

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 1, 2014 regarding Detailed Site Plan DSP-03033-02 for East Marlton, Sections 18, 19, 20, 21, and 22, the Planning Board finds:

1. **Request:** The subject application is for approval of a revision to a DSP to combine Detailed Site Plans DSP-03033 and DSP-03035, update landscaping, add new house types, and revise the layout for Section 21.
2. **Development Data Summary:**

|                | <b>EXISTING</b>           | <b>APPROVED</b>           |
|----------------|---------------------------|---------------------------|
| Zone(s)        | R-R, R-80, R-T, and R-P-C | R-R, R-80, R-T, and R-P-C |
| Use(s)         | Vacant                    | Single-Family Residential |
| Acreage        | 178.15                    | 178.15                    |
| Lots           | 0                         | 397                       |
| Parcels        | 0                         | 9                         |
| Dwelling Units | 0                         | 397                       |

OTHER DEVELOPMENT DATA

**Parking Data:**

**Parking Spaces Required**

|                                     |                   |
|-------------------------------------|-------------------|
| 304 Townhouses @ 2.04 spaces        | <b>621 spaces</b> |
| 93 Single-Family Homes @ 2.0 spaces | <b>186 spaces</b> |
| <b>Total</b>                        | <b>807 spaces</b> |

**Parking Spaces Provided**

|  |                   |
|--|-------------------|
| Garage Spaces (223 units @ two per unit) | 446 spaces        |
| Surface Spaces                           | 420 spaces        |
| <b>Total</b>                             | <b>866 spaces</b> |

**Architectural Model Data:**

| <b>Townhouse Model Name</b> | <b>Base Finished Area<br/>(square feet)</b> |
|-----------------------------|---|
| Hazelton                    | 2,109                                       |
| Fairmont                    | 1,320                                       |
| Fairgate (no garage)        | 1,911                                       |
| Brentwood                   | 2,580                                       |
| Gladstone                   | 2,151                                       |
| Triangle Homes Townhouse    | 1,752                                       |

| <b>Single-Family Detached<br/>Model Name</b> | <b>Base Finished Area<br/>(square feet)</b> |
|--|---|
| <b>Hovnanian Homes</b>                       |   |
| Delaware                                     | 2,821                                       |
| New Hampshire I and II                       | 2,850                                       |
| Maine II                                     | 3,534                                       |
| Hancock II                                   | 2,478                                       |
| Dakota                                       | 2,581                                       |
| Oxford                                       | 3,027                                       |
| <b>Advantage Homes</b>                       |   |
| Abbey  | 3,313                                       |
| Calvert                                      | 3,863                                       |
| Fillmore                                     | 2,438                                       |
| Grant  | 5,204                                       |
| Bancroft                                     | 3,388                                       |
| Drexel                                       | 4,241                                       |
| Van Buren                                    | 2,885                                       |
| <b>Ryan Homes</b>                            |   |
| The Balmoral                                 | 3,893                                       |
| The Highgrove                                | 3,576                                       |
| The Waverly                                  | 3,189                                       |

**Caruso Homes\***

|               |       |
|---------------|-------|
| Emory II      | 2,868 |
| Florida State | 2,660 |
| Newcastle     | 2,100 |
| Penn State    | 3,050 |
| Princeton     | 3,002 |
| Westminster   | 3,349 |

\*Note: All Caruso Homes types are the only new models being added with the subject application.

- Location:** The subject site is located in Planning Area 82A, Council District 9, within the Developing Tier. East Marlton, Sections 18, 19, 20, 21, and 22 are located off of proposed East Marlton Avenue, which is an extension of Heathermore Boulevard, northwest of the developing site. Also, the subject site is located on the northwest side of Croom Road (MD 382) and the northeast side of Marlton Town Center.
- Surrounding Uses:** The subject property is large and irregularly shaped, but the surrounding uses are primarily single-family detached residential, open space, and vacant residentially-zoned property. Generally, the subject property is bounded to the north by a R-E-zoned (Residential-Estate) property developed with agricultural uses; to the east by residentially-developed properties in the R-E Zone and the right-of-way of Croom Road (MD 382) with residentially-developed properties in the O-S (Open Space) Zone beyond; to the south by residentially-developed properties in the R-E Zone and vacant portions of East Marlton, zoned R-T (Townhouse) and R-R (Rural Residential); and to the west by a R-O-S-zoned (Reserved Open Space) property owned by the Prince George's County Board of Education, and vacant R-R-zoned portions of East Marlton. Further west of the subject property is the Pennsylvania Railroad right-of-way and a Potomac Electric Power Company (PEPCO) easement, with the remainder of Marlton beyond.
- Previous Approvals:** The site under review is the subject of Basic Plan Amendments A-6696-C, A-9730-C, and A-9731-C/03. The subject DSP is a portion of the Marlton Planned Community, most of which was zoned Planned Community (R-P-C) on February 26, 1969 (District Council Resolution No. 92-1969). An amendment to the zoning was approved on April 2, 1990 for East Marlton, a 431.5-acre portion of the R-P-C. On March 31, 1994, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-93078 for East Marlton, including Sections 18–22, which incorporated three previously submitted preliminary plans and tree conservation plans and superseded all previous approvals. The resolution of approval, PGCPB No. 94-112, containing 26 conditions was adopted on May 5, 1994. The preliminary plan is valid until December 31, 2015 pursuant to County Council Bill CB-70-2013. No final plat has been recorded for the subject site.

Detailed Site Plan DSP-03033, East Marlton, Sections 18, 21, and 22, was originally disapproved by the Planning Board on April 15, 2004. The applicant appealed the Planning Board's decision to the District Council. As a result, the District Council remanded the case to the Planning Board on November 22, 2004 to allow the applicant to revise and resubmit DSP-03033 concurrently with DSP-03035, to reflect the results of a negotiated agreement between the applicant and parties of record and to allow staff to review the revised plans. Subsequently, the Planning Board held a second hearing and approved DSP-03033 and Type II Tree Conservation Plan TCPII/143/03-01 subject to conditions contained in PGCPB Resolution No. 04-73(A). The Planning Board decision was affirmed by the District Council on March 13, 2006, subject to 34 conditions. Detailed Site Plan DSP-03033/01, to add townhouse architecture and reapprove the original plan due to its expiration, was approved by the Planning Board on May 14, 2009 and, subsequently, approved by the District Council on October 5, 2009, subject to 37 conditions.

Detailed Site Plan DSP-03035, East Marlton, Sections 19 and 20, was originally approved by the Planning Board on December 18, 2003. On February 23, 2004, the District Council remanded the case to the Planning Board. On April 15, 2004, the Planning Board again approved the case and adopted PGCPB Resolution No. 03-277. On September 13, 2004, the District Council again considered the case and again remanded it to the Planning Board. The Planning Board again approved the case on April 21, 2005 and the District Council then issued an order approving the case on March 13, 2006. Detailed Site Plan DSP-03035/01, to add architecture and reapprove the original plan due to its expiration, was approved by the Planning Board on April 16, 2009 and, subsequently, approved by the District Council on July 20, 2009, subject to 35 conditions.

6. **Design Features:** The subject application requests that the areas of DSP-03033 and DSP-03035 be combined into one DSP and that the entire proposed development be reapproved prior to its expiration date. Other proposed revisions include adding six new single-family detached Caruso Homes house types, updating the landscaping per the 2010 *Prince George's County Landscape Manual* (Landscape Manual), minor adjustments to the limits of disturbance in accordance with technical plans, and a revision to the lot layout within Section 21 to avoid a rare plant species. The subject application does not propose any changes to recreational features, stormwater features, noise mitigation measures, or other house architecture or lot layouts proposed with the original approvals.

East Marlton is accessed via Heathermore Boulevard, which currently terminates west of the existing PEPCO power lines and Conrail railroad tracks that run north/south through the Marlton area. Heathermore Boulevard is proposed to be extended eastwards, past the power lines and railroad tracks, then it will terminate at a proposed roundabout and become East Marlton Avenue. East Marlton Avenue, which continues running southeast along the edge of the Board of Education property before turning south, provides all of the vehicular access to the proposed residential Sections 18, 19, 20, 21, and 22.

Section 18 is zoned R-T, is the northernmost section, and is located to the north of East Marlton Avenue, between it and an adjacent agriculturally-developed property. It is proposed to be

developed with 160 townhouse lots, 49 with garages and 111 without, arranged in pods fitting between the environmental features in the section. Section 21 is zoned R-T, is located to the south of Section 18 and to the east of East Marlton Avenue, across from the existing Board of Education property. It is proposed to be developed with 56 townhouse lots, 39 with garages and 17 without, arranged in a long rectilinear fashion. The layout for this section was revised with the subject application to provide for avoidance of a rare plant species and an appropriate buffer, which is discussed further in Finding 15h below. Section 22 is zoned R-T and is located to the west of East Marlton Avenue, south of the existing Board of Education property, and across from the other sections in this application. It is proposed to be developed with 88 townhouse lots, 42 with garages and 46 without, arranged in a roughly rectangular connected pod. Some additional lots are shown in the southern part of this area, but are for informational purposes only and are not being approved with this DSP.

Sections 18, 21, and 22 propose a total of 304 townhouses with six different architectural house types. The front façade design of the townhouses will vary considerably. All brick, all stone, all vinyl siding, as well as half brick and half vinyl siding, front façades are offered. Side and rear elevations propose only vinyl siding. For the townhouses, the proposed minimum lot size is 1,500 square feet and the proposed minimum base finished square footage for the house is 1,320 square feet. Each three-story townhouse has a maximum height of 40 feet and a minimum yard area of 800 square feet. The proposed layout of the townhouses is consistent with the previous approval of DSP-03033 and DSP-03035, except in Section 21 which was revised to avoid environmental impacts. All units are front-loaded, with a mix of garage units and non-garage units. Final information for each lot, such as exact model selected by the buyer, will be shown at the time of building permit.

Section 19 is zoned R-R, is the largest of the sections, and includes the entire eastern portion of the subject property, including that bordering the west side of Croom Road (MD 382) across from its intersection with Croom Airport Road. This section proposes 68 single-family detached lots and is accessed off of public roads, with multiple culs-de-sac, from East Marlton Avenue in Section 18 before running east and then turning south. Section 20 is zoned R-80, is located south of Section 21, and is located between Section 19 and East Marlton Avenue. All of the proposed 25 single-family detached lots in this section are accessed off of one long public road with a cul-de-sac that connects to the road network within Section 19.

Sections 19 and 20 propose a total of 93 single-family detached house lots with 23 different architectural house types, six of which are new with this application. The six new house types are from Caruso Homes and include the Emory II, Florida State, Newcastle, Penn State, Princeton, and Westminster models. The smallest base finished square footage of all proposed single-family detached house types is 2,100 square feet (Caruso Homes–Newcastle), whereas the smallest previously approved was 2,438 square feet. Any house type could be built on any number of lots as long as it fits within the building restriction lines for each specific lot. All single-family detached house types include a two-car front-loaded garage, with options for side-load or three-car garages, along with multiple other options, including porches, extensions, morning rooms, and sunrooms. The proposed models offer several different front elevations, which are mainly of traditional architectural style, with varied roof

pitches and decorative architectural elements, such as shutters and enhanced trim. All are proposed to be finished with standard vinyl siding, brick veneer, or a combination of both. The previous DSP approvals included multiple conditions regarding architecture which are addressed in Findings 10 and 11 below. However, the following notes are included on the coversheet of the DSP that establish some additional parameters for the quality of architecture that will be provided:

- “7. Minimum width of townhouse dwelling units shall be twenty feet.”
- “8. Minimum gross living space for townhouses shall be 1,250 square feet.”
- “9. Townhouse lots, for side and rear walls, shall be articulated with windows, recesses, chimneys or other architectural features in a balanced composition of brick, stone or stucco.”
- “10. Above-grade foundation walls for townhouse lots shall be either clad with finish material compatible with the primary facade design, or shall be textured or formed to simulate a clad-finish material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete will not be used.”
- “11. A minimum of 60 percent of all townhouse units shall have a full front facade (excluding gables, bay windows, trim and doors) of brick, stone, or stucco. Each building shall be deemed to have only one “front”.”
- “12. A minimum of 50 percent of the single-family detached units shall have brick front facades. This percentage shall include the units on highly visible lots as identified on Applicants Exhibit 1, which shall utilize brick for both side elevations as well.”
- “13. Identical models for the single-family detached lots shall not be located directly adjacent or across the street from each other.”
- “14. For the single-family detached lots, all side elevations shall have a minimum of two architectural features and side elevations on highly visible lots as identified on Staffs’ Exhibit 1 shall have a minimum of four architectural features in a reasonable symmetrical arrangement.”
- “15. For the single-family detached units, architectural elevation drawings of all approved models shall be maintained on-site in the sales office.”
- “16. The following lots are “high visibility”:  
  
Section 18: Lots 1, 13, 16, 35, 36, 64, 85, 98, 132, 133, 139, 140, 146, 147, 154, 160.  
Section 21: Lots 1, 14, 23, 24, 56.

Section 22: Lots 1, 40, 41, 46, 68, 73, 74, 78, 79, 88.  
 On high visibility lots, all endwall features are standard.”

“17. Shutters shall be provided adjacent to the rear windows (where space permits) on the following groups of units:

Section 18: Lots 1-35  
 Section 22: Lots 1-5”

Throughout the subject development’s approval history, no conditions in regard to type, size, or timing for construction were ever adopted regarding the private recreational facilities provided on-site within the townhouse sections. They are not required to meet the mandatory parkland dedication requirements under Subtitle 24 of the Prince George’s County Code, which were fulfilled with the public recreation dedication and facility package, but private facilities have always been shown on the DSP. The applicant has proffered the following facilities and timing within the townhouse sections:

| <b>SECTION 18 (160 Units)</b>   |   |  |
|---|---|--|
| <b>FACILITY</b>   | <b>BOND</b>   | <b>FINISH</b>                                      |
| <b>Play Area A</b> (between Lots 70 and 71)<br>One (1) pre-teen playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 140 linear feet of four-foot-high black chain link fence | Prior to issuance of any building permits in this section     | Prior to issuance of the 55th building permit      |
| <b>Play Area B</b> (median of Conoy Court)<br>One (1) tot lot playground<br>Two (2) benches<br>One (1) trash receptacle<br>Approximately 100 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 110th building permit |

| <b>SECTION 21 (56 Units)</b>   |   |   |
|--|---|---|
| <b>FACILITY</b>  | <b>BOND</b>   | <b>FINISH</b>                                     |
| <b>Play Area</b> (between Lots 23 and 24)<br>One (1) tot lot playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 140 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 30th building permit |



| SECTION 22 (88 Units)   |   |   |
|---|---|---|
| FACILITY  | BOND  | FINISH  |
| <b>Play Area</b> (behind Lots 56 and 57)<br>One (1) tot lot playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 130 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 45th building permit |

The Planning Board found that these facilities and time limits are appropriate for the proposed townhouse sections, when taken in conjunction with the required public recreational facilities for the overall site. In order for a private recreational facilities agreement to be recorded to ensure provision of these facilities in a timely fashion, multiple conditions have been included in this approval.

7. **Prince George’s County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-R, R-80, R-T, and R-P-C Zones and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed single-family residential development is a permitted use in the R-R, R-80, R-T, and R-P-C Zones.
  - b. The proposal is also in conformance with the requirements of Section 27-442 regarding additional regulations for development in residential zones.
  - c. The application is also in conformance with the requirements of Section 27-538 regarding site plans in the R-P-C Zone.
  
8. **The Marlton Official Plan, Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C, as amended:** Sections 18, 21, and 22 are part of the development known as “East Marlton Phase I,” which is part of a larger community known as Marlton. It was placed in the Planned Community (R-P-C) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale planned communities. The Marlton Official Plan (Official Plan), which includes zoning subcategories and a detailed development plan provides the overall framework for the development of the community. The zoning of the properties generally east of the PEPCO line, and known as East Marlton, was amended via Zoning Map Amendment A-9730-C in 1990.

The proposed development conforms to the requirements of the zoning sub-categories of the Official Plan (Revision February 5, 2010) and the detailed development plan. The Official Plan approved lots and proposed DSP lots are as follows for single-family attached (SFA) and single-family detached (SFD) units:

|                   | <b>APPROVED OFFICIAL PLAN</b> | <b>PROPOSED</b>        |
|-------------------|-------------------------------|------------------------|
| Section 18 (R-T)  | 160 SFA Lots                  | 160 SFA Lots           |
| Section 19 (R-R)  | 69 SFD Lots                   | 68 SFD Lots            |
| Section 20 (R-80) | 25 SFD Lots                   | 25 SFD Lots            |
| Section 21 (R-T)  | 56 SFA Lots                   | 56 SFA Lots            |
| Section 22 (R-T)  | 134 SFA Lots                  | 88 SFA Lots            |
| <b>Total</b>      | <b>350 SFA, 94 SFD</b>        | <b>304 SFA, 93 SFD</b> |

The proposed development was also reviewed for conformance with the 2009 Official Plan Amendment for Marlton document, which included 13 conditions that amended and restated the approved zoning map amendment conditions. The following are applicable to the review of this DSP and warrant discussion as follows:

- 4. During future Detailed Site Plan or Preliminary Plan reviews within East Marlton, the following shall be considered:**
  - i. Extending from the main open space spine are bands of green space as shown on the proposed Official Plan. This provision creates a framework for a community open space system. The internal open space within individual parcels should be provided and planned as branches off these major open space bands. These branches are essential to the completeness of the entire system. With well distributed branches, the open space system can then intimately and harmoniously blend into neighborhoods and greatly enhance the cohesiveness of this planned community.**

This condition, as shown on the Official Plan, relates to the properties west of proposed East Marlton Avenue, which is only Section 22 in this case. However, Section 22 does not come close to the bands of green spaces as shown on the Official Plan; therefore, this issue is not pertinent to the subject application.

- ii. Stands of mature trees and other environmental features can and should be preserved to the maximum extent possible through careful planning.**

The subject application does not propose major changes to the previously approved limits of disturbance which were found to be in conformance with this condition. The one exception is within Section 21, where the limits of disturbance were revised in order to preserve a rare plant species, as discussed in Finding 15h below. Therefore, it can be said that the environmental features on-site are preserved to the maximum extent possible.

- iii. A 50-foot-wide building restriction line shall be maintained from East Marlton Avenue. Within this 50-foot-wide building restriction line, existing vegetation shall be retained or landscaping shall be provided to buffer and screen the units from East Marlton Avenue.**

The submitted DSP shows a 50-foot-wide building restriction line along Sections 18 and Section 22's frontage on East Marlton Avenue in conformance with this condition. These are the only sections that propose houses in the immediate vicinity of East Marlton Avenue.

- 5. During future Preliminary Plans of Subdivision and Detailed Site Plan reviews within East Marlton, an appropriate system of community-wide pedestrian, sidewalks and where practical, bridle trails, and sidewalks, shall be provided.**

The subject application does not propose to change the previously approved sidewalk and trail system that was found to be in conformance with this condition. Therefore, the subject application remains in conformance with this requirement.

- 10. Detailed site plan review, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required and include the following:**

- a. The requirements of Sections 27-171 and 27-176 of the Zoning Ordinance for R-P-C considerations.**

The subject application is in conformance with the requirements of these sections.

- b. Prior to final plat approvals the applicant shall submit a Recreational Facilities Agreement to the Prince George's County Planning Board or its designee which indicates the recreational facilities which will be provided as part of the development of Marlton. It will further indicate the location of the facilities and include requirements for the timing of the transfer of all proposed parkland to the Maryland-National Capital Park and Planning Commission.**

A Public Recreational Facilities Agreement indicating the facilities, location, and timing has been submitted and recorded in Prince George's County Land Records at Liber 35310, Folio 401.

- 12. Except for the formerly zoned R-P-C/I-3 area (including the R-P-C/R-R zoned sliver) now zoned R-P-C/R-E which will be limited to a single roadway access onto Croom Road, all lots within East Marlton shall have direct access to East Marlton Avenue and/or Duley Station Road from within the Marlton community and shall not connect to Croom Road.**

The subject application reflects this condition as all lots have access via East Marlton Avenue and none connect to Croom Road.

9. **Preliminary Plan of Subdivision 4-93078:** On March 31, 1994, the Planning Board approved Preliminary Plan of Subdivision 4-93078 for East Marlton, including Sections 18–22, which consisted of approximately 181 acres, divided into 572 lots and 16 parcels. The resolution of approval, PGCPB No. 94-112, containing 26 conditions was adopted on May 5, 1994. The preliminary plan is valid until December 31, 2015 pursuant to Council Bill CB-70-2013. No final plat has been recorded for the subject site. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan is required. The following conditions of the preliminary plan approval are applicable to the review of this DSP and warrant discussion as follows:

1. **Approval of Preliminary Plat 4-93078 (Marlton Sections 18-22) supersedes approval of Preliminary Plats 4-89199 (Marlton Section 18), 4-90081 (Marlton Sections 20 and 21) and 4-90093 (Marlton Section 19).**

General Note 1 in the site notes section of the DSP states that the previous approval included Preliminary Plan 4-89199. Note 1 should be revised to remove the reference to Preliminary Plan 4-89199 and state that the previous approval is Preliminary Plan 4-93078.

3. **Development of this site shall be in conformance with all of the conditions of the Official Plan for the Marlton Residential Planned Community (R P C), ZMAP Nos. A-6696-C, A-9730-C and A-9731-C.**

The subject application's conformance to the Official Plan is discussed in Finding 8 above.

6. **At the time of Detailed Site Plan, the applicant, his heirs, successors and/or assigns, shall obtain approval of all on-site stormwater management ponds from DER.**

General Note 15 indicates that the site has an approved Stormwater Management Concept Plan, 22351-2001-00. A condition has been included in this approval requiring that the general note should include the approval date of the stormwater management concept plan.

7. **The applicant, his heirs, successors and/or assigns, shall work with the Park Planning and Development Division of the Department of Parks and Recreation to amend the Public Recreational Facilities Agreement recorded in Liber 8036 at Folio 460. The RFA shall be amended and recorded among the Land Records of Prince George's County prior to signature approval of this Preliminary Plat.**

The recreational facilities agreement has been amended and recorded in Land Records in Liber 35310, Folio 401.

8. **The construction of the 18 acre lake shall be completed under the following schedule:**

- a. **The applicant, his heirs, successors and/or assigns, shall obtain the appropriate Federal, State and local permits for the construction of the 18-acre lake by the issuance of the 800th building permit.**
  - b. **The applicant, his heirs, successors and/or assigns, shall bond and start construction of the lake by the issuance of the 1,000th building permit.**
  - c. **The applicant, his heirs, successors and/or assigns, shall complete construction of the lake with its recreational facilities by the issuance of the 1,100th building permit.**
9. **If for any reason the applicant, his heirs, successors and/or assigns, are unable to obtain the permits for the construction of the 18-acre lake, the applicant, his heirs, successors and/or assigns, shall work with the Park Planning and Development Division to renegotiate the recreation facilities package for the 100 acre linear park in order to provide appropriate replacement recreational facilities.**

The applicant could not obtain a permit for the construction of the 18-acre lake. The applicant renegotiated the recreational facilities package for a 100-acre linear park and the provision for additional public recreational facilities, included in the amended and restated Public Recreational Facilities Agreement (RFA) recorded among the Land Records in Liber 35310, Folio 401. The amended public RFA, dated October 10, 2013, outlined several recreational facilities agreements, which have either been satisfied or are proposed to be eliminated based on provision of additional public recreational facilities. The RFA maintained the triggers for construction of the recreational facilities and the 100-acre park that are consistent with Conditions 10 and 12 of the preliminary plan. The conveyance of parkland to M-NCPPC will be addressed at the time of final plat.

15. **The Final Plat for Section 19 shall include a note indicating denial of vehicular access to/from MD 382 for those lots abutting this road.**

The DSP does not propose vehicular access from Section 19 to Croom Road (MD 382); however, this should be noted on the DSP. A condition has been included in this approval requiring this.

17. **At the time of Final Plat(s) for Section 18, the applicant, his heirs, successors and/or assigns, shall either bring all of the Board of Education parcel (Parcel 68) into the subdivision to create one large parcel to contain the residue created by the alignment of Lake Marlton Avenue and Parcel D or include the small portion of Parcel 68 on the north side of Lake Marlton Avenue as a separate parcel created by the Board of Education and conveyed by deed to the Board of Education and then to the applicant, his heirs, successors and/or assigns, or an acceptable alternative that would create a legal subdivision.**

At the time of preliminary plan, there was a concern regarding the Board of Education parcel and the alignment of Lake Marlton Avenue, now East Marlton Avenue in Section 18. Specifically, Finding 14 of PGCPB Resolution No. 94-112 states the following:

**The site contains only a portion of an entire parcel (Parcel 68) currently owned by the Board of Education. A portion of this .31 acre tract, located within Section 18, is within the right-of-way for proposed Lake Marlton Avenue. Parcels D (Section 18) and G (Section 21), which contain .15 and .781 acres respectively, are owned by the applicant. These two parcels are located north of the proposed Lake Marlton Avenue right-of-way and adjacent to the Board of Education property (Parcel 68). These two parcels are proposed by the applicant to be conveyed to the Board of Education in exchange for the .31 acre tract owned by the Board of Education necessary for the construction of Lake Marlton Avenue.**

**In order to ensure the legal creation and exchange of the aforementioned parcels, staff included a condition which would permit any of the following: creating one large parcel for Parcel 68 to be included in the subdivision and containing the residue created by the Lake Marlton Avenue right-of-way and Parcel D, creating a separate parcel for the small portion of Parcel 68 on the north side of Lake Marlton Avenue (to be created by and conveyed to the Board of Education and then to the applicant) or an acceptable alternative that would create a legal subdivision.**

The DSP does not indicate that part of East Marlton Avenue has already been dedicated. The DSP delineates the alignment of East Marlton Avenue (formerly Lake Marlton Avenue) within a portion of Parcel 68, the Board of Education property, which is incorrect.

East Marlton Avenue has been dedicated to public use by Lake Marlton Limited Partnership and the Board of Education in Plat Book MMB 239-91 to 93, recorded on February 19, 2014. Parcel 68 should be clearly marked as not part of this DSP and the property boundary should be revised to reflect the correct boundary as shown on the recorded plats as the eastern edge of the dedicated public right-of-way. The alignment of East Marlton Avenue appears to be consistent with the record plat, but the DSP does not show the bearings and distances along the right-of-way to verify the alignment. The DSP should be revised to show the bearings and distances along the right-of-way of East Marlton Avenue as reflected on the record plats. Conditions requiring these revisions have been included in this approval.

- 22. A Noise Study shall be prepared for review and approval by the Natural Resources Division, prior to the review of the Detailed Site Plan for Sections 18 and 22, with details of appropriate noise mitigation measures. Appropriate measures may include screening, berming, re-orientation of structures or use of specific materials for construction.**

A noise study and noise impacts were reviewed with the previous DSP applications and appropriate conditions incorporated, which are discussed further in Findings 10 and 11 below.

10. **Detailed Site Plan DSP-03033/01:** Detailed Site Plan DSP-03033/01, for Sections 18, 21, and 22, was approved to add townhouse architecture and reapprove the entire original DSP-03033, due to its expiration. Therefore, conformance is only required to the -01 revision and not the original DSP-03033 approval. Detailed Site Plan DSP-03033/01 was approved by the Planning Board on May 14, 2009 and, subsequently, approved by the District Council on October 5, 2009, subject to 37 conditions, of which the following are relevant to the review of this revision:

**1. Prior to issuance of any building permits of Section 21 and 22, evidence of fulfillment of the following shall be submitted:**

- a. **The applicant shall rough grade a minimum of two acres and deed to an entity designated by the Citizens Association of Marlton, a youth center site of approximately 3.3 acres.**

This issue was resolved through other DSP applications within the Town Center of Marlton and no longer needs to be addressed through this application.

- b. **The applicant shall develop in West Marlton the two park/school sites according to plans submitted to the Citizens Association of Marlton and dependent on approval by the appropriate county agencies. Sites are located off Grandhaven and Trumps Hill Road.**

Previously proposed recreational facilities off of Grandhaven Road (now Grandhaven Park) and Trumps Hill Road (now moved to South Marlton Park) were addressed through the recently recorded RFA for the project. The RFA has been recorded and officially set the required facilities and the timing for their construction. Therefore, this condition is no longer necessary.

**2. Prior to approval of each permit, plans shall be revised to provide the following information:**

- a. **A brick front tracking chart shall be provided and updated prior to approval of each permit.**
- b. **Provide the number of stories, building height, dimensions of all options for each lot.**
- c. **Provide the green area for each lot.**
- d. **Provide the dimensions and material for the driveways, and label all garages as a one-car or two-car garage and provided the dimensions of each.**

A brick front tracking chart is provided on the submitted DSP, but will still need to be updated prior to approval of each permit. The remaining information will still have to be provided prior to approval of each building permit, so these conditions have been carried forward as part of this approval.

**3. Prior to signature approval of the plans, the following changes or information shall be submitted:**

- a. The plans shall be revised to show the 50-foot building restriction line as measured from East Marlton Avenue.**

The submitted DSP shows the 50-foot building restriction line from East Marlton Avenue. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- b. The plans shall be revised to demonstrate conformance to Section 4.7 of the Prince George's County Landscape Manual.**

Conformance to the Landscape Manual is discussed in Finding 12 below.

- c. Rear yards oriented toward East Marlton Avenue shall be buffered in accordance with Section 4.6 of the Landscape Manual and an easement or covenant shall be provided.**

Conformance to the Landscape Manual is discussed in Finding 12 below.

- d. On the architectural elevations of all endwalls, labels shall be provided showing the location of brick. A note shall be placed on all endwall elevations stating that "Full brick façade is required on all endwalls."**

This condition has not been addressed on all architectural elevations and, therefore, has been carried forward as part of this approval.

- e. The following note shall be placed on all architectural elevations: "On all units with full or partial brick front elevation, the offset wall connecting to a unit set further back shall feature full or partial brick to match the front."**

This condition has not been addressed on all townhouse architectural elevations and, therefore, has been carried forward as part of this approval.

- f. The following lots shall be labeled as "high visibility" lots on the site plan:**

- **Section 18: Lots 1, 13, 35, 36, 64, 85, 98, 132, 133, 139, 140, 146, 147, 154, 160.**



- **Section 21: Lots 8 and 13.**
- **Section 22: Lots 1, 68, 73, 74, 78, 79, 88.**

**“On high visibility lots, all endwall features are standard.”**

A note has been provided on the coversheet of the DSP stating this information. However, the lot numbers in some of the sections have changed, especially in Section 21 which has been redesigned. The Planning Board found that the lot numbers noted on the submitted DSP are all of the current high-visibility townhouse lots. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**g. Shutters shall be provided adjacent to the rear windows (where space permits) on the following groups of units:**

- **Section 18: Lots 1-35**
- **Section 22: Lots 1-5**

A note has been provided on the coversheet of the DSP stating this information. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**4. Prior to the issuance of any grading permits, a Phase IB (Identification) archeological investigation shall be completed, and evidence of M-NCPPC staff concurrence with the investigations and/or report shall be provided.**

**a. If it is determined that archeological resources exist, then the applicant shall provide a plan for:**

- (1) Evaluating the resource at the Phase II level, and, if necessary,**
- (2) Conducting Phase III investigations by avoiding and preserving the resource in place, or mitigating through Phase III recovery.**

A Phase I archeology survey was conducted on the subject property in August 2009. Phase II investigations were completed in December 2009 and January 2013. One Archeological Site, 18PR987, was found to contain significant information. Site 18PR987 is located in an area where a road is proposed. The applicant should provide a plan for Phase III data recovery for Site 18PR987, and a condition requiring this has been included in this approval.

**b. As part of the Phase IB investigation, the area on the subject property that is adjacent to the Claggett family cemetery shall be tested using shovel test**

**excavations and probes to identify any possible burial remains that are outside the existing cemetery boundaries.**

The area on the subject property adjacent to the Claggett Family Cemetery was surveyed in the Phase I and II investigations. This condition has been satisfied.

- c. **The investigation shall follow the standards and guidelines in Maryland Historical Trust's Standard and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994). Archeological excavations shall be clearly identified on a map to be submitted as part of the report. The report shall follow report and editorial standards in Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994), and the American Antiquity or Society for Historical Archaeology style guide, and cite whether a submittal is a Draft Report or Final Report on the cover and inside cover page of the document, along with the relevant development case numbers.**

The Phase I and II investigations followed the Maryland Historical Trust's guidelines and the Planning Board's *Guidelines for Archeological Review*. Phase III investigations will be required to follow the same procedures.

5. **Prior to signature approval, plans shall be revised to clearly label the Claggett family cemetery. Prior to any construction, the applicant shall place temporary fencing to mark the limits of the family cemetery to avoid disturbance during construction.**

The Claggett Family Cemetery is labeled on the plan. However, the cemetery is now on a separate parcel (Parcel 144) and is now a Prince George's County historic site. The Claggett Family Cemetery should also be labeled with the Maryland Inventory of Historic Properties number, 82A-107. Therefore, this condition has been carried forward with the subject application.

6. **Prior to signature approval of the TCP II, the applicant shall revise the tree conservation plan to show the conceptual boundary of the 100-acre park. The plan shall include a conceptual layout of trail access roads and parking lots on dedicated parkland prior to approval of the TCP II/143/03. The plans shall be amended to remove the tree conservation on dedicated parkland except the 18 acres as previously agreed upon.**

This requirement was addressed and the previous Type II tree conservation plan (TCPII) was certified. During the review of the subject application, the Prince George's County Department of Parks and Recreation (DPR) noted that the TCPII did not show this information and should be expanded to do so. However, the applicant was requested to limit the current TCPII to the land area of Sections 18–22 only, removing the 100-acre park area. This is due to the fact that any additional development on those parts of the site would not be grandfathered from the

requirements of Subtitles 24, 25, and 27 of the County Code that came into effect after September 1, 2010. Therefore, reserving those areas to a separate future TCPII was appropriate at this time in order to apply the correct requirements.

7. **Detailed construction drawings for the 18-acre lake, trails, parking lots and access roads in the 100-acre dedicated park (including a grading plan, limits of disturbance, lake construction details, trail sections and details) shall be submitted to DPR for review and approval prior to approval of the 600th building permit in East Marlton.**

This condition has been included in this approval, revised to address the 2013 recorded RFA.

8. **Detailed construction drawings for Grandhaven Avenue Park (Brandywine Country Neighborhood Park) shall be submitted to DPR for review and approval prior to signature approval for any detailed site plan in East Marlton.**

The applicant has submitted construction drawings to DPR for review and approval. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

9. **Prior to certificate approval of the Detailed Site Plans DSP-03035/01 and DSP-03033/01 whichever comes first, the recreational facilities agreement (RFA) recorded in Liber 8036, Folio 460 shall be amended to include an additional segment of the trail which will create a loop around the 18-acre lake, address the expansion of the parking lots to accommodate 15 additional parking spaces on each of the two lots. If for any reason, the applicant, his heirs, successors and/or assignees, are unable to obtain the permits for the construction of the 18-acre lake, the applicant, his heirs, successors and/or assignees, shall work with the Department of Parks and Recreation to renegotiate the recreation facilities package for the 100-acre linear park in order to provide appropriate replacement facilities. The revised recreational package shall be presented to the Planning Board for their approval.**

The RFA was amended as required, including to remove the proposed 18-acre lake which was unable to be permitted, and was presented to and approved by the Planning Board at their July 25, 2013 hearing. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

10. **The existing "Agreement to Amend Public Recreational Facilities Agreement" signed in October 8, 1996 by the Commission and Developer (Lake Marlton Limited Partnership), shall be recorded in Prince George's County Land Records prior to signature approval of Detailed Site Plans DSP 03033/01 and DSP-03035/01.**

A new RFA was approved and recorded in the Land Records in October 2013. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**11. Prior to signature approval, the applicant shall submit evidence that the Department of Public Works and Transportation (DPW&T) has reviewed and approved the following proposals as shown on the detailed site plan:**

- a. The extension of Heathermore Boulevard over the Popes Creek Railroad tracks.**
- b. The configuration with the use of a public street to directly serve townhouses. If the DPW&T does not agree with the proposal to line the public street with townhouses as shown on the plan, the units shall be eliminated.**

The DSP was previously certified, so this condition was addressed at that time and the subject application does not propose any changes to Heathermore Boulevard or townhouse roads. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**12. The impacts resulting from the grading and construction of Ponds 1, 5, and 6 to the primary management area (PMA) shall be in conformance with impacts approved at the time of preliminary plan approval.**

The primary management area (PMA) impacts were found to be in conformance with impacts approved at the time of preliminary plan. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**14. Prior to certificate approval of the detailed site plan, revise the DSP and TCP II as follows:**

- a. Clearly delineate and label the proposed stormwater management ponds (Ponds 1, 5, and 6).**
- b. Clearly label any parcel or site proposed to be dedicated to the Department of Parks and Recreation.**
- c. Delineate the Patuxent River PMA on sheets 12, 13, and 14 (TCP) to include all perennial streams and a minimum of 50 feet of preserved or established vegetation on the side of each bank; the 100-year floodplain; all wetlands adjacent to the perennial stream or the 100-year floodplain; all areas having slopes of 25 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain or stream-site wetlands; all areas having highly erodible soils on slopes of 15 percent or greater abutting the perennial stream, the 100-year floodplain or streamside wetlands; and specific areas of rare or sensitive wildlife habitat as determined by the Planning Board.**

- d. The 100-year floodplain shall be delineated on the plans and clearly labeled.**
- e. Minimize impacts, to the extent possible, to the Patuxent River PMA resulting from the extension of Logging Trail Way from Section 18 to Section 19.**
- f. Use the term “PMA” on sheets 12, 13, and 14 (TCP) and eliminate the use of other terms.**

The plans were previously revised to address these issues and the DSP and TCPII were certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval. The TCPII submitted with the subject application requires various other revisions, including labeling the ownership of the parcel for Stormwater Management Pond 1, which have been included as conditions in this approval.

- 15. Prior to certificate approval of the detailed site plan, the Department of Parks and Recreation shall review the design and location of all stormdrain outfalls, stormwater management facilities, and/or utility easements to ensure that they have been designed to minimize impacts to the delineated Patuxent River PMA and sensitive environmental areas on lands to be conveyed to, or now owned by, M-NCPPC.**

This information was previously submitted and the DSP was certified. DPR reviewed the current DSP and all of their concerns regarding stormdrain outfalls and stormwater management facilities have been included as conditions in this approval. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 16. Prior to certificate approval of any revision to the TCP II that proposes woodland conservation on lands owned by or to be conveyed to M-NCPPC, written approval from the Department of Parks and Recreation shall be submitted.**

This requirement was addressed and the previous TCPII was certified. During the review of the subject application, the applicant was requested to limit the current TCPII to the land area of Sections 18–22 only, removing the lands to be conveyed to M-NCPPC. Therefore, this condition no longer applies and does not need to be carried forward as part of this approval.

- 17. Prior to certificate approval of the TCP II or final plat, whichever precedes, an approved floodplain study for the existing 100-year floodplain shall be submitted.**

This information was previously submitted and the TCPII was certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 18. At the time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the delineated Patuxent River**

**PMA except for the areas of approved impacts. 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.”**

No final plat has been approved. Therefore, this condition should be carried forward as part of this approval.

- 23. Prior to the issuance of grading permits for the construction of East Marlton Boulevard, a protection area defined by tree protection devices shall be shown on the TCP II around the cemetery location on the Board of Education (BOE) property if grading is proposed within 100 feet of the surveyed limits of the cemetery.**
- 24. Prior to the issuance of grading permits for Heathermore Boulevard Extended, off-site woodland impacts shall be addressed through the revision of TCP IIs or the issuance of letters of exemption for all affected properties. All off-site properties affected shall be clearly labeled as to ownership, parcel identification, detailed site plan case number, preliminary plan case number, and/or TCP I/TCP II number if applicable.**
- 25. Prior to the issuance of a grading permit, copies of the approved sediment and erosion control plans and the proposed technical stormwater management plans shall be submitted.**

The three conditions above are all required prior to issuance of a grading permit, which has not been issued for the subject property. Therefore, these conditions have been carried forward as part of this approval.

- 26. Prior to the issuance of any grading permits for Section 21 of East Marlton, which propose disturbance within 150 linear feet of the location of the known population of single-headed pussytoes located on the east bank of Southwest Branch adjacent to Lots 1, 2, 3, and 4, the detailed site plan and tree conservation plan shall be revised to provide a 100-foot-wide undisturbed buffer to the population. The relocation of lots to provide this buffer is acceptable so long as there is no net increase in the area of PMA impacts.**

The subject application addresses this condition by revising the lot layout within Section 21 to avoid disturbance of the 100-foot-wide buffer around the known population of Single-headed pussytoes. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 27. Revise the detailed site plan and TCP II to show a treatment appropriate to their intended purpose for the 35-foot-wide landscape buffer and the 50-foot-wide noise buffer along the frontage of Section 18, adjacent to East Marlton Avenue.**

The submitted DSP and TCPII show these buffers and treatments in accordance with what was previously certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 28. At the time of final plat, the 35-foot-wide landscape buffer and 50-foot-wide noise buffer along the frontage of Section 18, adjacent to East Marlton Avenue, shall be shown on the plat. The following notes shall be placed on the record plat:**

**“The landscape buffer shown on this plat is an area of landscaping adjacent to a collector road in accordance with the requirements of the Prince George’s County Landscape Manual as shown on Detailed Site Plan DSP-03033 or as revised in the future.”**

**“The noise buffer shown on this plat is an area designated to provide a separation between the collector road and residential uses where no residential structures can be placed.”**

This condition is required at the time of final plat, which has not been submitted for the subject property. Therefore, this condition has been carried forward as part of this approval.

- 29. Prior to certificate approval of the DSP, revise the detailed site plan and TCP II to delineate a 35 foot-wide buffer along the frontage of Section 22, adjacent to East Marlton Avenue, and show an appropriate landscape treatment adjacent to a collector road based on the Prince George’s County Landscape Manual.**

The submitted DSP shows a 35-foot-wide buffer along the frontage of Section 22, adjacent to East Marlton Avenue, and has been found to be in conformance with the Landscape Manual as discussed in Finding 12 below. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 30. Prior to certificate approval of the DSP, revise the detailed site plan and TCP II to delineate a 40-foot-wide buffer between Section 22 and the adjacent Board of Education site and show an appropriate bufferyard treatment between adjacent uses based on the Prince George’s County Landscape Manual.**

The submitted DSP shows a 40-foot-wide buffer between Section 22 and the adjacent Board of Education site, and has been found to be in conformance with the Landscape Manual as discussed in Finding 12 below. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 31. At time of final plat for Section 22, the 35-foot-wide buffer adjacent to East Marlton Avenue and the 40-foot-wide buffer adjacent to the Board of Education property shall be delineated. The following notes shall be placed on the record plat:**

**“The buffers shown on this plat are areas of landscaping adjacent to a collector road and/or adjacent uses in accordance with the requirements of the Prince George’s County Landscape Manual and as shown on Detailed Site Plan DSP-03033, or as revised in the future.”**

This condition is required at the time of final plat, which has not been submitted for the subject property. Therefore, this condition has been carried forward as part of this approval.

- 33. Prior to signature approval of the plans, the following shall be demonstrated and the TCP II shall be revised as follows:**

- a. All primary management area (PMA) impact areas that occur in areas off lots, but not within utility easements shall at a minimum, be reforested to Prince George’s County standards. Where reforestation areas are adjacent to proposed lots, reforestation shall consist of minimum per acre mix of eighty-two two-inch caliper trees and 165 one-inch caliper trees and three hundred thirty protected seedlings. All reforestation areas in the vicinity of residential units shall be provided permanent fencing using an attractive fencing material such as two-rail split rail fencing or equivalent.**
- b. For areas within proposed utility easements, reforestation shall at a minimum, consist of protected seedlings as allowed by the governing agency and shall not be credited as woodland conservation.**
- c. The stream crossing into Section 21 from Heathermore Boulevard shall utilize a bottomless culvert to minimize impacts to the stream. The detailed site plan and TCP II shall show this feature, and the DSP shall show a detail of the culvert. The off-road trail described in “d” below, shall go up and over the culvert, rather than under the culvert, if feasible.**
- d. The site plan shall be revised to reflect an off-road trail connecting one section to another to reflect the trail system envisioned by the Marlton Official Plan. The trail shall provide a connection to the 100-acre park through Section 22, if possible. Alignment to trails shall be determined by M-NCPPC staff.**
- e. Developer shall incorporate a hiker/biker trail adjacent to or within the Heathermore Boulevard and East Marlton Avenue roadway right-of-way with both a minimum width and separation from the roadway of six feet.**



The plans were previously revised to address these issues and the DSP and TCPII were certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 34. Prior to certificate approval of Detailed Site Plan DSP-03033/01, the TCP II and the landscape plan shall be revised to provide plant material to reforest the slopes of Heathermore Boulevard and to reforest the slopes designed to incorporate the off-road trail system within the limits of disturbance to Prince George's County standards (woodland conservation stocking requirements) using indigenous plantings. Plantings shall consist of a minimum per acre mix of eighty-two two-inch caliper trees, one hundred sixty-five one-inch caliper trees, and three hundred thirty protected seedlings, subject to review by M-NCPPC staff and/or county staff as applicable. The reforestation and planting shall not be considered in meeting the requirements for the tree conservation plan (TCP), but considered in addition to, not in lieu of, said requirements.**

The plans were previously revised to address these issues and the DSP and TCPII were certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 35. Per the concurrence of DPW&T, the applicant shall include a standard sidewalk along the subject application's entire frontage of the east side of East Marlton Avenue, and a six-foot-wide sidewalk on the west side.**

The submitted DSP shows sidewalks in conformance with this condition. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 36. Prior to construction and release of any building permits for the referenced site, approval of all construction elements related to said railroad crossing must be bonded and permitted through DPW&T. A construction and maintenance agreement will be required by DPW&T.**

This condition is required at the time of permits; therefore, this condition has been carried forward as part of this approval.

- 37. Prior to signature approval, the following lots shall be deleted from the plans:**

- **Section 18: Delete lots 58, 72-76, 85, 121, and 127-129.**
- **Section 21: Delete lots 9-12, 17-21, 35-44, 73-78, 54-59 and 85-88.**

The plans were previously revised to address these issues and the DSP was certified. The subject application does not propose any revisions that affect these issues. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

11. **Detailed Site Plan DSP-03035/01:** Detailed Site Plan DSP-03035/01, for Sections 19 and 20, was approved to add architecture and reapprove the entire original DSP-03035, due to its expiration. Therefore, conformance is only required to the -01 revision and not the original DSP-03035 approval. Detailed Site Plan DSP-03035/01 was approved by the Planning Board on April 16, 2009 and, subsequently, approved by the District Council on July 20, 2009, subject to 35 conditions. Multiple conditions, including Conditions 1, 4, 6, 10, 14, 19, 21, 22, 23, 25, 30, 34, and 35, are duplicates of conditions from DSP-03033/01 and are discussed in Finding 10 above. Of the remaining conditions, the following are relevant to the review of this revision:

2. **Prior to certification of the plans, the applicant shall make the following revisions to the plans and/or submit additional specified materials:**
  - a. **A note shall be added to the plans stating that architectural elevation drawings of all approved models shall be maintained on-site in the sales office.**
  - b. **A note shall be added to the plans stating that all side elevations shall have a minimum of two architectural features and side elevations on highly visible lots as identified on staff's Exhibit 1 shall have a minimum of four architectural features in a reasonably symmetrical arrangement.**
  - c. **Identical models shall not be located directly adjacent or across the street from each other.**
  - d. **A minimum of 50 percent of the units shall have brick front facades. This percentage shall include the units on highly visible lots as identified on applicant's Exhibit 1, which shall utilize brick for both side elevations as well.**

Notes have been provided on the coversheet of the DSP stating this information. Therefore, these conditions have been satisfied and do not need to be carried forward as part of this approval.

3. **Prior to issuance of a building permit for each individual lot, dimensions and number of parking spaces, material utilized for the driveway, house type, including number of stories, dimensions for all options, setbacks and square footage, and percentage of lot coverage shall be provided.**

This condition is required at the time of permits; therefore, this condition has been carried forward as part of this approval.

5. **Prior to certificate approval of the detailed site plan, the TCP II and DSP shall be revised as follows:**

- a. The plans shall show 40 feet of right of way dedication from the centerline of Croom Road.**

The submitted DSP shows the 40-foot right-of-way dedication from the centerline of Croom Road (MD 382). Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- b. The plans shall show a 10 foot utility easement adjacent to the right of way, if required by the utility companies.**

The submitted DSP shows the ten-foot-wide public utility easement adjacent to the right-of-way. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- c. No woodland preservation shall be credited in the right of way or public utility easement.**

The submitted TCPII does not credit any woodland preservation within the right-of-way or utility easement. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- d. The plans shall delineate and label the “undisturbed buffer zone” in accordance with the previously approved preliminary plan.**

The submitted DSP shows a 100-foot-wide undisturbed buffer zone in accordance with the preliminary plan. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- e. A note shall be added to the plan stating that Croom Road is a designated historic road.**

The submitted DSP provides a note that Croom Road is a designated historic road. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- f. The plans shall be revised to remove all grading from the “undisturbed buffer zone.”**

The submitted DSP does not propose any grading within the undisturbed buffer zone. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- g. The lot design shall be revised so that all house pads shall be located a minimum of 40 feet from the “undisturbed buffer zone” in order to provide**

**an active rear yard area. In the event that a 40 foot rear yard is not provided, then a split rail fence or equivalent shall be provided along the conservation easement.**

The submitted DSP shows the 40-foot right-of-way dedication from the centerline of Croom Road. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**h. The PMA shall be delineated for wetlands located on the adjacent site to the west of the subject property.**

This condition was satisfied and the previous plan was certified. The submitted DSP and TCPII do not show any changes to the PMA delineation. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**i. Grading impacts onto adjacent property shall be labeled and quantified. A note shall be added to the plans which states:**

**“Off-site impacts to woodland, nontidal wetlands and wetland buffers are proposed as part of this plan. Grading into this area will require: Permission of the property owner; submittal of a TCP II or Letter of Exemption from Woodland Conservation; and wetlands permits as required by federal and/or state permitting authorities.”**

The submitted DSP provides the specified note. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**7. Prior to certificate approval of the DSP, a jurisdictional determination or a copy of the surveyed nontidal wetlands submitted to the U.S. Army Corps of Engineers for approval shall be submitted. If a jurisdictional determination is not available prior to certificate approval, it shall be submitted prior to any grading permits that affect wetlands.**

This information was submitted and the previous DSP was certified. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

**8. Prior to certificate approval of the DSP, the TCP II shall be revised to delineate the Patuxent River PMA, per Section 24-101 of the Subdivision Ordinance, where no PMA was delineated at the time of preliminary plan and/or where new grading impacts are now proposed. All other areas of PMA shall be delineated as shown on the previously approved preliminary plan.**

This condition was satisfied and the previous plans were certified. The submitted DSP and TCPII do not show any changes to the PMA delineation. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 9. Prior to certificate approval of the DSP, the TCP II and DSP shall be revised to minimize impacts, to the extent possible, to the Patuxent River PMA resulting from the extension of Logging Trail Way between Sections 18 and 19.**

This condition was satisfied and the previous plans were certified. The submitted DSP and TCPII do not show any changes to the PMA impacts from Logging Trail Way. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 11. Prior to the delineation of woodland preservation areas or grading outside of Sections 18 through 22, or grading approved for roadway construction as part of those approvals, a detailed forest stand delineation (FSD) shall be submitted for the remainder of TCP II/143/03, or as revised and expanded in the future.**

This condition is required prior to issuance of a grading permit, which has not been issued for the subject property. Therefore, this condition has been carried forward as part of this approval.

- 16. Prior to the issuance of a grading permit that impacts the stream crossing between Sections 18 and 19, the area shall be redesigned in a bio sensitive manner as follows: provide for wildlife passage, minimize the concentration of flow to reduce the potential for future erosion impacts to the stream channel, and reduce the length of the pipe.**

This condition is required prior to issuance of a grading permit, which has not been issued for the subject property. Therefore, this condition has been carried forward as part of this approval.

- 17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the “undisturbed buffer zone” as shown at the time of preliminary plan. The following note shall be placed on the plat:**

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

No final plat has been approved. Therefore, this condition should be carried forward as part of this approval.

- 24. Prior to certificate approval, the DSP and TCP II shall be revised as follows:**

- a. Lots 38-41 fronting on Cliff Rock Road and abutting Croom Road at the rear property line shall be a minimum of 40,000 square feet each.**

The submitted DSP shows all lots abutting Croom Road to be a minimum of 40,000 square feet each. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- b. The maximum number of lots abutting Croom Road shall be no more than four.**

The submitted DSP shows four lots abutting Croom Road. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- c. An undisturbed minimum buffer of 100 feet shall be maintained from Croom Road.**

The submitted DSP shows a 100-foot-wide undisturbed buffer along its frontage of Croom Road. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- d. The buffer shall be increased where it does not impact usable rear yard space for lots abutting Croom Road. Usable rear yard space shall mean forty feet of open area behind the rear of a home.**

The submitted DSP shows a minimum 100-foot-wide undisturbed buffer along its frontage of Croom Road, with some areas wider where it does not impact usable rear yard space. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- e. Supplemental plantings in the buffer for the purpose of enhancing the retained forest area shall be of indigenous trees and shrubs sufficient to create a visual screen. Supplemental plantings shall not be considered in meeting the woodland conservation requirements of the tree conservation plan, but be considered in addition to, not in lieu of, said requirements.**

The submitted DSP shows supplemental indigenous shrub plantings within the buffer along its frontage of Croom Road. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- f. An easement preserving said buffer shall be recorded in the land records of Prince George's County or shown on the final plat of subdivision.**

A condition has been included in this approval regarding said easement and requiring it to be shown on the final plat.

- 26. Prior to certificate approval of the plans, the following lots shall be deleted as stated below:**
- a. Section 19-Delete Lots 16-19, 24, and 25. Lots 19 and 25 may be recovered if re-sited to the satisfaction of the Friends of Croom (FOC) and the Development Review Division.**
  - b. Section 20-Delete Lots 4 and 5.**

The plans were previously revised to address these issues and the DSP was certified. The subject application does not propose any revisions that affect these issues. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- 27. Prior to approval of any building permits, the following information shall be provided and/or the plans shall demonstrate the following:**
- a. The applicant shall provide evidence of a meeting with the FOC on the architectural elevation design of houses on Lots 31-37, which are adjacent to the Windy Oaks subdivision, and Lots 38-41, adjacent to Croom Road.**
  - b. The rear elevations of Lots 31-37, adjacent to the Windy Oaks subdivision, shall be enhanced with additional rear architectural features such as shutters, window trim, and/or masonry fireplaces.**
  - c. The rear elevations of Lots 38-41 shall be enhanced with additional architectural features such as shutters, window trim, and/or masonry fireplaces.**

These conditions are all required prior to building permits, which has not been issued for the subject property. Therefore, these conditions have been carried forward as part of this approval, with corrections for the current lot numbers adjacent to the Windy Oaks subdivision and Croom Road.

- 28. Prior to signature approval, the plans shall be revised to:**
- a. Increase the size of Lots 31-37 on Cliff Rock Road, which are adjacent to the Windy Oaks subdivision, to a minimum of 40,000 square feet each.**

The submitted DSP shows Lots 27-33, which are adjacent to the Windy Oaks subdivision, to be a minimum of 40,000 square feet each. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval.

- b. Provide a minimum 25 foot wide undisturbed and/or planted buffer adjacent to Lots 1-5, Block A, of the Windy Oaks subdivision. This buffer shall be maintained as undisturbed for a minimum of 15 feet adjacent to said Windy Oaks. An evergreen screen shall be provided along the west side of the buffer.**

**Supplemental plantings in said buffer areas, for the purpose of enhancing the retained forest area, shall be of indigenous trees and shrubs sufficient to create a visual screen. An easement preserving said buffer shall be recorded in the land records of Prince George's County or shown on the final plat of subdivision. Supplemental plantings shall not be considered in meeting the requirements for the tree conservation plan, but be considered in addition to, not in lieu of, said requirements.**

The submitted DSP shows a minimum 25-foot-wide buffer adjacent to Lots 1–5, Block A, of the Windy Oaks subdivision. A minimum of 15 feet is undisturbed and the evergreen screen is provided along the west side. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval, except in reference to the easement to be shown on the final plat.

- c. A minimum 15-foot wide undisturbed and/or planted buffer shall be provided adjacent to Lot 6, Block A, of the Windy Oaks subdivision. This buffer shall remain undisturbed for a minimum of eight feet adjacent to said Windy Oaks.**

**An evergreen screen shall be provided along the west side of the buffer. Supplemental plantings in said buffer areas, for the purpose of enhancing the retained forest area, shall be of indigenous trees and shrubs sufficient to create a visual screen. An easement preserving said buffer shall be recorded in the land records of Prince George's County or shown on the final plat of subdivision.**

The submitted DSP shows a minimum 15-foot-wide buffer adjacent to Lot 6, Block A, of the Windy Oaks subdivision. A minimum of eight feet is undisturbed and the evergreen screen is provided along the north side. Therefore, this condition has been satisfied and does not need to be carried forward as part of this approval, except in reference to the easement to be shown on the final plat.

- 29. The construction of the 18-acre lake shall be completed under the following schedule...**

As discussed in Finding 10, the 18-acre lake is no longer proposed or required. Therefore, this condition is no longer applicable and does not need to be carried forward as part of this approval.



- 31. The applicant and the applicant’s heirs, successors and/or assignees shall convey the 100-acre linear park to the Maryland-National Capital Park and Planning Commission by the issuance of the 1,100th building permit.**

This condition has been included in this approval, revised to address the 2013 recorded RFA.

- 32. The applicant and the applicant’s heirs, successors and/or assignees shall provide the installation of one “Share the Road with a Bike” sign in accordance with State highway requirements. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.**
- 33. If improvements are required by the State Highway Administration, the applicant and the applicant’s heirs, successors and/or assignees shall construct a seven to ten-foot-wide asphalt shoulder along the subject project’s entire frontage of MD 382, per concurrence of the State Highway Administration.**

The two conditions above are all required improvements to the property, which have not commenced. Therefore, these conditions have been carried forward as part of this approval.

12. **2010 Prince George’s County Landscape Manual:** The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The submitted landscape plan shows proposed trees across all sections of the site; however, no plant list or Landscape Manual schedules were provided for Sections 19 and 20, the single-family detached homes. While the plan generally appears to be in conformance with the specific requirements, the plan needs to be revised to demonstrate this per the Landscape Manual. Therefore, a condition has been included in this approval requiring this revision prior to certification, and the following discussion is relative to townhouse Sections 18, 21, and 22 only.
- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided per single-family detached or townhouse lot, based on size. For townhouses, these trees can be provided on lots or in common open space, but for single-family detached, these trees must be provided on the lots and meet certain location requirements. The correct schedule is provided on the DSP showing this requirement being met for each section of proposed townhouse lots.
- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a certain amount of landscaping along the perimeter and interior of surface parking lots. This section applies to Sections 18, 21, and 22 only, which propose surface parking lots to serve the townhouses without garages. The submitted landscape plan provides the required schedules; however, due to the unique parking configurations, it is difficult to verify what paved areas are

being counted as parking lots and what trees and planting areas are being counted towards the interior planting requirements. Therefore, a condition has been included in this approval that these requirements, and conformance to them, will have to be verified prior to certification.

- c. **Section 4.6, Buffering Development from Streets**—Section 4.6 provides requirements for buffering residential development from public roads, which applies to all sections of the subject application. The subject property is adjacent to existing Croom Road (MD 382) and proposed East Marlton Avenue, both of which are classified as collector roads, and multiple internal primary public roads. Section 4.6 applies to this development which proposes rear yards of single-family detached and attached homes oriented towards these roads. Generally, the submitted site plan provides all of the required schedules and buffers; however, some are missing such as where rear yards of townhouse lots are oriented towards private streets within Section 18. In some cases, the provided plantings or existing woodland meets the requirements and only a schedule is needed to document this. Therefore, a condition has been included in this approval that these requirements, and conformance to them, will have to be verified prior to certification.
  - d. **Section 4.7, Buffering Incompatible Uses**—The site is subject to Section 4.7 both along the exterior property lines adjacent to incompatible uses to the north and along the interior section lines where townhouses and single-family detached homes are adjacent. Generally, the submitted site plan provides all of the required schedules and buffers; however, some are missing such as along the adjacent agricultural use to the north of Section 18. In some cases, the provided plantings or existing woodland meets the requirements and only a schedule is needed to document this. Therefore, a condition has been included in this approval that these requirements, and conformance to them, will have to be verified prior to certification.
  - e. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to Section 4.9 which requires that a percentage of the proposed plant materials be native plants, along with other sustainable requirements. The submitted landscape plan provides the required schedule and notes showing the requirements of this section being fulfilled. However, the plant lists do not identify which plants are native, so a condition has been included in this approval requiring this to be added prior to certification.
  - f. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which apply to the subject development within the townhouse areas. The submitted landscape plan does not provide any information regarding conformance to this section and should be revised to do so prior to certification.
13. **1989 Prince George’s County Woodland Conservation and Tree Preservation Ordinance:**  
This property is subject to the provisions of the 1989 Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000

square feet, there are more than 10,000 square feet of existing woodland, and there are previously approved tree conservation plans for the site. The subject application is not subject to the environmental regulations that came into effect on September 1, 2010 because the site has a previously approved preliminary plan and detailed site plans. The application is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans (TCPI/TCPII).

The TCPIs approved for East Marlton were based on the boundaries of the proposed subdivision plans, but the total limits of TCPI-48-93, covering the entire East Marlton development, did not have preliminary plans, and the preliminary plans that were approved have not yet been platted. Therefore, the boundaries of the TCPII would legally consist of the boundaries of all legal parcels affected by the proposed development, and the total area of the TCPII would be much larger than the limits of the DSP under review. Type II Tree Conservation Plans TCPII-143-03 and TCPII-143-03-01 consisted of existing Parcels 97, 98, 99, 107, 109, and 139 and East Marlton, Sections 19 and 20, for a total of 582.17 acres and consisted of a 65-page document.

With the current review of the TCPIIs, it became evident that any additional development on the site would not be grandfathered from the requirements of Subtitles 24, 25, and 27 that came into effect after September 1, 2010. A decision was made to separate TCPII-143-03-02 from the remainder of the site and to limit it to Sections 18–22 only, matching the limits of the subject application, and track the woodland conservation requirements and provisions using an overall phased worksheet. This breaks the 65-page plan set into smaller units, which are directly related to specific DSPs and are easier to revise. Type II Tree Conservation Plan TCPII-143-03-02 has been limited to the expanded limits of DSP-03033-02.

Sections 18–22 are in the R-80, R-R, and R-T Zones with a 20 percent woodland conservation requirement, and contain a total of 178.15 acres. There are 11.44 acres of floodplain on the site, resulting in a net tract area of 166.71 acres. The net tract area has been previously verified by the submittal of a 100-year floodplain study approved by the Prince George's County Department of Environmental Resources.

The woodland conservation threshold (WCT) for this TCPII is 20 percent of the net tract, plus additional acres due to clearing that is proposed on the site and off-site grading impacts required to implement this plan, which results in a total woodland conservation requirement of 65.05 acres. Clearing and replacement required into other sections of the East Marlton development necessary to construct the access road onto the site result in a cumulative woodland conservation requirement of 69.44 acres.

The TCPII proposes to meet this requirement with 63.78 acres of on-site woodland preservation and 5.66 acres of on-site afforestation/reforestation, for a total of 69.44 acres of woodland conservation provided, which fulfills the woodland conservation requirement for this phase of development and the required access road. Type II Tree Conservation Plan TCPII-143-03-02 has been reduced from 65 sheets to 24 sheets with this revision.

The TCPII requires technical revisions to bring it into technical conformance and to address previous conditions of approval for TCPII-143-03 and TCPII-143-03-01, as well as revisions proposed under the current application. These conditions have been included in this approval.

Off-site grading impacts are proposed with the extension of the existing Heathermore Boulevard across the PEPCO right-of-way and Conrail tracks, including impacts to adjacent TCPIIs. Prior to the issuance of grading permits for Heathermore Boulevard Extended, any off-site woodland impacts not addressed under the current application shall be addressed through approval of revisions to TCPIIs, or the issuance of letters of exemption for all affected properties. All off-site properties affected shall be clearly labeled as to ownership, parcel identification, DSP case number, preliminary plan case number, and/or TCPI/TCPII number, as applicable.

Type II Tree Conservation Plan TCPII-143-03-02 includes grading impacts onto the Board of Education property on the west side of East Marlton Avenue, associated with the development of Section 18, and providing necessary access to Sections 19 and 20. Type II Tree Conservation Plan TCPII-143-03-02 shows the location of the historic cemetery on the Board of Education site. This issue is discussed further in Finding 15a below.

14. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-R, R-80, and R-T are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 187.33 acres in size, resulting in a TCC requirement of 28.10 acres. The subject application does not provide the required schedule showing conformance to the requirements; however, the TCPII indicates there is over 60 acres of woodland preservation provided on-site, which would more than fulfill this requirement. Therefore, a condition has been included in this approval requiring the TCC schedule to be added demonstrating conformance to the requirements.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The Prince George’s County Historic Preservation Commission (HPC) reviewed the subject DSP application at its February 18, 2014 meeting and would like to forward the following findings, conclusions, and recommendations to the Planning Board. HPC voted 6-0-1 in favor of the following findings and recommendations.

### **Historic Preservation Findings**

- (1) The Claggett Family Cemetery (Historic Site 82A-107) was formerly located on Parcel 68, a 42.13-acre parcel of land owned by the Board of Education, and adjoining the proposed subdivision road south of Section 18. This land was acquired by the Board of Education in 1969. The 29- by 35-foot graveyard was specifically excluded from the 1969 deed (Liber 3685, Folio 695) and all previous deeds, having been reserved to the Claggett/Chew family by legal deed in 1916, together with right of ingress/egress to the cemetery (Liber 120, Folio 409). By Circuit Court decision (November 25, 1970), recorded in Land Record 3899:9-11, the Claggett Family Cemetery with right of ingress/egress was transferred to the Board of Education. St. Thomas Episcopal Parish purchased the 0.02-acre parcel (Parcel 144) containing the Claggett Family Cemetery and the associated right-of-way from Prince George's County on January 28, 2010 (Liber 31442, Folio 276).
- (2) The Claggett Family Cemetery is shown on the subject DSP. However, the plan does not show Parcel 144, the current owner (St. Thomas Episcopal Parish), or the historic site number (82A-107). The subject plan also shows a 50-foot-wide undisturbed bufferyard drawn around the cemetery outside the area that will be affected by grading for the proposed subdivision road (East Marlton Avenue).
- (3) The developing property is part of the eighteenth-century plantation known as Croome. A Phase I archeological investigation was conducted on the subject property in August 2009. One previously identified Archeological Site (18PR398), the eighteenth century Claggett house, cemetery, and outbuildings, was re-located and its boundaries more clearly defined. Five new archeological sites were identified: 18PR985, a prehistoric lithic scatter and late eighteenth to early nineteenth century domestic artifact scatter; 18PR986, a late eighteenth to early nineteenth century domestic artifact scatter; 18PR987, a late eighteenth to early nineteenth century domestic artifact scatter; 18PR989, a nineteenth century artifact concentration; and 18PR1000, a twentieth century artifact scatter and the remains of a tobacco barn. Historic Preservation staff concurred with the recommendation of the Phase I report that Phase II investigations were necessary on Sites 18PR398, 18PR985, 18PR986, 18PR987, and 18PR988.
- (4) Phase II archeological investigations were conducted in December 2009. The portion of Site 18PR398, located on the subject property, and Site 18PR985 were severely impacted by plowing and erosion and did not contain intact features or cultural deposits. No further work was recommended on those sites. Portions of Site 18PR398 containing the remains of the Claggett house site are located on Parcel 68 to the south of the limits of disturbance for road construction, and may be impacted by the construction of East Marlton Avenue. Sites 18PR986, 18PR987, and 18PR988 contained intact cultural deposits and features.

Additional Phase II investigations were conducted on these three sites in January 2013. Historic Preservation staff concurred with the report's conclusions and recommendations that no further archeological investigations are necessary on Sites 18PR986 and 18PR988. Staff also concurred with the report's conclusions and recommendations that Site 18PR987 meets the criteria to be listed in the National Register of Historic Places and to be designated a Prince George's County historic site.

- (5) HPC addressed the relevant conditions of approval of DSP-03033/01 which have been incorporated into Finding 10 above.
- (6) At its February 18, 2014 meeting, the HPC received a presentation from staff and the applicant's representatives. Mr. Franklin Robinson, representing St. Thomas Episcopal Parish, read a statement in support of staff's findings, conclusions, and recommendations. St. Thomas Episcopal Parish is the owner of the Claggett Family Cemetery (82A-107), located on a separate parcel within the adjoining Board of Education property. Access to the cemetery from Croom Road extends through Section 22 of the East Marlton development. The applicant identified the access easement on the plans, but is showing proposed townhouses over the easement. Mr. Robinson also suggested that an interpretive sign be placed along East Marlton Avenue near the location of the Claggett Family Cemetery and that the applicant provide a pull-off along the road near the cemetery for that purpose for safety reasons.

Concern was also expressed by Historic Preservation staff and Mr. Robinson regarding the location of East Marlton Avenue on the Board of Education property near the Claggett home site (Site 18PR398). The maps provided in the Phase II report by Dr. Gibb did not show the precise location of the house foundation and an associated artifact scatter relative to the location of the road. Therefore, staff suggested that additional language be added to Condition 1 to require the applicant to precisely locate the Claggett home site on the plans in relation to the proposed grading for East Marlton Avenue and recommend further archeological investigations if significant portions of Site 18PR398 would be impacted.

### **Archeology Conclusions**

- (1) The subject DSP shows that the Claggett Family Cemetery will not suffer adverse effect from grading for the proposed subdivision road (East Marlton Avenue).
- (2) Phase I and II archeological investigations have been completed on the subject property. One site, 18PR987, was found to contain significant archeological resources. Therefore, the application was referred to HPC. The site lies within the sole proposed access route into this portion of the development and cannot be

avoided due to a combination of steep slopes, primary management area, and the presence of endangered plant species in the vicinity. Therefore, data recovery mitigation will be necessary on Site 18PR987. A Phase III work plan was submitted by the applicant's consultant archeologist on February 7, 2014. The work plan outlines research questions that could be answered by excavation of the site and proposes the excavation of up to 50 additional shovel test pits to characterize stratigraphy and areas of artifact concentration, as well as hand excavation of between 60–80 square meters (45.8-861.1 square feet) to expose previously identified features. The applicant proposes a public presentation of the results of the project to the community associations of Marlton. HPC may require additional public interpretive measures, such as interpretive signage and web-based materials.

- (3) The plan should be revised to show the location of Parcel 144 and the Claggett Family Cemetery, Historic Site 82A-107. The plan should also show the location of Archeological Site 18PR987 on Sheet 12.

#### **Historic Preservation Commission Recommendations**

- (1) Prior to issuance of any grading permits for Section 21, the applicant shall:
  - (a) Specifically locate the Claggett family home site in the field to determine its precise location and to determine if that location will be impacted by grading associated with the construction of East Marlton Avenue, which may result in the need for additional archeological investigation;
  - (b) Provide a draft and final report detailing the Phase III investigations for Archeological Site 18PR987;
  - (c) Provide a plan for interpretive signage to be erected, including a vehicle pull-off for safe access to such interpretive signage, subject to Department of Public Works and Transportation (DPW&T) approval and public outreach measures, such as public lectures and web-based materials (based on the findings of the archeological investigations); and
  - (d) Ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.
- (2) Prior to signature approval, the plans shall be revised to clearly label the Claggett Family Cemetery, Historic Site (82A-107). Prior to any construction, the applicant shall place temporary fencing to mark the limits of the family cemetery to avoid disturbance during construction. The plan shall also show the current deeded access easement held by St. Thomas Episcopal Parish.

The recommended conditions have been included in this approval, with some minor adjustments, as appropriate.

- b. **Community Planning**—This application is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) development pattern policies for the Developing Tier. The development proposal conforms to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendations. There are no issues with the proposed minor adjustments to the previous approved DSPs. When approved, the changes should be reflected in the notes and charts on the Official Plan—Marlton R-P-C Zone (Revision: February 5, 2010).

The property is located within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface F (Inner Horizontal Surface) establishing a height limit of 500 feet above the runway surface. The property is not located within noise contours. The property is not within an accident potential zone. These categories need to be noted on the DSP.

A condition has been included in this approval regarding noting the ILUC categories.

- c. **Transportation Planning**—In light of the fact that these sections have all gone through preliminary and detailed site plan reviews, and this application is essentially a consolidation effort, there are no new transportation issues arising from the subject application.
- d. **Subdivision Review**—The Planning Board reviewed an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-93078 in Finding 9 above.

The DSP shows 304 townhouses and 93 single-family detached dwellings, for a total of 397 residential lots. Preliminary Plan 4-93078 was approved for 419 townhouses and 153 single-family detached dwellings, with a total of 572 residential lots and 16 parcels. The proposed modifications and the overall lot layout and street pattern shown on DSP-03033-02 are not inconsistent with the approved preliminary plan. The proposed lot layout with this DSP is consistent with previously approved DSP-03033/01 and DSP-03035/01.

The DSP delineates ten-foot-wide public utility easements (PUE) along the public rights-of-way, but no PUE is proposed on the private rights-of-way. The Subdivision Regulations, Section 24-128(b)(12), requires that for private roads, a ten-foot-wide PUE be provided adjacent to the street right-of-way. The DSP should be revised to include PUEs on the individual lots along the private rights-of-way, or a color-coded utility plan approved by all of the affected utilities must be provided to show agreement for any alternative from the required standard if shown on the DSP.



There is an existing ingress/egress easement recorded in Liber 3676 at Folio 703 across the southern portion of the site in Section 22. The ingress/egress easement is for a cemetery on Parcel 144, north of Section 22. The DSP should be revised to reflect the bearings and distances of the ingress/egress easement. The easement is a private agreement between two parties; M-NCPPC is not a party to the easement. If the easement has not been abandoned or relocated by the time of final plat, then the easement will have to be reflected on the plat as an encumbrance on the subject property. The DSP should provide a note as to the proposed disposition of the easement.

Subdivision conditions are as follows:

- (1) Prior to approval of the DSP the following technical corrections should be required:
  - (a) Show a ten-foot-wide PUE abutting all private rights-of-way per Section 24-128(b)(12) of the Subdivision Regulations, or provide an approved color-coded utility plan.
  - (b) Delineate separate parcels for open space and private rights-of-way and clearly label the disposition of each parcel. Provide the dimensions of private rights-of-way.
  - (c) Revise Site Note 1 to remove the reference to Preliminary Plan 4-89199 and state that the previous approval is Preliminary Plan 4-93078.
  - (d) Revise General Note 15 to include the approval date of the stormwater management concept plan.
  - (e) Delineate the bearings and distances and liber/folio of the existing ingress/egress easement located within Section 22 and provide a note regarding its disposition.
  - (f) Delineate the bearings and distances of Heathermore Boulevard and East Marlton Avenue as reflected on the record plats (MMB 239-91 to 93).
  - (g) Revise the property boundary of Parcel 68 to reflect the correct boundary as shown on the recorded plats (MMB 239-91 to 93) and clearly label Parcel 68 as not part of the limit of this DSP.

Detailed Site Plan DSP-03033-02 is in substantial conformance with approved Preliminary Plan 4-93078 if the above comments have been addressed. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

The recommended conditions have been included in this approval.

- e. **Trails**—The Planning Board has reviewed the DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Two master plan trails issues are included in both the MPOT and area master plan that impact the subject application. Both MC-601 and C-611 are designated as master plan bikeways. Through prior approvals for the Marlton development, these master plan facilities have been implemented as six-foot-wide sidepaths or wide sidewalks. This is consistent with what is shown on the submitted plans and the prior approvals for the site, as discussed below.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

Sidewalk and trail facilities were addressed via prior approvals. Previously approved DSP-03033 included conditions of approval related to sidewalk and trail facilities discussed above in Finding 10.

A six-foot-wide trail is included in the cross sections for both Heathermore Boulevard (MC-601) and East Marlton Avenue (C-611). A portion of the trail along Heathermore Boulevard widens to 7.5 feet, as shown on Sheets 4 and 5. These trails will provide access from this portion of Marlton to the planned park and trail facilities anticipated in East Marlton Stream Valley Park. This planned park will contain a network of trails, as well as other passive and active recreational opportunities. The other revisions to the DSP to avoid rare and endangered species, preserve forest areas, add housing types, and adjust the limits of disturbance do not impact the required trail and sidewalk facilities. The subject site plan also reflects standard sidewalks along both sides of most internal roads, consistent with the MPOT Complete Street policies. One exception to this is along the north side of Charles Branch Drive between Lot 1 and East Marlton Avenue, where a sidewalk is provided only along the south side of the road. However, there are no improvements along this frontage

of road and steep and severe slopes appear to prohibit widening the road to accommodate the sidewalk on both sides. The sidewalk along the south side of the road will accommodate pedestrians walking to the trail along East Marlton Avenue. Previously required sidewalk and trail facilities are reflected on the plans and no additional recommendations are necessary at this time.

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a DSP as described in Section 27-285 of the Zoning Ordinance. No additional recommendations are necessary regarding bicycle, pedestrian, or trail facilities at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated April 8, 2014, DPR provided an analysis of the site plan's conformance with park-related conditions of approval of Preliminary Plan 4-93078 and DSP-03033, incorporated into Findings 9 and 10 above. Their recommended conditions of approval have been incorporated below, as appropriate.
- g. **Permit Review**—Permit Review comments have either been addressed by revisions to the plan or in the conditions of this approval.
- h. **Environmental Planning**—The Planning Board reviewed an analysis of the site plan's conformance with the environmental-related conditions of approval for DSP-03033 and DSP-03035, incorporated into Findings 10 and 11 above. They also reviewed an analysis of the site's conformance with the 1989 Prince George's County Woodland Conservation and Tree Preservation Ordinance, which is discussed in detail in Finding 13 above. The following is a summary of the other environmental comments:

- (1) A natural resources inventory (NRI) was not submitted for the subject application because the preliminary plan and DSP are grandfathered from the requirement.

A forest stand delineation was not submitted with this application, nor was one available in the Preliminary Plan 4-93078 files. The approval resolution for the preliminary plan contains no finding concerning the submittal of a FSD, but does state that a TCPI was previously approved for Sections 18–22. The TCPIs previously approved for Sections 18–22 were found to be in general conformance with the approved TCPIs, and the Environmental Planning Section will not require additional information at this time.

A detailed forest stand delineation and a NRI will be required for any future development application proposed in East Marlton, outside of Sections 18, 19, 20, 21, and 22.

- (2) Off-site grading impacts are proposed with the extension of the existing Heathermore Boulevard across the PEPCO right-of-way and Conrail tracks, including impacts to adjacent TCPIIs. Prior to issuance of grading permits for Heathermore Boulevard Extended, any off-site woodland impacts not addressed under the current application shall be addressed through approval of revisions to TCPIIs, or the issuance of letters of exemption for all affected properties. All off-site properties affected shall be clearly labeled as to ownership, parcel identification, DSP case number, preliminary plan case number, and/or TCPI/TCPII number, as applicable.
- (3) The limits of disturbance shown on all plans did not match. Therefore, prior to issuance of grading permits, conformance between the limits of disturbance shown on the approved sediment and erosion control plans, the approved DSP, and TCPII shall be demonstrated.
- (4) The preliminary plan for Section 18 shows a 35-foot-wide landscaped buffer and a 50-foot-wide noise buffer along the frontage of Section 18 adjacent to East Marlton Avenue. These buffers have been correctly delineated on the revised DSP and TCPII and should be shown on the record plat. The following note shall be placed on the associated record plats:

“The Noise Buffer shown on this plat is an area designated to provide a separation between the collector road and residential uses where no residential structures can be placed.”
- (5) The preliminary plan for Section 22 indicates that there is a 35-foot-wide buffer along the frontage of Section 22 adjacent to East Marlton Avenue, and a 40-foot-wide buffer located along the northern property line. These buffers have been delineated on the DSP, landscape plan, and TCPII.
- (6) After the review and approval of the original DSPs and tree conservation plan for the subject property, new information came forward concerning populations of a state-listed threatened plant found on the property within Section 21, part of DSP-03033.

In anticipation of DSP approval, the applicant applied to the Maryland Department of the Environment for stream and wetland permits for proposed impacts. Subsequent to that application, in September 2005, the Maryland Department of Natural Resources (DNR), Natural Heritage Program, requested that a survey of the property be conducted for a state-listed threatened plant, the Single-headed pussytoes (*Antennaria solitaria*). A survey was conducted by Brent W. Steury in April 2006, and eight individual populations of the plant were identified on the East Marlton site. Seven of the populations were located along steep banks bordering the main stem of Southwest Branch, within the regulated

primary management area, but one population was located in Section 21, which fell within the proposed limit of disturbance for the development.

In a letter dated March 12, 2007, McCarthy and Associates, the environmental consultants for the subject property, requested permission to transplant the population to an alternative habitat on the site. Katharine McCarthy, Southern Regional Ecologist, of the Natural Heritage Program, and M-NCPPC staff visited the site in early April 2007 to assess the proposal. Her recommendations are contained in a letter to the applicant's consultants (McCarthy to Klebasko) dated April 12, 2007 as follows:

“As we discussed at the site, the Natural Heritage Program’s recommendation for conserving this population is to minimize impacts by providing a 100-foot undisturbed buffer to the population . . .

“The Natural Heritage Program does not support transplanting the population . . . Our approach to conservation of rare plant species is to pursue the conservation of the habitats that support Maryland’s populations of these species. Conserving the existing populations and their habitats, including the natural physical and biological processes that sustain the population, is the most effective means to maintain a rare species. This approach to conserving rare plants is supported by the Forest Conservation Act and associated regulations [COMAR 08.19.04.07 (C) (3)], which require that rare plant habitats be identified as priority retention areas. . . To meet the requirement of the Forest Conservation Act, the forest conservation plan should be revised so that all areas inhabited by Single-headed pussytoes, including an undisturbed 100-foot buffer, are included within the forest retention area and are protected by the forest conservation easement.”

After being informed of this recommendation by the Natural Heritage Program, the applicant began to work to determine the extent of revisions which would be necessary to provide the required undisturbed buffer for the threatened plant population, and to consider whether portions of Section 21 could be redesigned to provide the needed buffer by the relocation of lots. The applicant was aware that they would not be granted the required stream and/or wetland permits necessary for the development of this site unless the threatened plant population was protected. Because the presence and location of the threatened plant population was not known during the initial review of the DSP and was not addressed, it was determined that protection of the threatened plant population would be addressed with later revisions to the DSP and TCPII.

Detailed Site Plan DSP-03033/01 did not include the revisions necessary to protect the threatened plant population, and proposed no changes to the previously

approved grading. Because the purpose of the -01 revision was to allow the applicant to move forward with the resolution of complex outstanding issues for the site, and the site development cannot move forward without the stream and wetland permits that will be withheld by the state until protection of the threatened plant population is demonstrated, a condition was approved with the -01 revision as follows:

- 26. Prior to the issuance of any grading permits for Section 21 of East Marlton, which propose disturbance within 150 linear feet of the location of the known population of single-headed pussytoes located on the east bank of Southwest Branch adjacent to Lots 1, 2, 3 and 4, the detailed site plan and tree conservation plan shall be revised to provide a 100-foot-wide undisturbed buffer to the population. The relocation of lots to provide this buffer is acceptable so long as there is no net increase in the area of PMA impacts.**

With the current application, the DSP and TCPII have been revised to allow for the protection of the rare, threatened, and endangered (RTE) plants as located by the 2005 RTE survey. The area is now protected from disturbance, except for a 10-foot-wide setback of townhouse lot lines from the delineated protection area.

Staff of the Natural Heritage Program were consulted to determine if any further information was needed to address protection of the RTE population with the current revisions. Katharine McCarthy responded via an e-mail dated January 9, 2014 as follows:

“I do not think that further survey work is needed to look for more occurrences of *Antennaria solitaria*. But I do think it would be a good idea to confirm the extent of the known occurrence so that it has the 100-foot buffer. I cannot foresee any situation that would reduce the size of the current buffered area, but a tree fall adjacent to the population could expose soil that this species might colonize over a period of years, and that could expand the area. Unlikely, I know, but I think it would be worth the hour or two it would take to confirm the delineation.”

On January 14, 2014, Ms. McCarthy provided the following additional information:

“I support pursuing a survey to confirm the extent of the known occurrences of *Antennaria solitaria* on this project site. Mid-to-late April is the survey window for this species. It can only be identified to species when flowering or fruiting.”

Because the RTE survey work performed on the subject property is nine years old at this time, a survey to confirm the location and size of the population being protected under the DSP revision is needed to ensure that adequate protection is being provided in accordance with the recommendation of DNR. Therefore, prior to certification of the DSP, a floristics survey shall be performed on the population of Single-headed pussytoes (*Antennaria solitaria*) previously located on Section 21 to confirm its location and current area. The survey shall be performed in mid to late April, during the survey window for this species, which can only be identified to species when flowering and fruiting, and shall be performed by a DNR qualified biologist.

- (7) The approved preliminary plan for this site showed a 40-foot-wide dedication from the centerline of Croom Road (MD 382), and an “undisturbed buffer zone” 100 feet in width behind the dedication. The TCPII shows the correct width for the required dedication, a 10-foot-wide public utility easement, and a 100-foot-wide undisturbed buffer zone adjacent to Croom Road in conformance with the preliminary plan.

Croom Road is a designated historic road and part of the Star-Spangled Banner Scenic Byway, and the wooded Croom Road frontage of this property is appropriately protected and retained under the current application.

In order to preserve the undisturbed buffer zone as a scenic buffer adjacent to Croom Road, a scenic easement shall be delineated by bearings and distances at the time of final plat, and the following note shall be placed on the plat:

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

Conditions regarding the mentioned issues have been included in this approval as appropriate.

- i. **Prince George’s County Fire/EMS Department**—In a memorandum dated December 23, 2013, the Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 7, 2014, DPIE indicated that they had no objection to the revisions proposed with the subject application. They also said that the proposed site development is consistent with Stormwater Management Concept Plan 22351-2001-01, approved October 9, 2013.

- k. **Prince George's County Police Department**—In a memorandum dated January 2, 2014, the Police Department indicated that they have no crime prevention through environmental design (CPTED) recommendations on the subject application at this time.
- l. **Prince George's County Health Department**—In a memorandum dated January 3, 2014, the Environmental Engineering Program of the Health Department provided the following comments on the subject application:
- (1) The site is in proximity to an arterial road. Noise can be detrimental to health with respect to hearing impairment, psycho-physiologic effects, psychiatric symptoms, and fetal development. The applicant should provide details regarding modifications/adaptions/mitigation as necessary to minimize the potential adverse health impacts of noise on residents and sensitive outdoor uses such as playgrounds.

There are no planned arterial roads in the vicinity as East Marlton Avenue is designated as a major collector and collector roadway. Noise issues were reviewed at the time of preliminary plan as discussed in Finding 9 above.

- (2) The public health value of access to active recreational facilities has been well documented. Three playgrounds are noted on the plans; however, indicate the location of all active recreational facilities for varying age groups within 1/4 mile of the proposed residences, including the anticipated youth center, system of trails and the lake/park area.

Multiple public and private recreational facilities are being proposed with the overall East Marlton development in accordance with previous approvals. There is no requirement that they be listed on the subject plans unless they are located within the limits of the DSP.

- (3) Health Department permit records indicate there are no markets/grocery stores within a 1/2 mile radius of this site, a factor that has been linked to higher rates of obesity and diabetes. There is also an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity, and promote the role of public health in improving quality of life. The developer should consider setting aside space for community gardens.

The Planning Board encourages the applicant to consider this idea; however, there are ample proposed homeowners association open space parcels where residents could create a community garden in the future if desirable.

- (4) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to



construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- (5) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance to construction activity noise control requirements as specified in Subtitle 19 of the County Code.

16. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the Zoning Ordinance, 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-143-03-02) and further APPROVED Detailed Site Plan DSP-03033-02 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan (DSP) or the following information shall be provided:
  - a. Revise the plans to include a tree canopy coverage schedule demonstrating conformance to the requirements.
  - b. Revise the plans to clearly label the Claggett Family Cemetery (Historic Site 82A-107) on Parcel 144, and the current owner, St. Thomas Episcopal Parish. Prior to any construction, the applicant shall place temporary fencing to mark the limits of the cemetery to avoid disturbance during construction. The plan shall also show the current deeded access easement to the cemetery held by St. Thomas Episcopal Parish.
  - c. Revise the plans to reflect the interim land use control categories that apply to the subject property.

- d. Show a ten-foot-wide public utility easement abutting all private rights-of-way per Section 24-128(b)(12) of the Subdivision Regulations, or provide an approved color-coded utility plan.
- e. Delineate parcels for open space and private rights-of-way and clearly label the disposition of each parcel. Provide the dimension of private rights-of-way.
- f. Revise Site Note 1 to remove the reference to Preliminary Plan of Subdivision 4-89199 and state that the previous approval is Preliminary Plan of Subdivision 4-93078.
- g. Revise General Note 15 to include the approval date of the stormwater management concept plan.
- h. Delineate the bearings and distances and liber/folio of the existing ingress/egress easement located within Section 22 and provide a note regarding its disposition.
- i. Delineate the bearings and distances of Heathermore Boulevard and East Marlton Avenue as reflected on the record plats (MMB 239-91 to 93).
- j. Revise the property boundary of Parcel 68 to reflect the correct boundary as shown on the recorded plats (MMB 239-91 to 93) and clearly label Parcel 68 as not part of the limit of this DSP.
- k. Revise the DSP to indicate denial of access to Croom Road (MD 382) from abutting lots within Section 19.
- l. The dimensions of all options for all house types and townhouse types shall be demonstrated on the template sheets. This includes extensions, projections, sunrooms, morning rooms, retreat rooms, front porches (and indicate if front porch is covered or not), bay/bow windows, chimneys, etc.
- m. Correct the required parking tabulations on Sheet 1 of 26.
- n. Provide the dimensions of the parking spaces on the DSP, including standard, compact, handicap, and van-accessible spaces.
- o. Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- p. Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

- q. Include in the record of DSP-03033-02, a plan showing the conceptual boundaries of the 100-acre linear public park and proposed improvements in the park, including an access road to the park, a parking lot, and conceptual layout of the proposed trails system, as approved in the Public Recreational Facilities Agreement recorded in Liber 35310, Folio 401.
  - r. Revise the DSP to delineate the boundaries of the Stormwater Management Pond 1 parcel to be conveyed to the homeowners association.
  - s. Remove the Oregon, Adams I, and Adams Morgan townhouse types from the plans.
  - t. On the townhouse architectural elevations of all endwalls, labels shall be provided showing the location of brick. A note shall be placed on all townhouse endwall elevations stating that “Full brick façade is required on all endwalls.”
  - u. The following note shall be placed on all townhouse architectural elevations: “On all units with full or partial brick front elevations, the offset wall connecting to a unit set further back shall feature full or partial brick to match the front.”
  - v. Revise the landscape plan to demonstrate conformance to all of the applicable regulations of the *2010 Prince George’s County Landscape Manual* for Sections 19 and 20.
  - w. Revise the landscape plans to verify conformance to Section 4.3, Parking Lot Requirements, of the *2010 Prince George’s County Landscape Manual* by clarifying areas being counted as parking lot and interior planting areas.
  - x. Revise the landscape plan, as necessary, to demonstrate full conformance to all of the applicable requirements of Sections 4.6 and 4.7 of the *2010 Prince George’s County Landscape Manual*.
  - y. Revise all plant lists to identify native plant species.
  - z. Revise the landscape plan to demonstrate conformance to Section 4.10, Street Trees along Private Streets, of the *2010 Prince George’s County Landscape Manual*.
2. Prior to signature approval, the following revisions shall be made to the Type II tree conservation plan (TCPII) or the following information shall be provided:
- a. On all applicable plan sheets:
    - (1) The exterior boundaries of the detailed site plan shall be labeled by metes and bounds.
    - (2) Block identification shall be added to the plan sheets.

- (3) The boundaries of individual sections shall be emphasized by a clearly visible line similar to that used on the cover sheet, and sections shall be labeled on each plan sheet at least once in a font size similar to that shown on the detailed site plan.
  - (4) A woodland conservation table shall be provided on each plan sheet and a woodland conservation summary table shall be provided on the sheet containing notes and details.
  - (5) The approval block on each plan sheet shall include the TCPII number in a hyphenated format, and the previous approval for the -01 revision shall be added.
  - (6) The legend shall be modified for clarity and completeness as follows:
    - (a) The term “Modified Reforestation–Not Counted” shall be revised to read “Modified Reforestation– not credited,” and labels on individual afforestation/reforestation areas shall be revised consistently.
    - (b) Tree protection device shall be modified to add the term “temporary.”
    - (c) “Post and Rail Fence” shall be modified to add the term “Permanent Tree Protection Device” and the graphic pattern should be revised to be more visible on the plan.
  - (7) Revise the plan to shown a permanent tree protection device along the vulnerable edges of all afforestation/reforestation areas.
  - (8) Woodland conservation areas shall be set back a minimum of ten feet from any townhouse lot line in order to allow for maintenance and access around townhouse sticks.
  - (9) Woodland conservation areas shall be set back a minimum of ten feet from the top and bottom of any proposed retaining wall to allow for construction and maintenance access.
  - (10) All retaining walls shall be clearly labeled and top of wall and bottom of wall elevations shall be provided.
- b. On the coversheet (Sheet 1 of 24), replace the woodland conservation worksheet with the most current phase TCPII worksheet.
- c. On Sheet 2 of 24:
- (1) Revise the Type II tree conservation notes as follows:

- (a) Replace references to Prince George's County Department of Environmental Resources with Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).
  - (b) In the first sentence of Note 7, replace "since" with "when." Tree protection devices (TPD) are required with this plan.
  - (c) Replace Note 8 as follows: "Temporary construction signs for tree save areas shall be posted at the same time as tree protective device installation and may be removed when temporary tree protection devices are removed."
  - (d) Replace Note 10 as follows: "Woodland conservation signage for preservation areas shall be installed prior to the finalization of grading permits and shall remain in place in perpetuity. Woodland conservation signage for afforestation/reforestation areas shall be installed at time of planting and shall remain in place in perpetuity."
- (2) Add Note 4 to the temporary construction sign detail stating: "Temporary signage should be provided on the temporary tree protection device (TTPD) wherever feasible."
  - (3) The reforestation and afforestation area sign detail shall be relabeled to the term "permanent woodland conservation detail" and Note 5 shall be added as follows: "Permanent afforestation/reforestation signage shall be provided on the permanent tree protection device."
  - (4) The post and rail fence detail shall be revised to add the term "permanent tree protection device (PTPD)."
  - (5) Details for all types of temporary tree protection devices proposed to be implemented on the site shall be added to the plans. The legend indicates that "earth dikes, silt fences, etc." will be used on the plan.
  - (6) White ash shall be removed from the planting schedules.
- d. On Sheet 6 of 24:
- (1) Woodland conservation areas adjacent to Lot 78 shall be revised to show a ten-foot-wide setback from the lot lines and from any proposed retaining wall.
  - (2) The retaining walls shall be clearly labeled and top of wall and bottom of wall elevations shall be provided.

- e. On Sheet 8 of 24:
  - (1) Woodland conservation areas adjacent to Lot 129 shall be revised to show a ten-foot-wide setback from the lot lines and from any proposed retaining wall.
  - (2) The retaining walls shall be clearly labeled and top of wall and bottom of wall elevations shall be provided.
  
- f. On Sheet 9 of 24:
  - (1) The label for the “rare plant area” shall be revised to “RTE plant population” and made more visible.
  - (2) The label for “100-foot rare plants buffer” shall be revised as “RTE plant protection area - 100-foot-wide undisturbed buffer” and made more visible.
  - (3) The population area shall be made more visible by the use of a graphic shade or more visible line type.
  
- g. On Sheet 11 of 24:
  - (1) The label “RTE plant protection area - 100-foot-wide undisturbed buffer” shall be added to the plan and made visible.
  - (2) Lots 1–5 shall be set back a minimum of ten feet from the edge of the rare, threatened, and endangered (RTE) plant protection area, and all woodland conservation areas shall be set back ten feet from any townhouse lot line.
  
- h. On Sheet 12 of 24, the modified afforestation area labeled on the plan shall be identified or removed.
  
- i. On Sheet 14 of 24, all applicable site elements, such as roads, sidewalks, lots, structures, etc., shown on the detailed site plan shall be shown on the TCPII.
  
- j. On Sheet 15 of 24, BIO #22-9 (a proposed bioretention area) with an afforestation/reforestation area shall be evaluated to determine if the plantings proposed and the maintenance requirements are consistent with the requirements for an afforestation/reforestation area credited under the 1989 Prince George’s County Woodland Conservation and Tree Preservation Ordinance. If the location or implementation details of the bioretention area are determined to be inconsistent with the purposes of woodland conservation area, it shall not be credited as woodland conservation.

- k. On Sheet 24 of 24, the orientation of the dwelling located on Lot 37 shall be revised to show an orientation which allows for a minimum 40-foot-wide active rear yard in the rear of the house and which is respectful of the 100-foot-wide undisturbed buffer zone adjacent to Croom Road (MD 382) for the protection of the historic road.
  - l. After all required revisions are addressed, have the revised TCPII signed and dated by the qualified professional who prepared it.
3. Prior to approval of each building permit within the subject application:
- a. The house type and elevation, including the number of stories, building height, and dimensions of all options, shall be provided.
  - b. For the single-family detached dwellings, setbacks shall be provided from the building to each property line.
  - c. The actual lot coverage for each single-family detached lot shall be provided.
  - d. The brick front tracking chart shall be updated.
  - e. Provide the yard area for each townhouse lot.
  - f. Provide the dimensions and material for the driveways, and label all garages as a one-car or two-car garage and provide the dimensions of each.
4. Prior to the issuance of any grading permits for Section 21, the applicant shall:
- a. Specifically locate the Claggett family home site in the field to determine its precise location and to determine if that location will be impacted by the grading associated with the construction of East Marlton Avenue, which may result in the need for additional archeological investigation;
  - b. Provide a draft and final report detailing the Phase III investigations for Archeological Site 18PR987;
  - c. Provide a plan for interpretive signage to be erected, including a vehicle pull-off for safe access to such interpretive signage, subject to Department of Public Works and Transportation (DPW&T) approval, and public outreach measures, such as public lectures and web-based materials (based on the findings of the archeological investigations) and;
  - d. Ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

5. Detailed construction drawings for the trails, parking lots, and access roads in the 100-acre dedicated park (including a grading plan, limits of disturbance, trail sections, and details) shall be submitted to the Prince George's County Department of Parks and Recreations (DPR) for review and approval prior to approval of the 800th building permit in East Marlton.
6. The applicant and the applicant's heirs, successors, and/or assignees shall construct the recreational facilities within the dedicated 100-acre linear stream valley Maryland-National Capital Park and Planning Commission park prior to issuance of the 1,000th building permit.
7. Prior to issuance of any grading permit in East Marlton, detailed construction drawings for Grandhaven Avenue Park (Brandywine Country Neighborhood Park) shall be submitted to the Prince George's County Department of Parks and Recreation (DPR) for review and approval.
8. Prior to issuance of grading permits, conformance between the limits of disturbance shown on the approved sediment and erosion control plans, the approved detailed site plan, and the TCPII shall be demonstrated.
9. At the time of final plat, the 35-foot-wide landscaped buffer and 50-foot-wide noise buffer along the Section 18 frontage on East Marlton Avenue shall be shown on the plat. The following note shall be placed on the associated record plats:

“The Noise Buffer shown on this plat is an area designated to provide a separation between the collector road and residential uses, where no residential structures can be placed.”
10. Prior to certification of the detailed site plan, a floristics survey shall be performed on the population of Single-headed pussytoes (*Antennaria solitaria*) previously located on Section 21 to confirm its location and current area. The survey shall be performed in mid to late April, during the survey window for this species which can only be identified to species when flowering and fruiting, by a Maryland Department of Natural Resources qualified biologist.
11. At the time of final plat, a scenic easement shall be described by bearings and distances and delineated on the appropriate plats. The scenic easement shall contain the “100-foot-wide undisturbed buffer zone” as shown on Detailed Site Plan DSP-03033-02 and Type II Tree Conservation Plan TCPII-143-03-02, and the following note shall be placed on the plat:

“Croom Road is a designated historic road. Scenic easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
12. At the time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the delineated Patuxent River primary management area



except for the areas of approved impacts shown on the preliminary plan, or as amended by the approval of the detailed site plan. 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.”

13. Prior to the issuance of grading permits for the construction of East Marlton Boulevard, a protection area defined by tree protection devices shall be shown on the TCPII around the cemetery location on the Board of Education (BOE) property if grading is proposed within 100 feet of the surveyed limits of the cemetery.
14. Prior to the delineation of woodland preservation areas or grading outside of Sections 18 through 22, or grading approved for roadway construction as part of this DSP approval, a detailed forest stand delineation (FSD) shall be submitted for the remainder of TCPII/143/03, or as revised and expanded in the future.
15. Prior to the issuance of a grading permit, copies of the approved sediment and erosion control plans and the proposed technical stormwater management plans shall be submitted to the Environmental Planning Section.
16. At the time of final plat for Section 22, the 35-foot-wide buffer adjacent to East Marlton Avenue and the 40-foot-wide buffer adjacent to the Board of Education property shall be delineated. The following notes shall be placed on the record plat:

“The buffers shown on this plat are areas of landscaping adjacent to a collector road and/or adjacent uses in accordance with the requirements of the Prince George’s County Landscape Manual and as shown on Detailed Site Plan DSP-03033, or as revised in the future.”
17. Prior to construction and release of the second residential building permit for the referenced site, approval of all construction elements related to the railroad crossing must be bonded and permitted through the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), and a construction and maintenance agreement completed if required by DPIE.
18. Prior to the issuance of a grading permit that impacts the stream crossing between Sections 18 and 19, the area shall be redesigned in a biologically sensitive manner as follows: provide for wildlife passage, minimize the concentration of flow to reduce the potential for future erosion impacts to the stream channel, and reduce the length of the pipe.
19. Prior to approval of any building permits, the following information shall be provided and/or the plans shall demonstrate the following:

- a. The applicant shall provide evidence of a meeting with the Friends of Croom (FOC) on the architectural elevation design of houses on Lots 27–33, which are adjacent to the Windy Oaks subdivision, and Lots 34–37, adjacent to Croom Road (MD 382).
  - b. The rear elevations of Lots 27–33, adjacent to the Windy Oaks subdivision, shall be enhanced with additional rear architectural features such as shutters, window trim, and/or masonry fireplaces.
  - c. The rear elevations of Lots 34–37 shall be enhanced with additional architectural features such as shutters, window trim, and/or masonry fireplaces.
20. At the time of final plat, easements shall be shown for a minimum 25-foot-wide landscaped buffer adjacent to Lots 1–5, Block A, of the Windy Oaks subdivision, and a minimum 15-foot-wide landscaped buffer adjacent to Lot 6, Block A, of the Windy Oaks subdivision.
  21. The applicant and the applicant’s heirs, successors and/or assignees shall provide for the installation of one “Share the Road with a Bike” sign in accordance with State Highway requirements. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.
  22. If improvements are required by the State Highway Administration, the applicant and the applicant’s heirs, successors and/or assignees shall construct a seven to ten-foot-wide asphalt shoulder along the subject project’s entire frontage of MD 382, per concurrence of the State Highway Administration.
  23. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to the Development Review Division (DRD) of the Maryland-National Capital Park and Planning Commission (M-NCPPC) for approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George’s County, Upper Marlboro, Maryland. The RFA shall include the following amenities and timings for bonding and construction:

| <b>SECTION 18 (160 Units)</b>   |   |  |
|---|---|--|
| <b>FACILITY</b>   | <b>BOND</b>   | <b>FINISH</b>                                      |
| <b>Play Area A</b> (between Lots 70 and 71)<br>One (1) pre-teen playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 140 linear feet of four-foot-high black chain link fence | Prior to issuance of any building permits in this section     | Prior to issuance of the 55th building permit      |
| <b>Play Area B</b> (median of Conoy Court)<br>One (1) tot lot playground<br>Two (2) benches<br>One (1) trash receptacle<br>Approximately 100 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 110th building permit |

| <b>SECTION 21 (56 Units)</b>   |   |   |
|--|---|---|
| <b>FACILITY</b>  | <b>BOND</b>   | <b>FINISH</b>                                     |
| <b>Play Area</b> (between Lots 23 and 24)<br>One (1) tot lot playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 140 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 30th building permit |

| <b>SECTION 22 (88 Units)</b>  |   |   |
|---|---|---|
| <b>FACILITY</b>   | <b>BOND</b>   | <b>FINISH</b>                                     |
| <b>Play Area</b> (behind Lots 56 and 57)<br>One (1) tot lot playground<br>One (1) bench<br>One (1) trash receptacle<br>Approximately 130 linear feet of four-foot-high black chain link fence | Prior to the issuance of any building permits in this section | Prior to the issuance of the 45th building permit |

24. The applicant shall submit to the Development Review Division (DRD) of the Maryland-National Capital Park and Planning Commission (M-NCPPC) a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by DRD, prior to issuance of any building permits in the section of development.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 1, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of May 2014.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:arj