The impacts shown on Sheets 31, 33, 35, 37, 38 and 40 are consistent with those approved by Preliminary Plan of Subdivision 4-04080. No additional information regarding impacts to the PMA is required.

The recommended trail alignment to the south of the stormwater management pond is in an area where impacts have already been approved and would not result in a net increase of PMA impacts.

5. Prior to submittal of the Detailed Site Plan the applicant shall meet with the Environmental Planning Section to evaluate alternatives that may allow for a reduction in the number and extent of the proposed PMA impacts. The Detailed Site Plan shall show a reduction of the following impacts supported with a condition: 8, 10, 12, 13, 19, 21, 22, 24, 32, E, H, Q, R, and the Trails.

Comment: This condition was fulfilled at the time of review of Detailed Site Plan DSP-04088.

10. This plan and all subsequent plan submittals for this property shall reflect the location of the unmitigated 65 dBA Ldn noise contour on the plans. Subsequent plan submittals shall not show any residential lots within the unmitigated 65 dBA Ldn noise contour unless a Phase II noise study is included with the submittal and all interior and exterior noise impacts are mitigated so as not to exceed the State of Maryland noise standards.

Comment: Since the subject DSP covers Phase 5 of Marlboro Ridge, which is located some distance from Ritchie Marlboro Road, no traffic-related noise impact to any proposed residential lot in these phases of the development is expected.

12. Prior to approval of the first detailed site plan for the Clagett Property the September 20, 2004, geotechnical report, referenced by IC&E file number 40-04065-8, shall be revised to eliminate assumptions and be based on factual data and the comprehensive slope stability analysis shall be revised for the entire site to reflect the new information in accordance with the guidelines established by the Department of Environmental Resources, Permits and Review Division.

Comment: This condition was fulfilled prior to the approval of Detailed Site Plan DSP-04088.

13. The mitigated and unmitigated 1.5 safety factor lines shall be shown on the Type II tree conservation plan and the detailed site plan. All residential lots shall be located beyond the limits of the final mitigated 1.5 safety factor line as determined by the slope stability analysis as approved by the Department of Environmental Resources, Permits and Review Division, and a minimum 50-foot building restriction setback from the final mitigated 1.5 slope safety factor line shall be provided, unless a lesser setback is approved by DER.

Comment: A study titled "Report of Geotechnical Exploration" for Marlboro Ridge Phase 5, stamped as received on January 13, 2010, has been submitted. In accordance with the study, the location of the Marlboro clay and the unmitigated 1.5 safety factor lines are shown on the plan. According to the study, the proposed grading has mitigated the factor of safety above the minimum standard of 1.5. The study also provides specific recommendations with regard to the construction and placement of structures on the site to ensure the stability of the final slopes as well as the foundations of the proposed structures. A review of the submitted slope stability analysis will also be conducted by the Department of Environmental Resources (DER) at the time of permitting for this site.

The report titled "Report of Geotechnical Exploration" for Marlboro Ridge Phase 5 should be submitted as part of the building permit review packages for all permits in Phase 5 for use by the County during the review of permits. A condition recommended below will require the submission of this report with each building permit.

15. At the time of detailed site plan, the applicant, the applicant's heirs, successors and/or assignees shall provide the following trail-related information with the site plans:

a. A composite trails map showing the connection to the regional trail network, multiuse master plan trails, equestrian trails, bikeways, and sidewalks shall be submitted with the first DSP. Trails widths and surface types should be indicated on that plan.

b. A multiuse, hiker/biker/equestrian trail along the subject site's entire length of Cabin Branch. This trail should be constructed to DPR standards and guidelines.

c. A hiker/equestrian trail along the subject site's entire length of Back Branch.

d. Depending upon the road cross section required by DPW&T, one of the following should be constructed along the subject site's entire road frontage of Ritchie Marlboro Road:

(1) An eight-foot-wide hiker/biker trail, or

(2) Seven- to ten-foot-wide asphalt shoulders and the placement of bicycle signage.

e. A paved master plan trail running from the Cabin Branch stream valley trail to the northern property line, as indicated on the master plan.

f. The proposed trail network shall be expanded to include the portions of the subject site north of the Cabin Branch.

g. All equestrian trails shall meet the standards provided in Figure 3 of the adopted and approved Melwood-Westphalia Master Plan. Main trails should have a minimum ten-foot-wide trail (with a two-foot-wide buffer on each side) and a minimum head clearance of 12 feet. Feeder trails, or trails receiving less volume, should meet the subdivision park trail standard, with a minimum trail width of six to eight feet, with a two-foot-wide buffer on each side. In order to accommodate equestrians, a minimum head clearance of 12 feet is recommended on these trails as well. All trails on land to be dedicated to the Department of Parks and Recreation should meet all DPR standards and guidelines. Due to the density of the proposed development, standard sidewalks shall be provided along both sides of all internal roads, subject to concurrence by DPW&T.

Comment: See Finding 9 for a detailed discussion of the detailed site plan's conformance to this condition.

21. Private recreational facilities, such as small-scale neighborhood outdoor play areas and picnic areas in at least five locations, shall be reviewed by the Urban Design Section of the Development Review Division (DRD) for adequacy and property siting at the time of detailed site plan.

Comment: This detailed site plan does not include any recreational facilities.

22. A Type II tree conservation plan shall be approved at the time of detailed site plan.

Comment: A Type II Tree Conservation Plan TCPII/083/05-06 has been submitted with this application and is recommended for approval.

25. The question of a primary residential street connecting the proposed subdivision to the adjacent North Roblee Acres community shall be addressed at the time of detailed site plan.

Comment: See above Finding 9. The new Condition 15 added to the approval of Conceptual Site Plan CSP-03005 by the District Council explicitly prohibits any street connection from the Clagett Property to the adjacent North Roblee Acres Subdivision. No such connection is shown on the subject detailed site plan.

26. The applicant shall preserve the location for the planned right-of-way for the proposed A-37 master planned arterial by either removing lots within the proposed alignment, or adjusting lots and/or the A-37 alignment, as determined at the time of detailed site plan.

Comment: A-37 does not impact this part of the Marlboro Ridge property.

27. The preliminary plan shall be subject to the Department of Parks and Recreation's conditions as follows:

a. The dedication of 128± acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."

Comment: According to the Department of Parks and Recreation (DPR), 59.52 acres have been dedicated to M-NCPPC throughout Phases I, II, III, and IV of the project. The plans indicate that an additional 23.67 acres of land (Parcel G) will be conveyed to M-NCPPC with the Phase 5 development. The remaining requirement for the dedication of approximately 44.81 acres of parkland will be met when the future phases are submitted. Parcel G abuts a proposed HOA parcel which contains stormwater management facilities and, as currently configured, does not have the required legal frontage to a public right of way. The applicant has proffered to provide an ingress/egress easement to provide DPR with legal rights to enter onto Parcel G. DPR is recommending that Parcel G be reconfigured so that legal frontage to a public right-of-way (ROW) can be provided.

b. The subdivider, successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be

dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.

Comment: This condition remains valid and will be addressed prior to the recordation final plats that include land to be dedicated to M-NCPPC.

c. The applicant shall construct a ten-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch as shown on attached Exhibit "A."

Comment: According to the Department of Parks and Recreation (DPR), the Back Branch trail construction is 90 percent complete. Cabin Branch trail has not commenced.

d. The applicant shall construct six-foot-wide asphalt trail connectors from the neighborhoods to the stream valley trail system along Cabin Branch and Back Branch Stream Valleys as shown on attached DPR Exhibit "A."

Comment: Due to the physical site constraints, there are no trail connectors proposed under this phase of the development. All access to the Cabin Branch Trail will be via sidewalks within the public rights-of-way.

e. Prior to submission of the first detailed site plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the master-planned trails along the Cabin Branch and Back Branch stream valleys and of the connecting trails from the adjoining residential areas. The alignments shall be approved by DPR.

Comment: This condition was addressed prior to the submission of Detailed Site Plan DSP-04088.

f. Submission of three original, executed recreational facilities agreements (RFAs) for trail construction to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

Comment: According to the Department of Parks and Recreation (DPR), the recreational facilities agreement (RFA) is complete and has been recorded at Liber 28354 Folio 045.

g. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.

Comment: According to the Department of Parks and Recreation (DPR), the bond for Back Branch trails construction has been received. The bond for the Cabin Branch construction must be submitted prior to the issuance of the 439th building permit.

h. The location of the trail shall be staked in the field and approved by DPR prior to construction.

Comment: This condition remains valid and the applicant will be required to comply at the appropriate time.

i. The applicant, his heirs, successors, and/or assignees shall construct the trail in phase with development. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction. Prior to issuance of the 529th residential building permit, a ten-foot-wide, asphalt hiker/biker trail along Cabin Branch and Back Branch shall be completed. A six-foot-wide feeder trail shall be constructed in phase with development.

Comment: The Transportation Planning Section's trails planner is recommending several conditions which would ensure that trails are constructed in phase with development.

j. With the submission of the first detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Park and Recreation Facilities Guidelines.*

Comment: Department of Parks and Recreation (DPR) staff has reviewed and approved a concept plan showing the alignment of the trail along the Cabin Branch and Back Branch Stream Valleys. The Back Branch Trail is 90 percent complete and virtually ready for final inspection. With this phase of the development, the applicant has included detailed construction drawings for approximately half of the Cabin Branch Trail. DPR has raised several issues with the trail design, which are discussed in detail in Finding 9.

k. 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 remains valid and will be required to be addressed if necessary.

l. The handicapped accessibility of all trails shall be reviewed during the review of the DSP.

Comment: See Finding 9 above for a detailed discussion.

m. The applicant shall enter into an agreement with PEPCO for public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.

Comment: According to the applicant, PEPCO would not authorize separate trail and road crossings. Therefore, the master plan trails have been located within the

right-of-way where North Riding Road crosses the PEPCO property. Although the plans were referred to PEPCO, at the time of the writing of the staff report, final comments regarding the crossing design and the status of the agreement required above have not been received. Therefore, this condition has been carried forward as a recommended condition of approval of this detailed site plan.

n. If M-NCPPC trails are used by for-profit equestrian operations, an agreement shall be reached between M-NCPPC and the equestrian operator before for-profit operations are conducted on public parkland. Further, at a minimum, the agreement shall include provisions that require the equestrian operator to provide insurance with coverage limits as specified by M-NCPPC and name M-NCPPC as an additional insured; indemnify and hold harmless M-NCPPC; perform all construction and maintenance functions for the trails; and to allow for public use of the trails.

Comment: This condition remains valid. Prior to use of the equestrian facilities on parkland by a for-profit operator of the equestrian facility, an agreement between M-NCPPC and the operator will be required.

29. A Type C bufferyard shall be shown on both sides of the PEPCO easement at the localities adjacent to the proposed single-family lots.

Comment: A Type C bufferyard is shown along the PEPCO property adjacent to the single-family lots proposed with this application.

11. **Umbrella Architecture Detailed Site Plan DSP-05040:** The Planning Board approved Umbrella Architecture Detailed Site Plan DSP-05040 with two conditions on January 26, 2006. The District Council affirmed the Planning Board's approval with modification of the first condition of approval on June 12, 2006 as follows:

1. All single-family detached models in Marlboro Ridge shall have a full front façade (excluding gables, bay windows, trim, and door) of brick or equivalent masonry treatment.

2. Every side elevation on a corner lot that is visible from the public street shall display significant architectural features as provided in one of the following options:

a. Full brick, stone, stucco, or other masonry treatment combined with at least three windows, doors, or other substantial architectural features; or

b. Brick, stone, stucco, or other masonry treatment (not including the gable area), combined with no less than four windows or one side-entry door.

Comment: The above two conditions are applicable to this DSP and have been included as site plan notes. Staff recommends that the two architecture-related conditions be carried forward as conditions of approval of this DSP. In addition, no two units located directly next to or across the street from one another should feature identical front elevations and the developer should display in the sales office all of the plans approved

by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.

12. ***Prince George's County Landscape Manual:*** The subject detailed site plan is subject to Section 4.1, Residential Requirements; and 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*.

    a. Section 4.1(c) requires that one-family detached lots which are 20,000 square feet or larger but less than 40,000 square feet shall be planted with a minimum of three major shade trees and two ornamental or evergreen trees per lot. The subject detailed site plan proposes 23 lots between 20,000 and 40,000 square feet and has provided 69 shade trees, 29 ornamental trees, and 17 evergreen trees. The subject DSP is in conformance with the requirements of Section 4.1(b) of the Landscape Manual.

       Section 4.1(c) requires that one-family detached lots which are 9,500 square feet or larger but less than 20,000 square feet shall be planted with a minimum of two major shade trees and one ornamental or evergreen tree per lot. The subject detailed site plan proposes 44 lots between 9,500 and 20,000 square feet and has provided 88 shade trees, 33 ornamental trees and 11 evergreen trees. The subject DSP is in conformance with the requirements of Section 4.1(c) of the Landscape Manual.

    b. The proposed single-family dwellings are required to be buffered from the PEPCO power lines pursuant to Section 4.7, Buffering Incompatible Uses. The subject detailed site plan is in conformance with Section 4.7 of the Landscape Manual.

13. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property has several previously approved Type I and Type II tree conservation plans. The current DSP application is for Phase 5 for construction of single-family residential lots. The subject TCPII will eventually cover the entire property and is being developed in phases. Phases 1A, 1B, 1C, and 1D, Phase 2 and the remainder of the property east of the PEPCO right-of-way were previously reviewed and approved. The area contained in Phases 3 and 4 is under review. Clearing in additional phases in the future will result in an increase in the overall requirement.

    The overall plan, Type II Tree Conservation Plan TCPII/83/05-06, proposes the clearing of 125.94 acres of upland woodland and 9.24 acres of woodland within the 100-year floodplain. The woodland conservation threshold has been correctly calculated at 99.34 acres, or 20 percent of the net tract. The total requirement based on the proposed clearing is 128.73 acres. The plan proposes to meet the requirement by providing 99.51 acres of woodland preservation and 38.41 acres of afforestation/reforestation for a total of 135.38 acres.

    There are some minor technical errors. The plan shows symbols that are not reflected in the legend. In many areas on the plan the symbol "LOD" is missing and the line becomes confusing with other symbols on the plan. The limit of disturbance (LOD) needs to be revised so that it is more legible and distinct on the plan.

The Environmental Planning Section recommends approval of Type II Tree Conservation Plan TCPII/083/05-06 subject to two conditions which have been included in the recommendation section of this report.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. In a memorandum dated January 20, 2010, the Community Planning South Division noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* for residential land use in the Westphalia area.

b. In a memorandum dated January 21, 2010, the Subdivision Section listed all conditions attached to the approval of Preliminary Plan of Subdivision 4-04080 that are applicable to the review of this DSP (see above Finding 10 for a detailed discussion). In addition, the Subdivision Section provided several comments, which have either been addressed through revisions to the plans or have been incorporated as recommended conditions of approval of this detailed site plan.

c. The Environmental Planning Section, in a memorandum dated January 22, 2010, provided a detailed analysis of the plan's conformance to previous approvals. The staff recommends the approval of this Detailed Site Plan DSP-07058 and Type II Tree Conservation Plan TCPII/083/05-06 subject to two conditions which have been incorporated in the recommendation section of this report.

d. The Transportation Planning Section, in a memorandum dated December 7, 2009, provided a detailed discussion on roadway improvements, which will be enforced at time of building permit, as required by the approval of Preliminary Plan of Subdivision 4-04080.

The Transportation planner also indicated that the layout is unacceptable based on the fact that the approved master plan road layout is not accurately reflected on the proposed application. The 2007 approved *Westphalia Sector Plan and Sectional Map Amendment* recommends two parallel connections between the subject property and points to the west (Westphalia Center) by way of two 60-foot residential roads, P-617 in the north and P-615 in the southern section of the property. P-615 has been the subject of previous staff review (DSP-09018).

In the subject application, P-617 is represented by North Riding Road, a proposed 36-foot road within a 60-foot right of way. While the master plan alignment is located much closer to the northern property line, staff finds the proposed location of P-617 (approximately 250 feet south of the property line) to be an acceptable alternative. The proposed site layout shows North Riding Road creating a "T" intersection with Polo Place which continues as P-617 to the adjacent property to the north. While staff finds the continuation of P-617 to the adjacent property to be consistent with the master plan, staff does not support the creation of a "T" intersection in the manner which is currently being proposed. Staff's traffic forecast model analyses indicate that the traffic flow between North Riding Road and Polo Place (to and from the north) will be the dominant movement, and consequently, such a movement would be better represented by a geometry that

allowed a continuous movement between these two proposed streets. To that end, staff recommends a redesign of the road geometry such that the confluence of North Riding Road and Polo Place (to the north) is represented by a curve rather than the "T" intersection that is being proposed. Regarding the Polo Place to the south, creating a "T" intersection with P-617 would be acceptable.

The Transportation Planner concluded that the proposed site plan is deemed acceptable as required by Section 27-285 of the Zoning Ordinance, if it is approved with a condition requiring a redesign of P-617 consistent with the above recommendation.

Comment: A condition has been included which would require the redesign of P-617 in accordance with the Transportation Planning Section's recommendations.

In a separate memorandum from the Transportation Planning Section dated January 22, 2010, the trails planner provided an analysis of the detailed site plan's conformance with prior approvals (CSP-03005 and 4-04080) and master planned trails. An extensive network of internal and master plan trails is located within the subject application.

According to the trails planner, all trails in Phase 5 are located on land dedicated to M-NCPPC, within HOA open space or within public road rights-of-way. The locations of the trails shown on the submitted site plan appear to comply with prior approvals with the minor exceptions noted in Finding 9 above. Staff supports the provision of standard sidewalks along both sides of the internal roads, as shown on the submitted DSP.

Due to several recent cases involving the location of trails immediately next to or behind private residential lots, staff evaluated the proximity of the trails proposed in relation to adjoining lots and made several recommendations designed to ensure that prospective home buyers are aware of the location of the trails and that the trails are constructed prior to adjacent residential lots. Measures taken to ensure that all lot owners are aware of adjacent trail include:

- Require that contract purchaser's review and sign a copy of the current Composite Trails Plan at the time of purchase.

- Posting of signage along the future trail corridor.

- Requirement that trails be located a minimum of twenty feet from all private residential lots and twenty-five feet from all residential dwellings except where trails connect to the internal road network.

Staff evaluated the distance of the proposed trails from the adjacent lots and in most cases found that the distance usually exceeds 25 or 30 feet, sometimes by a substantial margin. The only exceptions for Phase 5 appear to be where the trail runs behind Block C, Lots 1–4 and at the base of the retaining wall, which are discussed in Finding 9.

The staff recommends approval of this DSP subject to four conditions regarding the setback of trails from residential units and lot lines, the timing of trail construction and the inclusion of the Composite Trails Map in all future sales contracts. These conditions have been incorporated into the recommendation section of this report.

e. The Department of Parks and Recreation (DPR), in a memorandum dated January 21, 2010, provided a discussion on the DSP's conformance with previously approved plans which are discussed above in Findings 9 and 10. The DPR recommends approval of this DSP subject to nine conditions which have been incorporated into the recommendation section of this report.

f. The Permit Review Section provided numerous comments concerning the detailed site plan's compliance with the Zoning Ordinance. The comments have either been addressed in the review process or are not applicable at this time.

g. At the time of the writing of this staff report, comments have not been received from The Department of Public Works and Transportation (DPW&T). Prior to signature approval of the detailed site plan, the applicant should provide evidence from DPW&T that the detailed site plan is consistent with approved Stormwater Concept Plan 21383-2003-03.

h. At the time of the writing of the staff report, comments have not been received from the Westphalia Sector Development Review Advisory Council.

15. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan, DSP-07058, for Marlboro Ridge, Phase 5, and Type II Tree Conservation Plan TCPII/083/05-06, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:

a. Revise the alignment of the hiker biker and equestrian trails south of the stormwater management facility on Parcel F so as to provide a more desirable alignment and to provide more separation between the rear yards of the proposed houses on Lots 1–4, Block C and the trails. The trails shall be located on the Parcel to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to the extent feasible.

b. Revise the configuration of Parcels F (HOA Parcel containing stormwater management facility) and Parcel G (Parcel to be dedicated to M-NCPPC) to provide legal frontage to Parcel G east of Lot 1, Block C and to locate the trails on M-NCPPC-owned property to the extent feasible.

c. Submit detailed design plans of the retaining wall area within Lots 10 and 11, Block C that show lower height retaining wall(s) and increased setbacks to M-NCPPC property to be reviewed and approved by The Department of Parks and Recreation as designee of the Planning Board.

d. Redesign the road geometry of P-617 so that the confluence of North Riding Road and Polo Place (to the north) is represented by a curve rather than the "T" intersection. Regarding Polo Place to the south, creating a "T" intersection with P-617 is acceptable. This redesign may result in the loss of one or more lots.

e. Revise the plans to show trails no less than twenty feet from all private residential lot lines and/or twenty-five feet from all residential dwellings, excluding where trails connect with the internal road network.

f. Provide evidence from DPW&T that the detailed site plan is consistent with approved Stormwater Concept Plan 21383-2003-03.

g. Submit an updated composite trails map showing the connections to the regional trails network, multi-use master planned trails, equestrian trails, bikeways, and sidewalks. Trail width and surface types shall also be indicated on the approved plan.

2. Prior to certification of the detailed site plan, the TCPII shall be revised as follows:

a. Show the limits of disturbance (LOD) consistently on the plan so that it is visible and distinct from all other symbols.

b. Show all symbols used on the plan in the legend, including but not limited to the existing and proposed contours, stream centerline, stream buffer, primary management area (PMA), wetlands, wetland buffers, and 100-year floodplain.

c. Have the revised plan signed and dated by the qualified professional who prepared the plan.

3. Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association (HOA), shall include language requiring that future contract purchasers of homes view and sign a copy of the current Composite Trail Plan as part of the purchase process.

4. Prior to the issuance of any permits, the applicant shall submit to the Department of Parks and Recreation (DPR) for approval a binding maintenance agreement for the section of Master Planned trails from Ritchie Marlboro Road to the point where the trails connect onto Parcel G.

5. For use by the County during the review of permits, the report titled "Report of Geotechnical Exploration" for Marlboro Ridge Phase 5 shall be submitted as part of the building permit review packages for all permits in Phase 5.

6. Prior to the issuance of building permits for Block C, Lots 1-4 (North Riding Road), the approved public trail location behind said lots shall be posted at 200-foot intervals and inspected by the Trails Coordinator. The signage shall be approved by the Trails Coordinator prior to posting and shall at a minimum state "Future location of public trail." The signage shall be of durable materials, colors that will attract attention, and directed toward the lots. The signage height shall be determined by the site grading to ensure visibility. This condition may be partially waived by the Trails Coordinator, at the request of the applicant, if specific site conditions make the trail posting unwarranted for its purpose at certain locations.

7. Prior to the issuance of any building permits for Marlboro Ridge Phase 5, the applicant shall prepare and execute an easement agreement with M-NCPPC to provide access to Parcel G for maintenance of the retaining walls located on Parcel E (HOA).

8. The applicant shall dedicate approximately 23 ± acres of land (Parcel G) to M-NCPPC.

9. The land to be conveyed for public parkland shall be subject the following:

   a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission (WSSC) Assessment Supervisor) shall be submitted to the Department of Parks and Recreation (DPR) of The Maryland-National Capital Park and Planning Commission (M-NCPPC) along with the final plats.

   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, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to the final plat.

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

   d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration or repair or improvement made necessary or required by M-NCPPC developmental approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

   e. Any storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, 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. The DPR shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to final plat approval.

   g. 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, maintenance and easement agreements shall be required prior to the issuance of grading permits.

10. The bond for the Cabin Branch Trail construction shall be submitted to DPR prior to the issuance of the 439th building permit.

11. The applicant and the applicant's heir, successors, and/or assignees, shall construct the trail in phase with development. No building permits shall be issued for lots directly adjacent to

the trail until the trail is under construction (under construction is defined as installation of the gravel base). Prior to issuance of the 529th residential building permit, a ten-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch shall be completed. Six-foot-wide feeder trails shall be constructed in phase with development.

12. All single-family detached models shall have a full front façade (excluding gables, bay windows, trim, and door) of brick or equivalent masonry treatment.

13. Every side elevation on a corner lot that is visible from the public street shall display significant architectural features as provided in one of the following options:

    a. Full brick, stone, stucco, or other masonry treatment combined with at least three windows, doors, or other substantial architectural features; or

    b. Brick, stone, stucco, or other masonry treatment (not including the gable area), combined with no less than four windows, or one side-entry door.

    The side elevations visible from the street on the following lots shall receive this treatment:

    - Lots 1, 10, 11, 17, 18, and 30, Block A
    - Lots 1 and 8, Block B
    - Lots 1, 4, 5, 8, 14, 15, 20, 24, 28, and 29, Block C

14. No two units located next to or directly across the street from each other may have identical front elevations.

15. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.

16. The applicant shall enter into an agreement with PEPCO for public access, construction, installation, reconstruction, operation, and maintenance of the hiker/biker and equestrian trails on the PEPCO property.