



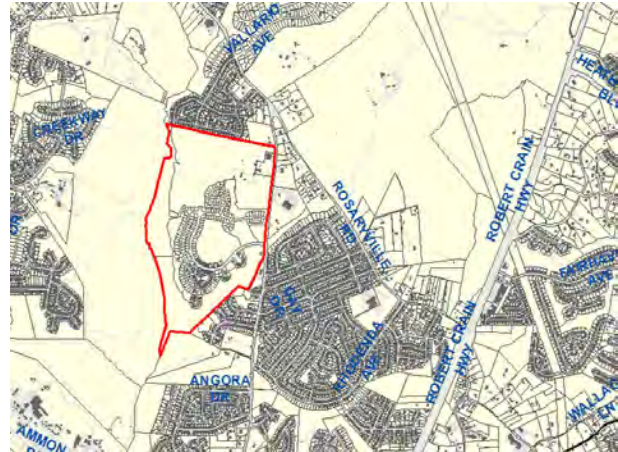
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Specific Design Plan Canter Creek, Phases III & IV

SDP-1202-07

REQUEST	STAFF RECOMMENDATION
Approval of Phases III and IV consisting of 161 single-family detached dwellings.	APPROVAL with conditions

Location: On the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road	
Gross Acreage:	342.38
Zone:	R-S/M-I-O
Dwelling Units:	161
Gross Floor Area:	N/A
Planning Area:	82A
Council District:	09
Election District:	11
Municipality:	None
200-Scale Base Map:	212SE09
Applicant/Address: Walton Canter Creek Development, LLC 8000 Westpark Drive, Suite 430 McLean, VA 22102	
Staff Reviewer: Thomas Burke Phone Number: 301-952-4534 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	03/05/2020
Planning Board Action Limit:	03/28/2020
Staff Report Date:	02/19/2020
Date Accepted:	11/18/2019
Informational Mailing:	04/29/2019
Acceptance Mailing:	09/23/2019
Sign Posting Deadline:	02/04/2020

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1202-07
Type II Tree Conservation Plan TCPII-043-2019
Canter Creek, Phases III & IV

The Urban Design staff has reviewed the specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9738-C;
- b. The requirements of the Prince George's County Zoning Ordinance in the Residential Suburban Development (R-S) and Military Installation Overlay (M-I-O) Zones;
- c. The requirements of Comprehensive Design Plan CDP-0701;
- d. The requirements of Preliminary Plan of Subdivision 4-07005;
- e. The requirements of Specific Design Plan SDP-1202 and amendments;
- f. The requirements of Specific Design Plan SDP-1605;
- g. The requirements of the 2010 *Prince George's County Landscape Manual*;
- h. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance;
- i. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- j. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

- 1. Request:** The subject application is for approval of an amendment to a specific design plan (SDP) for Phases III and IV of the Canter Creek subdivision, which proposes 161 single-family detached dwelling units.
- 2. Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-S/M-I-O	R-S/M-I-O
Use	Vacant	Single-Family Detached Residential
Total Dwelling Units	249	410 (161 proposed)
Total Gross Acreage	342.38	342.38
Total Net Tract Area	248.64	248.64
Gross Acreage of Phases III & IV	112.46	112.46
Net Tract of Phases III & IV	109.61	109.61

- 3. Location:** The Canter Creek development is located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Upper Marlboro. The site is in Planning Area 82A and Council District 9.
- 4. Surrounding Uses:** To the north of the overall Canter Creek subdivision is the Williamsburg Estates single-family home subdivision in the One-Family Detached Residential Zone and a single-family detached parcel in the Rural Residential (R-R) Zone. In the northeastern corner, Canter Creek surrounds the R-R-zoned Merrymount Equestrian Center, with the Joshua Turner House Historic Site. Across Frank Tippet Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development in the R-R Zone. To the south are single-family home subdivisions and an undeveloped lot in the R-R Zone. To the west is a 404-acre undeveloped property in the Reserved Open Space Zone, which is owned by Maryland Environmental Services.

This SDP, Phases III and IV, is located in the northern portion of the Canter Creek subdivision and can be accessed from the previously approved development in Phases I and II, at the southern end of the overall property.

- 5. Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the Prince George's County District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural and R-R Zones to the Residential Suburban Development (R-S) Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review but withdrawn before being heard by the Prince George's County Planning Board. Preliminary Plan of Subdivision (PPS) 4-00064 and TCPI-110-90, for the proposed development of the property, (in accordance with Prince George's County

Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories, was approved by PGCPB Resolution No. 01-79(A). TCPII-002-02 was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, CDP-0701 and a revision to TCPI-110-90-01 were approved by the District Council, subject to 31 conditions. This approval superseded CDP-9007.

PPS 4-07005 and TCPI-110-90-02 were disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the 1990 Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO) and the Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on good cause associated with conformance to the Green Infrastructure Plan and WCO.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved TCPI-110-90-02 and PPS 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

On October 25, 2012, the Planning Board reviewed SDP-1202 for Canter Creek, Phase 1, for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 1, 2012. On November 19, 2012, the District Council elected to review the case and on February 12, 2013 the District Council remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered additional evidence and approved the SDP with 18 conditions and amended findings in response to the Order of Remand.

On May 29, 2014, the Planning Board reviewed SDP-1202-01 for 106 lots and architectural elevations and approved the plans subject to conditions contained in PGCPB Resolution No. 14-46(c). Subsequently, four amendments to SDP-1202 were approved by the Planning Director for additional architecture and other site features.

On May 9, 2017, the Planning Board reviewed SDP-1605 for Infrastructure for Canter Creek, Phases II, III, and IV and approved the plans subject to conditions as contained in PGCPB Resolution No. 17-38.

On April 20, 2017, the Planning Board approved SDP-1202-04 for Phase II, consisting of 143 single-family detached units, and 12 architectural models, subject to conditions contained in PGCPB Resolution No. 17-65.

6. **Design Features:** Canter Creek subdivision is a 410 single-family detached residential community in Upper Marlboro, accessed from two public roads off Frank Tippet Road. This amendment to an SDP is for the final two phases, III and IV, consisting of 161 dwelling units. These phases are located at the northern end of the overall site and will be accessed via public roads within the community. The proposed homes will be built using Mid-Atlantic Builders and Ryan Homes architectural models, previously approved in SDP-1202-01 for Phase 1, PGCPB Resolution No. 14-46(c). Condition 10 of that resolution states that "All

architecture approved with this SDP for Phase One shall be permitted in subsequent phases of the development.”

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to 9 conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

Conditions

1. **Land uses shall be only as shown on the Basic Plan.**

The subject SDP is for single-family detached development, which is in conformance with the approved land use of the basic plan.

2. **The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject SDP is in conformance with this condition.

- 5.b. **A 50-foot wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.**

A 200-foot-wide preservation corridor of existing woodlands has been provided adjacent to the Williamsburg Estates community to the north in fulfillment of this condition. Minor clearing and grading for a public right-of-way and an east-west trail across Parcel J is proposed within the delineated preservation corridor. However, the 50-foot undisturbed buffer is maintained, except for as allowed for the trail.

6. **The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

The previously approved SDP-1202 for infrastructure showed the equestrian center as existing and proposed the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland and constructed with public funding.

Considerations

- 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation was submitted with the approved Natural Resources Inventory (NRI-015-07). The approved TCPI shows the preservation of woodlands along streams and adjoining roads and preserves a major forest stand identified by the NRI as Forest Stand D. This is in conformance with this consideration because it preserves a major stand of trees adjacent to a stream and property lines and preserves additional woodland along Piscataway Creek.

- 2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

A 100-year floodplain study was approved on November 20, 1989. A letter from the Prince George's County Department of Public Works and Transportation (DPW&T), dated September 22, 2009, indicated that Floodplain Study 900058, approved on November 20, 1989 remained valid.

Stormwater Management (SWM) Concept Plan 8327602-2000-06 was issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 9, 2017, which expires on May 9, 2020. The current SWM concept approval requires extended detention for water quality and one-year attenuation for water quantity control, and the payment of a SWM fee of \$107,000.00 in lieu of providing on-site attenuation/quality control measures.

- 3. A minimum 50-foot wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

The NRI, TCPI, and TCPII show the expanded stream buffer which comprise the regulated environmental features of the site. No new impacts to regulated environmental features have been identified with the current application.

- 4. The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

SDP-1202 provided landscaping and buffering along Frank Tippett Road, which will maintain the suburban character of the area. The current amendment for Phases III and IV includes building lots that are over 1,000 feet from Frank Tippett Road and will not be clearly visible.

- 6. Design of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.**

The previously approved SDP-1202 for infrastructure showed the equestrian trails and proposed the design and construction of four equestrian trails. Two of the proposed equestrian trails will be located on the proposed M-NCPPC parkland and constructed with public funding. A portion of the other two are located within this phase of development for the subject application and are designed in conformance with this condition.

- 8. The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

There are no SWM ponds proposed on dedicated parkland with this phase.

- 12. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

A note is included on the SDP, in conformance with this condition.

- 8. Prince George's County Zoning Ordinance:** This application has been reviewed for compliance with the requirements in the R-S and Military Installation Overlay (M-I-O) Zones.

- a. This application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, of the Zoning Ordinance governing development in the R-S Zone.

- b. Section 27-548.50 of the Zoning Ordinance sets forth criteria for the M-I-O Zone. This property is located within the Joint Base Andrews M-I-O Zone area. The northern portion of the property is within Conical Surface E for height, with a 20:1 restriction from the end of the right runway. The property is 11,000 feet from the clear zone of that runway. Therefore, the maximum height for structures at this location is 550 feet. All the proposed single-family detached houses are lower than 50 feet in height and, therefore, meet the requirements of the M-I-O Zone.

- c. Section 27-528(a) of the Zoning Ordinance sets forth the following criteria for approval of an SDP:

- (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the**

L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

The plan conforms to the requirements of CDP-0701, as detailed in Finding 9 below, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as detailed in Finding 14 below.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The SDP does not contain property designated as a regional urban community.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject property is governed by an approved and valid PPS that meets the adequacy test for the required transportation facilities serving this development. In addition, in a memorandum dated January 6, 2020, the Special Projects Section offered an analysis of police, fire and rescue, schools, and water and sewer facilities and determined that adequacy has been met for all of these.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The applicant provided a copy of a current approved SWM Concept Plan, 8327602-2000-06, which was approved on May 9, 2017, and expires on May 9, 2020. The SDP satisfies this requirement.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

In a memorandum dated January 23, 2020, the Environmental Planning Section recommended approval of TCPII-043-2019, subject to conditions included herein.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

In a memorandum dated January 23, 2020, the Environmental Planning Section stated the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, and impacts shown are consistent with the impacts approved at time of PPS.

9. **Comprehensive Design Plan CDP-0701:** CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the review of the subject SDP and warrant discussion, as follows:

10. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Standard sidewalks were shown on both sides of all internal roads in the subject SDP.

15. **Prior to certificate approval of the subject comprehensive design plan application:**

- a. **Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.**

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.

- b. **Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**

- (1) **Evaluating the resource at the Phase II level, or**
(2) **Avoiding and preserving the resource in place.**

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Historic Preservation staff requested Phase II evaluation studies on sites 18PR971 and 18PR996. Phase II investigations were completed on site 18PR996 in November 2009. Historic Preservation staff did not request any further investigations on site 18PR996 because of its lack of integrity.

Phase II investigations were completed on site 18PR971 in January 2020. Site 18PR971 is located within the area covered by SDP-1202-07 and will be affected by the development proposed in the subject application. The boundaries of site 18PR971 are shown on the plans. Portions of the site are located on Lots 52, 53, and 54 of the proposed development.

Phase II investigations have been completed and determined that a dense artifact scatter ranging in date from the 19th to mid-20th-century was present. Two structures are visible in the 1938 aerial photographs and late 19th and early 20th-century United States Geological Survey topographic maps. A total of 25 shovel test pits and ten 3-foot by 3-foot units were excavated. These units yielded 1,122 artifacts, including 499 architectural materials (brick, window glass, machine-cut/headed nails, and wire nails) and 568 vessel shards. Several artifacts dating to the 19th-century were recovered, along with several prehistoric artifacts of unknown date. No cultural features were identified, and no further work was recommended.

Staff concurs that no additional archeological investigations are necessary on site 18PR971. The final reports have not been submitted and the artifacts have not yet been curated. Therefore, this condition has not been satisfied and should be carried forward with this application.

- 16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of site 18PR996, which is located within the area of SDP-1202, but the applicant should still prepare interpretive signage that discusses the findings of the archeological investigations on the subject property. Phase II investigations have not been completed on site 18PR971, which is located within the planned Phase III of the subject development. Interpretive signage discussing the history of the subject property and the findings of the archeological investigations should be provided along the trail. The applicant should indicate on the plans the location for an interpretive sign.

- 17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George’s County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP is adjacent to the Joshua Turner House Historic Site (82A-017). The applicant has provided a viewshed exhibit that demonstrates that the proposed new development will not be substantially visible from the historic site.

- 19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.**

No part of the expanded stream buffer, which will be placed into conservation easements at the time of final plat, is located on a residential lot in the current application. At the time of certification of the SDP, a woodland conservation easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the Liber and folio shall be added to the TCPII in an appropriate note, as conditioned herein.

- 28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:**

- e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The SDP is in conformance with this condition.

- 30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:**

- a. Preservation of Forest Stand “D”: through the elimination of proposed stream crossing that forms the extension of Dressage Drive.**

The stream crossing was eliminated and additional area in Forest Stand D was proposed for preservation. The final decision of the Planning Board was to preserve Forest Stand D with the approval of TCPI-110-90-02. The current TCPII application is consistent with the TCPI, and consistent with the preservation of Forest Stand D.

- b. Elimination of lots that are adjacent to the north property line and provide a 300-foot wide buffer in this area as a land bridge to the portion of Forest Stand “D” that will be preserved between the two stream valleys.**

At the time of PPS, a 200-foot-wide land bridge was determined to be sufficient in width to fulfill the functional requirements of a wildlife corridor envisioned in the Green Infrastructure Plan, which is shown on the approved PPS and TCP1. A 200-foot-wide preservation corridor has been maintained with the current application.

- c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.**

The area located within 300 feet of the 100-year floodplain of Piscataway Creek is included in woodland conservation areas to the fullest extent possible, and unforested areas within the desired riparian buffers are proposed for afforestation/reforestation with the TCPII for Phases III and IV and are consistent with the approved TCPI.

- d. The use of afforestation in those areas those are adjacent to regulated areas.**

Afforestation has been used as a methodology to re-establish woodlands within and adjacent to expanded stream buffers.

- 10. Preliminary Plan of Subdivision 4-07005:** PPS 4-07005 was approved by the Planning Board on October 29, 2009 (PGCPB Resolution No. 08-112), subject to 35 conditions. The relevant conditions of the PPS approval warrant discussion, as follows:

- 2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

TCPII-043-2019 for Phases III and IV is being recommended for approval with this application.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.**

SWM Concept Plan 8327602-2000-04 has been revised as SWM Concept Plan 8327602-2000-06, which is valid through May 9, 2020. General Note 11 on the SDP reflects the current SWM concept plan number.

- 18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots**

shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.

The PPS and TCPI were revised, and the certificate was issued. Minor incursions into the required preservation corridor with the current SDP for Phases III and IV have been identified. The location of the east-west equestrian trail within Phase III and IV has now been shown on the plan with an excessive clearing width of 30 feet with substantial impacts to the preservation corridor, which has been reduced to a 200-foot width. The intention of field locating the trail is to minimize the clearing necessary for trail construction, to the fullest extent possible, while complying with the *Park and Recreation Facilities Guidelines*.

Clearing within the preservation corridor for the equestrian trail should be the minimum width required to satisfy the standard for an equestrian trail so that canopy closure is maintained to protect the quality of the ecosystem, and the centerline of the trail should be moved so that a minimum 35 feet of woodland is retained between the delineated edge of the preservation corridor and the southern edge of the clearing for the equestrian trail. These required revisions have been included in conditions in the Recommendation section of this report.

- 19. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assigns:**
- a. At the intersection of Rosaryville Road & Gambier Drive**
 - Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**
 - b. At the intersection of Rosaryville Road and Williamsburg Drive**
 - Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**
 - c. At the intersection of Rosaryville Road and Frank Tippett Road**
 - Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.**
 - Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T.**

The two signal warrant studies referenced in Conditions 19a. and 19b. have been completed and traffic signals are not deemed to be warranted. The findings have been shared with DPIE and DPW&T. The offsite improvements have been bonded through DPIE.

- 22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:**

- a. Evaluating the resources at the Phase II level, or**
- b. Avoiding and preserving the resources in place.**

The subject SDP includes archeological site 18PR971. The Phase II work plan for site 18PR971 was approved on December 2, 2019. The archeological investigation of site 18PR971 was completed in January 2020. No further work is recommended on site 18PR971. This condition has been satisfied.

- 23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.**

This condition still applies and the final report for Phase II and/or III investigations for site 18PR971 was submitted.

- 25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corps of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Army Corps of Engineers and the Maryland Historical Trust did not require any further work on archeological site 18PR971 through the Section 106 review process. This condition has been satisfied.

- 26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The area within the subject SDP is adjacent to the Joshua Turner House Historic Site (82A-017). The viewshed exhibit indicates that the view to the proposed houses directly west of the historic site will be substantially screened by existing vegetation and by trees proposed to be placed at the rear of the building lots. As shown in the viewshed exhibit, the proposed building on Lot 129 will be about 974 feet west of

the historic site. Some grading will occur to the west of the stream for the installation of a trail, but existing vegetation should provide sufficient screening. The viewshed to the northwest from the historic site will also be substantially screened by existing vegetation. Historic Preservation staff concur that no additional buffering will be necessary, and that proposed dwellings will not be substantially visible from the historic site.

- 27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.**

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the vicinity, and the area's equestrian heritage. This condition has been satisfied.

- 30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:**

- c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of the approved Basic Plan A-9738 C. The timing of construction shall be determined at time of specific design plan.**

The proposed East-West Trail is shown on the northern edge of the development within proposed Parcel J. The applicant has met this requirement via a recorded private recreational facilities agreement (RFA) at Liber 36434, folio 083. The RFA states that the developer has agreed to construct 2,882 feet of an 8-foot-wide equestrian trail prior to the 250th building permit.

- 11. Specific Design Plan SDP-1202:** The Planning Board reviewed SDP-1202, Phase One for infrastructure only, and adopted PGCPB Resolution No. 12-102 on November 1, 2012. The District Council elected to review the case and on February 12, 2013 remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered additional evidence and approved the SDP with 18 conditions. The following conditions are applicable to this SDP:

- 13. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.**

The submitted plans indicate sidewalks along both sides of all internal roads.

- 14. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road.**

The submitted plans include a sidewalk along most of Frank Tippett Road; however, there's a portion of Frank Tippett Drive that does not include sidewalk. Therefore, a condition is included herein requiring the sidewalk to be extended.

16. **The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.**
17. **The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.**

The submitted plans accurately depict both the Tributary Trail and the East-West Trail through Phases III and IV of the development. Both trails are depicted as 8-foot-wide trails with 2-foot-wide buffers. The construction triggers for the Tributary Trail and the East-West Trail, the 150th building permit and the 250th building permit, respectively, will not change with this application and remain applicable.

12. **Specific Design Plan SDP-1202-01:** SDP-1202-01 was approved by the Planning Board on May 15, 2014, (PGCPB Resolution No. 14-46(C)) and administratively corrected on June 10, 2014, subject to 20 conditions. None of the conditions specifically relate to the subject amendment; however, all conditions relative to architecture remain applicable to the homes built within these phases.
13. **Specific Design Plan SDP-1605:** SDP-1605 was approved by the Planning Board on March 9, 2017, (PGCPB Resolution No. 17-38) subject to four conditions, of which the following two conditions are applicable to this SDP:

3. **At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.**

This condition is included herein as required.

4. **Prior to approval of any further specific design plan (SDP) application for the site, beyond one that is limited to stormwater management infrastructure, the natural resources inventory site statistics and SDP site statistics shall be reconciled.**

The site statistics tables for the NRI and the SDP have been reconciled with this application.

14. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1), an SDP must conform to the applicable standards of the Landscape Manual. The proposed development of residential lots is subject to conformance with Section 4.1 Residential Requirements, Section 4.6 Buffering Development from Streets, and Section 4.9 Sustainable Landscaping

Requirements of the Landscape Manual. The applicant has provided the required landscaping and landscape schedules demonstrating conformance to all of these sections.

- 15. Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the WCO and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved TCPII for Phase I that has been implemented, and a revised TCPII for the implementation of SWM infrastructure for Phases II, III, and IV.

The TCPII plan submitted with the current SDP application for Phases III and IV has been assigned a new TCPII number. All future development phases going forward will also be assigned an individual TCPII number. The development of Phase I will retain the number TCPII-002-02 with any future revisions.

The phased woodland conservation worksheet for the overall development submitted on the plan indicates that the gross tract area of the application is 342.38 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site is 49.73 acres. With replacement for cumulative clearing of 46.99 acres of woodlands, 1.07 acres of wooded 100-year floodplain, the woodland conservation requirement for the site is 71.58 acres of woodland conservation.

With the current development phase, the requirement will be met with 54.07 acres of on-site preservation, 0.93 acre of on-site afforestation/reforestation, and 16.58 acres of off-site woodland conservation credits.

The TCPII requires additional information, design, and technical revisions to bring it into conformance with the requirement of the applicable WCO and Environmental Technical Manual, prior to certification of the SDP.

- 16. Prince George's Country Tree Canopy Coverage Ordinance:** Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. In the R-S Zone, the coverage requirement is 15 percent, which for this application equates to 16.87 acres when applied to the 112.46 acres within Phases III and IV. The schedule provided on the landscape plan demonstrates conformance with this requirement by providing 63.71 acres of tree canopy coverage.

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

- a. **Historic Preservation**—In a memorandum dated February 5, 2020 (Stabler and Smith to Burke), incorporated herein by reference, the Historic Preservation Section provided findings associated with a Phase II archaeological survey conducted on the site, the relationship of the proposed development to the adjacent historic Joshua Turner House site, and the previous conditions of approval as incorporated into the findings above. Conditions have been included herein to address a few outstanding issues.

- b. **Community Planning**—In a memorandum dated January 6, 2020 (Irminger to Burke), incorporated herein by reference, the Community Planning Section indicated that, pursuant to Part 8, Division 4, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated January 3, 2020 (Burton to Burke), incorporated herein by reference, the Transportation Planning Section discussed the previous transportation-related conditions of approval, which have been incorporated into findings above, and indicated that there are no issues regarding on-site circulation and the road network is consistent with the approved PPS.
- d. **Trails**—In a memorandum dated January 8, 2020 (Barnett-Woods to Burke), incorporated herein by reference, the Trails planner provided an evaluation of previous conditions of approval included in findings above as appropriate.
- e. **Department of Parks and Recreation (DPR)**—In a memorandum dated January 3, 2020, incorporated herein by reference, DPR evaluated conformance with previous conditions of approval regarding the establishment of trails, private on-site recreational facilities, and a SWM easement and recommends approval of the SDP with no conditions.
- f. **Environmental Planning**—In a memorandum dated January 23, 2020 (Finch to Burke), incorporated herein by reference, the Environmental Planning Section provided an evaluation of previous conditions of approval which are incorporated into findings above. Additional summarized comments were provided, as follows:

Natural Resources Inventory and Existing Conditions

A revised NRI-015-07-01 was signed by the Environmental Planning Section on June 30, 2008. Although the NRI is past the usual five-year validity period, the current application was not required to submit an updated NRI with the current application because the site was otherwise grandfathered. The environmental features shown on the revised NRI plan have been correctly reflected on the amended SDP and TCPII, and the site statistics of NRI-015-07-01 are consistent with the SDP and TCPII submitted with the current application.

Regulated Environmental Features/Primary Management Area

There are streams and stream buffers, wetlands and wetland buffers, and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. Nine impacts to regulated environmental features were submitted and approved with PPS 4-07005.

The impacts to the expanded stream buffer/primary management area shown on the revised SDP and TCPII with the currently proposed activity are in conformance with those approved at time of PPS review and those approved with the previous SDP and TCPII approvals. No additional environmental impacts were requested with the current application, and none have been identified during the review process. The location of the proposed tributary trail has been placed over the old roadbed of an existing driveway to minimize disturbance.

Stormwater Management

A valid SWM Concept Approval Letter and associated plans, 8327602-2000-06, were submitted with the current application, which expires on May 4, 2020. Condition 26 of CDP-0701 required that the SDP show the use of forebays with the proposed SWM plan. The current SDP and TCPII show the use of forebays, in accordance with the requirements of the Maryland Department of Environment's Stormwater Management Design Manual. No additional information with regards to SWM is required with this application.

- g. **Special Projects**—In a memorandum dated January 6, 2020 (Thompson to Burke), incorporated herein by reference, the Special Projects Section offered an analysis of the required adequacy finding relative to police facilities, fire and rescue, schools, and water and sewer.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated November 22, 2019 (Giles to Burke), incorporated herein by reference, DPIE indicated that the proposed development plan is consistent with the approved SWM concept plan, and provided requirements to be fulfilled at the time of technical approval and permitting.
- i. **Prince George's County Health Department**—In a memorandum dated November 27, 2019, incorporated herein by reference, the Health Department acknowledged the proposal for trail facilities for active recreation and pedestrian access for walkability and access to the adjacent sections of the community as means to promote positive health outcomes.
- j. **Prince George's County Police Department**—At the time of the writing of this staff report, comments had not been received from the Police Department.
- k. **Prince George's County Fire/EMS Department**—At the time of the writing of this staff report, comments had not been received from the Fire/EMS Department.
- l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated November 21, 2019, WSSC offered numerous comments that were provided to the applicant and will be addressed in their separate permitting process.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1202-07 and Type II Tree Conservation Plan TCPII-043-2019 for Canter Creek, subject to the following conditions:

- 1. Prior to certification of this specific design plan (SDP) the applicant shall:
 - a. Correct the numbering of General Notes 11 and 12 on the SDP coversheet, and provide the approval date of the stormwater management concept plan.

- b. Provide a standard sidewalk on Frank Tippet Road between Parcel 91 (Merrymount Equestrian Center), and the northern boundary of Parcel K, unless modified by the Department of Permitting, Inspections and Enforcement with written correspondence.
- c. The east-west equestrian trail shall be designed, in accordance with the *Park and Recreation Facilities Guidelines*.
- d. Alignment of the equestrian trail shall preserve mature specimen trees, as much as possible, and be staked in the field by staff of the Environmental Planning and Transportation Planning Sections prior to clearing. A minimum of 35 feet of woodland preservation shall be retained between the southern edge of clearing for the trail and the delineated edge of the preservation corridor.
- e. The plans shall be revised to reduce the width of the limit of disturbance for construction of the trail to no more than 12 feet in width. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet.
- f. The trail surface shall be 8 feet wide, of compacted earth with stumps removed and shall afford dry passage, as demonstrated in detail on the SDP. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes shall be minimized to prevent erosion.
- g. Revise the SDP to show a location for and a detail of an interpretive sign discussing the history of the subject property and the findings of the archeological investigations along the trail. The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.
- h. Provide a final report detailing the Phase II archeological investigations and a plan to curate and archive artifacts as required.
- i. Revise the Parcel Summary Table on Sheet 1A of the SDP to remove Parcel L and incorporate the acreage into Parcel K, for a total of 30.55 acres, and specify that this parcel will be retained by the owner, consistent with the comprehensive design plan and preliminary plan of subdivision.
- j. The Type II tree conservation plan shall be revised, as follows:
 - (1) On all plan sheets, provide the most current TCPII approval block and the correct TCPII number in the correct format, TCPII-043-2019.
 - (2) On the cover sheet location map, make the boundary line for Phases III and IV more visible.
 - (3) On Sheet 2 of 20:

- (a) Revise the phased woodland conservation worksheet to provide the correct TCPII number for the current phase.
 - (b) Add an "Individual TCP2 Worksheet for a TCPII with a prior TCPII worksheet," which addresses the woodland conservation requirement for Phases III and IV, and how it is fulfilled.
 - (c) Relabel the phased woodland conservation worksheet as "Canter Creek OVERALL."
 - (d) Revise standard Note 1 to reference the correct TCPII number and remove the second sentence of the note.
 - (e) Add standard notes applicable when off-site woodland conservation is proposed.
- (4) On Sheet 2A:
- (a) Add a cross section of the clearing for the east-west equestrian trail, which shows the allowable horizontal and vertical clearing.
 - (b) Add a standard detail for root pruning and include notes for its application along the edge of woodlands to be preserved on the plan prior to grading.
 - (c) Add a detail for a permanent tree protection fence.
 - (d) Add a non-native invasive species management plan.
- (5) Revise the limit of disturbance/cleared width of the east-west equestrian trail to a maximum of 12 feet, in accordance with the *Park and Recreation Facilities Guidelines*, and move the trail a minimum of 35 feet north of the delineated limit of the preservation corridor.
- (6) Add a woodland conservation sheet summary to each plan sheet.
- (7) Add a symbol for woodland conservation signage to the legend.
- (8) Along the north side of Cavesson Way, revise the grading limit of disturbance to minimize intrusions into the preservation corridor to the fullest extent possible.
- (9) Adjust all quantities and calculations to reflect the required revisions.
- (10) Provide the Liber/folio of a recorded on-site woodland conservation easement, as required by Condition 3 of Specific Design Plan SDP-1605.
- (11) Provide a cross section pruning detail to the TCPII for a cross section which shows the width of horizontal clearing allowed, and the minimum height of vertical pruning required for the proposed trail.

- (12) Have the revised plan signed and dated by the qualified professional who prepared the plan.

ITEM: 7

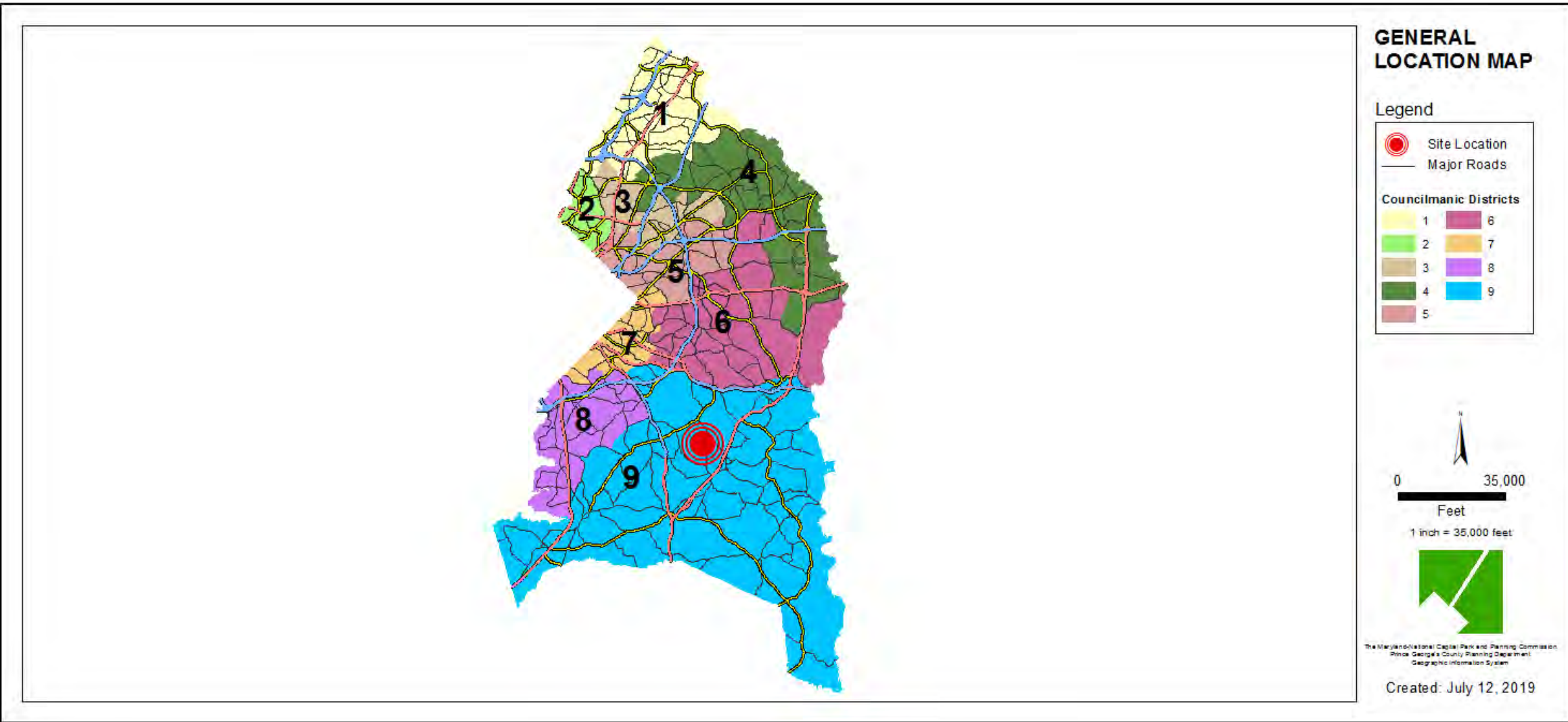
CASE: SDP-1202-07

CANTER CREEK PHASES III & IV

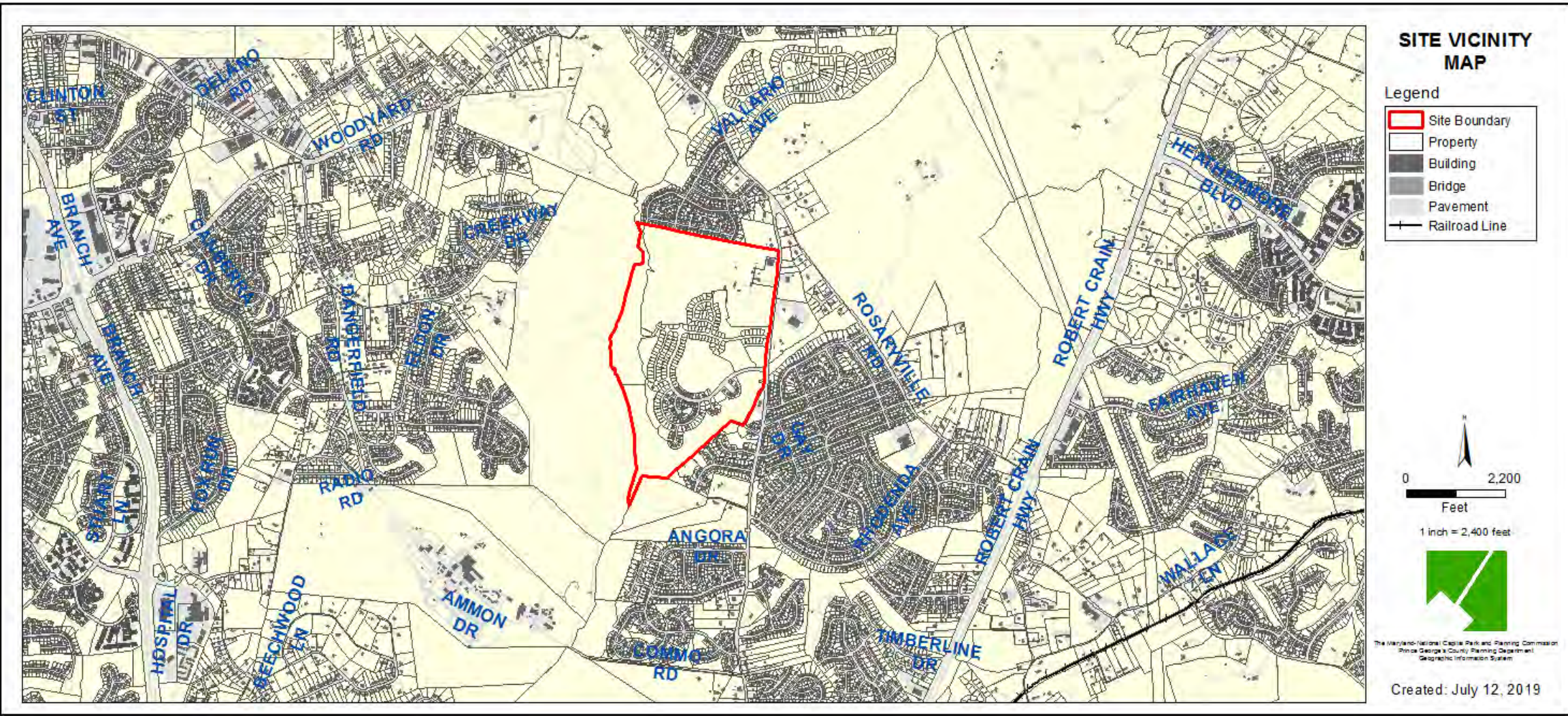
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



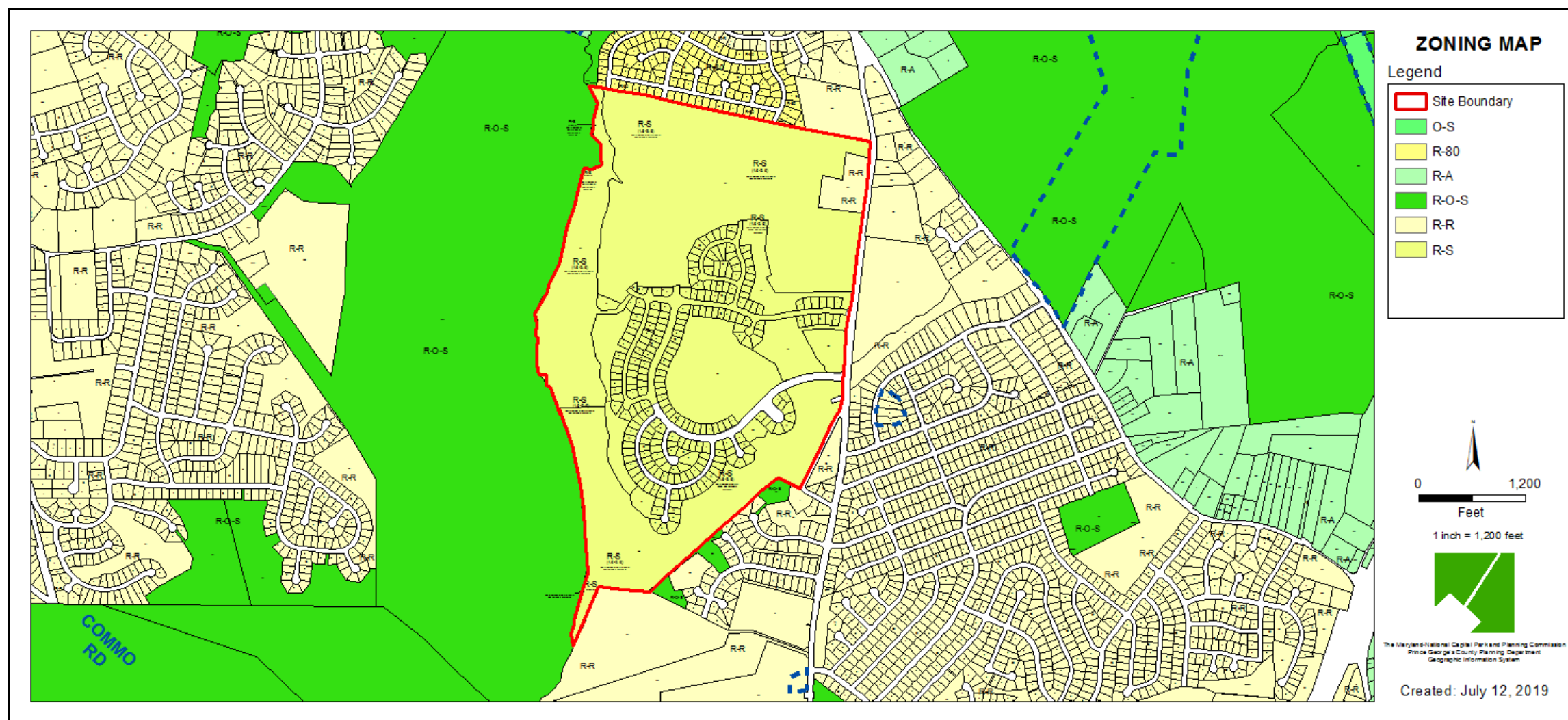
GENERAL LOCATION MAP



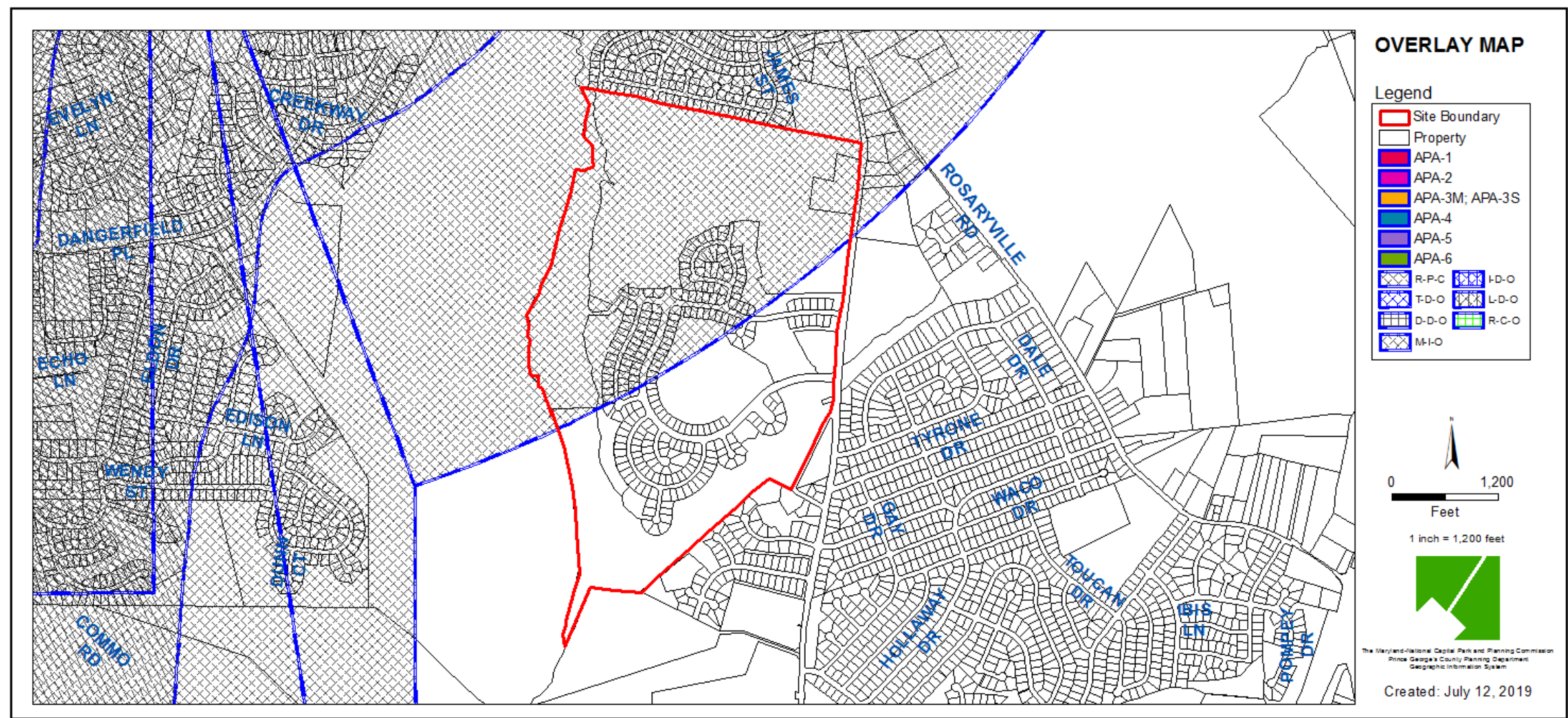
SITE VICINITY



ZONING MAP



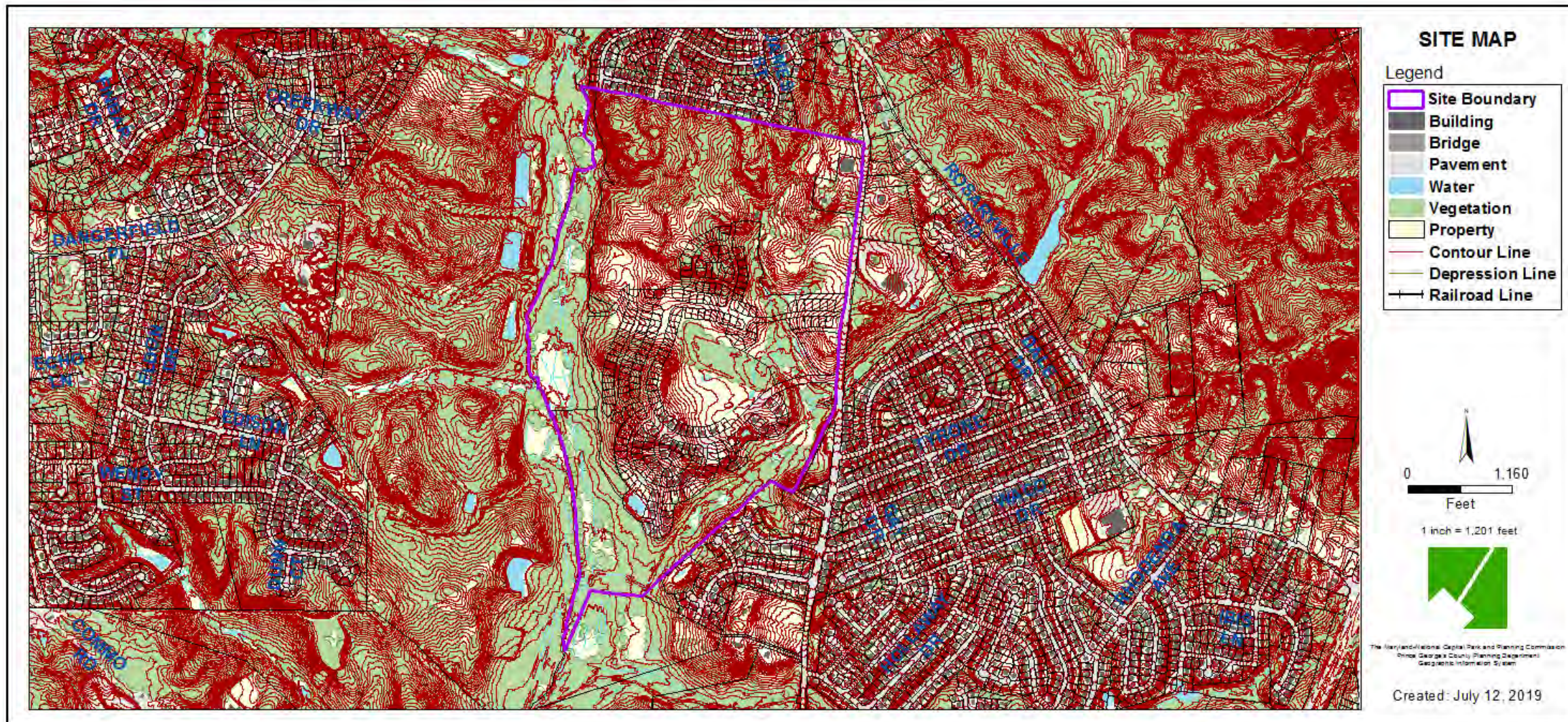
OVERLAY MAP



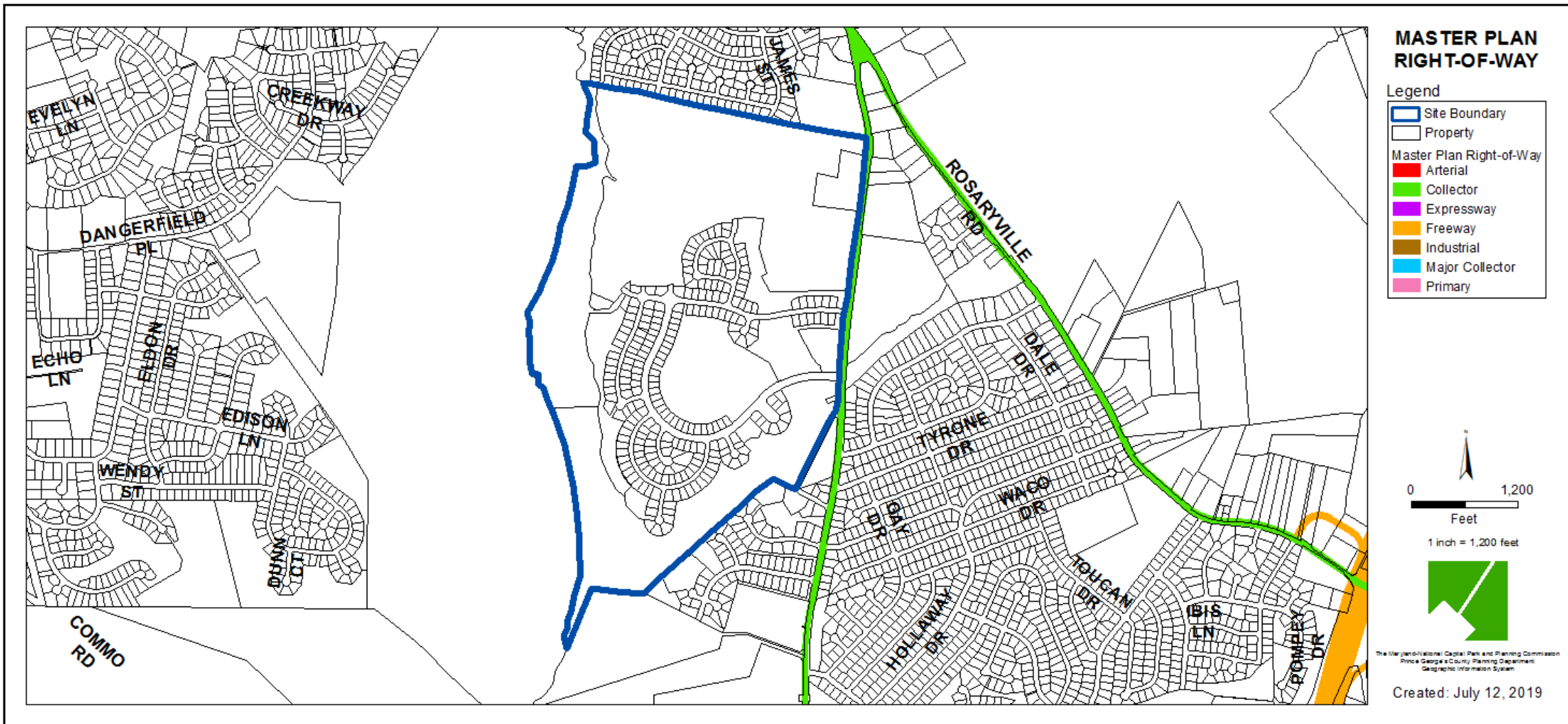
AERIAL MAP



SITE MAP



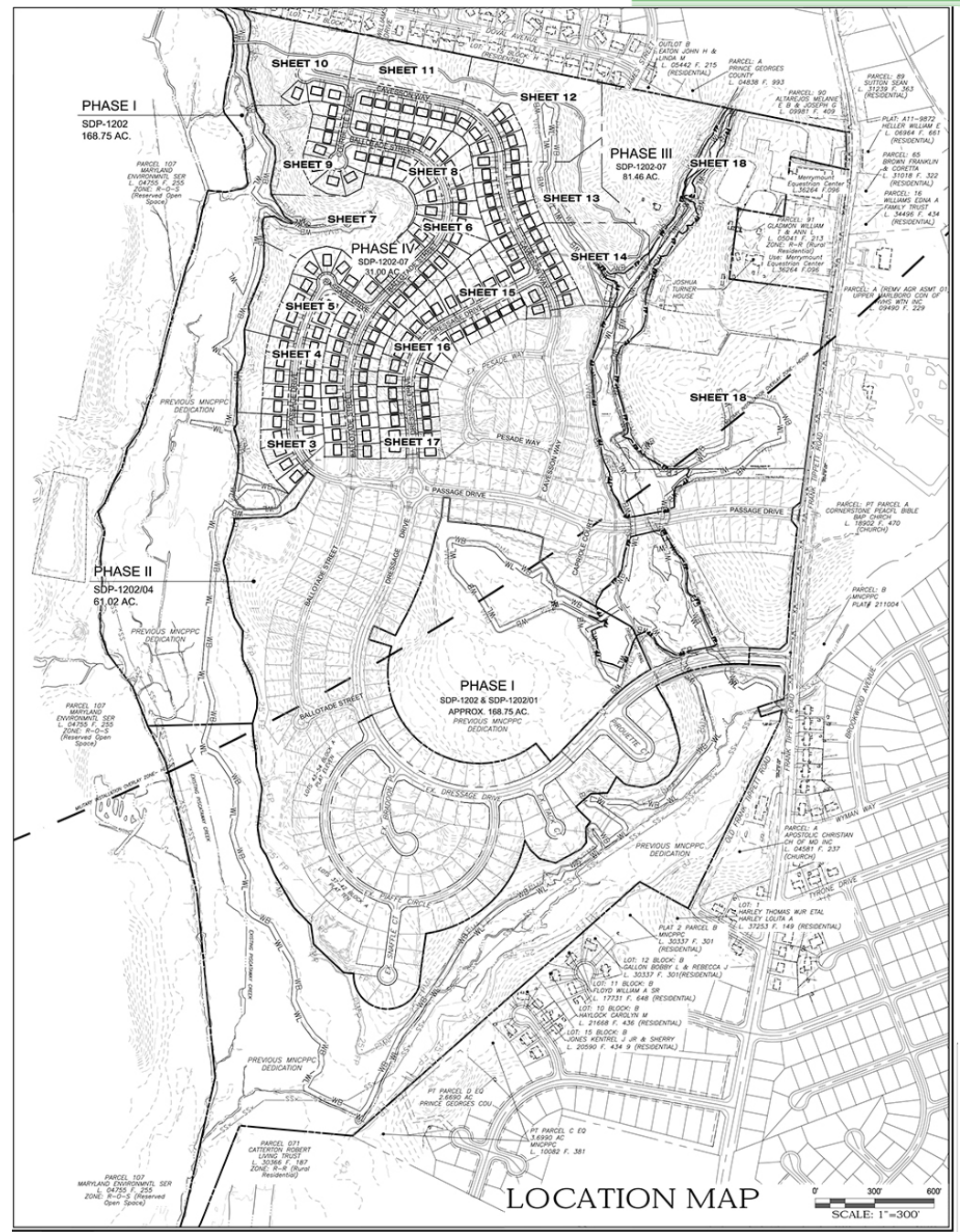
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



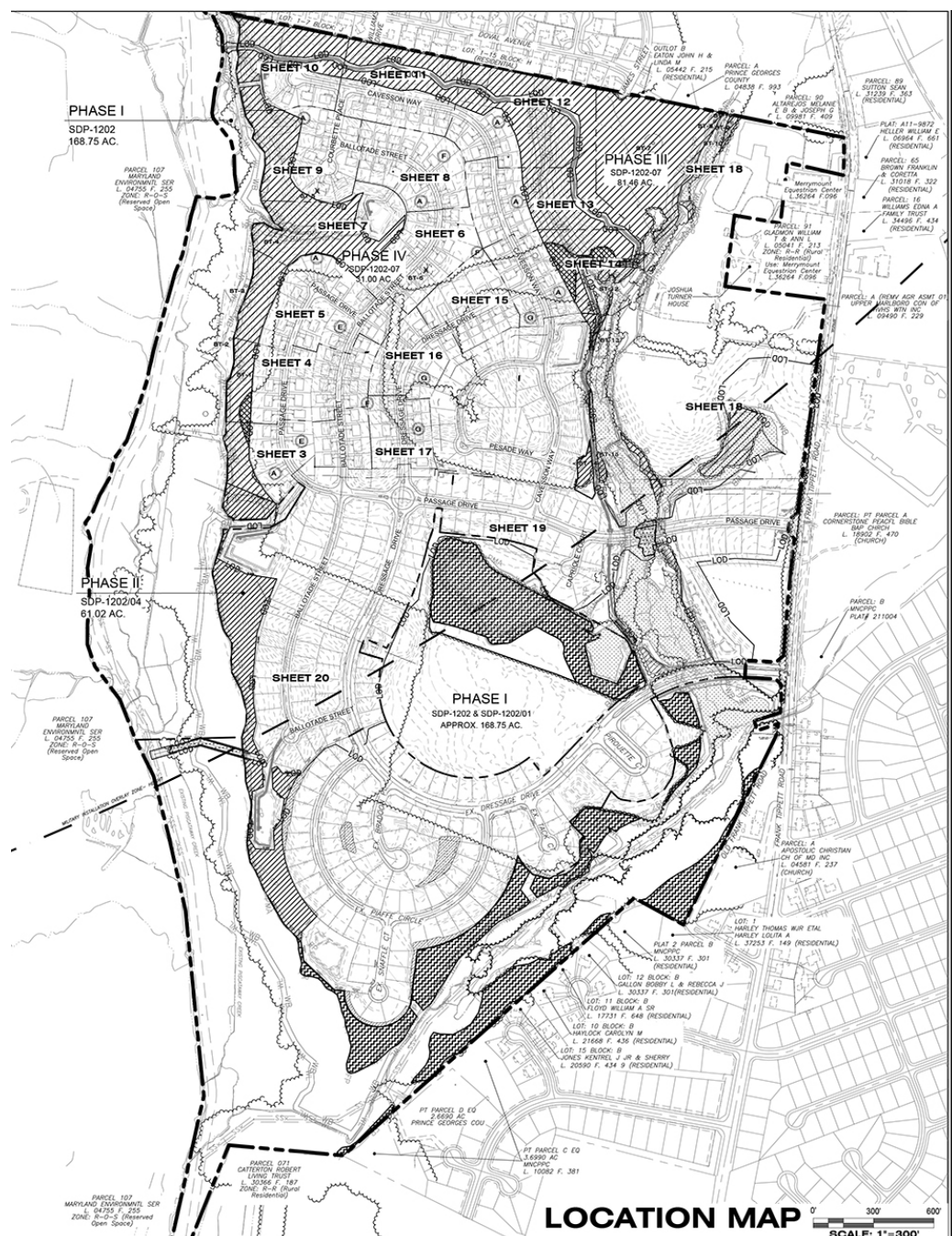
SITE PLAN



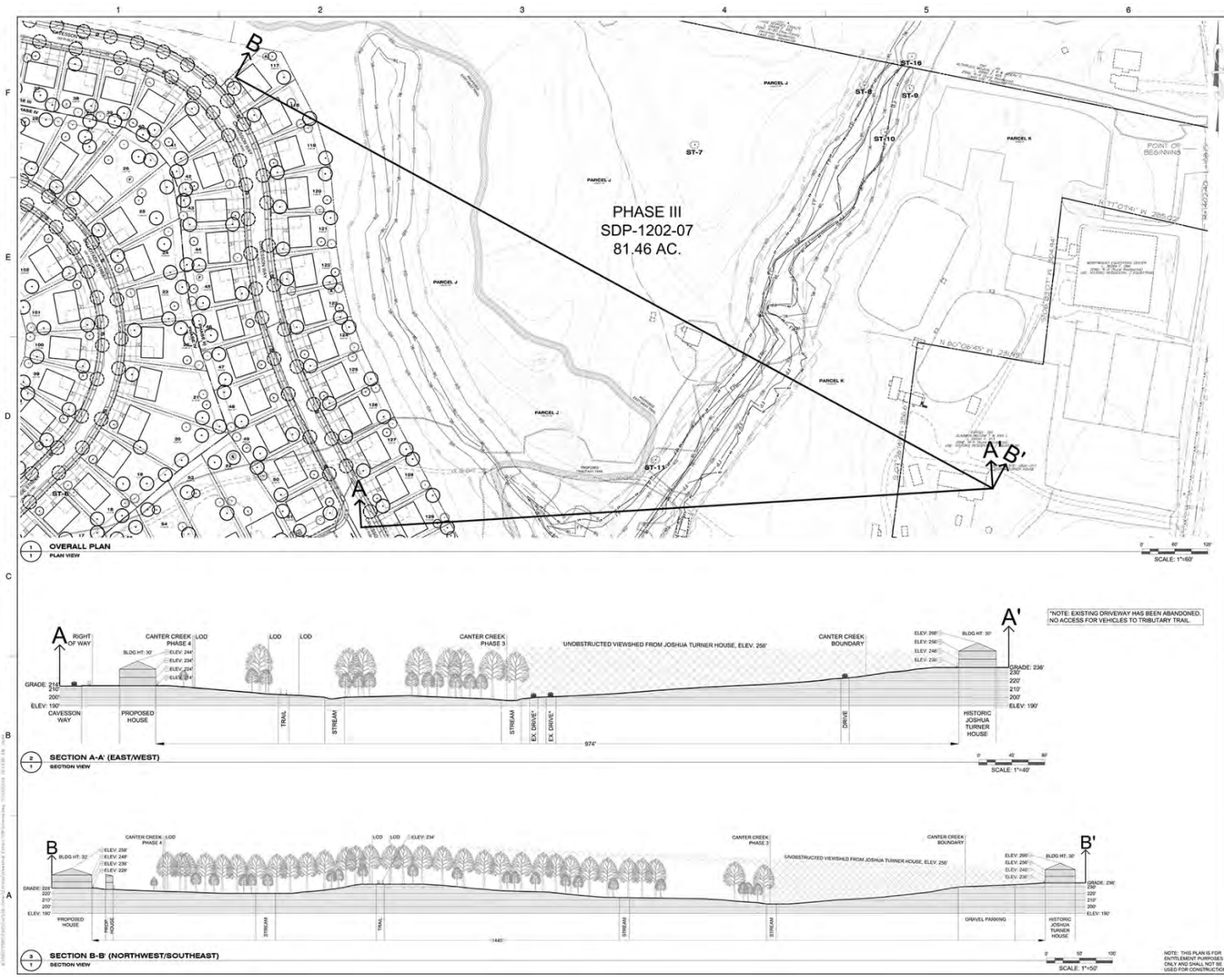
LANDSCAPE RENDERING



TREE CONSERVATION PLAN



VIEWSHED EXHIBIT



Dewberry
Engineers Inc.

APPLICANT:
WALTON CANTER CREEK DEVELOPMENT, LLC
11800 BLANCK VALLEY DRIVE, SUITE 200
RISTON, VA 22081

CONTRACT:
MAYN MILES
545332 2138
mike.miles@dewberry.com

CANTER CREEK
HISTORIC VIEWSHED EXHIBITS
PRINCE GEORGES COUNTY, MD
11TH ELECTION DISTRICT
TAX MAP 171200 ES. 04, P. 03 & 118 0200 AS
WASDC ORD 011188, P. 11859, 21058R, 21058S

SCALE:
AS-SHOWN

DRAWN BY: JPM
APPROVED BY: AM
CHECKED BY: DS
DATE: JULY 2016

TITLE:
VIEWSHED EXHIBIT

Dewberry JOB NO. 50071380

1

SHEET NO. 1 OF 1



IN RE: **Specific Design Plan
(SDP 1202/07)**

APPLICANT: **Walton Canter Creek Development, LLC**

AGENT/CORRESPONDENT: **William M. Shipp, Esquire
Stephanie P. Anderson, Esquire**

STATEMENT OF JUSTIFICATION

Walton Canter Creek Development, LLC (the "Applicant"), hereby requests approval of a Specific Design Plan (SDP 1202/07) (the "SDP") for Phases 3 and 4 of the Canter Creek community as further delineated in the site plans and text submitted with the application.

I. THE APPLICATION

The Applicant is submitting this SDP for Phases 3 and 4 of the development within the Canter Creek project (the "Subject Property"). Canter Creek is a 342.38-acre project consisting of 4 Phases of development. This SDP for Phases 3 and 4 consist of approximately 48 acres. The Subject Property and the entire Canter Creek project is in the R-S (1.6-2.6) Comprehensive Design Zone. This SDP conforms to the purposes and intent of the R-S zone and the approved Comprehensive Design Plan (CDP-0701) ("CDP"); and the approved Preliminary Plan of Subdivision (4-07005). The main purpose of this SDP is to facilitate an orderly and expedited development of Phases 3 and 4 of development.

II. LOCATION OF THE PROPERTY.

The Subject Property is located on the west side of Frank Tippett Road, extending from the southern edge of the "Williamsburg Estates" subdivision to Dower House Pond Branch. The site extends west from Frank Tippett Road to Piscataway Creek.

The site is surrounded by Williamsburg Estates to the north; undeveloped parcels and churches to the east across Frank Tippett Road; the Conger subdivision and the Graystone at Marlborough community to the south; and 404 acres of open space land owned by the Maryland Environmental Trust to the west.

II. COMPLIANCE WITH APPLICABLE ORDINANCES.

Sec. 27-528. - Planning Board action.

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

(1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

The SDP is in conformance with the approved Comprehensive Design Plan and the each of the conditions of approval as addressed in more detail below. A Landscape Plan consistent with the Landscape Manual is submitted as part of the SDP. The SDP does not include townhomes and the Subject Property is not in the LAC zone and is not within ½ mile of a Metrorail station.

(1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;

The SDP does not contain property designated as a Regional Urban Community.

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;

The Subject Property is governed by an approved Preliminary Plan of Subdivision and the conditions regarding transportation improvements and adequate public facilities are addressed below and are to be completed within the Phases of development as required by the Preliminary Plan.

(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;

The Subject Property will be constructed in accordance with State and County regulations for stormwater management as required by the approved Conceptual Stormwater Management plan (8327602-2000-06).

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;
and

A Type 2 Tree Conservation Plan is submitted with the SDP.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The SDP demonstrates the treatment of any regulated environmental features in accordance with applicable regulations.

III. COMPLIANCE WITH PRIOR CONDITIONS OF APPROVAL

The proposed development is designed in accordance with the conditions of approval of the prior approved plans as follows:

Conditions of CDP Approval Resolution 08-111:

1. At the time of final plat, the applicant shall dedicate all rights-of-way for Frank Tippett Road as identified by the Planning Department.

Parcel K surrounds the existing Joshua Turner House property and extends to Frank Tippett Road. Right-of-way was dedicated from Passage Drive entrance to the southern Joshua Turner House property line as a part of Phase 2. Any additional dedication of the proposed Parcel K required for the area north of the Joshua Turner House property adjacent to Frank Tippett Road will be subject to this SDP.

2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assignees:

**a. At the intersection of Rosaryville Road & Gambier Drive
Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**

**b. At the intersection of Rosaryville Road and Williamsburg Drive
Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.**

**c. At the intersection of Rosaryville Road and Frank Tippett Road
Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach. Provide a second receiving lane along westbound Rosaryville Road,**

the length and taper to be determined by DPW&T.

The two signal warrant studies referenced in Conditions 2a. and 2b. have been completed and traffic signals are not deemed to be warranted. The findings have been shared with DPIE and the Department of Public Works and Transportation (DPW&T). The offsite improvements have been bonded through DPIE and final permits will be issued and construction will occur in conjunction with Phase 2.

3. Prior to the issuance of building permits, the applicant, applicant heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2001).

This condition applies at the time of building permit issuance and the specified fee will be paid at the required time.

4. At the time of final plat, the applicant shall dedicate 122± acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A." Land to be conveyed shall be subject to the following conditions:

a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.

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

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

e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.

g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.

This condition was satisfied at the time of recordation of the plats associated with Phase 1.

5. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.

Condition satisfied and parcel has been conveyed.

6. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

No stormwater management facilities, nor any utility easements were proposed for the land conveyed to M-NCP&PC.

7. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit "A." Prior to certificate approval of the TCP I, DPR shall review and approve the location and amount of tree-conservation on dedicated parkland.

Some areas of tree conservation have been shown on the Type 2 Tree Conservation Plan which accompanies the subject SDP, in accordance with Condition 7. These areas were reviewed and approved by the Department of Parks and Recreation (DPR) prior to their certification of the TCP1. As part of the Phase 1 application, a Type 2 Tree Conservation Plan was also approved showing preservation consistent with the approved TCP1. This application shows the development associated with Phases 3 and 4 of development and reflects the same preservation on the dedicated parkland as the previous applications.

8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.

A standard sidewalk has been shown along the Frank Tippett Road frontage in Phases 3 and 4. Road improvements, including a standard sidewalk, are proposed from the entrance at Passage Drive to the southern property line of the Joshua Turner House property.

9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.

This condition was satisfied at the time of recordation of the Phase 1 plats.

10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

A standard sidewalk has been shown along both sides of the interior streets in the areas covered by the subject SDP.

11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.

Condition satisfied as part of the Phase 1 record plats.

12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.

Condition satisfied as part of the Phase 1 record plats.

13. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.

The extension of the East-West Trail is shown on the subject SDP. The homeowner association will be responsible for maintenance.

14. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.

The Tributary Trail extension is shown on the subject SDP. The homeowner association will be responsible for maintenance.

15. Prior to certificate approval of the subject comprehensive design plan application:

a. Phase I (Identification) archeological investigations, according to the Planning Board’s Guidelines for Archeological Review (May 2005), shall be conducted on the above referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:

- (1) Evaluating the resource at the Phase II level, or**
- (2) Avoiding and preserving the resource in place.**

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

The Phase I archeological study was completed prior to the certification of the CDP, and it was determined that a Phase II study would be required for some of the resources discovered. A Phase II evaluation was conducted and submitted as part of the Phase I development. The study has been reviewed by the appropriate agencies and no further study is necessary.

16. Prior to the approval of a specific design plan, the applicant shall provide a

plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.

The Phase II study and recommended outcomes were resolved during the Phase I development.

17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Josbua Turner House.

View shed exhibits were completed as a part of Phase 2 and are included with the subject SDP.

18. At time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the Preliminary Plan of Subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note shall be placed on the plat:

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

This condition was satisfied at the time of recordation of the final plat for the conservation easement areas shown within Phase 2 and will be included for any applicable areas within Phases 3 and 4.

19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCPII is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

No conservation easements are shown on Lots in the subject SDP.

20. At the time of approval of the preliminary plan and tree conservation plan by the Planning Board, consideration shall be given to removal of the stream crossing at the north end of proposed Dressage Drive.

The stream crossing at the north end of Dressage Drive was removed on the approved Preliminary Plan of Subdivision.

21. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This condition will be complied with as applicable.

22. Prior to certification of the CDP and prior to the Planning Board approval of a preliminary plan, the CDP's Type I TCP shall reflect the following:

- a. **Ensure woodland conservation areas are at least 35 feet wide.**
- b. **Ensure that no woodland conservation areas are within existing or proposed utility easements.**
- c. **Provide the correct acreages for upland woodland and floodplain woodland in the worksheet and if necessary, revise the NRI.**
- d. **Add a symbol to the plan and the legend indicating woodland areas preserved but not part of any requirement.**
- e. **Label the existing buildings as existing and state the proposed disposition of the buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.**
- f. **Revise the worksheet as needed.**
- g. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

The revisions provided above were made prior to the certification of the Type I TCP which accompanied the CDP.

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

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/110/90-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas.

Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's Planning Department."

This note will be added to the final plats for the subject SDP area.

24. Prior to the approval of building permits for the proposed residential structures, the applicant, applicant's heirs successors and/or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

This condition will be complied with at the time of each building permit.

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

"Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

The required note will be added to the final plats for the subject SDP.

26. The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

Prince George's County DPIE has approved the Canter Creek Storm Drainage and Stormwater Management Plan (Permit #3867-2010-00) which contains eight (8) SWM ponds, all of which are approved with forebays included in their design.

27. Prior to signature approval of the CDP, the following information shall be provided and/or changes made to the plans:

a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50-53, as shown on the illustrative plan, with frontage on Frank Tippett Road. The area shall be labeled on the plan as a future day care center.

b. The plan shall be revised to remove the 31 acres shown on the CDP as a "future residential subdivision" from the gross tract area for purposes of density

calculation, unless it is intended that the acreage be dedicated to a future homeowners association. The label "future residential subdivision" shall be removed from the plans and the area shall be clearly indicated for equestrian use.

c. The plans shall be revised to clearly indicate the minimum 10,000-square-foot lot area adjacent to Williamsburg Estates, Piscataway Creek and Dower House Pond Road.

d. The 100-foot buffer along Frank Tippett Road shall be extended along the entire frontage of the roadway.

e. The plans shall be revised to indicate the East-West Trail and the Tributary Trail as described in Exhibit 44 of Approved Basic Plan A-9738-C.

The revisions provided above were made prior to the certification of the CDP.

28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:

a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.

The subject SDP has no proposed development adjacent to Frank Tippett Road.

b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.

The subject SDP has no driveways accessing Frank Tippett Road.

c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.

The trails have been designed in accordance with the Parks and Recreation Facilities Guidelines and the provisions of Condition 30e. of Resolution 08-112(A) which will be discussed further, below. As discussed above, the alignment of the East-West Trail was reconnoitered (and staked) in the field to afford a gentle route along the alignment conceptually indicated on the approved CDP and the approved Preliminary Plan which would not require the removal of mature trees. The Tributary Trail was laid out to run along the route of an existing gravel farm road to the maximum extent possible. The trails will be constructed with Phases 2, 3 & 4.

d. The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.

The subject SDP has no lots adjacent to Frank Tippett Road.

e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

Any lot adjacent to Williamsburg Estates, Piscataway Creek or Dower House Pond Branch will be at least 10,000 square feet in area, as in accordance with the approved Preliminary Plan. Note: Lots are less than 10,000 square feet, as approved on the Preliminary Plan, but are outside a 200' buffer from the adjacent Williamsburg Estates.

f. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Street, Williamsburg Drive, and Green Apple Turn.

No connection was provided on the approved Preliminary Plan to Green Apple Turn, Williamsburg Drive, or James Street.

29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.

This condition, which is associated with building permit issuance, is noted.

30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

a. Preservation of Forest Stand "D" through the elimination of the proposed stream crossing that forms the extension of Dressage Drive.

The stream crossing referenced in this Condition was eliminated on the approved Preliminary Plan.

b. Elimination of lots that are adjacent to the northern property line and provide a 300-footwide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys.

The decision was made by the Planning Board that a wooded buffer of 200' width was to be provided; this is reflected on the approved Preliminary Plan.

c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.

The decision was made by the Planning Board that a wooded buffer which averaged 200' width was appropriate because the topography and environmental features along the 100-year floodplain edge made a linear requirement unpractical. The layout of streets and stormwater

management parcels provided on the approved Preliminary Plan and their layout on the subject Specific Design Plan are the same.

d. The use of afforestation in those areas that are adjacent to the regulated areas.

The Type 1 TCP indicated [new planting for reforestation] to be located preferentially in areas adjacent to regulated environmental features. Afforestation required to meet the woodland conservation requirements will conform to the TCP2 as approved for the subject SDP. No afforestation is proposed within this subject SDP.

31. The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.

While this condition is primarily associated with building permit issuance, the Applicant has participated in meetings and conversations with local civic leaders and the Department of Parks and Recreation ("DPR"). DPR Staff are coordinating Park design with the community.

Conditions of Preliminary Plan Approval Resolution 08-112(A):

Prince George's County Planning Board Resolution 08-112(A), which approved the Preliminary Plan of Subdivision on November 19, 2009, contained 35 conditions; a number of these were carry-forward conditions substantially identical to conditions of the Comprehensive Design Plan approval discussed foregoing. The carry-forward conditions of Resolution 08-112(A) were Conditions 11 (carried forward from CDP Conditions 4, 5 & 6), 14 (from 18), 15 (from 21), 19 (from 2), 20 (from 3), 24 (from 17), 31 (from 9) and 35 (from 29).

The Preliminary Plan Conditions from Resolution 08-112(A) which are unique or which were materially altered, are discussed as follows:

- 1. Prior to signature approval the preliminary plan of subdivision Applicant Exhibit A shall be revised to reflect the following technical corrections:**
 - a. Provide dimensions on all property lines (ie Parcel A, Parcel G).**
 - b. Provide the ultimate right-of-way (ROW) of all streets including Pirouette Court, and label as public streets.**
 - c. Label all stormwater management locations.**
 - d. Label Parcel A as possible future day care center.**

- e. Label entrance feature locations with easements, if proposed.
- f. Label the trail on M-NCPPC parkland as Public trail with the width. Label the HOA trail as private and the arrangement by which Merrymount riders have access. Include the width and material.
- g. Provide the disposition of all existing structures, with all to be razed on future homeowner's association (HOA) land.
- h. Provide evidence from DPW&T that no additional ROW dedication is required along Old Frank Tippet Road, or revise the plan accordingly.
- i. Delineate the required 100-foot buffer along Frank Tippet Road.
- j. Reflect the master plan trails and HOA Connector Trails, per the approved CDP.
- k. Combine notes 8 and 9, and modify to reflect "Water and Sewer Category 3."

The revisions provided for above were made prior to the certification of the Preliminary Plan.

- 2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).

A Type 2 Tree Conservation Plan was submitted with SDP 1202/07.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

The proposed development conforms to the approved Stormwater Management Concept Plan.

- 4. Upon the adoption of the resolution of approval for Preliminary Plan of Subdivision 4-07005, the approval for Preliminary Plan of Subdivision 4-00064 (PGCPB Amended Resolution No. 01-79(A)) shall be null and void.

So noted.

- 5. Prior to the approval of building permits the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

The homeowners association was recorded in conjunction with the recording of the final plats for Phase 1.

6. The applicant and the applicant's heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) of M-NCPPC for construction of equestrian trail facilities, and connector trails to the public trail system on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.

The RFAs were recorded with the Phase 1 final plats.

7. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of equestrian trail facilities and connector trails on homeowners' land, to the Development Review Division (DRD) of M-NCPPC prior to the issuance of building permits.

This requirement was satisfied prior to issuance of building permits for Phase 1.

8. The applicant and the applicant's heirs, successors and/or assignees shall submit to DPR of M-NCPPC three original Recreational Facilities Agreements (RFA) for the Community Park (Parcel E) grading and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by DPR of M-NCPPC, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.

The RFAs were recorded with the Phase 1 final plats.

9. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the grading of Parcel E and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property to DPR of M-NCPPC prior to the approval of building permits.

This requirement was satisfied prior to issuance of building permits for Phase 1.

10. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 61.47± acres of open-space land (Parcels B, C, G and H). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.**
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division**

(DRD), Upper Marlboro, along with the final plat.

c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved specific design plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

i. All existing structures shall be razed and properly abandoned prior to conveyance.

This condition, with its nine elements that are similar to the seven elements contained in CDP Resolution 08-111, Condition 4 addressing conveyance of parkland to M-NCP&PC, are noted.

12. Prior to the approval of each building permit, the applicant and the applicant's heirs, successors and/or assignees shall contribute a per dwelling unit fee to DPR (M-NCPPC). Funds shall be placed in an account specifically established for the Community Park on Parcel E, as set forth in CDP-0701.

This condition, echoing CDP Resolution 08-111, Condition 31., is noted.

13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:

a. The design, specific of the location, and trigger for the construction of a ten-foot wide asphalt trail and equestrian trail along the south side of Dressage Drive

from Frank Tippett Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.

This trail was reflected on the SDP for Phase 1 and is addressed as part of the construction of Phase 1.

b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.

The curb cut was reflected on the SDP for Phase 1.

c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.

The rough grading of Parcel E provided for by this condition is depicted on the SDP for Phase 1 and has been completed as part of the construction of Phase 1 as required.

d. Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.

The vehicular access point provided for by this condition was completed with the construction of Phase 2, and coincides with a stormwater management access road and the clearing for a sewer outfall which extends down to Piscataway Creek.

16. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the following:

a. Confine the use of afforestation to those areas that are adjacent to the regulated areas.

b. Ensure woodland conservation areas are at least 35-foot-wide.

- c. **Ensure that no woodland conservation areas are within existing or proposed utility easements.**
- d. **Label the existing buildings as existing and state the proposed disposition of the buildings. Revise the limit of disturbance to allow for removal of buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.**
- e. **Provide clarification regarding what areas of woodland conservation that are to be placed on land to be dedicated to DPR. Areas must be labeled with appropriate acreages and separated out from the overall calculations.**
- f. **Revise the worksheet as needed.**
- g. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

The revisions provided for above were made prior to the certification of the Preliminary Plan.

17. **The following note shall be placed on the final plat of subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/110/90-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland- National Capital Park and Planning Commission, Prince George’s Planning Department.”

This condition, which is associated with record plat approval, is noted.

18. **Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200- foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted.**

The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.

The revisions provided for above were applied pursuant to the Planning Board's deliberations regarding CDP condition 30b., and were made prior to the certification of the Preliminary Plan. The area of development described in this condition will be located in the subject SDP of the Canter Creek development. Portions of the Tributary Trail and the East-West Trail are included within Phases 3 and 4 and are shown on the subject SDP.

21. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to locate sites 18PR971 and 18PR996.

The revisions provided for above were made prior to the certification of the Preliminary Plan.

22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:

- a. Evaluating the resources at the Phase II level, or
- b. Avoiding and preserving the resources in place.

23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.

A Phase II evaluation was previously conducted to address the foregoing two conditions.

25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

This condition, which is associated with the review of the wetland permit application, is noted. As a part of the wetland permit review, the Maryland Historical Trust requested that an evaluation of the Joshua Turner house be conducted and it was concluded that the house was not eligible for listing on the National Register of Historic Places.

26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the

Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

The subject SDP does not involve development adjacent to the Joshua Turner House.

27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.

The street names reflect the equestrian heritage of the area as does the name of the community.

28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.

The subject SDP does not include areas adjacent to Parcel A.

29. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to eliminate the portion of Parcel B that is intervening between the right-of-way of Frank Tippett Road and Parcel A, so that Parcel A has frontage on Frank Tippett Road.

The revision provided for above was made prior to the certification of the Preliminary Plan.

30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:

a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.

Satisfied by Phase 1 SDP.

b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

A sidewalk has been shown along both sides of the interior streets on the SDP for Phases 3 and 4.

c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.

This condition echoes CDP Resolution 08-111, Condition 13. The East-West Trail was shown on the SDP for Phase 1. [Any impact on Phases 3 and 4?]

d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.

The East-West Trail has been shown on the SDP for Phase 1.

e. The design of the equestrian trails should be in accordance with the Park and Recreation Facilities Guidelines. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

The portions of the Equestrian trails located in Phases 3 and 4 are shown on the subject SDP and will be constructed with Phases 3 and 4.

f. The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippett Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.

This condition was addressed in the SDP for Phase 1.

g. Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site

and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.

This condition was addressed in the SDP for Phase 2 and the same signage will be used in Phases 3 and 4 as required along the trails within Phases 3 and 4.

32. Prior to the approval of the first final plat the applicant and the applicant's heirs and or assignees shall record in land records of Prince George's County the cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the HOA (applicant) and Merrymount Equestrian Center for the equestrian trails on Parcel B and C. Both agreements shall terminate in the event that Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.

This condition was satisfied with the recordation of the final plats for Phase 1.

33. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate a 10-foot public utility easement (PUE) along all the public rights-of-way.

All required PUE's are shown will be shown on the subject SDP.

34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.

Right of way along Frank Tippett Road was dedicated with the final plats for Phases 1 & 2. The subject SDP will include a small dedication of Frank Tippet Road in accordance with the Preliminary Plan.

Conditions of Specific Design Plan 1202 Resolution 12-102:

- 1. Prior to certification of the specific design plan, the applicant shall:**
 - a. Provide documentation from the Department of Public Works and Transportation (DPW&T) that the specific design plan is in conformance with approved Stormwater Management Concept Plan 8327602-2000-04 or any subsequent revision.**
 - b. Coordinate with DPW&T the final location and design, including crosswalk striping and warning signage, of the pedestrian and equestrian trail crossings located in the Dressage Drive right-of-way.**
 - c. Provide details, specifications, and locations for the trail signage.**

These signs shall state “Private trail for use by residents of Canter Creek and guests of the Merrymount Equestrian Center only. Please respect the rights of private property owners.”

d. Revise the plans to provide a minimum four-foot-wide grass strip adjacent to the equestrian trail along Dressage Drive from Frank Tippett Road to the Tributary Trail. This grass strip shall be free of landscaping, above ground utilities, and other obstructions.

e. If Pirouette Court is intended to function as a one-way (counter-clockwise) road, revise the plan to include a “Do Not Enter” sign at the eastern end of Pirouette Court, or as modified by the Department of Public Works and Transportation (DPW&T).

f. Add the approval date of the stormwater management concept plan to General Note 11.

g. Label the dimension of the dedication of 40 feet from the center line of Frank Tippett Road.

h. Have the landscape plan signed and sealed per the requirements of Section 2.1 of the Prince George’s County Landscape Manual.

i. Revise the Type II tree conservation plan (TCPII) as follows:

(1) Add a woodland conservation table on each plan sheet and a summary sheet on the cover sheet. PGCPB No. 12-102 File No. SDP-1202 Page 47

(2) Revise the approval block to reflect the TCPII number and the previous plan approvals.

(3) Add the phasing lines shown on the specific design plan to the TCPII cover sheet and plan sheets.

(4) Have the revised plan signed and dated by the qualified professional who prepared the plan.

The foregoing condition and its component parts were addressed at the time of certification of SDP 1202.

2. The applicant and the applicant’s heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the U.S. Army Corp of Engineers, and the Maryland Historical Trust.

All required reviews were coordinated with Historic Preservation Section (M-NCPPC), the U.S. Army Corp of Engineers, and the Maryland Historical Trust, as required.

3. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippett Road to the Tributary Trail, in phase with the construction of Dressgae Drive.

This condition applies to Phase 1 and was addressed as part of the construction of that Phase.

4. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E, in phase with the construction of Dressage Drive.

This condition applies to Phase 1 and was addressed as part of the construction of that Phase.

5. The applicant shall construct the 30-foot-wide curb cut entrance along the frontage of Parcel E in phase with the construction of Dressage Drive.

This condition applies to Phase 1 and was addressed as part of the construction of that Phase.

6. The applicant shall rough grade Parcel E and stabilize the graded areas, according to the grading plan, as shown and noted on the approved specific design plan, prior to issuance of the 50th building permit.

This condition applies to Phase 1 and was addressed as part of the construction of that Phase.

7. At the time of final plat, the applicant shall record an easement on Parcel D over the portion of the access road serving as the maintenance access to future Parcel C.

This condition applies to Phase 1 and was addressed as part of the approval of the final plats for Phase 1.

8. Prior to specific design plan approval for Parcel C and Parcel D between Lots 72 and 74, Block A, the plans shall provide the following:

a. The access road to the stormwater management pond on Parcel C and to the stream valley park on Parcel D;

b. The access road shall be provided from Passage Drive on park Parcel D between Lot 73 and 74, Block A;

c. The access road shall be located in the center of the parcel to provide an appropriate setback from future residential Lot 73, Block A; and

d. The access road shall be extended to the main portion of Parcel D to allow vehicular access to the stream valley park. PGCPB No. 12-102 File No. SDP-1202 Page 48

The required plan revisions were incorporated into the full SDP for Phase 1 SDP 1202/01.

9. All trails on parkland shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design for any needed structures shall be reviewed and specified by the Department of Parks and Recreation.

So noted.

10. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.

This condition applies to Phase 1 and was addressed at the time of issuance of building permits for that Phase.

11. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.

The subject SDP has no frontage improvements.

12. Prior to approval of the first final plat, the applicant and the applicant's heirs, successors, and/or assignees shall record in Prince George's County Land Records the cooperative use agreement for part of Parcel F between the applicant and the Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the homeowners association (applicant) and the Merrymount Equestrian Center for the equestrian trails on Parcels B and C. Both agreements shall terminate in the event that the equestrian center ceases to operate, unless extended with the agreement of all parties to the easement.

This condition was satisfied at the time of recordation of the first final plats for Phase 1. The agreement is recorded at L.36264 F.096.

13. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.

Sidewalks are shown on both sides of all internal streets.

14. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road.

The Subject SDP has a small amount frontage on Frank Tippett Road and this condition will be addressed.

15. Design and construction of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.

The equestrian trails are shown and will avoid mature trees as much as possible.

16. The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

This condition will be satisfied prior to the issuance of the 150th building permit.

17. The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

This condition will be satisfied prior to the 250th building permit.

Conditions of Specific Design Plan 1202/01 Resolution 14-46:

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the general notes to:

a. Add a general note indicating the correct acreage of land included in this SDP revision.

b. Revise General Note 11 to indicate the current stormwater management concept plan number and date.

c. Add a general note indicating that all structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable county laws.

d. Add a general note indicating that the property is within the Interim Land Use Control (ILUC) impact area including the following language: “The property is within both Imaginary Surfaces E and F, establishing a height limit of approximately 488 feet above the runway surface. This property is outside of the 65 dBA Ldn noise contours and is not within an Accident Potential Zone, so no controls on use or density are required. The mapped categories on the subject site do not prevent any of the proposed development.”

- e. Add a general note indicating compliance with Prince George's County Health Department requirements relating to dust and noise during construction.
- f. The day care center shall be deleted from the proposed uses.

The foregoing revisions were made as part of the certification of SDP 1202/01.

2. Prior to certificate of approval, the following revisions shall be incorporated into the specific design plan:

- a. A table shall be provided on the coversheet indicating the approved front, side, and rear setbacks approved in Comprehensive Design Plan CDP-0701.
- b. The approval sheet shall show the certificate of approval for Specific Design Plan SDP-1202.

The foregoing revisions were made as part of the certification of SDP 1202/01.

3. Prior to certificate of approval, the applicant shall provide a minimum of two standard endwall features in a balanced composition on all Ryan Homes and Mid-Atlantic Builders models.

The foregoing revisions were made as part of the certification of SDP 1202/01.

4. A minimum of four standard endwall features shall be provided in a balanced composition on corner and highly-visible lots, including Lots 1, 2, 10, 11, 18, 19, 30, 39, and 54, Block A; Lots 1, 20, 21, and 34, Block B; and Lot 1, Block C.

The foregoing revisions were made as part of the certification of SDP 1202/01.

5. Prior to certificate of approval, the following revisions shall be made to the Ryan Homes models:

- a. The Lincolnshire optional dormer above the garage that is not completely enclosed by the roof plane and shall be deleted.
- b. Milan, Elevation A, shall either include a standard front porch or shall not be offered. Elevation K shall be deleted.
- c. Sheffield, Elevations A, B, and K, shall either incorporate two standard dormers over the garage or be deleted.
- d. Venice, Elevation C with full brick veneer front, shall include either a standard specialty window, a portico above the front door, or a full porch.

The foregoing revisions were made as part of the certification of SDP 1202/01.

6. Prior to certificate of approval, the following revisions shall be made to the Mid-Atlantic Builders models:

- a. **An additional standard feature (for a total of three) shall be provided for left side elevations where a front-loaded garage is provided and two standard endwall features are shown oriented toward the rear of the unit, to provide a balanced composition.**
- b. **Where a side-loaded garage is provided, a standard window shall be provided on the second story left side elevation to provide a balanced composition.**
- c. **Sheet 3M of the Monticello model shall be replaced to provide the elevation shown on the exhibit.**
- d. **Sheet A22 of the Signoria model shall be revised to correct the title of the rear elevation.**
- e. **Sheet 55 of the Somerset model shall be revised to indicate that the side elevations shown are the right-side elevations. Sheet 67 shall be revised to indicate the correct standard first floor feature provided on the left side elevation with a garage extension. The applicant shall confirm whether Sheet 74, showing the left side elevation with an optional lower floor owner's suite, is correct as the roofline does not appear to be accurate.**

The foregoing revisions were made as part of the certification of SDP 1202/01.

7. **No two identical model elevations shall be located immediately next to or across the street from one another.**

While this condition relates to Phase 1, the subject SDP complies with this requirement.

8. **No less than 50 percent of the total number of units shall have full brick or stone front façades.**

While this condition relates to Phase 1, the subject SDP complies with this requirement.

9. **No more than 15 percent of the total number of units shall have full vinyl siding front façades.**

While this condition relates to Phase 1, the subject SDP complies with this requirement.

10. **All architecture approved in this specific design plan for Phase One shall be permitted in subsequent phases of the development.**

So noted.

11. **The applicant shall make the following revisions to the landscape plan prior to certificate of approval:**

- a. **A Section 4.1 schedule shall be provided indicating the number and type of plant units provided to meet the requirements of the section.**

b. A Section 4.6 schedule shall be provided to show conformance for those lots which have rear yards that front on a street.

c. The applicant shall provide notes on the appropriate specific design plan sheets indicating that no buffer is required for those lots adjacent to the stormwater management facilities on Parcels G and I per Section 4.7 of the 2010 Prince George's County Landscape Manual.

d. The schedule and plantings list for Section 4.9 shall be revised as to indicate the additional plantings required.

The required revisions were made as part of the certification of SDP 1202/01.

12. Prior to certificate of approval of the specific design plan, the Type II tree conservation plan (TCPII) shall be revised as follows:

a. The title block on all sheets shall be revised to read: "Infrastructure for Site and Phase 1 Development."

b. Have the revised plan signed by the qualified professional who prepared the plan.

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

The required revisions were made as part of the certification of SDP 1202/01.

13. Prior to certificate of approval, the applicant shall review with Urban Design Staff whether the driveways for the proposed corner units on Lots 18, 30, and 39, Block A; and Lots 1, 20, 21, and 34, Block B may reasonably be re-sited so that they are fronting on the minor streets rather than on Dressage Drive.

The required revisions were made as part of the certification of SDP 1202/01.

14. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippett Road to the Tributary Trail in phase with the construction of Dressage Drive, or a width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

This condition applies to Phase 1 and was satisfied as part of the construction of that Phase.

15. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E in phase with the construction of Dressage Drive, or a

width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

This condition applies to Phase 2 and will be satisfied as part of the construction of that Phase.

16. The applicant shall construct a 30-foot-wide curb cut entrance along the frontage of Parcel E in phase with the construction of Dressage Drive, or a width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

This condition applies to Phase 1 and was satisfied as part of the construction of that Phase.

17. The applicant shall rough grade Parcel E and stabilize the graded areas according to the grading plan as approved by Prince George's County Department of Parks and Recreation, prior to issuance of the 50th building permit.

This condition applies to Phase 1 and was satisfied as part of the construction of that Phase.

18. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to Prince George's County Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippett Road, a designated Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.

This condition was satisfied with the issuance of building permits on Phase 1.

19. The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

This condition applies to Phase 1 was satisfied as part of the construction of that Phase.

20. The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

This condition shall be satisfied prior to the 250th building permit.

Conditions of Specific Design Plan 1202/02 Signage:

SDP 1202/02 was a Planning Director approval for Signage. The approval requirements were reflected on the Certified SDP 1202/02.

1: Conditions of Specific Design Plan 1202/03 Four New Models (Ryan Homes) Phase

SDP 1202/03 was a Planning Director approval with no conditions applicable to the subject SDP.

Conditions of Specific Design Plan 1202/04 Resolution 17-65:

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the plans as follows:

a. Provide a lot size chart for the 143 lots proposed demonstrating a minimum lot size of 8,000 square feet and that lots adjacent to Piscataway Creek are a minimum of 10,000 square feet.

b. Indicate a sidewalk along the frontage of Frank Tippet Road (unless modified by the Prince George's County Department of Public Works and Transportation) and connect the proposed sidewalks along Passage Drive.

c. The equestrian trails shall be designed in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

**d. The plans shall be revised to reflect the appropriate canopy coverage amount and include a schedule showing the minimum requirements to meet the requirements for tree canopy coverage, or provide a note that the requirements of the Prince George's County Tree Canopy Coverage Ordinance were met by Phase 1. **

e. The Type II tree conservation plan (TCPII) shall be revised as follows:

(1) Revise the limits of the TCPII to match the limits of the current SDP for Phase 2 with the assigned TCP2 number TCPII-013-2017. Phase 1 shall retain the TCPII number "TCPII-02-02," and the remaining phases of this plan will also be given unique TCPII numbers.

(2) On all plan sheets, provide the most current TCP2 approval block, the correct TCPII number and complete the required information.

(3) On the coversheet:

(a) Complete the site statistics table with complete information related to Phase 2,

and consistent with site statistic information used in the phased woodland conservation worksheet.

(b) On the Key Map, clearly delineate the boundaries of individual phases, and label the appropriate TCP2 numbers associated with the phases.

(c) Revise the note at the top of the legend to indicate that each SDP for individual phases shall have a unique TCPII number.

(4) On Sheet 2 of 25:

(a) Revise the Phased Woodland Conservation Worksheet to provide correct TCPII number, revision numbers, applicable ordinance, phase or plan names, and status.

(b) Add an "Individual TCP2 Worksheet for a TCP2 with a prior TCP2 Worksheet," which addresses the woodland conservation requirement for Phase 2, and how it is fulfilled for all phases.

(c) Use the revised phased worksheet, which provides additional information about the individual phases.

(d) Relabel the phased woodland conservation worksheet as "Canter Creek OVERALL."

(e) Relabel the woodland summary table as the Woodland Conservation Summary Table.

(f) Remove the Woodland Preservation Table for Phases 3 and 4 infrastructure from the sheet, or relabel the table and add an additional Woodland Conservation Summary Table for Phase 1.

(5) On all applicable sheets:

(a) Label all match lines appropriately.

(b) Label all phase lines appropriately.

(c) Include a limit of disturbance in all sheet legends

(d) Include a legend on all plan sheets.

(e) Add a woodland conservation sheet summary to each plan sheet.

(f) In the legend, correct the spelling of "M-NCPPC."

(g) In the legend, revise "proposed woodland preservation sign" to "woodland conservation sign."

(h) Provide an individual woodland conservation sheet summary table.

(i) Clearly label the existing driveway which is proposed as the location of the proposed tributary trail at least once on each sheet, and add a note that indicates the proposed tributary trail location is based on an existing driveway and no new impacts to the primary management area are proposed.

(6) Adjust all quantities and calculations to reflect the required revisions.

(7) Have the revised plan signed and dated by the qualified professional who prepared the plan.

(8) A woodland and wildlife habitat conservation easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the liber and folio shall be added to the TCPII in an appropriate note.

(9) The NRI site statistics, the SDP site statistics, and the site statistics provided in the phased woodland conservation shall be reconciled.

f. Revise the plans to include the locations of the trail signage along the Tributary Trail at Passage Drive, and include details and specifications for this signage. These signs shall state: "Private trail for use by residents of Center Creek and guests of the Merrymount Equestrian Center only; Please respect the rights of private owners."

g. Revise the plans to include a raised crosswalk on Passage Drive at the location of the trail crossing, unless modified by DPW&T. A detail meeting DPW&T specification shall be included on the plans.

h. Revise the plans to include a detail for the cross section for the Tributary Trail. This cross section shall be in conformance with the *Park and Recreation Facilities Guidelines*.

i. Revise the site plan to graphically indicate the location of the Military Installation Overlay (M-I-O) Zone area.

j. Provide landscaping and buffering between the rears of the homes and Frank Tippett Road, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

The foregoing condition and its component parts were addressed at the time of certification of SDP 1202/04 and where applicable will be carried through with the subject SDP.

2. No two identical front elevations shall be located next to or across the street from one another.

While this condition relates to Phase 1, the subject SDP complies with this requirement.

3. A minimum of two standard endwall features in a balanced composition shall be indicated on all house models.

While this condition relates to Phase 1, the subject SDP complies with this requirement.

4. A minimum of four standard endwall features shall be provided on corner and highly-visible lots in a balanced composition, including Lots 55 and 73, Block A; Lots 29, 38, 44, 45 and 50, Block C; Lots 14, 15, 28, Block D; Lots 1, Block E; Lots 1 and 2, Block F; Lots 1, 7, 8, and 24, Block G; Lots 1 and 10, Block H; and Lots 1, 6, 7, 10, 18, and Block I.

The foregoing revisions were made as part of the certification of SDP 1202/04.

5. No less than 50 percent of the total number of units shall have full brick front façades.

The foregoing revisions were made as part of the certification of SDP 1202/04.

- 6. No more than 15 percent of the total number of units shall have vinyl siding façades.**

The foregoing revisions were made as part of the certification of SDP 1202/04.

- 7. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

The foregoing revisions were made as part of the certification of SDP 1202/04.

- 8. Prior to issuance of the 250th building permit, the applicant shall construct the segment of the Tributary Trail south of Passage Drive, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C. PGCPB No. 17-65 File No. SDP-1202-04 Page 35**

This condition will be satisfied prior to the 250th building permit.

- 9. Prior to issuance of the 275th building permit, the applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.**

This condition will be satisfied prior to the 275th building permit.

- 10. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the M-NCPPC Countywide Division Historic Preservation Section, the U.S. Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

This condition, which is associated with the review of the wetland permit application, is noted. As a part of the wetland permit review, the Maryland Historical Trust requested that an evaluation of the Joshua Turner house be conducted and it was concluded that the house was not eligible for listing on the National Register of Historic Places.

Conditions of Specific Design Plan 1202/05 One New Model (Mid-Atlantic) Phase 1:

SDP 1202/05 was a Planning Director approval with no conditions applicable to the

subject SDP.

Conditions of Specific Design Plan 1202/06 Six New Types for Mid-Atlantic Builders:

SDP 1202/06 was a Planning Director approval with no conditions applicable to the subject SDP.

Conditions of Specific Design Plan 1605 Resolution 17-38:

1. Prior to certification of the specific design plan (SDP), the applicant shall:
 - a. Amend General Note 25 to include the verbiage “which is adopted by reference into the Code of Maryland Regulations (COMAR).”
 - b. The SDP and Type II tree conservation plan, shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line in conformance with the preliminary plan and TCP1.
 - c. The Type II tree conservation plan (TCPII) shall be revised as follows:
 - (1) On all plan sheets, revise the approval block to include a “Reason for Revision” and complete the required information. PGCPB No. 17-38 File No. SDP-1605 Page 36
 - (2) On the cover sheet:
 - (a) Retitle the sheet to indicate that the plan is for Phases II, III, and IV.
 - (b) Complete the site statistics table with appropriate information related to the plan and to Phases II, III, and IV.
 - (c) In the phasing map add the located of and label all phases
 - (d) Revise the small key plan to show and label all phases.
 - (e) On the large key map, show and label all phases and indicate the areas to be dedicated to The Maryland-National Capital Park and Planning Commission.
 - (f) On the large key map, delineate label the SDPs and associated TCPII.
 - (3) On the Tables sheet (2 of 34):
 - (a) Revise the Woodland Conservation Summary Table to indicate that Phases II, III, and IV are included.
 - (b) Group the information in the Woodland Conservation Summary Table to demonstrate the quantities provided in the phased woodland conservation worksheet for the columns labeled “Phase 2” and “Phase 3 & 4.”
 - (c) Use the revised phased worksheet which provides additional

information about the individual phases.

(d) Relabel the woodland conservation worksheet as “Canter Creek – Phases II, III, and IV.”

(4) On all applicable sheets:

(a) Label all match lines appropriately.

(b) Label all phase lines appropriately.

(c) Include a limit of disturbance in all sheet legends.

(d) Add a woodland conservation sheet summary to each plan sheet. PGCPB No. 17-38

(e) Provide temporary tree protection fence adjacent to all existing trees to remain which are within 50 feet of a limit of disturbance.

(f) In the legend, correct the spelling of “M-NCPPC.”

(g) In the legend, revise “proposed woodland preservation sign” to “woodland conservation sign.”

(h) On sheets where platted lots are shown, a temporary tree protection device and signage, or post type conservation should be shown along the lot-line for the protection of preserved woodlands.

(i) Areas of woodland conservation less than 35 feet in width shall not be credited.

(j) Specimen tree signs should not be used unless the critical root zone for the tree is proposed for disturbance.

(5) Plan Sheet 32D shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line in conformance with the preliminary plan and TCP1. The 200-foot-wide preservation buffer shall be delineated and labeled on all affected plan sheets, and the graphic delineating the buffer shall be added to the plan legend.

(6) Adjust all quantities and calculations to reflect the required revisions.

(7) Have the revised plan signed and dated by the qualified professional who prepared the plan.

The foregoing revisions were made a part of the certification of SDP 1605

2. Prior to M-NCPPC approval of any grading permit or any ground disturbance for the area included in this specific design plan (SDP), the applicant shall install a super-silt fence along the boundaries of archeological Site 18PR971, as depicted on the SDP and provide proof of the installation and its placement to the Historic Preservation Section (M-NCPPC). The fence shall remain in place until all ground-disturbance activities are complete or until Historic Preservation Section authorizes its removal.

So noted.

3. At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.

This condition is so noted.

4. Prior to approval of any further specific design plan (SDP) application for the site, beyond one that is limited to stormwater management infrastructure, the natural resources inventory site statistics and SDP site statistics shall be reconciled.

This condition is so noted.


In summary, the subject Specific Design Plan conforms to the approved Comprehensive Design Plan, including its 31 conditions of approval, as well as the 35 conditions of the approval of the Preliminary Plan of Subdivision and the prior approved Specific Design Plans, SDP 1202, SDP 1202/01 SDP 1202/02, SDP 1203/03, SDP 1202/04, SDP 1202/05, SDP 1202/06 and SDP 1605.

IV. CONCLUSION

The proposed Specific Design Plan for Phases 3 and 4 of Canter Creek project is being offered to efficiently facilitate the next phase of development for the project and implement the requirements of the Basic Plan and prior approvals. The proposed site plan is consistent with the approved Basic Plan, Preliminary Plan of Subdivision, Comprehensive Design Plan and prior Specific Design Plans. For these reasons, we respectfully request that the subject application be approved.

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.



William M. Shipp, Esquire

Stephanie P. Anderson

Stephanie P. Anderson Esquire

Attorneys for Applicant



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

A-9738-C (Clinton-Tippett, C.L.,
INC., Ltd. Partnership)

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order effective on

May 18, 1990

CERTIFICATE OF SERVICE

This is to certify that on May 24, 1990, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



Jean M. Schuhl, CMC
Clerk of the Council

(6/85)

Case No.: A-9738-C

Applicant: Clinton-Tippett,
C.L. Inc. Limited Partnership

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 25 - 1990

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by adopting a Basic Plan, with conditions.

WHEREAS, Application No. A-9738-C has been filed for property described as approximately 343 acres of land, in the R-A and R-R Zones, located on the west side of Frank Tippett and Old Frank Tippet Roads, 2,400 feet south of the intersection with Rosaryville Road, Cheltenham, to rezone the property to the R-S Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, who have filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined that the subject property should be rezoned to the R-S Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Planning Board as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the Basic Plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is further hereby amended by rezoning the property which is the subject of Application No. A-9738-C from the R-A and R-R Zones to the R-S Zone.

SECTION 2. The Basic Plan for Application No. A-9738-C is hereby adopted, subject to the following Land Use Quantities, Land Use Types, Conditions, and Comprehensive Design Plan Review Considerations:

Land Use Quantities:

Gross Acreage	343 ⁺ acres
Less Half Floodplain Acreage	<u>-40</u> acres
Total Adjusted Gross Acreage	303 ⁺ acres
Base Density (1.6 X 303)	485 units
Increment (1.58 x 303)	<u>175</u> units
Maximum Density (2.18 x 303)	660 units
Maximum Density Permitted pursuant to this rezoning	550 units

Conditions:

1. Land uses shall be only as shown on the Basic Plan.
2. The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg

- Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.
3. The proposed day care center shall be limited to a maximum of 150 children.
 4. There shall be no grading or cutting of trees on the site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.
 5. The Basic Plan shall be modified as follows:
 - a. The northernmost entrance shall be at least 820⁺ feet south of the south boundary of the Merrymount Riding Academy property. The equestrian center use shall be located north of the boulevard entrance and interior roadway.
 - b. A 50-foot-wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail system may be included within this buffer to the extent feasible.
 - c. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.
 - d. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.
 - e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.
 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.
 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.
 8. Continued cooperative use of property "designated" for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George's County. Subject, however, to Merrymount Equestrian Center's continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the "designated" property shall be used for public recreational

purposes. Therefore, the property "designated" shall qualify as recreational property to meet County recreational requirements and for incremental increases.

9. Applicant shall file an amended Basic Plan incorporating the requirements of this decision for review and approval of the Office of the Zoning Hearing Examiner prior to any further proceedings upon their request.

Considerations:

1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.
2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environment Resources.
3. A minimum 50-foot-wide undisturbed buffer shall be retained along all streams. This area shall also be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.
4. The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear view of houses will not be clearly visible from Frank Tippett Road.
5. The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site's central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.
6. Design of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.
7. The applicant shall designate 17[±] acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by The Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This

park land will also provide active neighborhood recreation opportunities. The entrance for the 17-acre parcel shall have a minimum 200-foot frontage on the primary roadway.

8. The stormwater management facility may be located on park dedication land, providing the facility is designated as a multi-purpose wet pond and upgraded with landscaping and recreational amenities.
9. The adjacent properties on the north boundary shall be buffered from the proposed development through landscaping, berming and screening techniques. The landscaping can be included in the 50-foot undisturbed buffer provided.
10. The width of building lots adjacent to Frank Tippet Road shall be in accordance with those for the R-R Zone.
11. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.
12. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.
13. Prior to Comprehensive Design Plan approval, a Plan shall be developed and approved by the Owners, the Developer and the Urban Design Staff of the Maryland-National Capital Park and Planning Commission that shall grant as a benefit to each purchaser of a home upon the Property some use of the Merrymount Equestrian Center which shall economically benefit the Owners, said benefit to be paid for by Developer and/or builder(s) of homes upon the Property, and the specific benefit to be agreed upon by Owners. If the details of such a program can not be established to the satisfaction of Developer, Owners and Urban Design Staff, then also prior to Comprehensive Design Plan approval, an equivalent program, that also grants a direct benefit to purchasers of homes upon the Property involving the use of Merrymount Equestrian Center, shall be developed and approved by Developer, Owners and Urban Design Staff.
14. Except as expressly stated otherwise, the Agreement, Exhibit 85, shall run with the land, so long as Merrymount continues to operate primarily as an equestrian center, with or without a residence, and all benefits and obligations of the parties to this Agreement shall bind and inure to the benefit of their respective legal representatives, heirs, successors and/or assigns.
15. The Agreement, Exhibit 85, and all provisions regarding Developer's obligations, shall be expressly contingent upon Developer obtaining final zoning approval under Application No. A-9738.

16. As long as the Agreement, Exhibit 85, is in full force and effect, the Owners agree not to oppose ZMA NO. A-9738; the zoning and/or subdivision of approximately eleven (11) acres also currently owned by Norman Smith, on the east side of Frank Tippet road, across from the subject property of A-9738; and the Conger Property, also fronting on Frank Tippet Road.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its enactment.

Enacted this 14th day of May, 1990, for initial approval, by the following vote:

In Favor: Council Members Bell, Casula, Pemberton, Wilson & Wineland

Opposed: Council Members Castaldi & Mills

Abstained:

Absent: Council Members Cicoria & Herl

Vote: 5-2

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By:


Jo Ann T. Bell, Chairman

ATTEST:


Jean M. Schmuhl, CMC
Clerk of the Council

Case No.: A-9738-C

Applicant: Clinton-Tippett,
C.L. Inc. Limited Partnership

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9738-C, to rezone the subject property from the R-A and R-R Zones to the R-S Zone, attached certain conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9738-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions

referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient ground for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or any other action deemed necessary to obtain compliance.

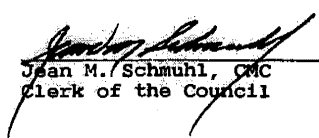
SECTION 3. This ordinance shall take effect on May 18, 1990, the date of receipt of acceptance by the applicant(s) of the condition(s) imposed in Zoning Ordinance No. 25-1990.

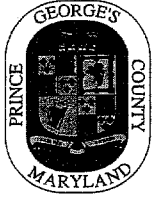
COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

BY:


Jo Ann T. Bell, Chairman

ATTEST:


Jean M. Schuhl, CMC
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

November 24, 2008

RE: CDP 0701 TLBU Property (previously known as Transnational Law
Business University)
TLBU Foundation, Inc., Applicant

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

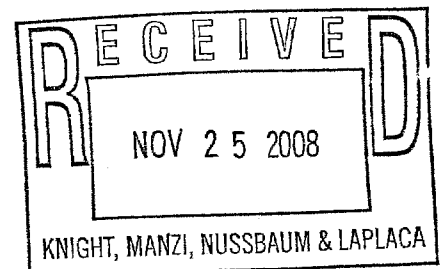
Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on November 18, 2008.

CERTIFICATE OF SERVICE

This is to certify that on November 24, 2008 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd
Clerk of the Council

(10/97)



Case No.: CDP-0701

Applicant: TLBU Foundation, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 08-111, approving with conditions a comprehensive design plan for construction of 410 single-family detached residential dwelling units, for a project referred to as TLBU, located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. At the time of final plat, the applicant shall dedicate all rights-of-way for Frank Tippett Road, as identified by the Planning Department.
2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assignees:
 - a. At the intersection of Rosaryville Road & Gambier Drive:
Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.

- b. At the intersection of Rosaryville Road and Williamsburg Drive:

Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.
 - c. At the intersection of Rosaryville Road and Frank Tippet Road:

Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach. Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T.
3. Prior to the issuance of building permits, the applicant, applicant heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2001).
 4. At the time of final plat, the applicant shall dedicate approximately 115 acres to M-NCPPC for a stream valley park and a community park. The exact acreage of each park shall be determined at the time of the approval of the preliminary plan of subdivision. Land to be conveyed shall be subject to the following conditions:
 - a. The facilities developed in the community park shall be designed to accommodate the recreation needs of the residents of the TLBU property and the surrounding community.
 - b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens Association on the nature of the recreation facilities to be constructed on the land to be conveyed for a community park.
 - c. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

- d. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - e. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - f. Subsequent to dedication, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - g. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - h. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - i. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
5. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
6. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

7. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit "A." Prior to certificate approval of the TCP I, DPR shall review and approve the location and amount of tree conservation on dedicated parkland.
8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.
9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.
10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.
12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.
13. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.
14. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.
15. Prior to certificate approval of the subject comprehensive design plan application:

- a. Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
- b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:
 - (1) Evaluating the resource at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.
17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the *Prince George's County Landscape Manual*, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

18. At time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the Preliminary Plan of Subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note shall be placed on the plat:

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

19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.
20. At the time of approval of the preliminary plan and tree conservation plan by the Planning Board, consideration shall be given to removal of the stream crossing at the north end of proposed Dressage Drive.
21. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
22. Prior to certification of the CDP and prior to the Planning Board approval of a preliminary plan, the CDP's Type I TCP shall reflect the following:
- a. Ensure woodland conservation areas are at least 35 feet wide.
 - b. Ensure that no woodland conservation areas are within existing or proposed utility easements.
 - c. Provide the correct acreages for upland woodland and floodplain woodland in the worksheet and if necessary, revise the NRI.
 - d. Add a symbol to the plan and the legend indicating woodland areas preserved but not part of any requirement.
 - e. Label the existing buildings as existing and state the proposed disposition of the buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.

- f. Revise the worksheet as needed.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan.
23. The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/110/90-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s Planning Department.”
24. Prior to the approval of building permits for the proposed residential structures, the applicant, applicant’s heirs successors and/or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.
25. The following note shall be placed on the Final Plat of Subdivision:
- “Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
26. The stormwater management ponds shown on the TCP I associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.
27. Prior to signature approval of the CDP, the following information shall be provide and/or changes made to the plans:
- a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50–53, as shown on the illustrative plan, with frontage on Frank Tippett Road. The area shall be labeled on the plan as a future day care center. No other commercial uses shall be allowed on the subject property.

- b. The plan shall be revised to remove the 31 acres shown on the CDP as a "future residential subdivision" from the gross tract area for purposes of density calculation, unless it is intended that the acreage be dedicated to a future homeowners association. The label "future residential subdivision" shall be removed from the plans and the area shall be clearly indicated for equestrian use.
 - c. The plans shall be revised to clearly indicate the minimum 10,000-square-foot lot area adjacent to Williamsburg Estates, Piscataway Creek and Dower House Pond Road.
 - d. The 100-foot buffer along Frank Tippett Road shall be extended along the entire frontage of the roadway.
 - e. The plans shall be revised to indicate the East-West Trail and the Tributary Trail as described in Exhibit 44 of Approved Basic Plan A-9738-C.
28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:
- a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.
 - b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.
 - c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.
 - d. The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.
 - e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.
 - f. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Street, Williamsburg Drive, and Green Apple Turn.
29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.
30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

- a. Preservation of Forest Stand "D" through the elimination of the proposed stream crossing that forms the extension of Dressage Drive.
 - b. Elimination of lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys.
 - c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.
 - d. The use of afforestation in those areas that are adjacent to the regulated areas.
31. The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.

Ordered this 18th day of November, 2008, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrison, Knotts,
Olson and Turner

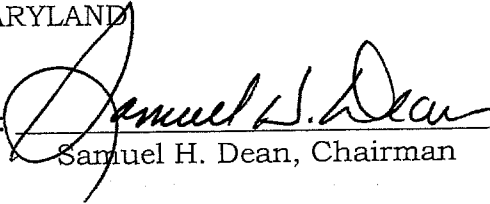
Opposed:

Abstained:

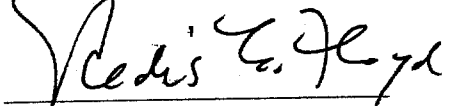
Absent: Council Member Dernoga

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 
Samuel H. Dean, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

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

WHEREAS, *TLBU Foundation, Inc. is the owner of a 342.40-acre parcel of land known as Tax Map 117 in Grid E-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned *Residential Suburban Development R-S; and

WHEREAS, on March 3, 2008, ~~*[MD XLLP.]~~ the TLBU Foundation, Inc. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for *[409 lots, 5 parcels and 1 outparcel] [410 lots and 8 parcels]; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07005 for TLBU Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 17, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 17, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

~~*[NOW, THEREFORE, BE IT RESOLVED]~~ WHEREAS, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board DISAPPROVED the Type II Tree Conservation Plan (TCPII/110/91), and further DISAPPROVED Preliminary Plan of Subdivision 4-07005, TLBU Property, for Lots 1-409, Parcels A-E and Outparcel A because it did not meet the requirements of Section 24-132, Woodland Conservation of the Prince George's County Subdivision Regulations and the Planning Board found that the Preliminary Plan did not conform to the Green Infrastructure Plan, which serves as a functional Master Plan.

*WHEREAS, by a letter dated September 23, 2008, the applicant requested a reconsideration for the purpose of addressing the Woodland Conservation Ordinance and the Countywide Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same; and

*WHEREAS, on October 30, 2008, the Planning Board approved the request for reconsideration based on the good cause associated with the Green Infrastructure Plan and Woodland Conservation conformance; and

*WHEREAS, on October 29, 2009, the Planning Board heard testimony regarding the reconsideration.

*NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/110/90-02), and further APPROVED Preliminary Plan of Subdivision 4-07005, TLBU Property, including Variations from Section 24-130 for 410 lots and 8 parcels with the following conditions:

- *1. Prior to signature approval the preliminary plan of subdivision Applicant Exhibit A shall be revised to reflect the following technical corrections:
 - a. Provide dimensions on all property lines (ie Parcel A, Parcel G).
 - b. Provide the ultimate right-of-way (ROW) of all streets including Pirouette Court, and label as public streets.
 - c. Label all stormwater management locations.
 - d. Label Parcel A as possible future day care center.
 - e. Label entrance feature locations with easements, if proposed.
 - f. Label the trail on M-NCPPC parkland as Public trail with the width. Label the HOA trail as private and the arrangement by which Merrymount riders have access. Include the width and material.
 - g. Provide the disposition of all existing structures, with all to be razed on future homeowner's association (HOA) land.
 - h. Provide evidence from DPW&T that no additional ROW dedication is required along Old Frank Tippett Road, or revise the plan accordingly.
 - i. Delineate the required 100-foot buffer along Frank Tippett Road.
 - j. Reflect the master plan trails and HOA Connector Trails, per the approved CDP.
 - k. Combine notes 8 and 9, and modify to reflect "Water and Sewer Category 3."
- *2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).
- *3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.
- *4. Upon the adoption of the resolution of approval for Preliminary Plan of Subdivision 4-07005 the approval for Preliminary Plan of Subdivision 4-00064 (PGCPB Amended Resolution No. 01-79(A)) shall be null and void.

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- *5. Prior to the approval of building permits the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
- *6. The applicant and the applicant's heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) of M-NCPPC for construction of equestrian trail facilities, and connector trails to the public trail system on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
- *7. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of equestrian trail facilities and connector trails on homeowners' land, to the Development Review Division (DRD) of M-NCPPC prior to the issuance of building permits.
- *8. The applicant and the applicant's heirs, successors and/or assignees shall submit to DPR of M-NCPPC three original Recreational Facilities Agreements (RFA) for the Community Park (Parcel E) grading and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by DPR of M-NCPPC, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
- *9. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the grading of Parcel E and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property to DPR of M-NCPPC prior to the approval of building permits.
- *10. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 61.47± acres of open-space land (Parcels B, C, G and H). Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

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- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved specific design plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
 - i. All existing structures shall be razed and properly abandoned prior to conveyance.
- *11. Prior to the approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:
- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

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- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. Subsequent to dedication, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

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- *12. Prior to the approval of each building permit, the applicant and the applicant's heirs, successors and/or assignees shall contribute a per dwelling unit fee to DPR (M-NCPPC). Funds shall be placed in a account specifically established for the Community Park on Parcel E, as set forth in CDP-0701.
- *13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:
- a. The design, specific of the location, and trigger for the construction of a ten-foot-wide asphalt trail and equestrian trail along the south side of Dressage Drive from Frank Tippet Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.
 - b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.
 - c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.
 - d. Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.
- *14. At time of final plat, conservation easements (24-130), shall be described by bearings and distances. No part of any conservation easement shall be permitted on any residential lot. The conservation easements shall contain the expanded stream buffers, excluding those

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areas where variation requests have been approved during the review of the preliminary plan of subdivision, and all areas preserved or to be planted with the exception of land to be dedicated to DPR. The proposed final plat shall be reviewed by the Environmental Planning Section prior to approval of the plat. The following note shall be placed on the plat:

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

*15. The following note shall be placed on the final plat:

“Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.”

*16. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the following:

- a. Confine the use of afforestation to those areas that are adjacent to the regulated areas.
- b. Ensure woodland conservation areas are at least 35-feet-wide.
- c. Ensure that no woodland conservation areas are within existing or proposed utility easements.
- d. Label the existing buildings as existing and state the proposed disposition of the buildings. Revise the limit of disturbance to allow for removal of buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.
- e. Provide clarification regarding what areas of woodland conservation that are to be placed on land to be dedicated to DPR. Areas must be labeled with appropriate acreages and separated out from the overall calculations.
- f. Revise the worksheet as needed.

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

*17. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/110/90-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s Planning Department.”

*18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.

*19. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant’s heirs, successors or assigns:

a. **At the intersection of Rosaryville Road & Gambier Drive**

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T

b. **At the intersection of Rosaryville Road and Williamsburg Drive**

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T

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c. At the intersection of Rosaryville Road and Frank Tippett Road

- Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.
 - Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T
- *20. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along Piscataway/Woodyard Road (MD 223) at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2001).
- *21. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to locate sites 18PR971 and 18PR996.
- *22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:
- a. Evaluating the resources at the Phase II level, or
 - b. Avoiding and preserving the resources in place.
- *23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.
- *24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation

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Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

- *25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.
- *26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.
- *27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.
- *28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.
- *29. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to eliminate the portion of Parcel B that is intervening between the right-of-way of Frank Tippett Road and Parcel A, so that Parcel A has frontage on Frank Tippett Road.
- *30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111)*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:
- a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.

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- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.
 - d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.
 - e. The design of the equestrian trails should be in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.
 - f. The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippet Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.
 - g. Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.
- *31. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210.00 DPW&T for the placement of a bikeway sign(s) along Frank Tippet Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.

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- *32. Prior to the approval of the first final plat the applicant and the applicant's heirs and or assignees shall record in land records of Prince George's County the cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the HOA (applicant) and Merrymount Equestrian Center for the equestrian trails on Parcel B and C. Both agreements shall terminate in the event that Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.
- *33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.
- *34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.
- *35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.

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

- *1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- ~~*[1. The subdivision, as modified, does not meet the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.]~~
- *2. OVERVIEW

This preliminary plan is the subject of a previous denial by the Planning Board (PGCPB Resolution No. 08-112). The Planning Board in that action found that the preliminary plan was not in conformance with the 2005 *Approved Countywide Green Infrastructure Plan* and the Woodland Conservation Ordinance, which serves as a functional master plan. On October 30, 2008, the applicant requested, and the Planning Board granted, a reconsideration of that action as it relates to the Green Infrastructure Plan and Woodland Conservation.

The subject property consists of 342.4 acres of land in the Residential Suburban Development (R-S) Zone. The property is located on Tax Map 117, Grid F-3 and is

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known as Parcel 1, and is generally undeveloped with the exception of a number of structures and buildings associated with the abutting Merrymount equestrian center. The plan is for a development consisting of 410 single-family residential dwelling units, and eight parcels. The CDP established a minimum lot size of 8,000 square feet. The lots located adjacent to the Williamsburg Estates Subdivision, the Piscataway Creek and the Dower House Pond Branch, have a minimum lot size of 10,000 square feet. All of the lots exceed the minimum standard, and range in size from 8,024 to 15,080 square feet. All of the lots meet the minimum lot width at the front street line of 25 feet, and the minimum lot width at the front building line of 60 feet, at the front building setback of 20 feet, as established by the CDP.

Eight parcels are provided. Four parcels (Parcels B, C, G and H) are to be conveyed to the homeowners association (HOA) and total 61.47 acres. Two parcels (Parcels D and E) are to be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC) and total 120.83 acres. The last two parcels (Parcels A and F) are to be retained by the applicant and total 36.09 acres.

Parcels D and E, to be conveyed to M-NCPPC, are a combination of land required for the fulfillment of the mandatory dedication requirement (17 acres), and donated land. The applicant is dedicating Parcel E (25 acres) for mandatory dedication which is in conformance to Section 24-134 of the Subdivision Regulations. Parcel E is a large centrally located area of land, for a future active park. Parcel E contains wetlands, but includes developable land for purposes of the fulfillment of mandatory dedication. The second parcel, Parcel D is 95.83 acres and contains the Piscataway Creek and Dower House stream valleys. These stream valleys create an important opportunity to implement two master plan trail connections. The applicant has proffered to donate these areas to M-NCPPC to provide for the implementation of the trail system on public land, and as conditioned by the approved Basic Plan (A-9738-C).

Parcels A and F are to be retained by the owner. Parcel A is 3.24 acres and is the location of a possible future day care center. The day care center is provided for in the basic plan approval (A-9738-C). Condition 3 of that approval restricts the day care center to a maximum of 150 children and Consideration 7 establishes layout considerations which would be reviewed at the time of specific design plan (SDP) for Parcel A, if the day care center is constructed. Parcel F is 32.85 acres and is located in the north east quadrant of the property, and surrounds the abutting Merrymount Equestrian Center located on Parcel 91. Parcel 91 is the environmental setting for an historic site known as the Joshua Turner House (No. 82A-17) and is an active equestrian facility. The equestrian center has an agreement (dated July 12, 2008), with the applicant for the continued and cooperative use of 16.63 acres of Parcel F for equestrian purposes. Currently a number of accessory barns, pastures, a riding rink, and equestrian trails are located on proposed Parcel F. The

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agreement provides for the continuation of the equestrian use on Parcel F as long as the equestrian center remains. A portion of an equestrian trail system serving Merrymount currently exists on Parcel F and is to remain. A larger portion of the existing equestrian trail exists where lots are proposed within the subdivision. That portion of the trail is to be relocated onto Parcel C (HOA) to create a loop connection for use by the HOA and Merrymount Equestrian Center, to the Piscataway and Dower House Stream Valley public trail system. This extension and repair of the existing equestrian trail to remain, will be implemented by the applicant. The extension of the existing equestrian trail onto Parcel C (HOA) will be a private trail, and serve the proposed development and the Merrymount Equestrian Center. There is no use proposed on Parcel F at this time. If a use is proposed it must be within the overall trip cap for the development.

On May 14, 1990, the District Council approved Basic Plan A-9738-C for this site with conditions which rezoned the property from the Rural Residential (R-R) and Residential Agricultural (R-A) to the Residential Suburban Development (R-S) Zone, as discussed further. The property is the subject of a previously approved (PGCPB Amended Resolution No. 01-79(A)) Preliminary Plan of Subdivision (4-00064) to create one 92-acre parcel for the development of a private university for 900 students, a 250 room hotel, conference center, and dormitories. A 250-acre outparcel surrounded the interior parcel. That preliminary plan (4-00064) remains valid until December 31, 2010 pursuant to County Council Bill CB-008-2009. Upon the adoption of the resolution of approval of this Preliminary Plan of Subdivision (4-07005) the approval for Preliminary Plan of Subdivision 4-00064 (PGCPB Amended Resolution No. 01-79(A) is null and void.

The land uses for the approved Basic Plan (A-9738-C) are for single-family detached units, a day care facility and an equestrian use. Comprehensive Design Plan CDP-0701 was approved by the District Council on November 18, 2008 with conditions. The preliminary plan has been found to conform with the approved basic plan and comprehensive design plan as set forth herein.

SETTING

The subject property is located on the west side of Frank Tippett Road, south of its intersection with Rosaryville Road.

~~*[2. The subject property consists of 342.4 acres of land zoned Residential Suburban Development (R-S), located primarily on the west side of Frank Tippett Road, to the south Rosaryville Road. The property is located on Tax Map 117, Grid F 3; the property is identified as Parcel 1 and is currently undeveloped. The property is located on the west side of Frank Tippett Road, south of its intersection with Rosaryville Road.]~~

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

<u>Zone</u> <u>Use(s)</u>	EXISTING	APPROVED
	<u>R-S</u> <u>Generally vacant</u>	<u>R-S</u> <u>Single-family dwelling units and</u> <u>day care center</u>
<u>Acreage</u>	<u>342.4</u>	<u>342.4</u>
<u>Lots</u>	<u>0</u>	<u>410</u>
<u>Parcels</u>	<u>1</u>	<u>8</u>
<u>Dwelling Units:</u>		
<u>Detached</u>	<u>0</u>	<u>410</u>
<u>Non-residential</u>	<u>0</u>	<u>Day care center (150 child max.)</u>
<u>Public Safety Mitigation Fee</u>		<u>No</u>

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

	EXISTING	PROPOSED
<u>Zone</u> <u>Use(s)</u>	<u>R-S</u> <u>Vacant</u>	<u>R-S</u> <u>Residential</u>
<u>Acreage</u>	<u>342.4</u>	<u>342.4</u>
<u>Parcels</u>	<u>1</u>	<u>5</u>
<u>Lots</u>	<u>0</u>	<u>409</u>
<u>Outparcels</u>	<u>0</u>	<u>1</u>
<u>Detached Dwelling Units</u>	<u>0</u>	<u>8</u>
<u>Public Safety Mitigation Fee</u>		<u>No</u>

*4. **Basic Plan A-9738-C**—On May 14, 1990, the District Council approved Basic Plan A-9738-C, with conditions which rezoned the property from the Rural Residential (R-R) and Residential Agricultural (R-A) to the Residential Suburban Development (R-S) Zone.

The Basic Plan contains 9 conditions **[in bold]**:

1. Land uses shall be only as shown on the Basic Plan.

The approved basic plan land uses for this site are for a single-family detached dwelling unit community with an equestrian land use component and a day care center not to exceed 150 children. The preliminary plan is consistent with the land use recommendations of the basic plan.

2. The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway

Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

The lots located adjacent to the Williamsburg Estates Subdivision, the Piscataway Creek and the Dower House Pond branch, have a minimum lot size of 10,000 square feet. All of the lots exceed the minimum standard, and range in size from 8,024 to 15,080 square feet. The lots located more than 200 feet from the north property line are found not to be adjacent to the Williamsburg Estates subdivision, and therefore found not to be required to be 10,000 square feet. Lots 8 and 12, Block A are found not to be adjacent to the Dower House Pond branch, but are adjacent to a side channel, and are therefore found not to be required to be 10,000 square feet in size.

3. The proposed day care center shall be limited to a maximum of 150 children.

A location for a day care center has been shown on the preliminary plan (but not labeled and should be), consistent with the approved CDP, on proposed Parcel A to be retained by the applicant. The numbers of residential units that are currently being proposed are less than the number in the traffic study. Therefore, a day care center of 150 children on Parcel A would be within the capacity analysis contained herein without the need for a new analysis of traffic. Any development of Parcel F would require a new preliminary plan if it is not within the limits of the approved trip cap.

4. There shall be no grading or cutting of trees on the site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.

The Basic Plan for this site was approved prior to the enactment of the County's Woodland Conservation and Tree Preservation Ordinances; current County law prohibits land grading or cutting of trees without the prior approval of a Type II Tree Conservation Plan, which would be approved at a subsequent phase of development. Since the approval of the basic plan in 1990, the site has remained unchanged.

5. The Basic Plan shall be modified as follows:

a. The northernmost entrance shall be at least 820± feet south of the south boundary of the Merrymount Riding Academy property. The equestrian center use shall be located north of the boulevard entrance and interior roadway.

Prior to its certification, the Basic Plan was modified to reflect this condition. The northernmost entrance is proposed to be located approximately 1,100 feet south of the Merrymount property.

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- b. A 50-foot-wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail system may be included within this buffer to the extent feasible.**

CDP approval recommends that the Planning Board make a final decision regarding the preservation of a 300-foot buffer along Williamsburg Estates. A 200-foot undisturbed buffer adjacent to the Williamsburg Estates subdivision has been required.

- c. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

A buffer of at least 100 feet in depth has been provided along the property's Frank Tippett Road frontage. This buffer will be supplemented with afforestation plantings to provide a denser screen from Frank Tippett Road and should be labeled on the preliminary plan.

- d. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

No lots are proposed to have frontage on Frank Tippett Road; there will be a buffer of at least 100 feet in depth between Frank Tippett Road and any lot boundaries. However, this condition may limit access to Parcel A, where the Daycare center is planned to be placed. The applicant may petition the District Council to remove this condition if the DPW&T determine that the safest access point to the site is along Frank Tippett Road rather than the collector road.

- e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.**

Exhibit 44 recommends the construction of four equestrian trails: An east-west trail through the Williamsburg Estates buffer; a Piscataway Creek trail in the stream valley park; a Dower House Branch trail in the stream valley park; and a tributary trail running along the north-south stream from the equestrian center to Dower House Pond Branch. These four trails have been generally shown on the preliminary plan and shown on CDP. The hiker-biker trails are not specified by Exhibit 44 to be in any particular location, but are to be a separate system from the equestrian trails. The hiker/biker trails are to connect to the stream valley trails and to the recreational facilities. The review of the specific trail location, will be pursuant to a SDP.

- 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

This plan was approved with the CDP, and the preliminary plan is consistent with that approval.

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- 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.**

The day care center site is not co-located with the Equestrian Center. The layout of the day care center facilities will be pursuant to a SDP which will be required for development.

- 8. Continued cooperative use of property “designated” equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet County recreational requirements and for incremental increases.**

At present, the Merrymount equestrian center continues to use areas of the property by permission, for their operations, including pasturage, riding trails, two riding rings, and other facilities. This use is intended to continue, through the intertwined nature of the proposed development with the existing equestrian facility. The area surrounding the facility is not being counted as recreational property towards recreational requirements or towards density increment.

The cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008, will be recorded in land records prior to the approval of the first final plat. An additional cooperative use agreement between the HOA (applicant) and Merrymount Equestrian Center for the equestrian trails on Parcel B and C is also required. The July 12, 2008 agreement expires once the equestrian uses ceases to exist. The additional agreement between Merrymount Equestrian Center and the HOA, which establishes the continued/and new use of the Tributary Trail and the East West Trail, will also terminate in the event that Equestrian Center ceases to operate, unless extended by agreement of all parties.

- 9. Applicant shall file an amended Basic Plan incorporating the requirements of this decision for review and approval of the Office of the Zoning Hearing Examiner prior to any further proceedings upon their request.**

The Amended Basic Plan was filed and certified in 1990.

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The basic plan approval contains 16 considerations which have been addressed and includes the following note: Consideration 7 which requires a 17-acre park and that the central park have a minimum 200 feet of frontage on the internal primary roadway; Consideration 9 requires a minimum 50-foot buffer along the north property line with Williamsburg Estates, which has been increased to 200 feet with this preliminary plan; Consideration 10 requires that building lots adjacent to Frank Tippett Road be in accordance with the R-R zoning standards or not less than 80 feet in this instance; Consideration 11 prohibits the extension of three stub streets from Williamsburg estates into the subject site. Specifically that James Court, Williamsburg Drive and Green Apple Farms shall not connect to provide access to Rosaryville Road.

The preliminary plan conforms to the conditions and consideration of the basic plan based on the findings of this decision.

*5. **Comprehensive Design Plan CDP-0701**-The District Council approved CDP-0701 on November 18, 2008, and the final order was issued on November 24, 2008, which contains 31 conditions. Comments have been provided as appropriate and applicable to the preliminary plan of subdivision:

1. At the time of final plat, the applicant shall dedicate all rights-of-way for Frank Tippett Road, as identified by the Planning Department.

A condition is included as part of this approval for the dedication of 40 feet from the center line of Frank Tippett Road, a collector facility.

2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assignees:

a. At the intersection of Rosaryville Road & Gambier Drive:

Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.

b. At the intersection of Rosaryville Road and Williamsburg Drive:

Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.

c. At the intersection of Rosaryville Road and Frank Tippett Road:

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Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach. Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T.

These transportation conditions are carried forward in their entirety with this application and are necessary for the fulfillment of the adequacy of transportation facilities.

- 3. Prior to the issuance of building permits, the applicant, applicant heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2001).**

This transportation condition is carried forward in its entirety with this application and is necessary for the fulfillment of the adequacy of transportation facilities.

- 4. At the time of final plat, the applicant shall dedicate approximately 115 acres to M-NCPPC for a stream valley park and a community park. The exact acreage of each park shall be determined at the time of the approval of the preliminary plan of subdivision. Land to be conveyed shall be subject to the following conditions:**

- a. The facilities developed in the community park shall be designed to accommodate the recreation needs of the residents of the TLBU property and the surrounding community.**
- b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens Association on the nature of the recreation facilities to be constructed on the land to be conveyed for a community park.**
- c. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.**

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- d. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
- e. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- f. Subsequent to dedication, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**
- g. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
- h. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.**
- i. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**

These conditions are brought forward as appropriate to guide the development of the future public park. In total the applicant is conveying 120.89 acres to M-NCPPC.

- 5. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.**

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This condition is included as part of this approval.

- 6. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.**

This condition is included as part of this approval.

- 7. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit "A." Prior to certificate approval of the TCPI, DPR shall review and approve the location and amount of tree conservation on dedicated parkland.**

DPR Exhibit A from the approved CDP was modified slightly for the preliminary plan (DPR Exhibit A), based on the layout revisions associated with Applicant Exhibit A. M-NCPPC has agreed to allow tree conservation on park property in accordance with the TCPI submitted with this application.

- 8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.**

This condition is included as part of this approval.

- 9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This condition is included as part of this approval.

- 10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

This condition is included as part of this approval.

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11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.

DPR Exhibit A from the approved CDP was modified slightly for the preliminary plan (DPR Exhibit A). The M-NCPPC has agreed to allow tree conservation on park property in accordance with the TCPI approved with this application. The applicant proposes to donate land along the Piscataway Creek in accordance with (DPR Exhibit A).

12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.

DPR Exhibit A from the approved CDP was modified slightly for the preliminary plan (DPR Exhibit A), based on the layout revisions necessary to show conformance to the Green Infrastructure Plan.

13. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.

The appropriate contractual arrangement was presented to the Planning Board at the time of review of the CDP. The agreement dated July 12, 2008 requires that Merrymount Equestrian Center maintain that portion of the equestrian trail that is located within that part of Parcel F delineated in the agreement. The remainder of the equestrian trail located on Parcel C and B are to be maintained by the HOA. The portion of the trail on Parcels C and B are private and to be shared by the HOA and Merrymount until the equestrian use no longer exists, at which time the right of access for the property owner of Parcel 91 may no longer exist.

14. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.

This condition is included as part of this approval.

15. Prior to certificate approval of the subject comprehensive design plan application:

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a. Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:

(1) Evaluating the resource at the Phase II level, or

(2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

The CDP plan has been certified (September 2009) and the Phase I report was submitted. Conditions contained herein relate to the Phase II and possible Phase III investigations.

16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.

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17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George’s County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

This condition is included as part of this approval.

18. At time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the Preliminary Plan of Subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note shall be placed on the plat:

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

This condition is included as part of this approval.

19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

This condition is included as part of this approval.

20. At the time of approval of the preliminary plan and tree conservation plan by the Planning Board, consideration shall be given to removal of the stream crossing at the north end of proposed Dressage Drive.

At the time of review of the CDP and the original preliminary plan submitted with this application, the stream crossing was found not to be consistent with the policies of the Green Infrastructure Plan. The reconsidered preliminary plan has now removed the stream impact and relocated the 25 lots which were served by the road crossing. The area has now been converted to woodland conservation and is a part of Forest Stand D, west of Parcel

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91 and just south of the Williamsburg Estates subdivision, in the north east portion of the site.

21. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This condition is included as part of this approval.

22. Prior to certification of the CDP and prior to the Planning Board approval of a preliminary plan, the CDP's Type I TCP shall reflect the following:

a. Ensure woodland conservation areas are at least 35 feet wide.

b. Ensure that no woodland conservation areas are within existing or proposed utility easements.

c. Provide the correct acreages for upland woodland and floodplain woodland in the worksheet and if necessary, revise the NRI.

d. Add a symbol to the plan and the legend indicating woodland areas preserved but not part of any requirement.

e. Label the existing buildings as existing and state the proposed disposition of the buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.

f. Revise the worksheet as needed.

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

This condition is addressed in the findings of this decision.

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

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/110/90-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is

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subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's Planning Department."

This condition is included as part of this approval.

24. Prior to the approval of building permits for the proposed residential structures, the applicant, applicant's heirs successors and/or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

Based on the July 2007 Aircraft Installation Compatibility Use Zone Study (ACIUZ) this property is not impacted by overflight noise associated with Andrews Air Force Base. There are no other noise issues associated with this preliminary plan.

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

"Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

Based on the July 2007 ACIUZ this property is not impacted by overflight noise associated with Andrews Air Force Base. There are no other noise issues associated with this preliminary plan.

26. The stormwater management ponds shown on the TCP I associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

This condition is addressed in the findings of this decision.

27. Prior to signature approval of the CDP, the following information shall be provided and/or changes made to the plans:

a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50-53, as shown on the illustrative plan, with frontage on Frank Tippett Road. The area

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shall be labeled on the plan as a future day care center. No other commercial uses shall be allowed on the subject property.

- b. The plan shall be revised to remove the 31 acres shown on the CDP as a “future residential subdivision” from the gross tract area for purposes of density calculation, unless it is intended that the acreage be dedicated to a future homeowners association. The label “future residential subdivision” shall be removed from the plans and the area shall be clearly indicated for equestrian use.
- c. The plans shall be revised to clearly indicate the minimum 10,000-square-foot lot area adjacent to Williamsburg Estates, Piscataway Creek and Dower House Pond Road.
- d. The 100-foot buffer along Frank Tippett Road shall be extended along the entire frontage of the roadway.
- e. The plans shall be revised to indicate the East-West Trail and the Tributary Trail as described in Exhibit 44 of Approved Basic Plan A-9738-C.

The proposed preliminary plan layout is consistent with this condition.

28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:

- a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.
- b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.
- c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.
- d. The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.
- e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

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f. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Street, Williamsburg Drive, and Green Apple Turn.

The proposed preliminary plan is consistent with this condition as applicable to lot size, access and lot width.

29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.

This condition is included as part of this approval.

30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

a. Preservation of Forest Stand “D” through the elimination of the proposed stream crossing that forms the extension of Dressage Drive.

The stream crossing has been eliminated preserving that portion of Forest Stand D.

b. Elimination of lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand “D” that will be preserved between the two stream valleys.

A 200-foot corridor along the Williamsburg Estates subdivision resulted in the relocation of 14 lots. The 200-foot corridor is a requirement consistent with the recommendations of the Green Infrastructure plan for an environmental “corridor,” which acts as a land bridge for plant and animal life. This corridor will be sufficient to connect Forest Stand D to the east, with the Piscataway Stream Valley to the west. This connection is an important component to the health of the forest stand, and the animal and plant species which occupy this area.

c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek, and

d. The use of afforestation in those areas that are adjacent to the regulated areas.

The plan provides an average 200-foot-wide area of preservation on the preliminary plan. The topography, tree stands, and environmental features along the 100-year floodplain make the implementation of a linear requirement unpractical. The organic nature of the layout of the subdivision and the elements of the stream valley are complimented by the

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preliminary plan layout and found to be appropriate. The preliminary plan provides an average of 220 feet, which should be maintained with the review of specific design plan applications.

31. The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.

Conditions have been included in this approval which require the payment indicated above prior to the approval of each building permit. The DPR has indicated that capital improvement funds (CIP) funds will be necessary to construct facilities on this property to serve the residents and the community. Based on the 410 units, \$205,000 dollars will be available from the private sector. Therefore, CIP funds will be necessary. The CIP funds are identified through a public budget process and will provide opportunity for the community and the DPR to work together, with the applicant, to identify appropriate facilities for the proposed public park on Parcel E.

*6. **Community Planning**—The subject property is in Planning Area 82A-Rosaryville, within the Developing Tier, and Council District 9. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities. The subject property was classified in the R-S Zone by Basic Plan A-9738-C in 1990. The 1993 & 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* retained the subject property in the R-S Zone. The proposal for 410 residential lots and day care center is consistent with the low suburban residential development with a density yield of 1.6–2.6 dwelling units per acre. This application is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. The development proposal conforms to the 1993 Subregion VI master plan recommendations for living areas in the Rosaryville community of this planning area. The recommended buffer to separate the Williamsburg Estates subdivision from the TLBU property development is appropriate. This is consistent with the District Council approval of the Basic Plan (A-9738-C) in 1990.

*[4. **Community Planning**—The subject property is in Planning Area 82A-Rosaryville, within the Developing Tier, and Council District 9. The vision for the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The subject property was classified in the R-S Zone by application A-9738-C in 1990. The 1994 *Approved Master Plan and Sectional Map Amendment for Subregion*

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~~VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) retained the subject property in the R-S Zone. The proposal for 409 residential lots is consistent with the low suburban residential development with a density yield of 1.6-2.6 dwelling units per acre. This application is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. The development proposal conforms to the 1993 Subregion VI Study Area Master Plan recommendations for living areas in the Rosaryville community of this planning area. The applicant proposes a fifty foot buffer to separate the Williamsburg Estates subdivision from the TLBU Property. This is consistent with the County Council approval of the Zoning Map Amendment (A-9738-C) in 1990. However, Environmental Planning Staff recommends a 300 foot buffer in this area to preserve high priority woodlands and provide adequate buffer for the equestrian trail.]~~

- *7. Environmental—The Environmental Planning Section reviewed the revised preliminary plan for the TLBU Property, 4-07005, stamped as received by the Environmental Planning Section on September 29, 2009 and the revised Type I Tree Conservation Plan, TCPI/110/90-02 stamped as received by the Environmental Planning Section on August 4, 2009, and Applicant Exhibit A.

Site Description

The 342.40-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippet Road on the east and Dower House Branch on the southeast. There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the Prince George's County Soil Survey the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafras, Shrewsbury and Westphalia series. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area as delineated on the SSPRA GIS layer is found to on this property. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the 2002 Prince George's County Approved General Plan.

MASTER PLAN CONFORMANCE

This preliminary plan is in conformance with the Master Plan based on the findings contained in this resolution of approval. It is important to understand the ecological significance and uniqueness of the subject site. This property contains upland woodland that served as a woodlot for a working farm. Almost all drier upland woodlands with relatively flat topography in the Maryland Coastal Plain were converted to agricultural fields during the Colonial Era; however, working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully

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managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the understory a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George's County. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation and Tree Preservation Ordinance.

In the approved Master Plan and Sectional Map Amendment for Subregion VI Study Area, the Environmental Envelope Section contains goals, objectives, and guidelines. The following guidelines are applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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

Implementation of the Countywide Green Infrastructure Plan will ensure compliance with this guideline. The preliminary plan and TCPI provide preservation of woodland to protect the stream valleys and tracts of contiguous woodland to be placed in HOA open space or as dedicated parkland, which create a conservation network appropriate for this property.

- 2. Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

The Comprehensive Design Ordinance is being used as the framework for the development of the property.

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

The preliminary plan requires the dedication of developable parkland and contains large areas outside the natural reserve area and 100-year floodplain.

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

The subject site contains highly sensitive land features and vegetation, in association with Piscataway Creek. Section 24-130 of the Subdivision Regulations, the Woodland Conservation Ordinance and implementation of the Countywide Green Infrastructure Plan

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were used to focus development in an environmentally sound manner. However, additional environmental considerations on this property may be identified through the review of the specific design plans.

5. Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.

The TCPI conforms to the master plan and creates an open space and conservation network based on existing soil conditions, slopes, watercourses, vegetation and natural ecological features; it capitalizes on natural assets through the retention and protection of trees, streams and other ecological features; it conserves large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.

6. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.

This guideline mirrors the requirements of the Woodland Conservation Ordinance. The TCP proposes preservation of wooded stream corridors, and conforms to the Woodland Conservation Ordinance which will result in the preservation of woodlands of the highest priority and not create forest fragments.

7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.

This guideline is a standard practice for all tree conservation plans. The TCP shows areas of connectivity. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance and is accommodated with this plan.

8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.

The Natural Reserve Areas described in the master plan are areas that have been superseded by the Regulated Areas in the Countywide Green Infrastructure Plan. There are extensive Regulated Areas located both on and adjacent to the site. The proposed disturbances to Regulated Areas are discussed in detail in the Environmental Review below. Additional conditions have been included to ensure compliance with federal and state regulations.

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9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.

This preliminary plan proposes the creation of parcels that will be owned and maintained by the future homeowners or by the Department of Parks and Recreation. The Regulated Areas that are not disturbed for construction will be placed in conservation easements on the final plats.

10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.

The Subregion VI Master Plan does not identify any areas of Conditional Reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The site contains Regulated, Evaluation and Network Gap Areas that provide connectivity of existing woodlands. The TCPI reflects conformance with the master plan because of the substantial amount of protection of on-site woodlands of the highest priority.

11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.

The subject property is not within the Aircraft Installation Compatibility Use Zone (AICUZ).

12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.

Based on the July 2007 ACIUZ study, this property is not impacted by over flight noise associated with Andrews Air Force Base.

13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.

No farming is proposed.

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GREEN INFRASTRUCTURE PLAN CONFORMANCE

The site is within the designated network of the Green Infrastructure Plan and includes large areas designated as Regulated Areas, Evaluation Areas and Network Gaps. The Regulated Areas contain the same features as the Natural Reserve as defined in the Subregion VI Master Plan. The Evaluation Areas are the forested areas contiguous with the Regulated Areas that contain special environmental features that are being preserved. The subject site contains woodland and wildlife habitat that is unique and in need of careful consideration for preservation within the design. The following policies support the stated measurable objectives of the Countywide Green infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains Regulated Areas, Evaluation Areas, and Network Gaps Areas as identified in the Countywide Green Infrastructure Plan adjacent to Piscataway Creek and Dower House Branch. Dower House Branch is a master plan designated primary corridor connection between Piscataway Creek in the Potomac River watershed and Charles Branch in the Patuxent River watershed. The TCPI conforms to the *Countywide Green Infrastructure Plan* because it preserves priority woodlands within Evaluation Areas of the highest quality. The TCPI will conform to the Woodland Conservation Ordinance and ensure the preservation of significant forests on-site that will not create forest fragments. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The TCPI shows the provision of traditional pipe-and-pond technologies to address stormwater run-off. This type of technology is out-dated and other options need to be considered. At a minimum, the design needs to consider the use of forebays to the ponds to allow for the settling of the majority of the sediment and pollutants before the quantity is discharged into the main pond. This technique results in better water quality of the water discharged and easier long-term maintenance of the system.

The base requirements for stormwater management are due to change because of ordinance changes required by the Maryland Department of Environment that must be implemented by May 4, 2010. Unless a property has an approved erosion/sediment control plan by that date, it will have to be redesigned to meet all new requirements. The stormwater ponds shown on the TCPI will not be sufficient to meet the new requirements. The approval of this preliminary plan does not provide the applicant with an exemption or

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grandfathering for the new stormwater management regulations. The applicant should be advised that revisions could result in modifications to the layout. Any modification cannot disturb the limits of the expanded buffer beyond that approved with this preliminary plan and tree conservation plan with the exception of required outfalls.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance. Most of the high priority upland woodland is proposed to be preserved.

Summary of Conformance with the Countywide Green Infrastructure Plan: The preliminary plan conforms to the 2005 Approved Countywide Green Infrastructure Plan because it preserves priority woodland within the master plan designated Evaluation Areas of the highest quality. With the provision of a 200-foot corridor along the north property line, conformance with the Countywide Green Infrastructure Plan can be found. This additional preservation will provide preservation of woodland which will further protect the stream valleys and tracts of contiguous woodland. This preservation is to be placed in HOA open space which will establish a conservation network appropriate for this property.

BASIC PLAN A-9738-C CONFORMANCE

A Final Decision was issued by the District Council on May 14, 1990 on Basic Plan A-9738-C. The decision contains a list of conditions and considerations on the approved rezoning of the property. The following are analysis of the environmental considerations from the Council Decision applicable to the review of the preliminary plan. The text from the Final Decision has been shown in BOLD typeface, while the evaluation has been shown in standard typeface.

Consideration 1—The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.

A forest stand delineation (FSD) was submitted with the Natural Resource Inventory (NRI). The TCPI shows preservation of woodlands along streams and adjoining roads; and a major forest stand identified by the NRI (Forest Stand “D”). The TCPI conforms to Consideration No.1 of A-9738-C to preserve the major stand of trees on the northern portion of the site that is adjacent to a stream and property lines.

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Consideration 2—The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.

A 100-year floodplain study was approved on November 20, 1989. A Stormwater Concept Plan, CSD No.8327607-2000-04, has been approved by the Department of Public Works and Transportation (DPW&T). Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study was requested. A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicates that floodplain study, FPS No. 900058, approved on November 20, 1989 remains valid.

Consideration 3—A minimum 50-foot wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.

In conformance with this consideration, the NRI and TCPI provides all of the required expanded stream buffers on the property.

CDP-0701 CONFORMANCE

A Final Decision was issued by the District Council on November 24, 2008 for Comprehensive Design Plan CDP-0701. The decision contains a list of conditions and considerations to be applied at various review points in the process.

The following are analysis of the environmental conditions, limitations and considerations from the Council Decision. Conditions 18 through 25 have either been addressed or will be carried forward. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

26. The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

The revised TCPI does not show the use of forebays. Stormwater management is discussed further below.

30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

a. Preservation of Forest Stand “D”: through the elimination of proposed stream crossing that forms the extension of Dressage Drive.

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The stream crossing has been eliminated and additional area of Forest Stand “D” is preserved.

b. Elimination of lots that are adjacent to the north property line and provide a 300-foot wide buffer in this area as a land bridge to the portion of Forest Stand “D” that will be preserved between the two stream valleys.

A 300-foot-wide land bridge has not been provided. However, a 200-foot buffer is provided consistent with the recommendations of the Green Infrastructure Plan, which defines a corridor as having a minimum width of 200 feet.

c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.

Some of the area within 300 feet of the floodplain of Piscataway Creek is not shown as a woodland conservation area. However, the average width of the area of preservation (220 feet) is generally consistent with this recommendation.

d. The use of afforestation in those areas that are adjacent to regulated areas.

Afforestation is a much lower priority for woodland conservation than the preservation of high quality, on-site woodlands. The afforestation needs to be limited to the re-establishment of woodlands along and within stream buffers.

Summary of Conformance with CDP-0701: The preliminary plan and TCPI comply with paragraphs b. and c. of Condition 30. Conformance with CDP-0701 is found.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

A revised Natural Resource Inventory (NRI), NRI/030/05, was signed by the Environmental Planning Section on June 30, 2008. The NRI contains forest stand delineation and a wetlands report. The forest stand delineation describes four forest stands totaling 183.61 acres (53 percent of the property). There are 143.91 acres of upland woodlands and 39.70 acres of woodlands within the 100-year floodplain, based on the 1989 floodplain delineation.

The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for

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development that will minimize impacts to the natural environment. As described above, there are woodlands on this site that are part of the cultural and natural heritage of Prince George's County that should be the focus of woodland conservation on-site.

Only sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

Stand "A" contains 93.68 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar. The average diameter at breast height is 11.7 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand "D", the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. Because this stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of Basic Plan A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the Regulated Areas shown in the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

Stand "B" contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar. The average diameter at breast height is 5.3 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland.

Stand "C" contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak. The average diameter at breast height is 8.6 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland. Only one specimen tree occurs in these stands. Neither Stand "B" nor Stand "C" contain any expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within Evaluation Areas designated by the Countywide Green Infrastructure Plan. Because these stands are relatively immature, have low diversity of trees and low diversity of understory species with no special characteristics, they are rated as fair to low priority for preservation.

Stand "D" contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak. The average diameter at breast height is 14.3 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand "A" and Stand "D", the remainder of the property was either agricultural fields or pasture. Two specimen trees occur in this stand. This stand contains a high diversity of tree species, a high diversity of shrub species and a high diversity of native herbaceous species. The stand forms an upland connection between the mainstem of Piscataway Creek on the west to the headwaters of the streams on the east. On September 7, 2007 staff of the Maryland Department of Natural Resources, Natural

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Heritage Program and the Environmental Planning Section conducted a field visit. Stand “D” was extensively studied and determined to be a “rich woods” which is an uncommon designation within any portion of the Maryland Coastal Plain. The Environmental Planning Section (M-NCPPC) classify this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. All of Stand “D” is within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within a designated Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation. Specimen tree No. 5, a 44-inch beech tree identified to be preserved and located in the common HOA area and not on an individual lot.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area as delineated on the SSPRA GIS layer is found to occur on this property. A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*) was discovered within the area of Stand “D” on a field visit in 1990. Although this species was not found on a September 7, 2007 field visit by staff of the Environmental Planning Section and the Maryland Department of Natural Resources Natural Heritage Program, it is not to be construed that the species no longer occurs on the site. This is one of the reasons why Forest Stand “D” is an extremely high priority for preservation – even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future.

A revised NRI was submitted on June 10, 2008. The environmental features shown on the plan have been correctly reflected on the TCPI.

Variations to Section 24-130

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

Variation requests for nine impacts, dated February 6, 2008, were submitted with the application and revised plans showing some differences were stamped as received on

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August 4, 2009. Revised plans and revised variation requests, dated September 22, 2009, are evaluated below.

One impact, No. 1, is for the installation of an outfall for a stormwater management facility. Six of the proposed impacts are to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers and include variation requests No. 2, No. 3, No. 5, No. 6, No. 8 and No. 9. Two of the proposed impacts, No. 4 and No. 7 are for installation of the public roads that will serve the majority of the property. Not all impacts for outfalls for stormwater management ponds are shown; however, some additional ones may be required when the designs for the ponds are finalized and will be revised with the TCPII.

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

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

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

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

The installation of public streets, stormwater management and sanitary sewer connections are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

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The expanded stream buffers form not only the western and southern boundaries of the property, but also divide the largest developable portion of the site from the sole public street that can be used for access. The existing sanitary sewer lines are wholly within expanded stream buffers.

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

The installation of public streets, stormwater management facilities and sanitary sewer connections are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The expanded stream buffers create a barrier to access to some portions of the property. Without the required two public streets from Frank Tippet Road, connection to existing sanitary sewers that are wholly within expanded stream buffers, and construction of mandatory stormwater management pond outfalls, the property could not be properly developed in accordance with the R-S zoning.

The Planning Board approves variation requests No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, and No. 9.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This site also has a previously approved Tree Conservation Plan that has not been implemented. A revised Type I Tree Conservation Plan, TCPI/110/90-02, has been submitted that reflects the currently proposed use.

Applicant Exhibit A which includes the Type I TCP, increased the area of woodland conservation by roughly three acres and decreases the area of afforestation/reforestation. The worksheet on the plan proposes clearing 82.31 acres of the existing 135.90 acres of upland woodland, clearing 3.81 acres of the existing 47.16 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 49.73 acres. Based upon the proposed clearing, the woodland conservation requirement is 74.12 acres. The plan proposes 52.38 acres of on-site preservation and 22.02 acres of on-site planting. Some of the proposed woodland conservation is on land proposed for dedication to the Department of Parks and Recreation; staff of DPR has indicated that this is acceptable.

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The worksheet indicates that 1.21 acres of woodland will be retained on-site but not used as part of any requirement because it will be on parkland. Clarification regarding the acreage of woodland to be placed on public parkland should be provided.

The NRI indicates there are 143.91 acres of woodland in the upland, not 135.90 acres as stated on the TCPI. The NRI indicates 39.70 acres of woodland within the 100-year floodplain, not 47.03. This is especially problematic because the NRI is supposedly based on the 1989 100-year floodplain study and it is not clear what the floodplain delineation on the TCPI reflects (NRI total woodlands are 183.61 acres; TCPI total woodlands are 182.93)

The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for development that will minimize impacts to the natural environment. The FSD and site visits confirm that Forest Stand “D” is highly valuable woodland with excellent species diversity in all layers of the forest. This woodland is not only significant for the property because of its high diversity, but also from a countywide perspective. Working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the understory a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George’s County.

The design of the plan conforms to the master plan, the *Countywide Green Infrastructure Plan*, the Woodland Conservation Ordinance, Consideration No.1 of A-9738-C and conditions of approval of CDP-0701. The TCPI conforms to the master plan by creating an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and, natural ecological features; which will capitalize on natural assets through the retention and protection of trees, streams and other ecological features; and conserve large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. The TCPI conforms to the *Approved Countywide Green Infrastructure Plan* and preserves woodlands of highest priority within Evaluation Areas. The TCPI conforms to the Woodland Conservation Ordinance because it will not create forest fragments and preserves high quality woodlands.

The 200-foot wide corridor is sufficient to serve as a wildlife corridor between the fragment of Forest Stand “D” and the main Piscataway Creek stream valley, and is a design element that is necessary to find conformance with the *Approved Countywide Green Infrastructure Plan*. During the review of the previous application, staff requested that the plans be revised to provide a minimum of a 300-foot-wide corridor along the northern property line to connect Stand ‘D’ to Piscataway Creek to provide a 300-foot-wide corridor on the subject property adjacent to Piscataway Creek. The habitat of forest

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interior dwelling species (FIDS) has been described by the Maryland Department of Natural Resources as interior woodland of at least ten acres that is at least 300 feet from the edge of the forest. Riparian wildlife corridors are the wooded corridors at least 300 feet wide associated with a stream. Piscataway Creek is a primary corridor as designated in the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area. The Countywide Green Infrastructure Plan adopted measures of “countywide significance” with regard to mapping of corridors and network gaps. To be of “countywide significance”, a corridor has to be at least 200 feet wide or wider in the Rural and/or Developing Tiers. Because the resources in this area are clearly of countywide significance given their location and composition, a corridor of at least 200 feet is appropriate and required by the Planning Board.

The topography in the northern part of the site may be problematic for the creation of a limit of disturbance that is 200 feet wide along its entire length adjacent to single-family homes. Such a strict standard could result in the need for large retaining walls that are not advisable adjacent to homes or adjacent to areas of wildlife habitat. If, at the time of review of the specific design plan for this area, minor incursions less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of the 200-foot wide corridor if the incursion is replanted.

The afforestation should be limited to the re-establishment of woodlands along and within stream buffers.

According to the Prince George’s County Soil Survey the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant’s benefit. A soils report may be required by Prince George’s County during the permit process review.

The TCPI shows the provision of traditional pipe-and-pond technologies to address stormwater run-off. This type of technology is out-dated and other options should to be considered. At a minimum, the design needs to consider the use of forebays to the ponds to allow for the settling of the majority of the sediment and pollutants before the quantity is discharged into the main pond. This technique results in better quality of the water discharged and easier long-term maintenance of the system.

The base requirements for stormwater management are due to change as required by the Maryland Department of Environment which will be implemented by May 4, 2010. Unless a property has an approved sediment erosion control and technical plans by that date, it will have to be redesigned to meet the new requirements. It appears that the stormwater ponds shown on the TCPI will not be sufficient to meet the new requirements

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and it is unlikely that the applicant will obtain the proper permits prior to the change in stormwater management regulations. The stormwater management ponds shown on the TCPII associated with the specific design plan will most likely be required to conform to the new requirements for stormwater management design. In addition, Condition 26 of CDP-0701 requires that the plans show the use of forebays and the plans should be revised accordingly. Additional imports may be necessary to the expanded buffer for revised stormwater management outfalls and shall be limited to outfalls associated with required stormwater management revisions only.

- *[5. ~~**Environmental**~~—The design of the comprehensive design plan fails to conform to the master plan, the *Approved Countywide Green Infrastructure Plan*, the Woodland Conservation and Tree Preservation Ordinance and Consideration No. 1 of A 9738 C. The TCPI fails to conform to the master plan because it does not create an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and, natural ecological features; does not capitalize on natural assets through the retention and protection of trees, streams and other ecological features; and does not conserve large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. The TCPI fails to conform to the *Approved Countywide Green Infrastructure Plan* because it fails to preserve priority woodlands within Evaluation Areas and proposes to mitigate the removal of these valuable existing woodlands by planting existing field areas that are not part of the Countywide Green Infrastructure Network and will not contribute to the purposes of the network. The TCPI fails to conform to the Woodland Conservation Ordinance because it creates forest fragments. The TCPI fails to conform to Consideration No. 1 of A 9738 C because it does not preserve the major stand of trees along the northern property line. In addition, the TCPI shows afforestation of large areas of the site. Afforestation is a much lower priority for woodland conservation than the preservation of high quality, on-site woodlands. The afforestation needs to be revised to be limited to the re-establishment of woodlands along and within stream buffers.

~~MASTER PLAN CONFORMANCE~~

~~It is not possible for the Environmental Planning Section to find conformance with the master plan at this time because of the many outstanding design issues related to the review of the CDP, that may result in substantive changes to the preliminary plan.~~

The approved master plan for this area is the Subregion VI Study Area Approved Master Plan (September 1993) and Approved Sectional Map Amendment (May 1994). The Environmental Envelope Section of this plan contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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It is important to understand the ecological significance and uniqueness of the subject site. This property contains upland woodland that served as a woodlot for the working farm. Almost all drier upland woodlands with relatively flat topography in the Maryland Coastal Plain were converted to agricultural fields during the Colonial Era; however, working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the under-story a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George's County.

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

Comment: Implementation of the Countywide Green Infrastructure Plan and the proposed conditions of approval proposed on the CDP will ensure compliance with this guideline. If the CDP is revised in conformance with the recommended conditions, the preliminary plan will show the preservation of parcels that will protect the stream valleys and tracts of contiguous woodland.

- ~~2. — Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.~~

Comment: The Comprehensive Design Ordinance is being used as the framework for the development of the property. To date, the design of the proposed subdivision uses all conventional design principles and does not utilize innovative techniques.

- ~~3. — Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.~~

Comment: The preliminary plan proposes dedication of parkland; however, the determination of its conformance with this guideline will be dealt with by the Department of Parks and Recreation.

- ~~4. — The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.~~

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Comment: The subject site contains highly sensitive land features and vegetation, in association with Piscataway Creek. If the staff's proposed conditions of CDP-0701 are adopted by the Planning Board, conformance with this provision could be found. Section 24-130 of the Subdivision Regulations, the Woodland Conservation Ordinance and implementation of the Countywide Green Infrastructure Plan will also help to focus development in an environmentally sound manner. However, this preliminary plan does not conform to the recommendations of staff for CDP-0701.

5. ~~Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.~~

Comment: The TCPI submitted proposes placing lots in developable envelopes, but proposes impacts to existing natural features that are not necessary for the development of the site as a whole. The TCPI fails to conform to the master plan because it does not create an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and natural ecological features; it does not capitalize on natural assets through the retention and protection of trees, streams and other ecological features; it does not conserve large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. Sheet 1 of the preliminary plan shows five residential lots adjacent to the wetland buffer, there are two stormwater management ponds that will have environmental impacts, as well as a proposed stream crossing to support the development of 27 residential lots.

6. ~~Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.~~

Comment: This guideline mirrors the requirements of the Woodland Conservation Ordinance. On the revised plan submitted, an impact to a wetland is proposed that is not necessary for the development of the site and a stream crossing is proposed that results in severe forest fragmentation. Although the TCP proposes preservation of wooded stream corridors, it fails to conform to the Woodland Conservation Ordinance because it fails to preserve important priority woodlands and creates forest fragments.

7. ~~To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.~~

Comment: This guideline is a standard practice for all tree conservation plans. The TCP shows areas of connectivity; however, it also proposes creation of woodland fragments, reduction in the overall forest interior area and an increase in the edge/area ratio.

8. ~~The Natural Reserve Areas, containing floodplain and other areas unsuitable~~

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~~for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.~~

Comment: The Natural Reserve Areas described in the master plan are areas that have been superseded by the Regulated Areas in the Green Infrastructure Plan. There are extensive Regulated Areas designated in the plan both on and adjacent to the site. With the proposed conditions in the Environmental Planning Section memorandum for CDP-0701, land grading is reduced and forest connectivity is increased.

9. — ~~All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.~~

Comment: This CDP proposes the creation of parcels that will be owned and maintained by the future homeowners or by the Department of Parks and Recreation. Conservation easements will be placed on the regulated features on the final plats. In the Environmental Planning Section memorandum for CDP-0701 is a discussion of the large area of afforestation proposed in an area designated as recreational open space for equestrian or other public park uses, shown as Outparcel A on the preliminary plan. The TCPI shows the area as afforestation. The establishment of afforestation in this area is in conflict with the proposed uses required per condition 6 of the basic plan, A 9738-C. This requirement has not been met prior to any approval and could potentially have a cascading effect on the layout of the preliminary plan.

10. — ~~Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.~~

Comment: The Subregion VI Master Plan does not identify any areas of Conditional Reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The site contains Regulated, Evaluation and Network Gap Areas that provide connectivity of existing woodlands. A substantial portion of the Evaluation Areas is proposed for development. As noted in the Environmental Planning Section Memorandum for CDP-0701, the TCPI does not reflect conformance with the master plan because of substantial clearing of on-site priority woodlands.

11. — ~~In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be~~

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~~protected by suitable construction techniques and by the enforcement of legally mandated standards.~~

~~Comment:~~ The master plan shows that the subject property is within the Aircraft Installation Compatibility Use Zone (AICUZ) in the 65-70 dBA range. Because the property is zoned for the proposed uses, these issues will need to be addressed through the use of appropriate building materials.

~~12. — Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.~~

~~Comment:~~ Noise at or exceeding 65 dBA Ldn is generated by a flight path that runs from east to west across the central third of the site. Although it will not be possible to reduce outdoor noise levels to provide all residential lots with noise levels less than 65 dBA Ldn or less because the noise is from an overhead source (Andrews AFB), all residential structures will need to have interior noise levels of 45 dBA Ldn or less. To the extent possible, community outdoor recreational areas should be placed outside of areas where aircraft noise exceeds 65 dBA Ldn to show conformance with the master plan. The proposed land to be dedicated to the Department of Parks and Recreation is only partially within 65 dBA Ldn noise contour, but is located on the portion of the property that is least subject to noise from Andrews Air Force Base.

~~13. — Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.~~

~~Comment:~~ No farming is proposed.

~~14. — Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.~~

~~Comment:~~ Information available at PGAtlas.com provides generalized information regarding sensitive environmental features of the region and the Natural Resource Inventory (NRI) submitted provides detailed information regarding the subject property. The NRI should be used to formulate the appropriate areas for development on the site.

~~CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN~~

~~The site is within the designated network of the Green Infrastructure Plan and includes large areas designated as Regulated Areas, Evaluation Areas and Network Gaps. The~~

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~~Regulated Areas contain the same features as the Natural Reserve as defined in the Subregion VI Master Plan. The Evaluation Areas are the forested areas contiguous with the Regulated Areas that contain special environmental features that should be considered for preservation. As previously noted, the subject site contains woodland and wildlife habitat that is unique and in need of careful consideration prior to development.~~

~~The following policies support the stated measurable objectives of the Countywide Green infrastructure Plan:~~

~~**Policy 1: ——— Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**~~

~~**Comment:** The subject property contains Regulated Areas, Evaluation Areas, and Network Gaps Areas as identified in the Countywide Green Infrastructure Plan adjacent to Piscataway Creek and Dower House Pond Branch. Dower House Pond Branch is a master plan designated primary corridor connection between Piscataway Creek in the Potomac River watershed and Charles Branch in the Patuxent River watershed. The TCPI fails to conform to the Countywide Green Infrastructure Plan because it fails to preserve priority woodlands within Evaluation Areas. The TCPI fails to conform to the Woodland Conservation Ordinance because it fails to preserve significant forests on-site and creates forest fragments.~~

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

~~**Comment:** Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. It is recommended that low impact development stormwater management methods be applied on this site, to the fullest extent possible.~~

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

~~**Comment:** The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques overall energy consumption should be addressed.~~

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

~~**Comment:** Lighting should use full cut-off optics to ensure that off-site light intrusion~~

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into residential and environmentally sensitive areas is minimized.

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

~~Aircraft noise associated with Andrews Air Force Base may be extensive, and will require mitigation for residential uses. Residential uses or outdoor activity areas that are proposed within the 65 dBA Ldn noise contour will require mitigation. This issue is discussed in detail in the Environmental Review Section below.~~

Policy 7: ~~Protect wellhead areas of public wells.~~

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

~~**Summary of Master Plan Conformance:** The review of the preliminary plan can not find conformance to CDP-0701 because the technical staff report can only describe in general terms compliance with the master plan. The technical staff report for CDP-0701 fails to demonstrate compliance with the specific provisions of the master plan described above and does not contain any language with regard to conformance with the Green Infrastructure Plan. The TCPI fails to conform to the Countywide Green Infrastructure Plan because it fails to preserve priority woodland within Evaluation Areas. As such, the preliminary plan does not meet the adequacy finding for Subdivision Regulation 24-132 for Woodland Conservation.~~

~~**CONFORMANCE WITH DISTRICT COUNCIL FINAL DECISION ON A-9738-C**
A Final Decision was issued by the District Council on May 14, 1990 on the Zoning Map Amendment A-9738-C. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process.~~

~~The following are staff's analysis of the environmental conditions, limitations and considerations from the Council Decision. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.~~

~~**Conditions of the Final Decision for Revised A-9738-C**~~

~~**Condition 4. There shall be no grading or cutting of trees on this site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.**~~

~~**Comment:** As of this date, this condition has been met because no grading or cutting of trees has occurred on this site prior to the approval of the Comprehensive Design Plan.~~

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~~Condition 5b. A 50-foot wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.~~

~~Comment:~~ This condition has been met because a 50 foot boundary is provided.

~~Condition 8. “Continued cooperative use of the property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet County recreational requirements and for incremental increases.”~~

~~Comment:~~ Evidence has not been provided that the required “contractual and covenanted arrangement” has been recorded in the land records. The area in question is located along the Frank Tippet Road frontage, in the large open field. The basic plan (condition 6) calls for equestrian uses in this area. The CDP shows this area as reserved for future development. The preliminary plan shows this area as an Outparcel. All of these proposed uses are incompatible with the use shown on the TCPI of 15.51 acres of afforestation.

~~Consideration 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where it is possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.~~

~~Comment:~~ The forest stand delineation was submitted with the Natural Resource Inventory. The TCPI shows preservation of woodlands along streams and adjoining roads; however, it fails to preserve a major forest stand identified by the NRI. The TCPI fails to conform to Consideration #1 of A-9738-C because it does not preserve the major stand of trees on the northern portion of the site adjacent to off-site properties and relies too heavily on the afforestation of areas to be used in the future for other uses that are incompatible with woodland conservation. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance.

~~Consideration 2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.~~

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Comment: A 100-year floodplain study was approved on November 20, 1989. A Stormwater Concept Plan, CSD #8327607-2000-04, has been approved by the Department of Public Works and Transportation. Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study from the current Prince George's County agency that approves 100-year floodplain elevations should be submitted.

Required Information: A confirmation of the validity of the 1989 floodplain study from the current Prince George's County agency that approves 100-year floodplain elevations shall be submitted.

Consideration 3. ~~A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.~~

Comment: In conformance with this consideration, the NRI and TCPI show all of the required expanded stream buffers on the property.

Environmental Review

A revised Natural Resource Inventory (NRI), NRI/030/05, was stamped as received by the Environmental Planning Section on June 10, 2008. The NRI contains forest stand delineation (FSD) and a wetlands report. The forest stand delineation describes four forest stands totaling 183.61 acres (53 percent of the property). There are 143.91 acres of upland woodlands and 39.70 acres of woodlands within the 100-year floodplain.

The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for development that will minimize impacts to the natural environment. As described above, there are woodlands on this site that are part of the cultural and natural heritage of Prince George's County that should be the focus of woodland conservation on-site. Only sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

Stand "A" contains 93.68 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar. The average diameter at breast height is 11.7 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand "D", the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. Because this stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the Regulated Areas shown in the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

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Stand “B” contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar. The average diameter at breast height is 5.3 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland.

Stand “C” contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak. The average diameter at breast height is 8.6 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland. Only one specimen tree occurs in these stands. Neither Stand “B” nor Stand “C” contain any expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within Evaluation Areas designated by the Countywide Green Infrastructure Plan. Because these stands are relatively immature, have low diversity of trees and low diversity of under story species with no special characteristics, they are rated as fair to low priority for preservation.

Stand “D” contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak. The average diameter at breast height is 14.3 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand “A” and Stand “D”, the remainder of the property was either agricultural fields or pasture. Two specimen trees occur in this stand. This stand contains a high diversity of tree species, a high diversity of shrub species and a high diversity of native herbaceous species. The stand forms an upland connection between the main stem of Piscataway Creek on the west to the headwaters of the streams on the east.

On September 7, 2007, staff of Maryland Department of Natural Resources Natural Heritage Program and the Environmental Planning Section conducted a field visit. Stand “D” was extensively studied and determined to be a “rich woods” which is an uncommon designation within any portion of the Maryland Coastal Plain. Staff of the Environmental Planning Section classifies this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the under story species are uncommon. All of Stand “D” is within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within a designated Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area as delineated on the SSPRA GIS layer is found to occur on this property. A state listed endangered species, few flowered tick trefoil (*Desmodium pauciflorum*) was discovered within the area of Stand “D” on a field visit in 1990. Although this species was not found on a September 7,

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2007, field visit by staff of the Environmental Planning Section and the Maryland Department of Natural Resources Natural Heritage Program, it is not to be construed that the species no longer occurs on the site. This is one of the reasons why Forest Stand "D" is an extremely high priority for preservation even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future. A revised NRI was submitted on June 10, 2008. The environmental features shown on the plan have been correctly reflected on the TCPI.

Conservation easements should be described by bearings and distances on the final plat. The conservation easements should contain the expanded stream buffers, excluding those areas where variation requests have been approved and be reviewed by the Environmental Planning Section prior to certification of the preliminary plan. All subsequent plans should ensure that no part of any conservation easement is on any residential lot. When the TCPI is formulated with the SDP, consideration should be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

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

Variation requests for ten impacts, dated February 6, 2008, were submitted with the application; however, revised plans showing some differences were stamped as received by the Environmental Planning Section on June 10, 2008. Staff has analyzed the proposed impacts; however, additional changes to plans may be required after the Planning Board has heard the CDP. Approximately eleven impacts to expanded stream buffers are shown on the current plans. One impact, #1, is for the installation of an outfall for a stormwater management facility. Six of the proposed impacts are to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers and conform to variation requests #2, #4, #6, #7, #9 and #10. Two of the proposed impacts, #5 and #8 are for installation of the public roads that will serve the majority of the property. One impact, #3, is for an internal road and sanitary sewer to serve a cul-de-sac with a maximum of 25 lots which is located in Forest Stand D. As noted above, and as discussed extensively in the review of the CDP, this area is a woodland of high priority for preservation. This impact is not necessary for the development of the property and should

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be eliminated. Not all impacts for outfalls for stormwater management ponds are shown; however, some additional ones may be required when the designs for the ponds are finalized.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

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

The installation of public streets, stormwater management and sanitary sewer connections are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The expanded stream buffers form not only the western and southern boundaries of the property, but also divide the largest developable portion of the site from the sole public street that can be used for access. The existing sanitary sewer lines are wholly within expanded stream buffers.

These features are collectively unique to the subject property.

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

The installation of public streets, stormwater management facilities and sanitary sewer connections are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The expanded stream buffers create a barrier to access to some portions of the property. Without the required two public streets from Frank Tippet Road, connection to existing sanitary sewers that are wholly within expanded stream buffers, and construction of

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~~mandatory stormwater management pond outfalls, the property could not be properly developed in accordance with the R-S zoning.~~

~~The Environmental Planning Section supports in concept variation requests #1, #2, #4, #5, #6, #7, #8, #9, #10 and #11 and does not support variation request #3 for the reasons stated above. The TCPI shall be revised to remove the impacts to the stream crossing at the north end of proposed Dressage Drive. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.~~

~~The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved Tree Conservation Plan that has not been implemented. A revised Type I Tree Conservation Plan, TCPI/110/90-01, has been submitted with CDP-0701 that reflects the currently proposed use. Extensive review comments were provided during the review of the CDP that have not been addressed to date. A revised Type I Tree Conservation Plan is needed in conformance with the approved CDP.~~

~~According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit process review.~~

~~Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise in the vicinity is significant. The study indicates that the noise threshold is between 65 and 70 dBA (Ldn). Unfortunately, the noise contours cover the most developable portions of the site. The noise levels present are above the State Acceptable Noise Level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas associated with each residence; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn).~~

~~The TCPI shows the provision of traditional pipe and pond technologies to address stormwater run off. This type of technology is out dated and other options need to be considered. At a minimum, the design needs to consider the use of fore bays to the ponds to allow for the settling of the majority of the sediment and pollutants before the quantity is discharged into the main pond. This technique results in better water quality of the~~

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~~water discharged and easier long term maintenance of the system. The stormwater management ponds shown on the TCPI associated with the preliminary plan should show the use of fore bays for improved water quality and ease of long term maintenance.~~

~~The Environmental Planning Section cannot recommend approval of 4-07005 at this time because of the many outstanding issues related to the review of the CDP that may cause substantive changes to the preliminary plan. The Planning Board approved CDP-0701 with conditions that include revisions that impact the preliminary plan.]~~

- *8. Urban Design—On May 14, 1990, the District Council approved Basic Plan A-9738-C which rezoned the property from the Rural Residential (R-R) and Residential Agricultural (R-A) to the Residential Suburban Development (R-S) Zone. The land uses for the approved Basic Plan (A-9738-C) are for single-family detached units, a day care facility and an equestrian use. The following considerations (in bold) of the basic plan relate to the review of the preliminary plan of subdivision:

Considerations

- 4. The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear view of houses will not clearly be visible from Frank Tippett Road.**

A 100-foot (minimum) buffer will be provided along Frank Tippett Road, which will afford the opportunity to provide afforestation and other buffering techniques to maintain the semi-rural character of the viewshed from the roadway at the time of the approval of the Specific Design Plan for the development of the site. However, it is anticipated that the development of Parcel A may not occur during the initial phases of development. Therefore, an attractive treatment of Parcel A should be planted in its interim state. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, and should be a part of the first SDP.

CDP-0701 was approved by the District Council on November 18, 2008 with conditions. The preliminary plan has been reviewed for conformance with the comprehensive design plan and is found to be in conformance with that approval. The District Council approved a maximum of 410 single-family dwelling units and the preliminary plan should be revised accordingly.

The CDP established a minimum lot size of 8,000 square feet for the site except for those lots located adjacent to the Williamsburg Estates Subdivision, Piscataway Creek and

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Dower House Pond branch, which are required to be a minimum of 10,000 square feet. The preliminary plan is consistent with these requirements.

Parcels A and F are to be retained by the owner. Parcel A is 3.24 acres and is the location of a possible future day care center. Any future specific design plan for the development of the site as a day care center will be required to meet all of the conditions of the approval of previously approved plans. In order to provide a more marketable site for Parcel A as a day care center, the plan should be revised to eliminate the portion of Parcel B that is intervening between the right-of-way of Frank Tippett Road and Parcel A, so that Parcel A has frontage on Frank Tippett Road.

- *[6. — **Urban Design** — Urban Design staff has reviewed the subject preliminary plan. The subject site currently has a Comprehensive Design Plan (CDP 0701) pending. The preliminary plan refines the residential development consisting of 409 single family residential dwelling units, five parcels and Outparcel A. The property is subject to basic plan requirements (Basic Plan A 9738 C). There are a significant number of outstanding issues that affect the overall design of the preliminary plan that can not be adequately addressed until outstanding issues are resolved at the time of the approval of the CDP. Most of these issues relate the conformance to the basic plan. The relevant conditions are stated below:

1. — Land uses shall be only as shown the basic plan.

Comment: The day care center has not been shown on the Comprehensive Design Plan (CDP); therefore, the plans cannot be found to be in conformance with the condition above. Staff recommends, prior to signature approval of the CDP that an area of land of approximately 2.0 acres be set aside for use as a day care center. This area should be located at the entrance into the subdivision with frontage along Frank Tippett Road in the vicinity of proposed lots 50–53 as shown on the preliminary plan.

In regard to the basic plan's requirement that part of the property be set aside for equestrian facilities to be used by the Merrymount Equestrian Center (which owns land directly adjacent to the subject property), the CDP indicates the subject land area as both "future residential development" and as part of the "Equestrian Center." In addition, the TCPI shows this area as encumbered with tree conservation. The plans indicate that 31.0 acres of land area are proposed as future residential subdivision.

It appears that the applicant is attempting to reserve the 31.0 acres for future use as a residential subdivision, irrespective of the basic plan conditions relating to preservation of that area for equestrian use by the adjacent Merrymount Equestrian Center. The approved basic plan indicates that the 31.0 acres shown on the plan as a future subdivision are to be reserved for equestrian center use. Therefore, staff is of the opinion that, in order to meet the requirement of the basic plan, this area should not be encumbered with tree

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preservation.

- ~~2. — Those lots adjacent to the Williamsburg Estate subdivision, Piscataway Creek, and Dower House Pond Branch shall be a minimum of 10,000 square feet.~~

~~Comment:~~ This is adequately noted on the preliminary plan. All subsequent plans, including specific design plan, should indicate the minimum lot areas noted above.

- ~~6. — The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.~~

~~Comment:~~ The CDP indicates the location of the adjacent Merrymount Equestrian Center and the on-site equestrian facilities; however, this area is shown as encumbered with tree preservation and the facilities designed, located and approved have not yet occurred. The CDP does not indicate the design or location of any of the equestrian trails to remain on the property. The condition above suggests that the design and location of the equestrian trails were considered paramount to the design of the community. The CDP could have been the vehicle for the design and the location of the facilities in order to show conformance with basic plan, Condition No. 6, but the CDP seems to have ignored the issue.

- ~~7. — The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.~~

~~Comment:~~ The CDP should be revised to locate the day care center in the vicinity of proposed lots 50-53 along Frank Tippet Road, as shown on the illustrative plan. This land area should be indicated to be reserved by the owner on the subject plans and future plans, for future development as a day care center.

- ~~8. — Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.~~

~~Comment:~~ The applicant has not provided evidence that continued cooperative use of the

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“designated” area for an equestrian center use and the associated trails on the subject property is assured by either a contractual or covenanted arrangement (until such time as equestrian use by the adjacent Merrymount Center is discontinued). The agreement may have impacts to the layout and use of the property, which is not reflected on the preliminary plan and should be prior to approval. Upon discontinuance of the adjacent Merrymount equestrian use, the condition above requires the subject property to be used for “public recreational purposes.” The condition above further indicates that the property will qualify to meet the requirements of both “county recreational requirements and for incremental increases.” The applicant is not in need of additional density increments for density purposes and the Department of Parks and Recreation has indicated that M-NCPPC is not interested in taking possession of the property. This issue has not been fully addressed by the applicant.

~~13. — Prior to comprehensive design plan approval, a plan shall be developed and approved by the Owners, the Developer and the Urban Design Staff of The Maryland National Capital Park and Planning Commission that shall grant as a benefit to each purchaser of a home upon the property, some use of the Merrymount Equestrian Center which shall economically benefit the owners, said benefit to be paid for by developer and/or builder(s) of homes upon the property, and the specific benefit to be agreed upon by owners. If the details of such program can not be established to the satisfaction of Developer, Owners and Urban Design Staff, then also prior to comprehensive design plan approval, an equivalent program, that also grants a direct benefit to purchasers of homes upon the property involving the use of Merrymount Equestrian Center, shall be developed and approved by Developer, Owners and Urban Design Staff.~~

Comment: As of the writing of the technical staff report for the CDP, the applicant is working on an agreement that will benefit both the Merrymount Equestrian Center and the future homeowners of the community. If the applicant is unable to reach an agreement that satisfies both the owners of Merrymount and the Planning Board, then staff recommends that the case be continued in order to resolve this issue prior to approval of the comprehensive design plan and preliminary plan.

~~14. — Except as expressly stated otherwise, the Agreement, Exhibit 85, shall run with the land, so long as Merrymount continues to operate primarily as an equestrian center, with or without a residence, and all benefits and obligations of the parties to this Agreement shall bind and inure to the benefit of their respective legal representatives, heirs, successors and/or assigns.~~

Comment: The applicant has submitted the agreement, but it has not been recorded.]

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*9. **Department of Parks and Recreation (DPR)**—The Department of Parks and Recreation (DPR) has reviewed the preliminary plan of subdivision. The review considered the approved Basic Plan A-9738-C, Comprehensive Design Plan CDP-0701, the Subregion VI master plan, the 2002 *Prince George's County Approved General Plan*, the Land Preservation and Recreational Program for Prince George's County, current subdivision regulations, and existing conditions in the vicinity of the proposed development.

Using current occupancy statistics for single-dwelling units in this planning area the proposed development will result generally in an addition of 1,198 new residents in the community.

The Subregion VI master plan designates a floating park symbol within the southern portion of this subdivision between the Dower House Pond Branch and Piscataway Creek Stream Valleys to serve the active recreational needs of the surrounding community. In addition, both the Piscataway Creek and Dower House Pond Branch Stream Valleys are designated Stream Valley Parks.

The Piscataway Creek and Dower House Pond Branch Stream Valleys are critical connections for the stream valley park system. Dower House Pond Branch is part of the planned stream valley system which will provide a trail connection between the Potomac and Patuxent Rivers via Rosaryville State Park. M-NCPPC has been successful in recent years in acquiring several adjacent sections of the Dower House Pond Branch and Piscataway Stream Valley to accommodate this future trail connection. The applicant proposes to donate both the Piscataway Creek and Dower House Pond Branch stream valleys which exist on the subject property.

The requirements of Section 24-134 of the Subdivision Regulations require that the applicant dedicate 17 acres of land suitable for active recreation based on the density and acreage of this subdivision. The applicant is dedicating approximately 25 acres of parkland for active and passive recreation and donating an additional 95 acres, which does include tree-preservation, steep slopes, 100-year floodplain, and wetlands.

The approved basic plan (A-9738-C) includes the following consideration applicable to the review of this preliminary plan of subdivision as it relates to park facilities:

Consideration 7 states: **The applicant shall designate 17+ acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This parkland will also provide active neighborhood recreation opportunities. The entrance for the 17+ acres shall have a minimum 200-foot frontage on the primary roadway.**

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The applicant is proposing the dedication of approximately 120 acres of parkland, which include 15 acres of unencumbered, developable land suitable for active recreation. This developable acreage contains well over 200 feet of frontage on Dressage Drive, the primary roadway for this subdivision. The proposed frontage should remain and not be reduced through the approval of any future specific design plan.

The following Conditions 4, 7, 11, 12 and 31 were approved as part of Comprehensive Design Plan CDP-0701 and relate to park and recreation issues of note:

- 4.b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizen’s Association on the nature of the recreational facilities to be constructed on the land to be conveyed for a community park.**
- 7. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit “A”. Prior to certificate approval of the TCP I, DPR shall review and approve the location and amount of tree-conservation on dedicated parkland.**
- 11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master planned trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.**
- 12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master planned trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.**
- 31. The applicant shall meet and work with M-NCPPC Park and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.**

The preliminary plan proposes the dedication and donation of land in excess of 120 acres which includes 15 acres of developable land for active recreation along Dressage Drive. The 15 acres of developable land are surrounded by the residential development and are centrally located within the community. This portion of the dedicated parkland will be

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affected by grading on residential lots and road construction. As a part of the development of the site the applicant will rough grade the future community park area in phase with development to establish appropriate drainage patterns for the entire central core which includes the community park area. This will help to minimize future disturbance of the residents during construction of the park. The community park is envisioned to be available to the residents as an open play area until the construction of facilities occurs. In accordance with Condition 31 of the CDP the applicant will be contributing approximately \$205,000 dollars toward the construction of the recreation facilities on Parcel E over the course of the development of this subdivision. DPR will work with the community in developing the amenities package for the public park and envision the construction of the park to be a public/private partnership with CIP funds being available in the future.

A portion of the master planned trail is proposed along the south side of Dressage Drive which is an extension of the Dower House Branch trail that will extend across Frank Tippet Road from the south property line of the Corner Stone Baptist Church (4-04117) property. It is designated as a Stream Valley Park on the approved 2009 master plan for Subregion VI. This portion of the stream valley is a major east-west connection to the existing Rosaryville State Park to the east. The trail construction should occur in phase with Dressage Drive construction. The conceptual location of the proposed trail along the road is shown on DPR Exhibit A, and is reflected on the preliminary plan. In addition, during the construction of Dressage Drive the applicant shall construct a curb cut for the future vehicular access to the community park. The TCPI plan shows that the tree-preservation would not impact the future development of the dedicated parkland (Parcel E) as anticipated by the master plan and previous approvals.

The applicant has worked diligently to attain the goals and vision of the master plan, Subdivision Regulations and the previous approvals for this project. The dedication of 120 acres of parkland, as part of a future recreational center and Piscataway Creek and Dower House Pond Branch will enhance the development and the community at large. In addition, the grading of the parkland in preparation for the future construction of the recreational park and construction of the portion of the master planned trail along proposed Dressage Drive will enhance pedestrian circulation and recreational component of the development and the surrounding community.

~~*[7. **Parks**—Staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced comprehensive design plan. Staff review considered the recommendations of the approved Basic Plan A-9738-C, the Subregion VI Master Plan, the Prince George’s County Approved General Plan, the Land Preservation and Recreational Program for Prince George’s County, current subdivision regulations and existing conditions in the vicinity of the proposed development.~~

Comprehensive Design Zone Findings

Section 27-511 of the Zoning Ordinance states that the purposes of the R-S Zone are to

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~~“Establish (in the public interest) a plan implementation zone, in which (among other things):~~

- ~~• Permissible residential density is dependent upon providing public benefit features and related density increment factors and;~~
- ~~• The location of the zone must be in accordance with the adopted and approved General Plan, master plan or public urban renewal plan;~~
- ~~• Encourage amenities and public facilities to be provided in conjunction with residential development.”~~

~~The R-S Zone allows a base residential density of 1.6 dwelling units per gross acre. This subdivision is proposing a residential density of approximately 1.2 units per acre, lower than the allowable base density under the R-S zone. The applicant is not required to provide additional public benefit features at this density. However, the applicant proposes dedication of “open space” to M-NCPPC for public parkland.~~

Master Plan Findings

~~The Subregion VI Master Plan designates a 50-acre floating park symbol located within the southern portion of this subdivision in between the Dower House Pond Branch and Piscataway Creek stream valleys to serve the active recreational needs of the surrounding community. In addition, both the Piscataway Creek and Dower House Pond Branch stream valleys are designated on the master plan as Stream Valley Parks.~~

~~The Piscataway Creek and Dower House Pond Branch stream valleys are critical connections for the stream valley park system. Dower House Pond Valley Branch is part of a future stream valley trail system envisioned to connect the Potomac and Patuxent Rivers via Rosaryville State Park. M-NCPPC has been successful in recent years in acquiring several adjacent sections of the Dower House Pond Branch and Piscataway Stream Valley to accommodate this future connection.~~

General Plan Findings

~~The applicant is proposing 409 single-family dwelling units. Using current occupancy statistics for single-family dwelling units, the development will provide approximately 1,198 new residents. The Approved 2002 Prince George’s County General Plan recommends the provision of 15 acres of M-NCPPC local parkland (or the equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parks per 1,000 population. Given the size of this project, 24 acres of Regional Parkland and 18 acres of local M-NCPPC parkland is required to serve this community.~~

Basic Plan Findings

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The following considerations were approved as part of Basic Plan A-9738-C.

Consideration 7 of the above mentioned basic plan states: The applicant shall designate 17⁺ acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by The Maryland National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This parkland will also provide active neighborhood recreation opportunities. The entrance for the 17⁺ acres shall have a minimum 200-foot frontage on the primary roadway.

Consideration 8 of the above mentioned basic plan states: The stormwater management facility may be located on park dedication land providing the facility is designated as a multipurpose wet pond and upgraded with landscaping and recreational amenities.

The applicant is proposing the dedication of approximately 122 acres of parkland, which include 19 acres of unencumbered, developable land suitable for active recreation. This developable acreage contains well over 200 feet of frontage on the Dressage Drive, the primary roadway for this subdivision.

Basic Plan Finding

The following condition was approved as part of Basic Plan A-9738-C.

8. ——— Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet Prince George’s County recreational requirements and for incremental increases.

DPR does not have the option of acquiring this land as the Merrymount Equestrian Center is currently active and the “designated” area is being used for pasture land for the horses associated with the center. The applicant is meeting mandatory dedication requirements and master plan recommendations by providing 122 acres of land to service the community for active and passive recreation at this location.

M-NCPPC is currently servicing the needs of the equestrian community in the southern portion of the county through the operation of Prince George’s Equestrian Center at

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Showplace Arena, located approximately a 12 minute drive from this site. M-NCPPC is not planning to operate another equestrian center and does not have the resources to do so. There is no evidence that Merrymount Equestrian Center is discontinuing operation and the applicant is currently allowing the “designated” area for use associated with the equestrian center. We therefore believe that the applicant has met parkland requirements for this subdivision with conveyance of land located outside of the “designated” equestrian area.

Subdivision Ordinance Findings

The statutory requirements of subdivision section 24-134 require that the applicant provide 17 acres of land suitable for active recreation based on the density and acreage of this subdivision. The applicant is providing approximately 19 acres of developable parkland and an additional 103 acres including tree preservation, steep slopes, 100-year floodplain and wetlands.

General Findings

DPR staff met with the applicant on April 25, 2008 and discussed the need for parkland for active and passive recreation as per the master plan and General Plan requirements. Staff recommended that the 50-acre master-planned community park could be accommodated through the dedication of the stream valleys as well as 30 acres within the center of this project area to be used for active recreation.

On June 10, 2008, the applicant presented a plan showing the dedication of 122+ acres of parkland including 19 developable acres along Dressage Drive. The applicant is proposing that a portion of the park parcel be placed in a tree conservation easement to accommodate their on-site requirements. DPR has agreed to allow tree conservation on property to be conveyed to M-NCPPC with the condition that the tree conservation will not affect the planned recreational facilities on dedicated parkland. DPR staff prepared a concept plan for the development of the future park and trail system and determined that the tree-preservation area as proposed by the applicant was unacceptable to DPR as it encumbered too much developable area. Staff has amended the tree conservation limits to eliminate impacts to the future recreational facilities. These changes can be seen on DPR Exhibit “A”.

In addition to tree preservation within the active park, the applicant is proposing some tree preservation along the southern bank of the Dower House Pond Branch within the proposed parkland. DPR staff amended the tree preservation area along the Dower House Pond Branch along the rear lots facing Piaffe Circle and Snaffle Court. This area was originally designated to be conveyed to the HOA as tree preservation. DPR staff is recommending dedication of this area to M-NCPPC to accommodate the future master-planned trail. Tree conservation at this area will be adjusted to provide space for the master-planned trail. DPR is recommending that tree preservation be reduced by 20 feet away from the floodplain area to allow DPR to field locate and maintain this trail in the

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future.

CONCLUSION

~~DPR staff and the applicant have worked diligently to attain the goals and vision of the master plan, subdivision ordinance and previous approvals for this project. Staff is pleased with the result and believes that the provision of a community and stream valley park system will greatly enhance the future recreational needs of the community and serve future residents as the surrounding area continues to grow.]~~

- *10. Trails—Stream valley trails are proposed along both Piscataway Creek and Dower House Branch. Frank Tippett Road is designated as a master plan bike/trail corridor. Piscataway Creek is one of the major stream valley trail corridors in southern Prince George’s County and is envisioned as part of a “cross-county” trail that would also utilize Charles Branch. Together, the Piscataway Creek Trail and Charles Branch Trail will ultimately provide access from the Patuxent River to the Potomac River. M-NCPPC owns land along the stream valley both to the north and south of the subject site. The applicant is donating land along both stream valleys at this time. The trail construction will be provided through future Capital Improvement Program projects. The master plan trail along Dower House Branch will provide for equestrian access to the existing facilities at Rosaryville State Park, as well as serve other trail users.

It should also be noted that the property immediately to the west of the subject site includes an extensive network of natural surface trails and is owned by Maryland Environmental Services. When the Piscataway Creek Trail is completed, it may be appropriate to consider trail access to those trails from the master plan trail. Exhibit 44 from approved Basic Plan A-9738-C requires the provision of an equestrian trail crossing to existing trails on the Maryland Environmental Services site. This connection can be provided at the time of construction of the Piscataway Creek Trail. Exhibit 44 is a November 10, 1988 memorandum from the Trails Coordinator to the Zoning Section, both of the M-NCPPC.

Frank Tippett Road is also designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage, and either a paved shoulder or wide outside curb lane. Where frontage improvements have been made along Frank Tippett Road, a standard sidewalk has been provided. Existing subdivisions in the corridor include standard sidewalks along both sides of all internal roads both to the north and south of the subject application. This includes Williamsburg Drive, which extends to the boundary of the subject site.

Approved Basic Plan A-9738-C included numerous conditions of approval and considerations regarding trail facilities. Conditions of approval relating to trail facilities including the following:

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- 5.e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.
- 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.
- 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.
- 8. Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet County recreational requirements and for incremental increases.

Basic Plan A-9738-C also included the following considerations regarding trail facilities:

- 5. The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site’s central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.
- 6. Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.

A large component of the planned trail network for the site will be comprised of the stream valley trails. These trails will provide access to the surrounding trails network, including other stream valley trails in Southern Prince George’s County. In addition, the planned trail along Dower House Branch will provide trail access to the natural surface hiking, mountain bike, and the equestrian trails in Rosaryville State Park. Piscataway Creek will provide access to developing residential communities in the stream valley to the southwest, as well as Cosca Regional Park.

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The Basic Plan also references Exhibit 44 which is a November 10, 1988 memorandum from Bruce Hancock to Helen Payne on A-9738. Basic Plan A-9738-C Condition 5.e. required that all trails be in conformance with Exhibit 44. In summary, Exhibit 44 made the following recommendations:

a. Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the equestrian center for equestrian uses.

This is reflected on the approved plans and appropriate agreement between the involved parties is referenced in the conditions of approval.

b. East-West Trail.

This trail connection will begin at the Equestrian Center and extend across the property's northern edge. This trail is reflected on the approved plans and will be constructed by the applicant.

c. Piscataway Creek Trail.

The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated in more detail to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail at the time it is constructed through M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.

d. Trail connection to Maryland Environmental Services.

Exhibit 44 reads: "The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream."

e. Dower House Branch Trail.

The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. The Department of Parks and Recreation anticipates that this trail will be constructed via a CIP project. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Branch will be the primary route to the state park, although some informal connections may continued to be used.

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f. Tributary Trail.

Exhibit 44 also requires a trail along the tributary running from Dower House Branch to behind the Equestrian Center. The submitted plans include this trail and will be constructed by the applicant.

Approved CDP-0701 includes conditions of approval regarding pedestrian and trail facilities. These conditions addressed internal sidewalk connections, Frank Tippett Road, internal trail connections, and the master plan trails. Conditions 8–14 of approved CDP-0701 are below:

- 8. Provide a standard sidewalk along the subject site’s entire frontage of Frank Tippett Road, unless modified by DPW&T.**
- 9. The applicant, and the applicant’s heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**
- 10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**
- 11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.**
- 12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.**
- 13. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.**
- 14. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and**

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covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.

It should be noted that the Tributary Trail follows a largely established equestrian trail corridor, while the East-West Trail will be a new trail extension of that existing equestrian trail. Improvements to the Tributary Trail will only involve improvements to bring it into conformance with the *Park and Recreation Facilities Guidelines* as set forth in Exhibit 44 of the Basic Plan. Construction of the East-West Trail shall also be in conformance with these guidelines. In addition, the trail along Dressage Drive which extends north from Dressage Drive to Merrymount on HOA land should include accommodations for equestrians from Frank Tippet Road to the private Tributary Trail which is intended to serve Merrymount and the HOA. This will also accommodate equestrian users riding to and from Rosaryville State Park from Merrymount. The equestrian component adjacent to the 10-foot wide hiker biker trail along Dressage Drive from Frank Tippet Road will serve the public with access to the Piscataway and Dower House stream valley trails on public land (M-NCPPC), and the new public park on Parcel E.

The Dower House Branch and Piscataway Creek are the major master plan trail corridors in the area and will accommodate the majority of the trail users traveling to Rosaryville State Park and other regional trail destinations. The Tributary Trail and East-West Trail will be on Homeowner’s Association land and will service the residents of the subject application and users of the Merrymount Equestrian Center. Signage should be required at the time of SDP indicating that these connections are not open to the general public and are for the use of the Merrymount Equestrian Center and the homeowners.

At the Planning Board hearing for this case, the method of notification to the public that the Tributary and East-West trails are private was a concern. Gating of the entrances from the general public may be appropriate but will be evaluated with the first SDP. The applicant and staff should be prepared to discuss appropriate measures for notice to future homeowners of the future trail locations (both private and public), and maintaining private access to the tributary and east-west trail for the HOA and the Merrymount Equestrian Center. Signage alone may not be adequate.

The subject application is in conformance with Condition 5.e. of approved Basic Plan A-9738-C due to the required construction of the East-West Trail, the Tributary Trail, and the dedication of land to the M-NCPPC Department of Parks and Recreation (DPR) to accommodate the future provision of master plan trails along both Piscataway Creek and Dower House Branch. The portions of the Tributary Trail and East-West Trail that are outside of the Equestrian Center Plan (Exhibit A) will be maintained by the homeowner’s association. The facilities within the equestrian center (as defined in Exhibit A) are covered under the July 12, 2008 covenanted agreement between TLBU Foundation, Inc. and Merrymount Equestrian Center.

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~~*[8. — **Trails** — The Adopted and Approved Subregion VI Master Plan identifies three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Pond. And, Frank Tippet Road is designated as a master plan bike/trail corridor.~~

~~Piscataway Creek is one of the major stream valley trail corridors in southern Prince George's County and is envisioned as part of a "cross county" trail that would also utilize Charles Branch. Together, the Piscataway Creek Trail and Charles Branch Trail will ultimately provide access from the Patuxent River to the Potomac River. M-NCPPC owns land along the stream valley both to the north and south of the subject site. Decisions regarding land dedication and trail construction will be made by the Department of Parks and Recreation. However, it should be determined that DPR has buildable land free of wetlands or other environmental constraints to construct the master plan trail. It appears that DPR will be requiring land dedication at this time and that the trail will be provided through a future Capital Improvement Program project.~~

~~The master plan trail along Dower House Pond Branch will provide for equestrian access to the existing facilities at Rosaryville State Park, as well as serve other trail users. Decisions regarding trail construction and land dedication are deferred to the Department of Parks and Recreation. It appears that DPR will be requiring land dedication at this time and that the trail will be provided through a future Capital Improvement Program (CIP) project.~~

~~It should also be noted that the property immediately to the west of the subject site includes an extensive network of natural surface trails and is owned by Maryland Environmental Services. When the Piscataway Creek Trail is completed, it may be appropriate to consider trail access to these trails from the master plan trail. Exhibit 44 from approved Basic Plan A-9738-C requires the provision of an equestrian trail crossing to existing trails on the Maryland Environmental Services site. This connection can be provided at the time of construction of the Piscataway Creek Trail.~~

~~Frank Tippet Road is also designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and either a paved shoulder or wide outside curb lane. Where frontage improvements have been made along Frank Tippet Road, a standard sidewalk has been provided. Existing subdivisions in the corridor include standard sidewalks along both sides of all internal roads both to the north and south of the subject application. This includes Williamsburg Drive, which extends to the boundary of the subject site.~~

~~BASIC PLAN CONDITIONS:~~

~~Approved Basic Plan A-9738-C included numerous conditions of approval and considerations regarding trail facilities. The conditions of approval include the following:~~

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- ~~5 e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.~~
- ~~6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.~~
- ~~7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.~~
- ~~8. Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.~~

~~Basic Plan A-9738-C also included the following considerations regarding trail facilities:~~

- ~~5. The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site’s central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.~~
- ~~6. Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.~~

~~A large component of the planned trail network for the site will be comprised of the stream-valley trails. These trails will provide access to the surrounding trails network, including other stream valley trails in Southern Prince George’s County. In addition, the planned trail along Dower House Pond Branch will provide trail access to the natural surface hiking, mountain bike, and the equestrian trails in Rosaryville State Park. Piscataway Creek will provide access to developing residential communities in the stream valley to the southwest, as well as Cosca Regional Park. Internal trails providing access within the community need to be evaluated to supplement the sidewalk network and provide trail access within the community, to on-site recreational facilities, and to the master-plan trails.~~

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EXHIBIT 44:

The basic plan also references Exhibit 44 which is a November 10, 1988 memorandum from Bruce Hancock to Helen Payne on A-9738. Basic Plan A-9738-C Condition 5e required that all trail be in conformance with Exhibit 44. In summary, Exhibit 44 made the following recommendations:

- a. ~~Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the equestrian center for equestrian uses. This is reflected on the submitted plans and appropriate agreement between the involved parties is referenced in the conditions of approval.~~
- b. ~~East West Trail. This trail connection will begin at the Equestrian Center and extend across the property's northern edge. This trail is reflected on the submitted plans and will be constructed by the applicant.~~
- c. ~~Piscataway Creek Trail. The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated in more detail to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail at the time it is constructed through a M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.~~
- d. ~~Trail connection to Maryland Environmental Services. Exhibit 44 reads, "The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream."~~
- e. ~~Dower House Branch Trail. The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. The Department of Parks and Recreation anticipates that this trail will be constructed via a CIP project. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Pond Branch will be the primary route to the state park, although some informal connections may continued to be used.~~
- f. ~~Tributary Trail. Exhibit 44 also requires a trail along the tributary running from Dower House Pond Branch to behind the Equestrian Center. The submitted plans include this trail and will be constructed by the applicant.~~

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~~Staff finds that the subject application is in conformance with Condition 5e of approved Basic Plan A-9738-C due to the required construction of the East West Trail, the Tributary Trail, and the dedication of land to The M-NCPPC Department of Parks and Recreation to accommodate the future provision of master plan trails along both Piscataway Creek and Dower House Pond Branch. However, conformance to basic plan, condition 6, could result in a modification to the trail locations on the subject property.]~~

*11. Transportation—On May 14, 1990, the District Council approved Basic Plan A-9738-C, with conditions and considerations, in Zoning Ordinance 25-1990. This enacted a rezoning of 342.4 acres of land from R-R and R-A to the R-S Zone. The approval of the basic plan by the District Council contained 9 conditions and 16 considerations pertaining to transportation:

a. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.

b. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.

TRAFFIC STUDY ANALYSIS

A December 16, 2007, traffic study in support of the preliminary plan of subdivision was reviewed. The study identified the following intersections as the ones on which the proposed development would have the most impact:

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EXISTING CONDITIONS		
<u>Intersection</u>	<u>AM</u>	<u>PM</u>
	<u>(LOS/CLV)</u>	<u>(LOS/CLV)</u>
<u>MD 223 & Dowerhouse Road</u>	<u>B/1018</u>	<u>D/1384</u>
<u>MD 223 & Rosaryville Road</u>	<u>D/1311</u>	<u>F/1910</u>
<u>Rosaryville Road & Frank Tippett Road</u>	<u>C/1213</u>	<u>A/738</u>
<u>US 301 & Frank Tippett Road</u>	<u>A/984</u>	<u>C/1225</u>
<u>Rosaryville Road & Haislip Road **</u>	<u>C/15.7 seconds</u>	<u>B/11.4 seconds</u>
<u>Rosaryville Road & Gambier Drive **</u>	<u>E/43.4 seconds</u>	<u>C/22.7 seconds</u>
<u>Rosaryville Road & Williamsburg Drive**</u>	<u>F/62.4 seconds</u>	<u>F/56.7 seconds</u>
<u>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1450 or less is deemed acceptable as per the <i>Guidelines</i></u>		

The study cited twelve approved background developments that collectively, will impact the above intersections during the morning and evening peak hours. Additionally, a regional growth rate of 1 percent was applied to the through traffic for two years, to reflect a 2011 build-out. A second analysis of the background developments (which included growth factor) was done, and revealed the following results:

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BACKGROUND CONDITIONS		
<u>Intersection</u>	<u>AM</u>	<u>PM</u>
	<u>(LOS/CLV)</u>	<u>(LOS/CLV)</u>
<u>MD 223 & Dowerhouse Road</u> <u>With eastbound right turn lane</u>	<u>-</u> <u>C/1189</u>	<u>-</u> <u>D/1438</u>
<u>MD 223 & Rosaryville Road</u> <u>With CIP Improvements</u>	<u>F/1700</u> <u>D/1303</u>	<u>F/2375</u> <u>C/1367</u>
<u>Frank Tippett & Rosaryville Road</u> <u>With northbound double lefts</u>	<u>E/1472</u> <u>B/1135</u>	<u>B/1047</u> <u>A/853</u>
<u>US 301 & Frank Tippett Road</u>	<u>B/1100</u>	<u>D/1332</u>
<u>Rosaryville Road & Haislip Road **</u>	<u>B/19.2 seconds</u>	<u>B/14.5 seconds</u>
<u>Rosaryville Road & Gambier Drive **</u>	<u>F/139 seconds</u>	<u>F/86.2 seconds</u>
<u>Rosaryville Road & Williamsburg Drive **</u>	<u>F/999 seconds</u>	<u>F/999 seconds</u>

Using the “Guidelines for the Analysis of The Traffic Impact of Development Proposals,” the proposed development of 450 single-family units would generate 338 (68 in, and 270 out) AM peak-hour trips and 405 (263 in, 142 out) PM peak-hour trips at the time of full build-out. The study acknowledged the fact that the subject property was previously approved (PGCPB Amended Resolution No. 01-079(A) and Preliminary Plan of Subdivision 4-00064): with a trip cap (all of which are vested) of 253 AM and 320 PM. Given the number of trips that are vested, the test for transportation adequacy would be based on the difference between the generated trips and the vested trips. Consequently, the analyses were based on a net of 85 AM and 85 PM peak-hour trips. While the pending preliminary plan is only required to meet adequacy for 85 AM and PM new trips, in analyzing the traffic data under total condition, all of the traffic associated with the previous development were re-distributed to reflect the change to a single family development.

The numbers of residential units that are currently being proposed are less than the number on which the original traffic study was based. The overall trips based on the reduced dwelling units in combination with the day care center is less than the number of trips that were used in the original traffic study. Preliminary Plan of Subdivision 4-07005 is for the development of 410 single-family units resulting in excess capacity with this

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analysis. Therefore, the development of the day care center on Parcel A, to be retained by the applicant, would be within the capacity analysis contained herein without the need for a new analysis of traffic impact for a day care center of 150 children as provided for in Basic Plan A-9738-C. There is no use proposed on Parcel F. If a use was proposed it would be subject to the trip cap for the development.

As was the case for the background analyses, the study assumed full build-out up to the year 2011. Applying a growth rate of one percent per year for through traffic and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	<u>(LOS/CLV)</u>	<u>(LOS/CLV)</u>
<u>MD 223 & Dowerhouse Road</u> <u>With eastbound right turn lane</u>	<u>-</u> <u>C/1180</u>	<u>-</u> <u>D/1444</u>
<u>MD 223 & Rosaryville Road</u> <u>With CIP Improvements</u>	<u>F/1617</u> <u>C/1296</u>	<u>F/2372</u> <u>C/1349</u>
<u>Frank Tippett & Rosaryville Road</u> <u>With northbound double lefts</u>	<u>E/1586</u> <u>B/1198</u>	<u>B/1012</u> <u>A/845</u>
<u>US 301 & Frank Tippett Road</u>	<u>B/1116</u>	<u>D/1397</u>
<u>Rosaryville Road & Haislip Road **</u>	<u>B/20.5 seconds</u>	<u>B/13.7 seconds</u>
<u>Rosaryville Road & Gambier Drive **</u>	<u>F/158 seconds</u>	<u>F/74.8 seconds</u>
<u>Rosaryville Road & Williamsburg Drive **</u>	<u>F/999 seconds</u>	<u>F/999 seconds</u>
<u>Frank Tippett Road & North Site Access</u>	<u>E/47.1 seconds</u>	<u>E/35.8 seconds</u>
<u>Frank Tippett Road & South Site Access</u>	<u>C/19.7 seconds</u>	<u>C/20.1 seconds</u>

Based on the results shown in the aforementioned table, all of the intersections were shown to operate at adequate levels of service, with the exception of:

- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg

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In light of the projected operation of the two unsignalized intersections, the traffic study acknowledged the need for traffic signal warrant studies. It also concluded that with all of the CIP funded improvements along Piscataway/Woodyard Road (MD 223), plus the provision of an additional left-turn lane on the northbound approach to the Frank Tippett Road-Rosaryville Road intersection, that the proposed development will satisfy the county's transportation adequacy requirements.

PLAN COMMENTS

The Planning Board concurs with the traffic study findings and conclusions as they pertained to the analyses of the various intersections. In addition, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a February 7, 2008 memorandum to staff (Issayans to Burton), the DPW&T appears to be in general agreement with the study conclusions. The DPW&T offered the following recommendations:

- a. Acceleration lanes must be provided on Frank Tippett Road at both proposed Site Access points.
- b. A left-turn lane should be provided in the northbound direction of Frank Tippett Road at each of the proposed Site Access points.
- c. At the intersection of Frank Tippett Road and Crain Highway (US 301), a free right/channelized right turn should be provided for the eastbound Frank Tippett Road approach.
- d. Queuing analysis be performed to determine the necessary storage bay length needed for the northbound left turn movement at Crain Highway (US 301) and Frank Tippett Road. Based on the projected AM peak-hour volumes, the existing storage length does not appear to be adequate.
- e. A 275-foot storage bay plus a 120-foot taper should be provided for the northbound left-turn movement from Piscataway/Woodyard Road (MD 223) onto Dower House Road. Based on the projected AM peak-hour volumes, the existing storage length does not appear to be adequate.
- f. A 475-foot left-turn bay plus a 120-foot taper should be provided on the northbound Frank Tippett Road approach at Rosaryville Road.
- g. Signal warrant analysis should be performed for the intersections of Rosaryville Road at Gambier Drive and Rosaryville Road at Williamsburg Drive.

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In a February 12, 2008 memorandum to staff (Foster to Burton), the State Highway Administration (SHA) also expressed its concurrence with all of the traffic study findings regarding adequacy. SHA noted however, that the subject application will generate more traffic than its approved predecessor will, and pro rata contribution will be required of the applicant.

TRANSPORTATION FINDINGS

The application is a preliminary plan of subdivision for a single-family residential development consisting of 450 units. The proposed developments would generate 338 (68 in, and 270 out) AM peak-hour trips and 405 (263 in, 142 out) PM peak-hour trips at the time of full build-out, as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual* (7th edition).

The traffic generated by the proposed developments would impact the following intersections and links:

- MD 223 & Dowerhouse Road
- MD 223 & Rosaryville Road
- Rosaryville Road & Frank Tippett Road
- US 301 & Frank Tippett Road
- Rosaryville Road & Haislip Road
- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg Drive
- Frank Tippett Road & North Site Access
- Frank Tippett Road & South Site Access

None of the aforementioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007–2012) Prince George’s County *Capital Improvement Program* (CIP) with the exception of the following:

- MD 223 & Dowerhouse Road
- MD 223 & Rosaryville Road

The subject property is located within the Developing Tier as defined in the *General Plan for Prince George’s County*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is

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deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board requires that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the critical intersections identified above, when analyzed with the total future traffic as developed using the *Guidelines*, and ITE's manual, were found to be operating adequately except the following:

- Rosaryville Road & Frank Tippett Road
- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg Drive

In consideration of the findings above, this applicant should be required to provide the following improvements:

At the intersection of Rosaryville Road & Gambier Drive

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T

At the intersection of Rosaryville Road and Williamsburg Drive

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T

At the intersection of Rosaryville Road and Frank Tippett Road

- Provide a 475-foot left-turn bay plus a 120-foot taper on the northbound approach.

The three intersections identified above will operate acceptably as a result of the improvements proffered by the applicant. All of the remaining critical intersections will operate adequately, provided all of the improvements in the traffic study are implemented. The intersections along Piscataway/Woodyard Road (MD 223) at Rosaryville Road and Dowerhouse Road are projected to operate adequately as a result of upgrades that are funded in a county CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, the SHA is still requiring that the applicant participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as conditions of approval in the following Planning Board resolutions:

- Mill Creek, PGCPB Resolution No. 05-232, approved November 3, 2005

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- Brazelton, PGCPB Resolution No. 06-119, approved May 18, 2006

TRANSPORTATION CONCLUSIONS

Adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

*[9. ~~Transportation~~—The approval of basic plan, A-9738-C, by the District Council was predicated on nine (9) conditions and sixteen (16) considerations, including the following pertaining to transportation:

a. ~~No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.~~

b. ~~Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.~~

~~The preliminary plan conforms to these transportation relation conditions through the creation of an internal road system and the provision of a 50-foot buffer along the north boundary.~~

TRAFFIC STUDY ANALYSIS

~~Staff is in receipt of a December 16, 2007, traffic study in support of the Comprehensive Design Plan and Preliminary Plan of Subdivision phases of the subject property's review. The study identified the following intersections as the ones on which the proposed development would have the most impact:~~

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EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road	B/1018	D/1384
MD 223 & Rosaryville Road	D/1311	F/1910
Rosaryville Road & Frank Tippet Road	C/1213	A/738
US 301 & Frank Tippet Road	A/984	C/1225
Rosaryville Road & Haislip Road**	C/15.7 seconds	B/11.4 seconds
Rosaryville Road & Gambier Drive**	E/43.4 seconds	C/22.7 seconds
Rosaryville Road & Williamsburg Drive**	F/62.4 seconds	F/56.7 seconds
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level of service and the intersection delay measured in seconds/vehicle. A level of service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The study cited twelve approved background developments that collectively, will impact the above intersections during the morning and evening peak hours. Additionally, a regional growth rate of one percent was applied to the through traffic for two years, to reflect a 2011 build-out. A second analysis of the background developments (which included growth factor) was done, and revealed the following results:

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BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road <i>With eastbound right turn lane</i>	- <i>C/1189</i>	- <i>D/1438</i>
MD 223 & Rosaryville Road <i>With CIP Improvements</i>	F/1700 <i>D/1303</i>	F/2375 <i>C/1367</i>
Frank Tippett & Rosaryville Road <i>With northbound double lefts</i>	E/1472 <i>B/1135</i>	B/1047 <i>A/853</i>
US 301 & Frank Tippett Road	B/1100	D/1332
Rosaryville Road & Haislip Road **	B/19.2 seconds	B/14.5 seconds
Rosaryville Road & Gambier Drive **	F/139 seconds	F/86.2 seconds
Rosaryville Road & Williamsburg Drive **	F/999 seconds	F/999 seconds

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the proposed development of 450 single-family units would generate 338 (68 in, and 270 out) AM peak-hour trips and 405 (263 in, 142 out) PM peak-hour trips at the time of full build-out. The study acknowledged the fact that the subject property was previously approved (PGCPB-01-079A: 4-00064) with a trip cap (all of which are vested) of 253 AM and 320 PM. Given the number of trips that are vested, the test for transportation adequacy would be based on the difference between the generated trips and the vested trips. Consequently, the analyses were based on a net of 85 AM and 85 PM peak-hour trips. While the pending preliminary plan is only required to meet adequacy for 85 AM and PM new trips, in analyzing the traffic data under total condition, all of the traffic associated with the previous development were re-distributed to reflect the change to a single-family development. The traffic study did not take into account the equestrian facility or daycare uses discussed in the basic plan.

As was the case for the background analyses, the study assumed full build-out up to the year 2011. Applying a growth rate of one percent per year for through traffic and combining the site-generated traffic along with background developments, the following results were determined:

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TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road <i>With eastbound right turn lane</i>	- <i>C/1180</i>	- <i>D/1444</i>
MD 223 & Rosaryville Road <i>With CIP Improvements</i>	F/1617 <i>C/1296</i>	F/2372 <i>C/1349</i>
Frank Tippett & Rosaryville Road <i>With northbound double lefts</i>	E/1586 <i>B/1198</i>	B/1012 <i>A/845</i>
US 301 & Frank Tippett Road	B/1116	D/1397
Rosaryville Road & Haislip Road **	B/20.5 seconds	B/13.7 seconds
Rosaryville Road & Gambier Drive **	F/158 seconds	F/74.8 seconds
Rosaryville Road & Williamsburg Drive **	F/999 seconds	F/999 seconds
Frank Tippett Road & North Site Access	E/47.1 seconds	E/35.8 seconds
Frank Tippett Road & South Site Access	C/19.7 seconds	C/20.1 seconds

Based on the results shown in the aforementioned table, all of the intersections were shown to operate at adequate levels of service, with the exception of:

- ~~_____ Rosaryville Road & Gambier Drive~~
- ~~_____ Rosaryville Road & Williamsburg~~

In light of the projected operation of the two unsignalized intersections, the traffic study acknowledged the need for traffic signal warrant studies. It also concluded that with all of the CIP funded improvements along MD 223, plus the provision of an additional left turn lane on the northbound approach to the Frank Tippett Road Rosaryville Road intersection, that the proposed development will satisfy the county's transportation adequacy requirements.

STAFF REVIEW AND COMMENTS

Upon review of the applicant's traffic study, staff concurs with its findings and conclusions as they pertained to the analyses of the various intersections. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway

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Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a February 7, 2008 memorandum to staff (*Issayans to Burton*), the DPW&T appears to be in general agreement with the study conclusions. It did however, make some recommendations, most of which affect traffic operations. Some of those recommendations are as follows:

- Acceleration lanes must be provided on Frank Tippett Road at both proposed Site Access points.
- A left turn lane should be provided in the northbound direction of Frank Tippett Road at each of the proposed Site Access points.
- At the intersection of Frank Tippett Road and US 301, a free right/channelized right turn should be provided for the eastbound Frank Tippett Road approach.
- We recommend that queuing analysis be performed to determine the necessary storage bay length needed for the northbound left turn movement at US 301 and Frank Tippett Road. Based on the projected AM peak hour volumes, the existing storage length does not appear to be adequate.
- A 275 foot storage bay plus a 120 foot taper should be provided for the northbound left turn movement from MD 223 onto Dower House Road. Based on the projected AM peak hour volumes, the existing storage length does not appear to be adequate.
- A 475 foot left turn bay plus a 120 foot taper should be provided on the northbound Frank Tippett Road approach at Rosaryville Road.
- Signal warrant analysis should be performed for the intersections of Rosaryville Road at Gambier Drive and Rosaryville Road at Williamsburg Drive.

In a February 12, 2008 memorandum to staff (*Foster to Burton*), the SHA also expressed its concurrence with all of the traffic study findings regarding adequacy. SHA noted however, that the subject application will generate more traffic than its approved predecessor will, and pro-rata contribution will be required of the applicant.

TRANSPORTATION FINDINGS

The application is a preliminary plan of subdivision for a single-family residential development consisting of 450 units. The proposed developments would generate 207 (88 in, and 119 out) AM peak hour trips and 677 (350 in, 327 out) PM peak hour trips at the time of full build-out, as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer’s

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~~(ITE) Trip Generation Manual (7th edition). The traffic generated by the proposed developments would impact the following intersections and links:~~

- ~~• MD 223 & Dowerhouse Road~~
- ~~• MD 223 & Rosaryville Road~~
- ~~• Rosaryville Road & Frank Tippett Road~~
- ~~• US 301 & Frank Tippett Road~~
- ~~• Rosaryville Road & Haislip Road~~
- ~~• Rosaryville Road & Gambier Drive~~
- ~~• Rosaryville Road & Williamsburg Drive~~
- ~~• Frank Tippett Road & North Site Access~~
- ~~• Frank Tippett Road & South Site Access~~

~~None of the afore-mentioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007–2012) Prince George's County Capital Improvement Program (CIP) with the exception of the following:~~

- ~~• MD 223 & Dowerhouse Road~~
- ~~• MD 223 & Rosaryville Road~~

~~The subject property is evaluated according to the following standards set for the Developing Tier: **Links and signalized intersections:** Level of service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.~~

~~All of the intersections identified above, when analyzed with the total future traffic as developed using the “Guidelines,” and ITEs Manual, were found to be operating adequately except the following:~~

- ~~• Rosaryville Road & Frank Tippett Road~~
- ~~• Rosaryville Road & Gambier Drive~~
- ~~• Rosaryville Road & Williamsburg Drive~~

~~In consideration of the findings above, this applicant will be required to provide the following improvements:~~

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~~At the intersection of Rosaryville Road & Gambier Drive~~

- ~~• Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.~~

~~At the intersection of Rosaryville Road and Williamsburg Drive~~

- ~~• Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.~~

~~At the intersection of Rosaryville Road and Frank Tippet Road~~

- ~~• Provide a 475-foot left turn bay plus a 120-foot taper on the northbound approach.~~

~~The intersections identified above will operate acceptably as a result of the improvements proffered by the applicant. All of the remaining intersections previously identified above will operate adequately, provided all of the improvements in the traffic study are implemented. The intersections along MD 223 at Rosaryville Road and Dowerhouse Road are projected to operate adequately as a result of upgrades that are funded in a county CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, the SHA is still requiring that the applicant participate in this funding contribution by providing a pro rata contribution.~~

~~A pro rata contribution of \$812.00 per dwelling unit was previously included as conditions of approval in the following Planning Board resolutions:~~

- ~~• Mill Creek, PGCPB No. 05-232, November 3, 2005~~
- ~~• Brazelton, PGCPB No. 06-119, May 18, 2006~~

~~Transportation staff has recommended as part of the approval of CDP-0701 that prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, should pay a pro rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record Highway Construction Cost Index at the time of building permit application*) / (*Engineering News Record Highway Construction Cost Index for the second quarter 2001*). The Planning Board approved CDP-0701 with the recommended conditions.]~~

*12. Schools—The preliminary plan has been reviewed for its impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council

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Bill CB-30-2003 and County Council Resolution CR-23-2003 and the following was found:

Impact on Affected Public School Clusters

<u>Affected School Clusters #</u>	<u>Elementary School Cluster 4</u>	<u>Middle School Cluster 2</u>	<u>High School Cluster 2</u>
Dwelling Units	411 DU	411 DU	411 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	98.64	24.66	49.32
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	179.52	77.10	154.44
Total Enrollment	4,376.16	7,000.76	10,979.56
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	105.70%	110.14 %	107.07%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

The above analysis was prepared based on a 411-lot preliminary plan which has subsequently been revised to 410 lots.

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The project meets the adequate public facilities policies for school facilities contained in Section 24-122.02 of the Subdivision Regulations and County Council Bills CB-30-2003 and CB-31-2003, and County Council Resolution CR-23-2003.

*[10. ~~School~~—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02

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of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	411 DU	411 DU	411 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	98.64	24.66	49.32
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Cumulative Enrollment	179.52	77.10	154.44
Total Enrollment	4,376.16	7,000.76	10,979.56
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	105.70%	110.14 %	107.07%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Special Projects Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.]

- *13. Fire and Rescue—The preliminary plan has been reviewed for the adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations for the nonresidential and residential uses proposed with this application.

RESIDENTIAL

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This preliminary plan is within the required 7-minute response time for the first due fire station Clinton Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn fire and rescue personnel staffing levels. The fire chief has reported that the department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

NONRESIDENTIAL

The existing fire engine service at Upper Marlboro Fire Station, Company 45 located at 7710 Croom Road, Upper Marlboro, Maryland, has a service travel time of 3.25 minutes, which is within the 3.25-minutes travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road, Clinton, Maryland, has a service travel time of 5.68 minutes, which is within the 7.25-minutes travel time guideline.

The existing ladder truck service at Upper Marlboro Fire Station, Company 45 located at 7710 Croom Road, Upper Marlboro, Maryland, has a service travel time of 3.25 minutes, which is within the 4.25-minutes travel time guideline.

~~*[11. **Fire and Rescue**—The Special Projects Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B) (E) of the Subdivision Ordinance. Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station Clinton Company #25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.]~~

*14. **Police**—The subject property is located in Police District V. The following evaluation was made for the residential and nonresidential uses proposed with this application:

RESIDENTIAL

The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 3, 2008.

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<u>Reporting Cycle</u>	<u>Previous 12 Month Cycle</u>	<u>Emergency Calls</u>	<u>Nonemergency Calls</u>
<u>Acceptance Date</u> <u>March 3, 2008</u>	<u>February 2007-</u> <u>February 2008</u>	<u>10 minutes</u>	<u>12 minutes</u>

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met March 11, 2008. The police chief has reported that the department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

NON-RESIDENTIAL

The police facilities test is performed on a countywide basis for non-residential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2008 (U.S. Census Bureau) county population estimate is 820,520. Using the 141 square feet per 1,000 residents, it calculates to 115,693 square feet of space for police. The current amount of space, 267,660 square feet, exceeds the guideline and is adequate.

~~*[12. **Police**—The subject property is located in Police District V. The response time standard is 10 minutes for priority calls and 25 minutes for nonpriority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 3, 2008.~~

<u>Reporting Cycle</u>	<u>Previous 12 Month Cycle</u>	<u>Priority Calls</u>	<u>Non-priority Calls</u>
<u>Acceptance Date</u> <u>March 3, 2008</u>	<u>2/07—2/08</u>	<u>10 minutes</u>	<u>12 minutes</u>

~~The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met March 11, 2008. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.]~~

~~*15. **Stormwater Management**—A Stormwater Management Concept Plan No. 8327602-2000-04 was approved by the DPW&T on February 9, 2007, and remains valid until February 9, 2010. Copies of the stormwater management concept approval, CSD No. 8327602-2000-04, letter and plan were submitted with this application. Development of the site should be in accordance with this approved plan and any subsequent revisions.~~

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- *16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision. A site visit did not detect any wells, or septic tanks and recovery fields on site. However, as noted on the preliminary plan any abandoned shallow wells should be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of any raze permit. Any abandoned septic tank found within the confines of the property should be backfilled after a licensed scavenger has pumped it out.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources (DER). Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

- ~~*[13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that any abandoned shallow wells found within the confines of the TLBU property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. Any abandoned septic tank found within the confines of the property must be backfilled after a licensed scavenger has pumped it out. The location of the septic system should be located on the preliminary plan. The location should be indicated on the preliminary plan. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources (DER), Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed. A note should be affixed to the preliminary plan that requires that the structure is to be razed and the well properly abandoned before the release of the grading permit.]~~

- *17. **Historic Preservation**—The Historic Preservation Commission (HPC) reviewed this application and associated comprehensive design plan in March 2008. At that time, the HPC provided findings, conclusions and recommended conditions to the Planning Board.

The subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site 82A-017, located at 8801 Frank Tippett Road (Tax Map 118 A-2)). The Joshua Turner House, built in 1880s, is a two-and-one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th century country house of a successful business, and its fine Queen Anne style decorative detail. The Historic Site's Environmental Setting includes all of Parcel 91.

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The Turner House Historic Site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is currently proposed for development through the subject application. Great concern was expressed at the March 19, 2008 HPC meeting about the viability of the equestrian operation so close to a dense residential development, even if Parcel F adjacent to the Joshua Turner House continues as open space.

As currently proposed on the subject plan, the applicant's street names are based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as the Merrymount equestrian facility.

The subject plan calls for future residential development in the vicinity of the Joshua Turner House (Historic Site 82A-017). As a result, this portion of the development may have a direct visual impact on the Historic Site and its Environmental Setting. Therefore, the specific design plan for this portion of the proposed development should address the buffering requirements of the *Prince George's County Landscape Manual*, the street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

The use of the Joshua Turner House Historic Site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the 18th century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide tangible connections to it through a network of pedestrian and equestrian trails and employ street names that are commemorative the county's equestrian heritage. Every effort should be made to assure the protection of the equestrian facility.

Archeology

Piscataway Creek runs along the western boundary and Dower House Pond Branch runs along the southeastern boundary of the subject property. A north-south watercourse flows through the eastern portion of the subject property and empties into Dower House Pond Branch in the east-central portion of the property. There are several flat terraces located above these water courses. Prehistoric sites have been found in similar settings and the probability of identifying prehistoric archeological resources is moderate to high.

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The subject property was once part of the 550-acre Joshua Turner farm. There are no houses shown on this property in the 1861 Martenet Map or the 1878 Hopkins Map. However, these were subscription maps and only show the locations of paying subscribers. Two possible houses appear on the 1894 Hopkins Map. In the early 20th century the Turner farm contained three tenant houses and at least two barns. A 1930s sale notice by Leo J. Long, a subsequent owner, notes that there were 4 houses on the property, 3 barns, corn cribs, tool houses, garages, hen houses, a dairy house, meat house, wood shed, hog pens, and land suitable for tobacco, truck, and general farming. Many of these structures were probably concentrated near the Turner farmhouse; however, many of them may have been located just outside of the Historic Site's current Environmental Setting. The subject property also may have been the site of an earlier historic occupation, as it was once part of the early "His Lordship's Kindness" and "Mount Airy" land grants.

Nine archeological sites have been identified within a one-mile radius of the subject property. Eight of the sites date to the historic period and one site (18PR563) consists of a prehistoric lithic scatter. Three of these sites (18PR136, 18PR221, and 18PR439) contain late 17th or 18th century artifacts and indicate this area was settled during an early period in the County's history. The subject property is also within a one-mile radius of Mount Airy (Historic Site 82A-016), His Lordships Kindness/Poplar Hill (Historic Site 81A-001), and Mill Site (Historic Resource 81A-002).

Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or permits are required for a project as is the case with this application.

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01 of the Subdivision Regulations, Historic Preservation staff recommended that the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Phase I archeological investigations were conducted in May 2009 on the subject property. Four copies of the final Phase I report were submitted and were approved by Historic Preservation staff on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early 20th century domestic site; site 18PR972 consists of the ruins of a 20th century tenant farmer house and adjacent barn; and site 18PR973 is a dense scatter of brick that likely represents a 19th century tobacco barn that had been destroyed

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by the late 20th century. No further work was recommended on any of the archeological sites. Staff concurs that no additional archeological work is necessary on sites 18PR972 and 18PR973.

The Planning Board does not concur with the report's conclusion that no additional work is necessary on site 18PR971. Site 18PR971 represents a late 19th to early 20th century tenant house, a type of property well represented but not well studied archeologically, in Prince George's County. A Phase II investigation will be conducted on site 18PR971 and 18PR996 to determine if any intact cultural deposits or features are present. A Phase II work plan should be submitted to Historic Preservation staff prior to beginning any work.

The area in the southeastern portion of Field F2 where brick and some 19th century domestic material was found (in the location of transects YA through YC of the archeological survey), constitutes an archeological site (staff found a piece of undecorated pearlware and an olive green wine bottle neck during site visits in the area where the brick pieces were identified in the shovel test pit survey). The applicant's archeological consultant has recorded the brick fragments and associated 19th century artifacts as an archeological site designated 18PR996. Although the subject property was not the primary residence of any of the 18th or 19th century owners, it is likely that tenant houses or slave quarters were located on the subject property. The Calverts, Brookes, and Sewalls, who owned the property during the course of the 18th and 19th centuries, were all large slave holders. These types of sites leave few physical remains or extensive artifact scatters that are visible on the surface. However, subsurface features may still exist. This sparse scatter of brick and domestic material may represent one such site. Several 1-x-1 m test units should be excavated in this area to confirm the presence or absence of subsurface features. This work shall be included in the Phase II work plan.

~~*[14. **Archeology**— Piscataway Creek runs along the western boundary and Dower House Pond Branch runs along the southeastern boundary of the subject property. A north-south watercourse flows through the eastern portion of the subject property and empties into Dower House Pond Branch in the east-central portion of the property. There are several flat terraces located above these water courses. Prehistoric sites have been found in similar settings and the probability of identifying prehistoric archeological resources is moderate to high.~~

~~The subject property was once part of the 550-acre Joshua Turner farm. There are no houses shown on this property in the 1861 Martenet Map or the 1878 Hopkins Map. However, these were subscription maps and only show the locations of paying subscribers. Two possible houses appear on the 1894 Hopkins Map. In the early 20th century the Turner farm contained three tenant houses and at least two barns. A 1930s sale notice by Leo J. Long, a subsequent owner, notes that there were 4 houses on the property, 3 barns, corn cribs, tool houses, garages, hen houses, a dairy house, meat house, wood shed, hog pens, and land suitable for tobacco, truck, and general farming. Many of these structures~~

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were probably concentrated near the Turner farmhouse; however, many of them may have been located just outside of the historic site's current environmental setting. The subject property also may have been the site of an earlier historic occupation, as it was once part of the early "His Lordship's Kindness" and "Mount Airy" land grants.

Nine archeological sites have been identified within a one-mile radius of the subject property. Eight of the sites date to the historic period and one site (18PR563) consists of a prehistoric lithic scatter. Three of these sites (18PR136, 18PR221, and 18PR439) contain late 17th or 18th century artifacts and indicate this area was settled during an early period in the County's history. The subject property is also within a one-mile radius of Mount Airy (Historic Site #82A-016), His Lordships Kindness/Poplar Hill (Historic Site No. 81A-001), and Mill Site (Historic Resource No. 81A-002).

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

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. CDP-0701 condition 15 requires the completion of the Phase I archeological study prior to certificate approval of the CDP. As of the writing of this staff report, a Phase I archeological study has not been submitted for review.]

*[15. ~~**Historic Preservation**~~—The Historic Preservation Commission (HPC) received a staff briefing on the related comprehensive design plan application (CDP-05003) at its February 19, 2008, meeting, and heard a presentation by the applicant and testimony from citizens at its March 19, 2008, meeting. Testimony provided the following findings and conclusions:

The Comprehensive Design Plan (CDP-0701) does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site No. 82A-017, located at 8801 Frank Tippet Road (Tax Map 118 A-2). The Joshua Turner House, built in 1880s, is a two and one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th-century country

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house of a successful business, and its fine Queen Anne style decorative detail. The Historic Site's Environmental Setting includes approximately five acres (Part of Parcel 91).

The Turner House Historic Site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is not currently proposed for development through the subject application. Great concern was expressed at the March 19, 2008, HPC meeting about the viability of the equestrian operation so close to a dense residential development, even if the outparcel adjacent to the Joshua Turner House continues as open space.

As currently proposed on the subject plan, the applicant's street names based on famous single malt scotch whiskeys would appear to be unrelated to the history of the subject property and the county's equestrian heritage. The applicant's proposed street names for the developing community should be revised to focus on the historic significance of the developing property, the immediate vicinity and the area's equestrian heritage.

The subject plan calls for future residential development in the vicinity of the Joshua Turner House (Historic Site No. 82A-017). As a result, this portion of the development may have a direct visual impact on the Historic Site and its Environmental Setting. Therefore, the specific design plan for this portion of the proposed development should address the buffering requirements of the *Prince George's County Landscape Manual*, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

The use of the Joshua Turner House Historic Site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the 18th century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide tangible connections to it through a network of pedestrian and equestrian trails and employ street names that commemorative the county's equestrian heritage. Every effort should be made to assure the protection of the equestrian facility.}]

*[16. ~~**Planning Board Hearing**~~—There was a discussion at the Planning Board Hearing regarding whether the Tree Conservation Plan reviewed with the Preliminary Plan

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~~conformed to the Green Infrastructure Plan, which requires the preservation of high priority woodlands. Environmental Planning staff recommended revisions to the Tree Conservation Plan that would preserve the high priority woodlands located in the northwest portion of the subject property. Both the preliminary plan and the tree conservation plan, reviewed by staff, illustrate development in this section of the property, preserving only a portion of the high priority woodlands identified by environmental planning staff. The Green infrastructure Plan serves as a function Master Plan, which requires the preservation of those high priority woodlands. Given the development shown, on both the Tree Conservation Plan and the Preliminary Plan, the Planning Board finds that the preliminary plan is not in conformance to the Master Plan because the development is not in conformance with the requirements of the Green Infrastructure Plan.]~~

*18. Water and Sewer Categories—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2001 Water and Sewer Plan as amended, designates this property in Water and Sewer Category 3, and the site will therefore be served by public systems. The preliminary plan should be revised to reflect this information.

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

* * * * *

~~*[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, July 17, 2008, in Upper Marlboro, Maryland.~~

~~Adopted by the Prince George's County Planning Board this 18th day of September 2008 and corrected on October 14, 2008.]~~

*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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, October 29, 2009, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 19th day of November 2009.

Patricia Colihan
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:*(~~FF~~:bjs] WC:arj

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R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 25, 2012, regarding Specific Design Plan SDP-1202 for Canter Creek (Formerly TLBU Property), Phase One*; and the Planning Board finds:

*WHEREAS, SDP-1202 for Canter Creek, Phase One, was approved by the Planning Board on November 1, 2012, 2012; and

*WHEREAS, on November 19, 2012, the District Council elected to review this case; and

*WHEREAS, on February 12, 2013, the District Council remanded the case back to the Planning Board for further testimony and to reconsider its decision; and

*WHEREAS, on April 25, 2013, at a public hearing regarding Specific Design Plan SDP-1202 for Canter Creek, Phase One, the Planning Board in consideration of the evidence presented, approved the Specific Design Plan with one additional condition, made the following amended findings in response to the Order of Remand:

1. **Request:** The subject application is for approval of a SDP for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Infrastructure
Parcels	1	6
Total Acreage	342.38	342.38
Area of Phase One	N/A	162.86 acres
Disturbed Area	N/A	57.89 acres

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3. **Location:** The subject property is located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9.
4. **Surrounding Uses:** To the north of the subject property is the Williamsburg Estates single-family home subdivision in the One-Family Detached Residential (R-80) Zone and a single-family detached lot in the Rural Residential (R-R) Zone. In the northeastern corner, the subject property surrounds the R-R-zoned Merrymount Equestrian Center, which is located on a separate parcel and under separate ownership. Across Frank Tippett Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development, the Brookwood subdivision, in the R-R Zone. To the south of the subject property are the Graystone at Marlborough and Conger single-family home subdivisions and an undeveloped lot in the R-R Zone. To the west of the subject property is a 404-acre undeveloped property in the Reserved Open Space (R-O-S) Zone which is owned by Maryland Environmental Services.
5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural (R-A) and R-R Zones to the Residential Suburban Development (R-S) Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review, but were withdrawn before being heard by the Planning Board. Preliminary Plan of Subdivision 4-00064 and TCPI-110-90 for the proposed development of the property (in accordance with County Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories, was approved by PGCPB Resolution No. 01-79(A).

A Type II Tree Conservation Plan, TCPII-002-02, was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, Comprehensive Design Plan CDP-0701 and a revision to the Type I tree conservation plan, TCPI-110-90-01, was approved by the District Council, subject to 31 conditions.

Preliminary Plan of Subdivision 4-07005 and TCPI-110-90-02 was disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan*. By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Countywide Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on the concept of "good cause" associated with conformance to the Green Infrastructure Plan and Woodland Conservation Ordinance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan TCPI-110-90-02 and Preliminary Plan 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

*On October 25, 2012 the Planning Board reviewed the SDP-1202 for Canter Creek, Phase One for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 19, 2012. On February 12, 2013 the District Council remanded the case back to the Planning Board for additional consideration and information. Findings No. 7, 9 and 13 contain additional language relating to the Planning Board's reconsideration of the case.

6. **Design Features:** The subject specific design plan (SDP) is for infrastructure only within the area known as Phase One, which includes the southern and westernmost parts of the subject property. The SDP proposes six parcels including Parcels D and E, both of which are to be dedicated to M-NCPPC. The specific infrastructure improvements proposed include the following:
- a. Clearing of existing woodland for the first phase of construction only;
 - b. Rough grading of the streets and future lot area;
 - c. Construction of the Frank Tippett Road frontage improvements;
 - d. Interior street and sidewalk construction;
 - e. Storm drainage construction;
 - f. Stormwater management pond construction;
 - g. Water and sewer system construction;
 - h. Private equestrian trail construction;
 - i. Grading of the community park parcel, Parcel E, as well as specific access and trail improvements for the community park; and
 - j. Landscaping, including street tree plantings, buffer plantings along Frank Tippett Road, and stormwater management pond plantings.

No specific uses, buildings, residential lots, or architecture are proposed with this SDP, and would have to be included in a future plan for the subject property, prior to construction.

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COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to 9 conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

Condition 1. Land uses shall be only as shown on the Basic Plan.

The subject SDP for infrastructure only, does not propose any specific use. Therefore, this condition will be implemented on future SDPs for the subject property that include proposed uses.

Condition 2. The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

The subject SDP does not propose the creation of any residential lots; therefore, this condition is not enforceable at this time.

Condition 3. The proposed day care center shall be limited to a maximum of 150 children.

The subject SDP notes proposed Parcel A as having a future day care center, limited to a maximum of 150 children. However, this SDP is for infrastructure only and does not include the development of Parcel A as a day care center.

Condition 4. There shall be no grading or cutting of trees on the site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.

A comprehensive design plan (CDP) was approved for the subject property in 2008; therefore, the proposed grading and cutting of trees that is shown on this SDP is in conformance with this condition.

Condition 5. The Basic Plan shall be modified as follows:

- a. **The northernmost entrance shall be at least 820± feet south of the south boundary of the Merrymount Riding Academy property. The equestrian center use shall be located north of the boulevard entrance and interior roadway.**

The basic plan was modified as necessary to reflect this condition. The subject SDP proposes an entrance to the property that is approximately 1,136 feet south of the Merrymount property.

- b. A 50-foot-wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail system may be included within this buffer to the extent feasible.**

The basic plan was modified as necessary to reflect this condition. The subject SDP does not propose any improvements along the northern boundary of the property, except for the east-west equestrian trail which is a minimum of 70 feet from the northern property line.

- c. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The basic plan was modified as necessary to reflect this condition. Plant materials and screening have been provided, to a depth of 100 feet, along the Phase One portion of Frank Tippett Road on the subject SDP. This condition will be further examined at the time of a future SDP for final site development.

- d. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

The basic plan was modified as necessary to reflect this condition. The subject SDP does not propose any driveways.

- e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.**

The basic plan was modified as necessary to reflect this condition. Exhibit 44 recommended the construction of four equestrian trails; one running east-west along the property's northern edge, one running along Piscataway Creek along the property's western edge, one along Dower House Pond Branch, and one along the tributary running from Dower House Pond Branch to behind the equestrian center. The subject SDP includes the construction of the East-West Trail and the Tributary Trail as per Exhibit 44; the other two are to be constructed within the future stream valley park property with public funding, which is correctly shown as to be dedicated to M-NCPPC.

In summary, Exhibit 44 made the following recommendations:

- (1) Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the

equestrian center for equestrian uses. This is reflected on the submitted plans and the appropriate agreement between the involved parties is referenced in a condition of approval included in this report, derived from the preliminary plan of subdivision requirements.

- (2) East-West Trail—This trail connection will begin at the equestrian center and extend across the property’s northern edge. This trail is reflected on the submitted plans and will be constructed by the applicant prior to issuance of the 250th building permit.
- (3) Piscataway Creek Trail—The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail that is to be constructed through a M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.
- (4) Trail connection to Maryland Environmental Services—Exhibit 44 reads, “The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream.” This is to be located within the proposed M-NCPPC Parcel D and will have to be located and established by the Department of Parks and Recreation (DPR) at the time of development of the Piscataway Creek Trail.
- (5) Dower House Branch Trail—The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. DPR anticipates that this trail will also be constructed through a M-NCPPC CIP. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Branch will be the primary route to the state park, although some informal connections may continue to be used.
- (6) Tributary Trail—Exhibit 44 also requires a trail along the tributary running from Dower House Branch to behind the equestrian center. The submitted plans include this trail that will be constructed by the applicant.

Condition 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.

The subject plans show the equestrian center as existing and it also proposes the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed M-NCPPC parkland and constructed with public funding.

Condition 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.

The plan proposes Parcel A, which is not co-located with the equestrian center, as the area of the future day care center. Rough grading of this area is not proposed at this time, nor is there any other infrastructure improvements proposed on Parcel A, except for landscaping along Frank Tippett Road.

Condition 8 Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.

Specific timing for the contractual and covenanted arrangement recordation was established with Condition 32 of approved Preliminary Plan 4-07005 (see Finding 9 below), and has been carried forward as a condition of this approval.

Consideration 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.

A forest stand delineation was submitted with approved Natural Resources Inventory NRI-015-07. The approved TCPI showed the preservation of woodlands along streams and adjoining roads, and preserves a major forest stand identified by the NRI as Forest Stand D. The submitted TCPI conforms to this consideration because it preserves a major stand of trees on the northern portion of the site that is adjacent to a stream and property lines, and preserves additional woodland along Piscataway Creek.

*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

***It is hereby ordered, after review of the administrative record, that the Planning Board’s decision in Resolution PGCPB No.12–102, approving with conditions a revision to Specific Design Plan SDP–1202, for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One, located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9, is:**

***REMANDED, pursuant to §27–132, §27–523, and §27–258.01 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:**

***1. This application request, infrastructure for phase one, was filed in June 2012. Condition 8, Consideration 2 of the Basic Plan A–9738–C states:**

***• The applicant shall submit a 100–year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

***A letter, dated September 22, 2009, from the Associate Director of Department of Public Works & Transportation (DPW&T) was submitted which indicated that the floodplain study, FSP No. 900058, approved on November 20, 1989, remains valid. PGCPB No. 12–102 at 7.**

***On remand, if DPW&T is the current agency that approves 100–year floodplain elevations, Planning Board shall take further testimony from the Associate Director of DPW&T on the validity of a 100–year floodplain study that is over 20 years old or the feasibility of submitting a new 100–year floodplain study.**

***After receiving this evidence or testimony into the record, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A–9738–C.**

*** In the original resolution, the following finding was made by the Planning Board:**

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A 100-year floodplain study was approved for the subject property on November 20, 1989. A Stormwater Management Concept Plan, 8327602-2000-04, has been approved by the Department of Public Works and Transportation (DPW&T). Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study from the current Prince George's County agency that approves 100-year floodplain elevations should be submitted. A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicates that Floodplain Study FPS No. 900058, approved on November 20, 1989, remains valid.

* In response to the remand order, DPW&T provided more information in a memorandum dated April 4, 2013 (Abraham to Lareuse). The following explanation was given by DPW&T for their original determination:

*“The floodplain elevations at Canter Creek were determined from three sources:

*“The first was FEMA Panel #245208 0080C for the floodplain of Piscataway Creek; these elevations remain current, even though other aspects of that FEMA panel have been updated since the floodplain elevations were set for this site in 1989.

*“The second source was a study conducted in April, 1986 by the Prince George's County's Stormwater Management Technical Group for the Piscataway Creek Watershed, which was used to set the elevations along Dower House Pond Branch. This study was carried out in accordance with the County's requirements which stipulate that the hydrology from which the flood volumes are computed be based on the ultimate development of the watershed.

*“Therefore, as long as the zoning in the watershed does not increase in density after the time of a County-compliant study, the flow quantities used in computing the flood elevations in that study would remain unchanged, regardless of the amount of actual land development which has occurred in the intervening time. And, if the flow quantities do not change, then the flood elevations do not change as long as there has been no physical alteration of the stream channel within the study limits. The natural stream channel through the Canter Creek site has remained unaltered since the time of the 1986 County study; as such, the floodplain elevations along Dower House Pond Branch remain valid as well.

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*“The third source for the floodplain elevations at the Canter Creek Project was a study prepared by RDA in 1989 with floodplain reference number FP#900058 or the unnamed tributary which runs through the middle of the site. This study was also carried out in accordance with the County’s requirements which stipulate that the hydrology be computed for the ultimate development of the watershed. Therefore, as the zoning in the watershed of this unnamed tributary has not changed, the flow quantities and therefore the floodplain elevations would not have changed, and so the 1989 study remains valid.”

*The Planning Board accepted the additional information from DPW&T and found that it addressed the remand order.

Consideration 3 **A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

In conformance with this consideration, the approved NRI and submitted TCPII show all of the required expanded stream buffers on the property.

Consideration 4 **The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

The subject plan provides landscaping and buffering along Frank Tippett Road which will maintain the suburban character of the area of Phase One. Since residential lots are not being proposed with this application, the issue of the view of rear yards and houses from the right-of-way will be examined at the time of an application that includes such development.

Consideration 5 **The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site’s central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.**

Consideration 6 **Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.**

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Considerations 5 and 6 above were addressed by the Transportation Planning Section as follows and this finding is adopted by the Planning Board:

A large component of the planned trail network for the site will be comprised of the stream valley trails. These trails will provide access to the surrounding trails network, including other stream valley trails in southern Prince George's County. In addition, the proposed trail along Dower House Branch will provide access to the natural surface hiking, mountain bike, and equestrian trails in Rosaryville State Park. Piscataway Creek will provide access to developing residential communities in the stream valley to the southwest, as well as Cosca Regional Park. Internal trails providing access within the community need to be evaluated to supplement the sidewalk network and provide trail access within the community, to on-site recreational facilities, and to the master plan trails.

This will be further considered at the time of final development plans for the subject property.

Consideration 7 **The applicant shall designate 17± acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by the Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This park land will also provide active neighborhood recreation opportunities. The entrance for the 17-acre parcel shall have a minimum 200-foot frontage on the primary roadway.**

The subject plan proposes approximately 122 acres of parkland in two parcels, adjacent to both the Dower House Pond Branch and Piscataway Creek, to be dedicated to M-NCPPC for public parks. Both parcels have more than 200 linear feet of frontage on the proposed Dressage Drive, which connects to Frank Tippett Road.

Consideration 8 **The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

There are no stormwater management ponds proposed on dedicated parkland.

Consideration 9 **The adjacent properties on the north boundary shall be buffered from the proposed development through landscaping, berming and screening techniques. The landscaping can be included in the 50-foot undisturbed buffer provided.**

The submitted plans indicate a 200-foot buffer along the property's northern boundary; however, this area of the property is not part of Phase One and therefore not affected by this application. Final design of the landscaping along the northern boundary area would be required to be shown on an application which includes that specific area.

Consideration 10 The width of building lots adjacent to Frank Tippett Road shall be in accordance with those for the R-R Zone.

The submitted plans do not propose any residential building lots adjacent to Frank Tippett Road, within Phase One. Proposed Parcel A, which is labeled to be used for a future day care center, has over 400 linear feet of frontage, with a depth of over 150 feet from the right-of-way. This is more than sufficient to meet the 70 feet that is required for the minimum lot width at the front street line in the R-R Zone.

Consideration 11 Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.

The subject plan includes only Phase One of the property, which does not include the area along the northern boundary. In fact, no grading will occur closer than 2,200 feet from the northern property line. Therefore, no road connections are shown to the stub streets along the northern boundary. In addition, the previously approved comprehensive design plan and preliminary plan of subdivision were approved without access to the streets listed above.

Consideration 12 All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.

The subject plan does not propose any structures; therefore, this condition will be enforced on future plans that do propose structures.

8. **Comprehensive Design Plan CDP-0701:** Comprehensive Design Plan CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the subject specific design plan and warrant discussion as follows:

4. **At the time of final plat, the applicant shall dedicate approximately 115 acres to M-NCPPC for a stream valley park and a community park. The exact acreage of each park shall be determined at the time of the approval of the preliminary plan of subdivision. Land to be conveyed shall be subject to the following conditions:**
 - a. **The facilities developed in the community park shall be designed to accommodate the recreation needs of the residents of the TLBU property and the surrounding community.**

The applicant proposes the grading of Parcel E, the community park, at a two percent slope to accommodate future recreational facilities. The Department of Parks and Recreation (DPR) staff will coordinate future meetings with the applicant and the community relating to planning and design of the recreational facilities for the park.

- b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens Association on the nature of the recreation facilities to be constructed on the land to be conveyed for a community park.**

The Department of Parks and Recreation will work in partnership with the applicant and each of the specified communities mentioned above in development of the recreational program for the community park on proposed Parcel E.

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

The boundaries and acreage of dedicated parkland are indicated on the specific design plans. Parcel E is proposed as 25 acres and Parcel D is proposed as 95.07 acres. The DPR and the Planning Board has found the boundaries of the dedicated parkland and acreage to be acceptable.

- 8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippet Road, unless modified by DPW&T.**

The Planning Board carried forward a condition of approval for the subject application, even though a standard sidewalk is shown on the plan along the included portion of frontage on Frank Tippet Road to ensure the requirement is fulfilled as the future community park should have pedestrian access from the surrounding neighborhoods.

- 9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This requirement does not impact this application and will be fulfilled at the time of a residential building permit.

10. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Standard sidewalks are shown on both sides of all internal roads.

11. **The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.**

The subject plans propose parkland dedication in accordance with Preliminary Plan 4-07055 and DPR Exhibit A, along Piscataway Creek.

12. **The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit “A” to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.**

The subject plans propose parkland dedication in accordance with Preliminary Plan 4-07055 and DPR Exhibit A, along Dower House Pond Branch.

13. **The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.**

14. **The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The “appropriate contractual and covenanted arrangement” required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.**

The subject specific design plan for infrastructure reflects alignments for both the East-West Trail and the Tributary Trail that are consistent with prior approvals. The East-West Trail is aligned to avoid large trees. It should be noted that the Tributary Trail follows a largely established equestrian trail corridor while the East-West Trail will be new trail construction. Improvements to the Tributary Trail will only involve necessary items to bring it into conformance with the *Park and Recreation Facilities Guidelines*, as explained in Exhibit 44 of the basic plan. Construction of the East-West Trail shall also be in conformance with these guidelines.

15. **Prior to certificate approval of the subject comprehensive design plan application:**
 - a. **Phase I (Identification) archeological investigations, according to the Planning Board’s Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural**

resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.

- b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**
- (1) Evaluating the resource at the Phase II level, or**
 - (2) Avoiding and preserving the resource in place.**

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Historic Preservation staff requested Phase II evaluation studies on Sites 18PR971 and 18PR996. Site 18PR996 is located in the area included within the subject SDP and Phase II investigations were completed for this site in November 2009. Historic Preservation Section found that further investigations on Site 18PR996 should not be required, and the Planning Board agreed, because of its lack of integrity. Phase II investigations have not been completed on Site 18PR971. Site 18PR971 is not located within the area of the subject SDP and will not be affected by the current development proposal.

- 16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of the subject SDP, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II

investigations have not been completed on Site 18PR971, which is located within the planned Phase Three of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971.

- 17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP is not in an area adjacent to the Joshua Turner House (Historic Site 82A-017).

- 19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.**

Preliminary Plan of Subdivision 4-07005, as discussed in Finding 9 below, established specific requirements for conservation easements that are in line with this condition.

- 26. The stormwater management ponds shown on the TCP I associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.**

The revised plans show the use of sediment forebays on all proposed stormwater management ponds.

- 27. Prior to signature approval of the CDP, the following information shall be provided and/or changes made to the plans:**
 - a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50–53, as shown on the illustrative plan, with frontage on Frank Tippett Road. The area shall be labeled on the plan as a future day care center. No other commercial uses shall be allowed on the subject property.**

The subject SDP proposes Parcel A as a 3.92-acre parcel fronting on Frank Tippett Road and Dressage Drive and labeled as "Future Daycare Center."

- d. The 100-foot buffer along Frank Tippett Road shall be extended along the entire frontage of the roadway.**

The subject SDP shows a 100-foot planted buffer along the portion of frontage on Frank Tippett Road that is included in Phase One.

28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:

- a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The subject plans indicate a proposed landscape buffer consisting of evergreen and deciduous trees and shrubs of 100 feet in width along the Frank Tippett Road frontage within Phase One.

- b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

The subject plan does not propose any driveways. This condition will be reevaluated in the future review of plans that include residential driveways.

- c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.**

The submitted plans indicate that the equestrian trails have been designed in accordance with the *Parks and Recreation Facilities Guidelines* and preserve mature trees to the extent possible. The Planning Board included the requirement as a condition of approval of this SDP.

- d. The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.**

The subject SDP does not propose any residential building lots. This condition will be reevaluated in the review of future plans that include building lots adjacent to Frank Tippett Road.

- e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject plan does not propose any residential building lots. This condition will be reevaluated in the review of future plans that include building lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek, and Dower House Pond Branch.

- f. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Street, Williamsburg Drive, and Green Apple Turn.**

The subject plans for Phase One of the property do not include the area along the northern boundary. Therefore, no road connections are shown to the stub streets along the northern boundary, and future plans will be reviewed to ensure that there are no connections to James Court, Williamsburg Drive, or Green Apple Turn.

- 29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

The Planning Board adopted a condition of approval at the time of a SDP that includes the creation of residential lots.

- 30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:**

- a. Preservation of Forest Stand “D” through the elimination of the proposed stream crossing that forms the extension of Dressage Drive.**

With the approval of TCPI-110-90-02, the final decision of the Planning Board was made, and the stream crossing was eliminated and some additional area of Forest Stand D was proposed for preservation.

- b. Elimination of lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand “D” that will be preserved between the two stream valleys.**

At the time of preliminary plan approval, a 200-foot-wide buffer (or land bridge) along the northern property line was determined to be sufficient to fulfill the functional requirements of a wildlife corridor envisioned in the Green Infrastructure Plan. The subject SDP does not propose any development along the northern property line.

- c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.**

On the submitted plans, an area within 300 feet of the floodplain of Piscataway Creek has been included in woodland conservation areas to the greatest extent possible, and

unforested areas within the desired riparian buffer have been proposed for afforestation or reforestation.

d. The use of afforestation in those areas that are adjacent to the regulated areas.

On the submitted plans, afforestation has been proposed as a methodology to re-establish woodlands adjacent to and within stream buffers.

- 31. The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.**

The subject plans propose only the dedication and grading of the identified parkland, with no specific plan for recreational facilities. Park construction will be funded through a future M-NCPPC Capital Improvement Program and the applicant's monetary contribution of \$500 per dwelling unit. The Department of Parks and Recreation will coordinate any future meetings with the applicant and the community relating to planning and design of the recreational facilities for the park.

9. **Preliminary Plan of Subdivision 4-07005:** The relevant Preliminary Plan of Subdivision, 4-07005, was approved by the Planning Board on October 29, 2009, subject to 35 conditions. All of the conditions of the preliminary plan approval are still applicable and the following warrant discussion in relation to the subject specific design plan (SDP):

- 2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

A Type II tree conservation plan (TCPII) was submitted with the subject SDP.

*REMAND – County Council of Prince George's County, Maryland, sitting as the District Council, Order of Remand stated the following:

*This application was subject to a preliminary plan condition 3 since 2009, which states:

- *3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions. PGCPB No. 12-102 at 17, 26.

*Denotes Amendment
Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

***This application was filed on June 2012 without documentation from the applicant or from DPW&T that the subject SDP is in conformance with the Stormwater Management Concept Plan, 8327602–2000–04 and any subsequent revisions.**

***On remand, and pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written documentation from DPW&T that the subject SDP is in conformance with Stormwater Management Concept Plan, 8327602–2000–04 and any subsequent revisions.**

***If the documentation from DPW&T indicates that the subject SDP is not in conformance with Stormwater Management Concept Plan, 8327602–2000–04, and any subsequent revisions, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A–9738–C.**

***On remand, Planning Board and Technical Staff shall evaluate and process this SDP to determine whether Stormwater Management Concept Plan, 8327602–2000–04, and any subsequent revisions conforms to the County’s current stormwater management guidelines or whether revisions are necessary.**

*In the original SDP, the following finding was made by the Planning Board:

General Note 11 on the SDP accurately states that the property has a Stormwater Management Concept Plan, 8327602-2000-04. The approval date of the stormwater management plan should be added to General Note 11. Additionally, the Planning Board adopted a condition of approval that requires documentation from the Department of Public Works and Transportation stating that the SDP is in conformance with the current concept plan approval.

*In a memorandum dated April 4, 2013 (Abraham to Lareuse), the following information was provided:

***“Stormwater Management Concept Plan 8327602-2000-04 for the Canter Creek project was most recently updated on June 21, 2012. The plans which accompanied that update are in conformance with the grading and stormwater management shown on the subject SDP.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

*“The stormwater management for the Canter Creek project was designed in accordance with the stormwater management regulations which were in effect prior to the adoption of the 2009 revisions to the Maryland Stormwater Design Manual, and is eligible for an administrative waiver pursuant to §32-170(d) under the current stormwater management guidelines, provided final technical plans for stormwater management and erosion and sediment control are approved prior to May 4, 2013.”

*The Planning Board accepted the additional information from DPW&T and found that it addressed the remand order.

9. **The applicant and the applicant’s heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the grading of Parcel E and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property to DPR of M-NCPPC prior to the approval of building permits.**

The subject SDP shows the proposed ten-foot-wide trail along Dressage Drive within the right-of-way as has been negotiated by the applicant between DPR and DPW&T.

11. **Prior to the approval of final plats, the applicant and the applicant’s heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:**

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

The submitted SDP indicates the boundaries and acreage of proposed Parcels D and E, to be dedicated to M-NCPPC, which combined total approximately 120 acres. The Department of Parks and Recreation recommends approval of the plan acreage as shown on the SDP.

- i. **No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

The submitted SDP does show approximately 16.7 acres of woodland conservation on parkland to be dedicated to M-NCPPC, which is in accordance with the previously reviewed and approved TCPI. DPR Exhibit A, dated June 17, 2008, was approved with CDP-0701 and Preliminary Plan 4-07005, which shows approximately 118 acres to be dedicated to M-NCPPC, and approximately 16.7 acres of woodland conservation to be provided on land to be dedicated to M-NCPPC, outside of the 100-year floodplain. DPR has indicated agreement with this proposal to allow woodland on the future park property in an email dated October 10, 2012 (Asan to Lareuse).

13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:

- a. The design, specific of the location, and trigger for the construction of a ten-foot-wide asphalt trail and equestrian trail along the south side of Dressage Drive from Frank Tippett Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.**

The subject SDP shows the proposed ten-foot-wide trail along Dressage Drive within the right-of-way.

- b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.**

The Planning Board reviewed the plans for the location of the curb cut into the future park property. Revised plans indicated that the entrance had been moved to the requested location.

- c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.**

The Department of Parks and Recreation has reviewed the plans and agrees with the design of the proposed two percent slope grading of the property, Parcel E. The applicant proposes to rough grade Parcel E and stabilize the parkland prior to issuance of the 50th building permit. DPR staff finds this proposal acceptable and a condition stating such has been included in this approval.

- d. Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.**

The applicant proposes to dedicate a 45-foot-wide window between Lots 73 and 74, Block A, for access to M-NCPPC Parcel D (Piscataway Stream Valley) as shown on revised plans. The plan does not show the necessary ten-foot-wide gravel access road on the dedicated parkland for maintenance access to the stormwater management pond located on adjacent homeowners association (HOA) Parcel C. This access road will serve a dual purpose for vehicular access to the stream valley park and to the pond located on adjacent HOA Parcel C. The Planning Board finds this concept acceptable with the following modifications to the gravel road construction:

- (1) The access road should be located in the center of the parcel to provide an appropriate setback from residential Lot 73, Block A;
- (2) The applicant should extend the gravel road to the main portion of Parcel D to allow M-NCPPC vehicular access to the stream valley park;
- (3) At the time of final plat of subdivision, the applicant should record an access easement over the portion of the gravel road located on the parkland which will serve as a maintenance access road to the stormwater management pond located on HOA Parcel C.

Conditions have been included in this approval requiring these issues be resolved.

- 14. At time of final plat, conservation easements (24-130), shall be described by bearings and distances. No part of any conservation easement shall be permitted on any residential lot. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and all areas preserved or to be planted with the exception of land to be dedicated to DPR. The proposed final plat shall be reviewed by the Environmental Planning Section prior to approval of the plat. The following note shall be placed on the plat:**

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

This condition continues to apply to the property.

- 18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.**

The preliminary plan and TCPI were revised to address this condition prior to signature approval. The subject specific design plan does not propose any development along the northern property line, except for the East-West Trail for equestrian use, which is labeled to be field adjusted.

- 22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant’s heirs, successors and/or assignees shall provide a plan for:**
- a. Evaluating the resources at the Phase II level, or**
 - b. Avoiding and preserving the resources in place.**

The subject SDP includes archeological Site 18PR996. Phase II investigations were completed on this site in 2009, and no further work is required. Site 18PR971 lies within a later phase of construction. It will need to be investigated prior to approval of the associated SDP for that phase.

- 23. Prior to the approval of the first specific design plan the applicant and the applicant’s heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the *Guidelines for Archeological Review*.**

The final Phase II report for archeological Site 18PR996 has been submitted and approved by Historic Preservation staff. No further archeological investigations are required. The final report for Phase II and/or III investigations for Site 18PR971 should be submitted prior to approval of the first SDP for the area containing that site.

- 24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.**

Very few artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of the subject SDP, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II investigations have not been completed on Site 18PR971, which is located within the planned Phase Three of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971, with the approval of an SDP containing that site.

- 25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Environmental Planning Section will coordinate the protection of historic resources with the Historic Preservation Section during Section 106 review for proposed disturbances to wetland, wetland buffers, streams, and waters of the U.S. This condition has been carried forward as a condition of approval of this SDP.

- 26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippet Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP does not propose any improvements in an area adjacent to the Joshua Turner House (Historic Site 82A-017).

- 27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.**

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity, and the area's equestrian heritage. This condition has been satisfied.

- 28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.**

The subject SDP for infrastructure proposes a 100-foot-wide buffer with attractive plantings near the roadway frontage of Parcel A in fulfillment of this condition.

- 30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:**

- a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.**

The submitted SDP shows a sidewalk along the frontage of Frank Tippett Road; however, to ensure it is provided, this condition has been included in this approval.

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

The submitted SDP shows sidewalks along both sides of all internal roads; however, to ensure they are provided, a condition has been required as part of this application.

- c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

The submitted SDP shows the subject trail and the Planning Board adopted a condition that sets the timing of its construction as prior to issuance of the 250th building permit.

- d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

The submitted SDP shows the subject trail and the Planning Board adopted a condition that sets the timing of its construction as prior to issuance of the 150th building permit.

- e. The design of the equestrian trails should be in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.**

The submitted SDP provides notes and a detail specifying the above condition being met. Additionally, the Planning Board adopted a condition regarding this requirement in order to ensure compliance with the *Park and Recreational Facilities Guidelines*.

- f. The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippett Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.**

The submitted SDP shows an eight-foot-wide equestrian trail along Dressage Drive from Frank Tippett Road to the Tributary Trail. The design appears to provide the four-foot-wide grass strip, but it is not clearly labeled. Therefore, the Planning Board adopted a condition requiring this to provide clarification of the side grass strip.

- g. Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.**

No detail or location has been provided for such signage, so the Planning Board adopted a condition that this should be provided prior to certification of the SDP.

- 31. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This condition will be fulfilled prior to issuance of building permits.

- 32. Prior to the approval of the first final plat the applicant and the applicant's heirs and or assignees shall record in land records of Prince George's County the cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the HOA (applicant) and Merrymount Equestrian Center for the equestrian trails on Parcel B and C. Both agreements shall terminate in the event that Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.**

This condition has been carried forward in the approval of this plan as it is required to be fulfilled prior to final plat approval per Condition 32 above.

- 33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.**

The submitted SDP proposes a ten-foot-wide public utility easement (PUE) along all public rights-of-way, except for along Parcels D and E, which are to be conveyed to M-NCPPC, free of all easements.

- 34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.**

The SDP proposes right-of-way dedication along Frank Tippett Road; however, it does not label the dimension of this area. Therefore, a condition has been included requiring this to be labeled to ensure conformance.

- 35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.**

No structures are proposed with the subject SDP; therefore, this condition is not applicable at this time.

10. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, governing development in the R-S Zone.
 - b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a specific design plan:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-0701 as detailed in Finding 8 above and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 11 below.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

The proposed plan for infrastructure development only will have no impact on the previous finding that the project will be adequately served within a reasonable period of time, as was found in the approval of Preliminary Plan of Subdivision 4-07005.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The applicant provided a copy of a current approved Stormwater Management Concept Plan, 8327602-2000-04; however, no referral was received from DPW&T indicating that the subject specific design plan is consistent with that approved plan. Therefore, the Planning Board adopted a condition requiring such evidence be provided prior to certification.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

In a memorandum dated October 4, 2012, the Environmental Planning Section recommended approval of TCPII-002-02-01 subject to conditions. The plan is in conformance with the approved Type I tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The site is grandfathered from this requirement because the project has a previously approved preliminary plan.

- (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

Conformance with the approved comprehensive design plan is discussed in Finding 8 above. The subject specific design plan for infrastructure proposes minimal improvements that are all located internal to the site. The plan meets all previous approval's environmental conditions, and other current applicable county regulations regarding grading, drainage, erosion, and pollution will be enforced by the relative agency at the appropriate time.

11. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a specific design plan (SDP) must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only, including clearing, grading, streets, and pipes, is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces, or gross floor area on the subject property. Future SDPs that include final development of the site would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.

The subject SDP does propose landscaping to meet various other requirements; therefore, conformance with Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual is required for Section 4.9, Sustainable Landscaping Requirements. The section requires certain percentages of native plants be provided on-site, prohibits the planting of invasive species, and does not give credit for plants being planted on slopes steeper than three-to-one. The submitted SDP plan provides the required schedule and notes showing the requirements being met for the proposed landscaping. However, the landscape plan is not signed and sealed by a landscape architect registered in the state of Maryland, as required by Section 2.1 of the Landscape Manual. A condition has been included requiring the correct signature prior to certification.

12. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This site also has a previously approved tree conservation plan that has not been implemented. A revised Type I Tree Conservation Plan, TCPI-110-90-02, was approved with Preliminary Plan 4-07005 that reflects the current proposed uses. The revised Type II tree conservation plan (TCPII) appropriately reflects the site statistics found on revised Natural Resources Inventory NRI-015-07-01.

It is important to understand the ecological significance and uniqueness of the subject site. This property contains upland woodland that served as a woodlot for the historic working farm. Almost all drier upland woodlands with relatively flat topography in the Maryland Coastal Plain were converted to agricultural fields during the Colonial Era; however, working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the understory a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George's County. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance.

The worksheet on the revised TCP proposes a phased worksheet, which includes the current specific design plan submittal clearing 25.79 acres of the existing 135.88 acres of upland

woodland, and clearing 0.72 acre of the existing 47.16 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 49.73 acres. Based upon the currently proposed clearing, the woodland conservation requirement is 56.90 acres. The plan proposes 107.80 acres of current on-site preservation to meet the requirement. No champion, specimen, or historic trees are proposed to be removed.

Some of the proposed woodland conservation is on land proposed for dedication to the Department of Parks and Recreation (DPR). DPR evaluated this proposal with the review of the revised TCPI and agreed to approximately 16.7 acres of woodland conservation on dedicated parkland in accordance with DPR Exhibit A dated June 17, 2008.

A land bridge of sufficient width to serve as a wildlife corridor between the fragment of Forest Stand D that is proposed to be preserved and the main Piscataway Creek stream valley is a design element that is necessary to find conformance with the Countywide Green Infrastructure Plan. During the review of the previous application, staff requested that the plans be revised to provide a minimum of a 300-foot-wide corridor along the northern property line to connect Forest Stand D to Piscataway Creek and to provide a 300-foot-wide corridor on the subject property adjacent to Piscataway Creek.

The use of 300 feet for the width of a wildlife corridor is a common standard in Maryland. The habitat of forest interior dwelling species (FIDS) has been described by the Maryland Department of Natural Resources as interior woodland of at least ten acres that is at least 300 feet from the edge of the forest. Riparian wildlife corridors are the wooded corridors at least 300 feet wide associated with a stream. Piscataway Creek is a primary corridor as designated in the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The Countywide Green Infrastructure Plan adopted measures of “countywide significance” with regard to mapping of corridors and network gaps. To be of countywide significance, a corridor has to be at least 200 feet wide or wider in the Rural and/or Developing Tiers. Because the resources in this area are clearly of countywide significance given their location and composition, a corridor of at least 200 feet is appropriate, and was approved with the preliminary plan.

As stated in the preliminary plan, the topography in the northern part of the site may be problematic for the creation of a corridor that is 200 feet wide along its entire length adjacent to single-family homes. Such a strict standard could result in the need for large retaining walls that are not advisable adjacent to homes or adjacent to areas of wildlife habitat. If, at the time of review of the specific design plan for this area, minor incursions less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is replanted.

The following technical revisions to the TCPII were also noted:

- a. For TCPIIs with more than one sheet, a woodland conservation table is required on each plan sheet, and a woodland conservation summary sheet is required on the cover sheet.

- b. The approval block needs to be revised to reflect the TCPII number and the previous plan approvals.
- c. The phasing lines shown on the specific design plan should be added to the TCPII cover sheet and plan sheets.

The listed technical revisions above have been included as conditions of approval for the subject SDP.

13. **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 subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site 82A-017, located at 8801 Frank Tippet Road, Tax Map 118 A-2).

The Joshua Turner House, built in the 1880s, is a two and one-half-story, cross-gable frame dwelling with paneled gable peaks and a twentieth century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late nineteenth century country house of a successful business, and its fine Queen Anne-style decorative detail. The historic site's environmental setting includes approximately five acres (Part of Parcel 91).

The Joshua Turner House historic site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is not currently proposed for development through the subject application. Great concern was expressed at the March 19, 2008 Historic Preservation Committee (HPC) meeting about the viability of the equestrian operation so close to a dense residential development, even if the outparcel adjacent to Joshua Turner House continues as open space.

As currently proposed on the subject plan, the applicant's street names are based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House historic site as the Merrymount equestrian facility.

Archeology

Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by Historic

Preservation staff on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth century domestic site; Site 18PR972 consists of the ruins of a twentieth century tenant farmer house and adjacent barn; and Site 18PR973 is a dense scatter of brick that likely represents a nineteenth century tobacco barn that had been destroyed by the late twentieth century. No further work was recommended on any of the archeological sites. Staff concurs that no additional archeological work is necessary on Sites 18PR972 and 18PR973.

Staff did not concur with the report's conclusion that no additional work was necessary on Site 18PR971. Site 18PR971 represents a late nineteenth to early twentieth century tenant house, a common property but one not well studied archeologically, in Prince George's County. Staff recommended that Phase II investigations be conducted on Site 18PR971 to determine if any intact cultural deposits or features are present. A Phase II work plan should be submitted to Historic Preservation staff prior to beginning any work.

The Phase I survey also identified an area in the southeastern portion of Field F2 where brick and some nineteenth century domestic material was found (in the location of transects YA through YC of the archeological survey). Staff found a piece of undecorated pearlware and an olive green wine bottle neck during site visits in the area where the brick pieces were identified in the shovel test pit survey. The applicant's archeological consultant was directed to record the brick fragments and associated nineteenth century artifacts as an archeological site. Although the subject property was not the primary residence of any of the eighteenth or nineteenth century owners, it is likely that tenant houses or slave quarters were located on the subject property. The Calverts, Brookes, and Sewalls, who owned the property during the course of the eighteenth and nineteenth centuries, were all large slave holders. These types of sites leave few physical remains or extensive artifact scatters that are visible on the surface. However, subsurface features may still exist. This sparse scatter of brick and domestic material was believed to represent one such site. Staff recommended that the artifact scatter be assigned an archeological site number and that Phase II investigations be conducted to determine if any intact cultural deposits or features were intact below the plow zone.

The artifact scatter was designated archeological Site 18PR996 and Phase II investigations were conducted in November 2009. Fifteen shovel test pits and five 3-foot by 3-foot test units were excavated. A metal detector survey was also conducted at the highest point of the site. Seventeen artifacts were recovered, including pieces of brick, hand wrought and cut nails, one piece of earthenware, five pieces of pearlware, and oyster shell. A shallow pit feature was identified in Test Units 2 and 3. The feature was likely part of what was once a much larger borrow pit that had been filled. No artifacts were found in the pit. The site was heavily eroded from continued use as a plowed field. Site 18PR996 was defined as a severely truncated early nineteenth century domestic site and possibly represents a temporary habitation for enslaved laborers working the adjoining fields. Due to the disturbance of the site by plowing and erosion, the site lacked integrity and no further work was recommended. Staff concurred that no further work

was necessary on Site 18PR996. Four copies of the final Phase II report were accepted and approved on January 6, 2010.

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

Conclusion

- (1) The area within the subject specific design plan (SDP) is not adjacent to the Joshua Turner House (Historic Site 82A-017) and will not have a direct visual impact on the site. However, the SDP for the portion of the proposed development that is adjacent to the historic site should address the buffering requirements of the Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.
- (2) Use of the Joshua Turner House historic site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the eighteenth century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide tangible connections to it through a network of pedestrian and equestrian trails. Every effort should be made to assure the protection of the equestrian facility.
- (3) The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity, and the area's equestrian heritage.
- (4) Phase II archeological investigations have been completed on Site 18PR996. The final reports for the Phase I and II investigations have been submitted and approved by Historic Preservation staff.
- (5) Phase II archeological investigations have not been completed on Site 18PR971. Phase II and, if required, Phase III investigations should be completed prior to approval of the first SDP for the area that contains Site 18PR971.

The Planning Board concludes that the subject application will not impact any significant archeological resources or the Joshua Turner House historic site. Previous conditions applicable to the area located within the subject plan have been satisfied. All previously approved conditions of approval are still valid and applicable.

- b. **Community Planning**—*~~[No comments were received from the Community Planning South Division.]~~

*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

***On remand, Community Planning South shall provide comments on this SDP. After receiving comments from Community Planning South, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C and conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86B, 87A, 87B).**

*The Community Planning Division originally reviewed the application in accordance with the 2009 Subregion 6 Master Plan and Sectional Map Amendment; however, the referral from the Community Planning Division was inadvertently omitted from the case file. Below is the finding of conformance to both the 1993 and 2009 master plans. The Community Planning Division provided the following determinations for the Planning Board in a memorandum dated March 12, 2013 as follows:

*“a. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

*“b. This application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* recommendations for residential living areas in the Rosaryville community portion of the planning area. The subject property was affected by a Court Order that reversed the approval of the 2009 *Subregion 6 Master Plan and Sectional Map Amendment (SMA)*. Therefore, for the purpose of evaluating this application, the 1993 *Approved Subregion VI Master Plan* is the current controlling document.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

*“The 1993 Subregion VI Master Plan land use map recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected by a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements.”

*“The present plan is for a limited portion of the infrastructure on the southern portion of the site. Along the northern part of the site the applicant proposes a buffer to separate Willamsburg Estates with the subject property, as shown on previously approved plans. This is consistent with County Council approval of ZMA A-9738-C in 1990.”

*“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Subsequent to the remand request from the District Council, legislation implementing JLUS has been adopted by the County Council as Sec. 27-1801 et. seq., titled the Interim Land Use Control (ILUC). This property is within an area recommended for height limits (Area F). The height on the property is recommended to not exceed 500 feet, and is not proposed by this project. This property is outside of the 65 dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.””

*The Community Planning Division South also provided the following determination for the Planning Board in a memorandum dated August 28, 2012:

*“This application proposal conforms to the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment* recommendations for residential living areas in Suburban/Developing Tier Communities. This plan policy recommends that the county ‘continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design.’”

*“The 2009 *Subregion VI Master Plan* recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected to a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements. These conform to the *Master Plan* as approved.”

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

*“The present plan is for infrastructure on the southern portion of the site. Prior approved plans and referrals from Community Planning discussed the importance of buffers separating this property from Williamsburg Estates to the north of the site. Those issues will be reviewed in future SDP referrals.

*“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Legislation implementing JLUS has been proposed, but not adopted. This referral addresses the recommendations of JLUS, not the proposed legislation. This property is within an area recommended for height limits. The heights on the property are recommended to not exceed 500 feet. This property is outside of the 65 dBA noise contours, so recommended noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.”

*The Planning Board finds that the subject application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* and the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment*.

- c. **Transportation Planning**—The Transportation Planning Section offered the following information relating to the subject specific design plan for infrastructure:

Specific Design Plan SDP-1202 proposes the construction of the road network that will support Phase One of the proposed development. On October 29, 2009, the Planning Board approved Preliminary Plan of Subdivision 4-07005 for the subject property. Based on the resolution of approval PGCPB No. 08-112(A), the development was approved with several transportation-related conditions. Among those are the following:

19. **Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant’s heirs, successors or assigns:**
 - a. **At the intersection of Rosaryville Road & Gambier Drive**
 - **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**

*Denotes Amendment
Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- b. **At the intersection of Rosaryville Road and Williamsburg Drive**
 - **Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**
 - c. **At the intersection of Rosaryville Road and Frank Tippett Road**
 - **Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.**
 - **Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T**
20. **Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along Piscataway/Woodyard Road (MD 223) at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record Highway Construction Cost Index at the time of building permit application*) / (*Engineering News Record Highway Construction Cost Index for the second quarter 2001*).**
33. **At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.**
34. **The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.**

As of this writing, none of the conditions above have been met, and therefore, all of those conditions remain valid.

Upon review of the pending application, the applicant is proposing a road network that represents the network on which the approved preliminary plan was based. Parcel E is a proposed park that fronts the proposed Dressage Drive. The site plan shows an access point for this future park which is located directly opposite proposed Pirouette Court. Pirouette Court is designed as a crescent-shaped road with two access points on Dressage

Drive. Access to the park appears to be coincident with the eastern access of Pirouette Court on Dressage Drive. Because the two ends of Pirouette Court are only 90 feet apart on Dressage Drive, having the entrance to the park in the proposed location could lead to operational problems as traffic enters and leaves Pirouette Court, as well as the park. To that end, staff is recommending the following changes to the specific design plan layout being proposed:

- (1) Relocate the park entrance to approximately 200 feet west of the centerline of the median of Pirouette Court.
- (2) If Pirouette Court is designed to function as a one-way (counter-clockwise) road, the applicant should install a “Do Not Enter” sign at the eastern end of Pirouette Court.

The plans were revised to move the park entrance as requested, and the second comment has been included as a condition of approval.

- d. **Subdivision Review**—The Subdivision Review Section provided an analysis of the site plan’s conformance with Preliminary Plan of Subdivision 4-07005 in a memorandum dated September 21, 2012.

The subject property is located on Tax Map 117 in Grid F-2, is 342.38 acres, and is within the Residential Suburban Development (R-S) Zone. This application is specifically for Parcels A, B, D, E, G, I, and roads in the Canter Creek (TLBU) subdivision for infrastructure only. The applicant submitted a specific design plan (SDP) for the infrastructure of stormwater management, trails, and public streets of Phase One of the subdivision.

The site is the subject of the Preliminary Plan of Subdivision 4-07005 for TLBU property. Preliminary Plan 4-07005 was originally disapproved by the Prince George’s County Planning Board on July 17, 2008 for not meeting the requirements of Section 24-132, Woodland Conservation, of the Subdivision Regulations and did not conform to the Green Infrastructure Plan. In a letter date September 23, 2008, the applicant requested a reconsideration to adjust the lotting pattern to address the Woodland Conservation Ordinance and the Green Infrastructure Plan. On October 30, 2008, the Planning Board approved the request for reconsideration. On October 29, 2009, the Planning Board heard testimony for the reconsideration and approved Preliminary Plan of Subdivision 4-07005 for Lots 1–409, Parcels A–E, and Outparcel A. The amended resolution was adopted by the Planning Board on November 19, 2009 (PGCPB No. 08-112(A)). The approved preliminary plan is valid until November 19, 2015. The preliminary plan was signature approved on June 24, 2010. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The applicant

may ask for an extension of the validity period for the preliminary plan beyond November 19, 2015.

This SDP is for infrastructure only. The SDP shows the layout of roads, trails, and parts of parcels as reflected on the approved preliminary plan, with minor changes in the acreage for Parcels A, B, D, E, and G. The SDP is in substantial conformance with the approved preliminary plan if the above comments have been addressed. Failure of the site plan and record plans to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- e. **Trails**—In comments dated September 18, 2012, the Transportation Planning Section reviewed the specific design plan (SDP) application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* identifies three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Branch. Frank Tippet Road is designated as a master plan bike/trail corridor.

Piscataway Creek is one of the major stream valley trail corridors in southern Prince George's County and is envisioned as part of a "cross-county" trail that would also utilize Charles Branch. Together, the Piscataway Creek Trail and Charles Branch Trail will ultimately provide access from the Patuxent River to the Potomac River. M-NCPPC owns land along the stream valley both to the north and south of the subject site. The Department of Parks and Recreation (DPR) is requiring land dedication along both stream valleys at this time and trail construction will be provided through future Capital Improvement Program projects. The master plan trail along Dower House Branch will provide for equestrian access to the existing facilities at Rosaryville State Park, as well as serve other trail users.

It should also be noted that the property immediately to the west of the subject site includes an extensive network of natural surface trails and is owned by MES. When the Piscataway Creek Trail is completed, it may be appropriate to consider trail access to these trails from the master plan trail. Exhibit 44 from approved Basic Plan A-9738-C requires the provision of an equestrian trail crossing to existing trails on the Maryland Environmental Services site. This connection can be provided at the time of construction of the Piscataway Creek Trail.

Frank Tippet Road is also designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and either a paved shoulder or wide outside curb lane. Where frontage improvements have been made along Frank

Tippett Road, a standard sidewalk has been provided. Existing subdivisions in the corridor include standard sidewalks along both sides of all internal roads both to the north and south of the subject application. This includes Williamsburg Drive, which extends to the boundary of the subject site.

The SDP for infrastructure reflects alignments for both the East-West Trail and the Tributary Trail that appear consistent with prior approvals, including the comprehensive design plan and preliminary plan of subdivision. The East-West Trail is aligned to avoid large trees. It should be noted that the Tributary Trail follows a largely established equestrian trail corridor while the East-West Trail will be new trail construction. Improvements to the Tributary Trail will only involve improvements to bring it into conformance with *Park and Recreation Facilities Guidelines* as explained in Exhibit 44 of the basic plan. Construction of the East-West Trail shall also be in conformance with these guidelines. Also, the trail along Dressage Drive will include accommodations for equestrians from Frank Tippett Road to the Tributary Trail. This will accommodate equestrian users riding to and from Rosaryville State Park from Merrymount. A mid-block crossing is shown where the trail crosses from the south to north side of the road (Sheet 4). This crossing utilizes the median of the road, which appears to be wide enough to accommodate equestrians. The trails as shown on the SDP appear to be consistent with prior approvals.

It should also be noted that Dower House Branch and Piscataway Creek are the major master plan trail corridors in the area and will accommodate the majority of the trail users traveling to Rosaryville State Park and other regional trail destinations. The Tributary Trail and East-West Trail will be on HOA land and will service the residents of the subject application and users of the Merrymount Equestrian Center. Signage will be required at the time of SDP indicating that these connections are not open to the general public.

Conclusion

- (1) Signage will be required that delineates the private or internal HOA trails from the public trails. A condition of approval is included to address this at the time of plan certification.
- (2) The design and construction of both the East-West Trail and the Tributary Trail shall be consistent with current *Park and Recreation Facilities Guidelines*.
- (3) Crosswalk striping and warning signage is recommended at the trail crossing along Dressage Drive.
- (4) The ten-foot-wide asphalt trail shall be removed from private residential lots. This can be accomplished by relocating the crossing for the paved trail to the same location as the crossing for the Tributary Trail. The paved trail can then be

continued along the north side of Dressage Drive to the entrance of the proposed parkland. This segment of the trail will then be on M-NCPPC parkland, not within an easement on private residential lots (see the attached marked up copy of Sheet 4).

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 findings required for a specific design plan.

- f. **Department of Parks and Recreation (DPR)**—The Department of Parks and Recreation (DPR) reviewed the above referenced specific design plan (SDP) for conformance with the requirements of Comprehensive Design Plan CDP- 0701 and Preliminary Plan of Subdivision 4-07055, as they pertain to this specific design plan (SDP) for Phase One infrastructure, and those conclusions are included in the above findings. In conclusion, the Planning Board approves the above-referenced SDP be subject to the following conditions with modifications as proposed by the applicant:
- (1) Prior to issuance of the first building permit, the applicant shall construct a 10-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive.
 - (2) The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way fronting park, Parcel E, in the phase with Dressage Drive construction.
 - (3) The applicant shall construct a 30-foot-wide curb cut along the frontage of park Parcel H in the phase with Dressage Drive construction.
 - (4) Prior to SDP certification, the applicant shall revise the plans to relocate the western edge of the 30-foot-wide curb cut to park Parcel H, 150 feet from the residential Lot 1, Block C.
 - (5) The applicant shall rough grade park Parcel E and stabilize the graded areas according to the grading plan approved by DPR prior to issuance of the 50th building permit.
 - (6) At the time of final plat, the applicant shall record an easement on park Parcel D over the portion of the access road serving as a maintenance access route to HOA Parcel C.
 - (7) Prior to certificate approval of the SDP, the applicant shall revise the plans to relocate the access road on park Parcel D to the center of the parcel to provide appropriate setback from residential Lot 73, Block A. The applicant shall revise

the plans to extend the gravel access road to the main portion of Parcel D to allow M-NCPPC vehicular access to the stream valley park.

- (8) At the time of construction of the stormwater management pond on HOA Parcel C located next to park access Parcel D, the applicant shall extend the gravel road to the main portion of Parcel D to provide vehicular access to the dedicated parkland.
- (9) All trails on parkland shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design for any needed structures shall be reviewed and specified by DPR.
- (10) Prior to certificate approval of the SDP, the applicant shall coordinate with DPW&T the final location and design of the pedestrian and equestrian trails crossing located in the Dressage Drive right-of-way.

*REMAND – County Council of Prince George’s County, Maryland, sitting as the District Council, Order of Remand stated the following:

***The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding communities. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a specific timetable and delineate responsibilities, including funding sources, for the construction of the facilities. In formulating this plan, the applicant shall have met and consulted with the M–NCPPC Parks and Recreation staff, the Brookwood–Hollaway Civic Association, and the Williamsburg Estates Citizens Association.**

*In response to the remand order, the Department of Parks and Recreation provided comment in a memorandum dated March 27, 2013 (Asan to Lareuse) as stated below:

*“The District Council requested that the applicant develop a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community in consultation with DPR and the Civic and Citizens associations in the surrounding community. It is anticipated that a typical community park would include the following recreational facilities such as:

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*“Playground (Multi-age for children 2-5 & 5-12)

*“Softball Field with Football/Soccer Overlay

*“Picnic area

*“Pavilion (w/restrooms and storage area)

*“Walking Trails

*“Skate Park

*“65-space Parking Lot

*“TIMETABLE

*“The District Council requested that the applicant provide a specific timetable, and delineate responsibilities, including funding sources, for the construction of the facilities. The process of developing a plan for the Community Park typically considers neighborhood and regional needs and public input gathered through meetings with the community. Two major factors will determine the timetable for the park construction the timing of the developer’s payments and the Capital Improvement Program (“CIP”).

*“Capital Improvement Program (“CIP”) process: The timing for CIP project will be established based on recommendation by the DPR staff, input from the public, recommendations by the Planning Board and a final determination by the County Council. Construction of the park by the DPR will be dependent on future allocations through the CIP.

*“Development Phasing and Park Construction: Typically, the park facilities in a new subdivision are developed in phase with construction of the subdivision to ensure that the road network and utilities are constructed, and the new residential community is well established. The applicant had informed DPR staff that the first phase of the development would include approximately 106 dwelling units. DPR staff believes that construction of the Community Park could commence after completion of first phase of development. The applicant expects that approximately 100 dwelling units will be constructed by the end of 2016. The applicant expects that approximately 50 dwelling units will be built each year, which leads to the conclusion that the project will be built out by 2023; at that time, \$205,000 will be available for the park construction.

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*“FUNDING SOURCES

*“The Community Park construction will be funded through a future M-NCPPC Capital Improvement Program (“CIP”) and the applicant’s monetary contribution of \$500 per dwelling unit. It is estimated that at build out of the Canter Creek development, \$205,000 will be available for the park construction.

*“The Department of Parks and Recreation recommends to the Planning Board that approval of the above-referenced remanded Specific Design Plan SDP-1202 be subject to the following additional condition:

*“1. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.”

*The Planning Board finds that the condition above is appropriate and allows the applicant to move forward with the development and recreational facilities in a reasonable timeframe.

- g. **Permit Review**—The Permit Review Section indicated that they had no comments regarding the specific design plan for infrastructure.
- h. **Environmental Planning**—The Environmental Planning Section offered a summary of the environmental site description and provided an analysis of the specific design plan (SDP) and Type II tree conservation plan (TCPII) for conformance with various environmental requirements.

The subject application is grandfathered from the requirements in Subtitles 24 and 27 of the Prince George’s County Code that came into effect on September 1, 2010 because the project has a previously approved preliminary plan.

The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, because it has a previously approved tree conservation plan.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

Site Description

The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippet Road on the east, and Dower House Branch on the south. There are streams, wetlands, and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. Based on the most recent Air Installation Compatible Use Zone Study released to the public in July 2008 by Joint Air Force Base Andrews (JBA), aircraft-generated noise is not significant. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury, and Westphalia series. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, a sensitive species project review area, as delineated on the SSPRA GIS layer, is found on this property. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the *Prince George's County Approved General Plan*. The site contains regulated areas, evaluation areas, and network gaps as identified on the Green Infrastructure Plan. The site is located within a priority funding area.

Conformance with the Green Infrastructure Plan

The site is within the designated network of the Countywide Green Infrastructure Plan and includes large areas designated as regulated areas, evaluation areas, and network gaps. The regulated areas contain the same features as the natural reserve, as defined in the *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* (Subregion VI Master Plan). The evaluation areas are the forested areas contiguous with the regulated areas that contain special environmental features that should be considered for preservation. The subject property was evaluated for conformance with the Green Infrastructure Plan during the review of the comprehensive design plan and preliminary plan and is not reviewed for conformance with the current application.

Environmental Review

- (1) A revised Natural Resources Inventory, NRI-030-05-01, was signed by the Environmental Planning Section on June 30, 2008. The environmental features shown on the revised NRI have been correctly reflected on the SDP and TCPII.

No further information is required with regard to revised NRI-030-05-01.

- (2) The NRI contains a forest stand delineation (FSD) and wetlands report. The FSD describes four forest stands totaling 183.06 acres (53 percent of the property).

There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain, based on the 1989 floodplain delineation.

The purpose of a NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation, and areas for development that will minimize impacts to the natural environment. As described above, there are woodlands on this site that are part of the cultural and natural heritage of Prince George's County that should be the focus of woodland conservation on-site.

Only 16 specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

Stand A contains 93.13 acres of bottomland forest dominated by red maple, sweetgum, and yellow poplar. The average diameter at breast height (DBH) is 11.9 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand D, the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. Because this stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of Basic Plan A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations and the regulated areas shown in the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

Stand B contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum, and yellow poplar. The average DBH is 5.3 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland.

Stand C contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak. The average DBH is 8.6 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland. Only one specimen tree occurs in these stands. Neither Stand B nor C contain any expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within evaluation areas designated by the Countywide Green Infrastructure Plan. Because these stands are relatively immature, have low diversity of trees, and low diversity of understory species with no special characteristics, they are rated as fair to low priority for preservation.

Stand D contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech, and red oak. The average DBH is 14.3 inches. The boundaries of this forest stand are apparent on the 1938 air

photos because, except for Stands A and D, the remainder of the property was either agricultural fields or pasture. Two specimen trees occur in this stand. This stand contains a high diversity of tree species, a high diversity of shrub species, and a high diversity of native herbaceous species. The stand forms an upland connection between the main stem of Piscataway Creek on the west to the headwaters of the streams on the east. On September 7, 2007, the Maryland Department of Natural Resources, Natural Heritage Program, and the Environmental Planning Section conducted a field visit. Stand D was extensively studied and determined to be a “rich woods,” which is an uncommon designation within any portion of the Maryland Coastal Plain. Staff of the Environmental Planning Section classifies this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. All of Stand “D” is within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within a designated Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

According to information obtained from the Natural Heritage Program, a sensitive species project review area, as delineated on the SSPRA GIS layer, is found to occur on this property. A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*), was discovered within the area of Stand D on a field visit in 1990. Although this species was not found on a September 7, 2007 field visit by staff of the Environmental Planning Section and the Natural Heritage Program, it is not to be construed that the species no longer occurs on the site. This is one of the reasons why Forest Stand D is an extremely high priority for preservation—even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future.

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

Variation requests for nine impacts were submitted and evaluated with Preliminary Plan 4-07005. The Environmental Planning Section supported variation requests for Impacts 1, 2, 3, 4, 5, 6, 7, 8, and 9, for the reasons stated below.

Impact 1 was for installation of an outfall for a stormwater management facility. Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts 2, 3, 5, 6, 8, and 9). Impacts 4 and 7 are for installation of the public roads that will allow access and services to the majority of the property. Not all impacts for outfalls for stormwater management ponds are shown. However, the impacts to the expanded stream buffer shown on the current SDP and TCPII are in conformance with those approved at the time preliminary plan review.

- (4) Frontage improvements are proposed with the current SDP for infrastructure. A determination concerning appropriate street lighting associated with the right-of-way should be made at this time. The Environmental Planning Section recommends the use of full cut-off optic fixtures to minimize overall sky glow, light spill-over, and glare, if approved by DPW&T.
- (5) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafras, Shrewsbury, and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit review process.
- (6) Based on the most recent Air Installation Compatible Use Zone (AICUZ) Study released to the public in 2007 by JBA, aircraft-generated noise in the vicinity is significant, but the modeled noise levels for the subject property are less than the state acceptable noise level of 65 dBA Ldn for residential land uses.

The JBA Joint Land Use Study (JLUS) from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near JBA. Legislation implementing the JLUS has been proposed, but not adopted. This referral addresses the recommendations of the JLUS, not the proposed legislation. This property is outside of the 65 dBA Ldn lines, so recommended noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are recommended. No further information concerning the mitigation of noise impacts is required with the subject application.

- (7) A stormwater management concept approval letter and associated plans (8327602-2000-03), which expired on August 31, 2009, were submitted with the

preliminary plan. The layout of the project was subject to substantial revision during preliminary plan review for certification.

A valid, revised Stormwater Management Concept Letter, 8327602-2000-03, was submitted with the current application. Condition 26 of CDP-0701 required that the SDP show the use of forebays with the proposed stormwater management plan. The current SDP and TCPII show the use of forebays in accordance with the requirements of the Maryland Department of the Environment Stormwater Management Design Manual.

No additional information with regards to stormwater management is required with the current application.

The Environmental Planning Section recommended approval of SDP-1202 and TCPII-002-02-02 subject to conditions.

- i. **Department of Public Works and Transportation (DPW&T)**— In response to the Specific Design Plan No. SDP-1202 referral, the Department of Public Works and Transportation (DPW&T) offers the following comments:
 - a. The property is located along the western side of Frank Tippett Road, just north of the Dower House Branch. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban 4-Lane collector road for the existing Frank Tippett Road is required. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for the proposed internal subdivision streets. The internal subdivision streets center line radius are to be designed and constructed in accordance with DPW&T's Table I-2 Design Criteria. These roadways are to be consistent with the approved Master Plan for this area.
 - b. Prior to issuance of the Street construction permits, a ten-foot- wide concrete master planned hiker-biker trail within the public roadway rights-of-way (immediately adjacent to the south side of the proposed Dressage Drive (80' R/W) within the community), will be required. Additionally, as recommended by the Department of Parks and Recreation (DPR), this trail shall be 10-foot wide, where it is adjacent to roadways, in all locations.
 - c. A signal warrants study is to be undertaken at the proposed major and 4-lane collector roadway intersections, as well as at its intersections with primary residential roadways. Road right-of- way shall vary at the signalized intersection in order to provide exclusive turning lanes. These roadways are to be fully coordinated with the proposed roadway connections of the developments adjacent to this property.

- d. Any proposed &/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission and DPW&T and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specification and Standards.
- e. Full-width, 2-inch mill and overlay for all existing County roadway frontages limits are required.
- f. All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
- g. The access to the site should be constructed as a commercial driveway apron in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- h. An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for construction of an acceleration/deceleration lane.
- i. All proposed cul-de-sacs and intersections are required to allow, as a minimum, turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sacs.
- j. Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times.
- k. Street construction permits are required for improvements within public roadway rights-of-way, and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of Prince George's County.
- l. Determination of roadway identification (public or private) within the site is necessary prior to the Detailed Site Plan approval.
- m. The proposed site development is consistent to the approved DPW&T Stormwater Management Concept Plan No. 8327602-2000-04 dated June 21, 2012.
- n. All stormwater management facilities/drainage systems, including recreation features, visual amenities and facilities are to be constructed in accordance with the Specifications and Standards' of the DPW&T and the Department of

Environmental Resources. Approval of all facilities are required, prior to permit issuance.

- o. All existing/proposed culverts located under the roadway should be designed and replaced to provide 100 year frequency storm as determined by DPW&T.
- p. Conformance with DPW&T street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the Prince George's Road Ordinance, roadside trees will be required within the limits of the permit area.
- q. Tree Conservation and/or tree mitigation may be required. Coordination with the M-NCPPC, Natural Resources Division, is necessary.
- r. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required, by the applicant.
- s. Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility and Maintenance Permits" are required.
- t. A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation, for public streets is required. The soils investigation report shall be signed and sealed by-a registered professional engineer, licensed to practice engineering in the state of Maryland.

At the Planning Board hearing, a number of citizens complained about heavy traffic volumes associated with increased development in the area. A question relating to the timing of the frontage improvements was raised as the information in the record was not clear, however, the applicant testified that frontage improvements include grading within the right-of-way associated with the development. The Planning Board recognized that the findings of adequacy at the time of the preliminary plan of subdivision are valid and therefore, this specific design plan has no impact on those findings.

- j. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department stated that they had completed a health impact assessment review of the specific design plan (SDP), which was limited to details associated with infrastructure for Phase One. They provided the following summarized comments:

- (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. Light levels at residential property lines should not exceed 0.05 footcandles.

The subject SDP does not propose any light fixtures. Proposed lights within the public rights-of-way will be governed by DPW&T regulations.

- (2) There is 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 a community garden.

This should be noted by the developer.

- (3) 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.
- (4) During the construction phases of this project, no noise should 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.

The developer will be required to conform to dust and noise controls by other agencies at the time of construction.

- k. **Washington Suburban Sanitary Commission (WSSC)**—No comments were received from WSSC.
- l. **Verizon**—No comments were received from Verizon.
- m. **The Potomac Electric Power Company (PEPCO)**—In an e-mail dated August 8, 2012, Verizon commented that a ten-foot-wide public utility easement (PUE) had been provided along all public rights-of-way, but that in some areas it appeared that this easement was encumbered by other easements.

Exact easement locations will be finalized at the time of final plat; however, the specific design plan has been revised so as to correct the proposed easements conflict.

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 RE-APPROVED the Type II Tree Conservation Plan (TCPII-002-02-01), Specific Design Plan SDP-1202 for the above-described land, *with the additional findings as stated above and subject to the following conditions:

1. Prior to certification of the specific design plan, the applicant shall:
 - a. Provide documentation from the Department of Public Works and Transportation (DPW&T) that the specific design plan is in conformance with approved Stormwater Management Concept Plan 8327602-2000-04 or any subsequent revision.
 - b. Coordinate with DPW&T the final location and design, including crosswalk striping and warning signage, of the pedestrian and equestrian trail crossings located in the Dressage Drive right-of-way.
 - c. Provide details, specifications, and locations for the trail signage. These signs shall state "Private trail for use by residents of Canter Creek and guests of the Merrymount Equestrian Center only. Please respect the rights of private property owners."
 - d. Revise the plans to provide a minimum four-foot-wide grass strip adjacent to the equestrian trail along Dressage Drive from Frank Tippett Road to the Tributary Trail. This grass strip shall be free of landscaping, above ground utilities, and other obstructions.
 - e. If Pirouette Court is intended to function as a one-way (counter-clockwise) road, revise the plan to include a "Do Not Enter" sign at the eastern end of Pirouette Court, or as modified by the Department of Public Works and Transportation (DPW&T).
 - f. Add the approval date of the stormwater management concept plan to General Note 11.
 - g. Label the dimension of the dedication of 40 feet from the center line of Frank Tippett Road.
 - h. Have the landscape plan signed and sealed per the requirements of Section 2.1 of the *Prince George's County Landscape Manual*.
 - i. Revise the Type II tree conservation plan (TCPII) as follows:
 - (1) Add a woodland conservation table on each plan sheet and a woodland conservation summary sheet on the cover sheet.

*Denotes Amendment

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[Brackets] and ~~strike through~~ indicate deleted language

- (2) Revise the approval block to reflect the TCPII number and the previous plan approvals.
 - (3) Add the phasing lines shown on the specific design plan to the TCPII cover sheet and plan sheets.
 - (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the U.S. Army Corp of Engineers, and the Maryland Historical Trust.
3. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippet Road to the Tributary Trail, in phase with the construction of Dressage Drive.
4. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E, in phase with the construction of Dressage Drive.
5. The applicant shall construct the 30-foot-wide curb cut entrance along the frontage of Parcel E in phase with the construction of Dressage Drive.
6. The applicant shall rough grade Parcel E and stabilize the graded areas, according to the grading plan, as shown and noted on the approved specific design plan, prior to issuance of the 50th building permit.
7. At the time of final plat, the applicant shall record an easement on Parcel D over the portion of the access road serving as the maintenance access to future Parcel C.
8. Prior to specific design plan approval for Parcel C and Parcel D between Lots 72 and 74, Block A, the plans shall provide the following:
 - a. The access road to the stormwater management pond on Parcel C and to the stream valley park on Parcel D;
 - b. The access road shall be provided from Passage Drive on parcel Parcel D between Lot 73 and 74, Block A;
 - c. The access road shall be located in the center of the parcel to provide an appropriate setback from future residential Lot 73, Block A; and
 - d. The access road shall be extended to the main portion of Parcel D to allow vehicular access to the stream valley park.

9. All trails on parkland shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design for any needed structures shall be reviewed and specified by the Department of Parks and Recreation.
10. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
11. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.
12. Prior to approval of the first final plat, the applicant and the applicant's heirs, successors, and/or assignees shall record in Prince George's County Land Records the cooperative use agreement for part of Parcel F between the applicant and the Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the homeowners association (applicant) and the Merrymount Equestrian Center for the equestrian trails on Parcels B and C. Both agreements shall terminate in the event that the equestrian center ceases to operate, unless extended with the agreement of all parties to the easement.
13. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.
14. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road.
15. Design and construction of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.
16. The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.
17. The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

*18. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.

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 Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, October 25, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of November 2012.

*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 and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 25, 2013, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 25th day of April 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strike through~~ indicate deleted language

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 15, 2014, regarding Specific Design Plan SDP-1202-01 for Canter Creek Phase One, Lots 1-54, Block A; Lots 1-38, Block B; and Lots 1-14, Block C, the Planning Board finds:

1. **Request:** The subject application is for approval of a SDP for Phase One of the development, which proposes 106 single-family lots and architectural elevations for Lots 1-54, Block A; Lots 1-38, Block B; and Lots 1-14, Block C, to be built by Ryan Homes and Mid-Atlantic Builders. The previously approved Specific Design Plan SDP-1202 provided the entirety of infrastructure serving the proposed 106 lots subject to the current SDP.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-Family Detached
Parcels	6	6
Total Acreage	342.38	342.38
Area of Phase One	N/A	24.48 acres

3. **Location:** The subject property is located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9.

4. **Surrounding Uses:** To the north of the subject property is the Williamsburg Estates single-family home subdivision in the One-Family Detached Residential (R-80) Zone and a single-family detached lot in the Rural Residential (R-R) Zone. In the northeastern corner, the subject property surrounds the R-R-zoned Merrymount Equestrian Center, which is located on a separate parcel and under separate ownership. Across Frank Tippett Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development, the Brookwood subdivision, in the R-R Zone. To the south of the subject property are the Graystone at Marlborough single-family home subdivision and an undeveloped lot in the R-R Zone. To the west of the subject property is a 404-acre undeveloped property in the Reserved Open Space (R-O-S) Zone which is owned by Maryland Environmental Services.

The specific area of this subject SDP for 106 lots is located off of the proposed entrance into the development at its southern end.

5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the Prince George's County District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the R-A (Residential-Agricultural) and R-R Zones to the R-S Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review, but were withdrawn before being heard by the Prince George's County Planning Board. Preliminary Plan of Subdivision 4-00064 and TCPI-110-90 for the proposed development of the property (in accordance with County Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories was approved by PGCPB Resolution No. 01-79(A).

A Type II Tree Conservation Plan, TCPII-002-02, was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, Comprehensive Design Plan CDP-0701 and a revision to the Type I Tree Conservation Plan, TCPI-110-90/01, was approved by the District Council, subject to 31 conditions.

Preliminary Plan of Subdivision 4-07005 and TCPI-110-90/02 were disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on the concept of "good cause" associated with conformance to the Green Infrastructure Plan and Woodland Conservation Ordinance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan TCPI-110-90/02 and Preliminary Plan 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

On October 25, 2012 the Planning Board reviewed Specific Design Plan SDP-1202 for Canter Creek, Phase One, for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 1, 2012. On November 19, 2012 the District Council elected to review the case and, on February 12, 2013, the District Council remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered additional evidence and approved the SDP with one additional condition, for a total of 17 conditions, and amended findings in response to the Order of Remand.

6. **Design Features:** The proposed development consists of Lots 1–54, Block A; Lots 1–38, Block B; and Lots 1–14, Block C, with two-story, single-family, detached dwelling units. The subject application proposes 12 models by Mid-Atlantic Builders and 23 models by Ryan Homes.

The Mid-Atlantic models range from a base square footage of 2,451 to 3,859 square feet and feature varied rooflines and roof types and a variety of façade options, including full or partial brick and siding front façades and partial stone façades. Other features include reverse and sloping gables, dormers, bay and double-bay windows, and two-car front-load garages with an optional side-load available. Living area extensions include spa bath, morning room, guest and /or owner suite, in-law suite, library, California gourmet kitchen, sunroom, and screened lanai. Three-car garages are also available.

The Ryan models range from a base square footage of 1,715 to 3,439 square feet. Full or partial brick and siding is available; partial stone and shake siding are also options. Rooflines are broken by gables, reverse gables, and optional dormers, porches, and living area extensions. Options also include side-load and three-car garages, luxury owner suite, great room, “bonus” room, and morning room.

The submitted site plan shows only a few each of the Mid-Atlantic and Ryan proposed house types, but any house type could be built on any lot as long as it fits within the required setbacks. All of the proposed models offer several different front elevations with varied roof types and decorative architectural elements, such as shutters and enhanced trim. Some elevations lack sufficient roof variation or front façade articulation and have, for that reason, are conditioned to either be enhanced or removed from the approved set. Each dwelling has a standard front-load garage and multiple other options as described above. Most of the side elevations for the Mid-Atlantic models provide a minimum of two standard architectural features although recommendations are included to provide additional features where they provide balance. The Ryan models did not generally include two standard endwall features. This requirement is included as a condition of approval to ensure that all models have the minimum number of endwall features in a balanced composition.

Architectural Model Data:

Mid-Atlantic Models	Base Square footage	Elevations
Amherst	3,859 sq. ft.	#1206, #1208, #1210, #1212, #1214, #1216
Aspen	2,747 sq. ft.	#1501/1502, #1505, #1509/1510, #1513/1514, #1531
Casina	2,451 sq. ft.	#202, #206, #210, #214
Modena	2,517 sq. ft.	#302, #304, #306, #310, #314

Monticello	3,227 sq. ft.	#1601/1602, #1609/1610, #1617/1618, #1626/1676, #1631, #1652, #1658, #1660, #1668, #1672/1630, #1676 #1678, #1680/1682
Orvieto	2,660 sq. ft.	#402, #406, #410, #414
Sierra	3,675 sq. ft.	#1801/1802/1852, #1805/1806/1856, #1809/1810/1860, #1811/1812/1862, #1815/1816/1866, #1866 (Executive Series)
Signoria	3,306 sq. ft.	#702, #704, #706, #708
Somerset	3,294 sq. ft.	#501/502, #505/506, #519/520, #521/522, #523/524, #538, #550, #556, #560, #572, #574, #576
Sorrento	3,404 sq. ft.	#602, #604, #606, #608, #610
Torino	3,383 sq. ft.	#1302, #1304, #1306, #1308, #1310
Windsor	3,032 sq. ft.	#1401/1402, #1405/1405, #1408, #1409/1410, #1411/1412, #1416, #1420, #1424, #1428, #1434, #1436

Ryan Models	Base Square Footage	Elevations
Brentwood	1,788 sq. ft.	A,B,C,K,L
Carolina Place	1,715 sq. ft.	A,B,C,K,L
Castleton	2,074 sq. ft.	A,B,C,K,L
Chantilly Place	2,054 sq. ft.	A, B,C,K,L
Courtland Gate	2,902 sq. ft.	A,B,C,D,E,K,L
Florence	2,112 sq. ft.	A,B,C,D,E,K,L,M,N
Genoa	2,380 sq. ft.	A,B,K,L,M
Jasmine Grove	2,746 sq. ft.	A,B,C,K,L
Jefferson Square	2,761 sq. ft.	A,B,C,D,K,L
Lincolnshire	2,656 sq. ft.	A,B,C,K,L
Milan	2,528 sq. ft.	A,B,C,D,E,K,L,M,N
Naples	2,760 sq. ft.	A,B,C,D,E,K,L,M,N
Oberlin Terrace	2,737 sq. ft.	A,B,C,D,K,L
Palermo	2,553 sq. ft.	A,B,C,D,E,K,L,M,N
Ravenna	2,560 sq. ft.	A,B,C,D,E,K,L,M,N

Ryan Models	Base Square Footage	Elevations
Rome	3,060 sq. ft.	A,B,C,D,E,K,L,M,N
Sheffield	2,341 sq. ft.	A,B,C,K,L
Springhaven	1,952 sq. ft.	A,B,C
Torino	3,439 sq. ft.	A,B,C,N
Venice	2,224 sq. ft.	A,B,C,D,E,K,L,M,N
Verona	2,822 sq. ft.	A,B,C,D,E
Victoria Falls	2,472 sq. ft.	A,B,C,D,E,K,L
Zachary Place	2,272 sq. ft.	A,B,C,D

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C subject to 9 conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

Conditions

1. **Land uses shall be only as shown on the Basic Plan.**

The subject SDP is for single-family detached development, which is in conformance with the basic plan.

2. **The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject SDP appears to be in conformance with this condition. The minimum lot size in the proposed development is 8,001 square feet, which is for an interior lot. Lots adjacent to Piscataway Creek and Dower House Pond Branch appear to exceed the 10,000-square-foot minimum lot area requirement; however, several lot sizes are not consistently shown on the site plan and in the Lot Coverage Percentage table. The provision of accurate lot areas is required by a condition below.

5. **The Basic Plan shall be modified as follows:**

c. **That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The basic plan was modified as necessary to reflect this condition. Plant materials and screening have been provided to a depth of 100 feet along Frank Tippett Road, as

approved for in SDP-1202. This condition is not directly applicable to the subject SDP and will be further examined at the time of a future SDP for final site development.

- d. **No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

The basic plan was modified as necessary to reflect this condition. The subject SDP shows all driveway access from the internal roadway system.

- e. **All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.**

This SDP only includes the land directly associated with the proposed 106 lots. There are no trails in this area.

6. **The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

The previously approved SDP-1202 for infrastructure showed the equestrian center as existing and proposed the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland and be constructed with public funding.

Considerations

1. **The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation was submitted with approved Natural Resources Inventory NRI-015-07. The approved TCPI showed the preservation of woodlands along streams and adjoining roads, and preserves a major forest stand identified by the NRI as Forest Stand D. The submitted TCPII conforms to this consideration because it preserves a major stand of trees on the northern portion of the site that is adjacent to a stream and property lines, and preserves additional woodland along Piscataway Creek. This condition does not apply to the current SDP.

2. **The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

A 100-year floodplain study was approved for the subject property on November 20, 1989. A Stormwater Management Concept Plan, 8327602-2000-05, has been approved by the Department of Public Works and Transportation (DPW&T). A letter from Dawit Abraham, Associate Director,

DPW&T, dated September 22, 2009, indicates that Floodplain Study FPS No. 900058, approved on November 20, 1989, remains valid.

3. **A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

In conformance with this consideration, the approved NRI and submitted TCPII show all of the required expanded stream buffers on the property.

4. **The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

Specific Design Plan SDP-1202 provided landscaping and buffering along Frank Tippett Road which will maintain the suburban character of the area of Phase One. The current site plan does not propose any lots with rear yards fronting on Frank Tippett Road. The distance of the lots on Pirouette Court from Frank Tippett Drive (approximately 4,000 feet), in addition to existing trees between the roadway and the lots, will ensure that no lots will be clearly visible from the roadway.

7. **The applicant shall designate 17± acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by the Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This park land will also provide active neighborhood recreation opportunities. The entrance for the 17-acre parcel shall have a minimum 200-foot frontage on the primary roadway.**

Specific Design Plan SDP-1202 provided for the designation of approximately 122 acres of parkland in two parcels, adjacent to both the Dower House Pond Branch and Piscataway Creek, to be dedicated to M-NCPPC for public parks. Both parcels have more than 200 linear feet of frontage on proposed Dressage Drive, which connects to Frank Tippett Road.

8. **The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

There are no stormwater management ponds proposed on dedicated parkland. The two ponds shown on Parcels G and I, which are included in the subject SDP, were previously approved as part of SDP-1202 for infrastructure.

- 10. The width of building lots adjacent to Frank Tippett Road shall be in accordance with those for the R-R Zone.**

The current SDP does not propose any residential building lots adjacent to Frank Tippett Road.

- 12. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

This condition has been carried forward.

- 8. Comprehensive Design Plan CDP-0701:** Comprehensive Design Plan CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

- 4. At the time of final plat, the applicant shall dedicate approximately 115 acres to M-NCPPC for a stream valley park and a community park. The exact acreage of each park shall be determined at the time of the approval of the preliminary plan of subdivision. Land to be conveyed shall be subject to the following conditions:**
- b. The applicant and M-NCPPC shall work in partnership with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens Association on the nature of the recreation facilities to be constructed on the land to be conveyed for a community park.**

The Prince George's County Department of Parks and Recreation (DPR) will work in partnership with the applicant and each of the specified communities mentioned above in development of the recreational program for the community park on proposed Parcel E.

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

The boundaries and acreage of dedicated parkland are indicated on the SDP. Parcel E is proposed as 25 acres and Parcel D is proposed as 94.56 acres.

- 9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This payment will be due prior to issuance of the first building permit.

10. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Standard sidewalks were shown on both sides of all internal roads in SDP-1202 for infrastructure.

15. **Prior to certificate approval of the subject comprehensive design plan application:**
 - b. **Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**
 - (1) **Evaluating the resource at the Phase II level, or**
 - (2) **Avoiding and preserving the resource in place.**

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Site 18PR996 is located in the area included within the subject SDP. Phase II investigations were completed for this site in November 2009. The Historic Preservation Section did not request any further investigations on Site 18PR996 because of its lack of integrity.

16. **Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Given that the Phase II study concluded that Site 18PR996 lacked integrity and was not eligible for listing on the National Register of Historic Places, the previously approved SDP-1202 for infrastructure did not require interpretive signage for this site.

19. **The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland**

conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

No part of the expanded stream buffer, which will be placed into conservation easements at the time of final plat, is located on a residential lot in the current TCPII application. There are areas of "woodland retained-assumed cleared" located on portions of several residential lots which will not be credited as woodland conservation. Although these areas will not be placed into a woodland conservation easement, specific protection of the woodland conservation areas proposed are conditioned below.

28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:

a. That portion of the property adjacent to Frank Tippet Road shall be supplemented with plant materials or other screening.

The previously approved SDP-1202 for infrastructure indicated a proposed landscaped buffer consisting of evergreen and deciduous trees and shrubs of 100 feet in width along the Frank Tippet Road frontage.

b. No driveways shall have direct access to Frank Tippet Road. All access shall be from the internal roadway system.

All driveway access is shown from the internal roadway system.

d. The width of building lots adjacent to Frank Tippet Road shall be 70 feet at the street line.

The subject SDP does not propose any residential building lots adjacent to Frank Tippet Road.

e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

The subject plan has been reviewed for conformance with the applicable portions of this condition, which does not include the area adjacent to the Williamsburg Estates subdivision, and finds it in conformance.

29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.

This requirement has been carried forward.

31. **The applicant shall meet and work with M-NCPPC Parks and Recreation staff and the parties of record to assist in the selection and construction of recreational facilities for the parkland being dedicated. At the time of building permit, the applicant shall contribute \$500 per unit to a Parks and Recreation fund for the construction of a recreational park, as part of a future recreational center. The applicant is permitted up to 410 units on the property.**

The previously approved SDP-1202 for infrastructure proposed only the dedication and grading of the identified parkland, with no specific plan for recreational facilities. The applicant has submitted a concept plan for the proposed park on Parcel E to DPR, which is addressed further in Finding 10 of this report. The park construction will be funded through a future M-NCPPC Capital Improvement Program and the applicant's monetary contribution of \$500 per dwelling unit. DPR will coordinate any future meetings with the applicant and the community relating to planning and design of the recreational facilities for the park.

9. **Preliminary Plan of Subdivision 4-07005:** The relevant Preliminary Plan of Subdivision, 4-07005, was approved by the Planning Board on October 29, 2009 subject to 35 conditions. All of the conditions of the preliminary plan approval are still applicable and the following warrant discussion in relation to the subject SDP:

2. **A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

A TCPII was submitted with the subject SDP and is recommended for approval.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.**

Stormwater Management Concept Plan 8327602-2000-04 was revised and is valid through May 15, 2016. General Note 11 on the SDP will need to be revised to provide the current stormwater management concept plan number and approval date.

9. **The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the grading of Parcel E and installation of the ten-foot-wide asphalt trail along Dressage Drive on park property to DPR of M-NCPPC prior to the approval of building permits.**

This condition must be fulfilled prior to issuance of the first building permit.

11. **Prior to the approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR)**

Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:

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

The submitted SDP indicates the boundaries and acreage of proposed Parcels D and E, to be dedicated to M-NCPPC, which combined total approximately 120 acres.

- 12. Prior to the approval of each building permit, the applicant and the applicant's heirs, successors and/or assignees shall contribute a per dwelling unit fee to DPR (M-NCPPC). Funds shall be placed in an account specifically established for the Community Park on Parcel E, as set forth in CDP-0701.**

This condition has been carried forward.

- 13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:**
 - a. The design, specific of the location, and trigger for the construction of a ten-foot-wide asphalt trail and equestrian trail along the south side of Dressage Drive from Frank Tippett Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.**
 - b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.**
 - c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.**

- d. **Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.**

Each of the above requirements of Condition 13 was addressed in Finding 9 of the previously approved SDP-1202 for infrastructure. Plats MMB 239-61, MMB 239-62, and MMB 239-63 for road dedication were approved by the Planning Board on December 6, 2013 in conformance with SDP-1202. The approval of any plat beyond road dedication will be subject to this condition.

22. **Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:**
 - a. **Evaluating the resources at the Phase II level, or**
 - b. **Avoiding and preserving the resources in place.**
23. **Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.**
24. **Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.**

The subject SDP includes Archeological Site 18PR996. Phase II investigations were completed on this site in 2009; no further work was requested by Historic Preservation staff.

25. **The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Environmental Planning Section will coordinate the protection of historic resources with the Historic Preservation Section during Section 106 review for the proposed disturbances to wetland,

wetland buffers, streams, and waters of the U.S. This condition has been carried forward as a condition of approval of this SDP.

- 28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.**

The previously approved SDP-1202 for infrastructure proposed a 100-foot-wide buffer with attractive plantings near the roadway frontage of Parcel A in fulfillment of this condition.

- 30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:**

- a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.**

The previously approved SDP-1202 for infrastructure showed a sidewalk along the frontage of Frank Tippett Road.

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Specific Design Plan SDP-1202 for infrastructure showed sidewalks along both sides of all internal roads.

- c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

Specific Design Plan SDP-1202 for infrastructure showed the subject trail and a condition setting the timing of its construction as prior to issuance of the 250th building permit. This condition has been carried forward.

- d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.**

Specific Design Plan SDP-1202 showed the subject trail. A condition set the timing of its construction as prior to issuance of the 150th building permit. This condition has been carried forward.

- e. **The design of the equestrian trails should be in accordance with the Park and Recreation Facilities Guidelines. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.**
- f. **The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippett Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.**
- g. **Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.**

Conditions were included in the previously approved SDP-1202 for infrastructure to ensure that these requirements were met.

- 31. **Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of a bikeway sign(s) along Frank Tippett Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.**

This condition will be fulfilled prior to issuance of building permits.

- 32. **Prior to the approval of the first final plat the applicant and the applicant's heirs and or assignees shall record in land records of Prince George's County the cooperative use agreement for part of Parcel F between the applicant and Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the HOA (applicant)**

and Merrymount Equestrian Center for the equestrian trails on Parcel B and C. Both agreements shall terminate in the event that Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.

This condition was included in the previously approved SDP-1202 for infrastructure and is required to be fulfilled prior to final plat approval.

33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicated a 10-foot public utility easement (PUE) along all the public rights-of-way.

The submitted SDP shows a ten-foot-wide public utility easement along all public rights-of-way.

35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.

This condition has been carried forward.

10. Specific Design Plan SDP-1202 for Infrastructure: Specific Design Plan SDP-1202 for infrastructure was approved by the Planning Board on April 25, 2013 subject to 18 conditions. The following condition warrants discussion in relation to the subject SDP:

18. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.

The applicant submitted a concept plan for the proposed park to DPR along with a timetable for the anticipated park construction. DPR is recommending a condition that a revised concept plan be submitted for approval prior to certificate of approval of the subject SDP. Further discussion of the concept plan is found in Finding 14 of this report.

11. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the Residential Suburban Development (R-S) Zone and the site plan design guidelines of the Zoning Ordinance.

a. The subject application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, of the Zoning Ordinance governing development in the R-S Zone.

b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

(1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-0701 as detailed in Finding 8 above and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 11 below.

(2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

The proposed plan for architecture and the creation of 106 lots will have no impact on the previous finding that the project will be adequately served within a reasonable period of time, as was found in the approval of Preliminary Plan 4-07005.

(3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The applicant provided a copy of approved Stormwater Management Concept Plan 8327602-2000-05 dated May 2, 2013. A referral received from Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) indicated that the subject SDP is consistent with that approved plan. General Note 11 should be corrected to provide the current stormwater management concept number and date. This is required by a condition below.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;

In a memorandum dated April 9, 2014, the Environmental Planning Section recommended approval of TCPII-002-02-02 subject to conditions. Those conditions have been included in the Planning Board approval.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

In a memorandum dated October 4, 2012, the Environmental Planning Section stated that the site is grandfathered from this requirement because the project has a previously approved preliminary plan.

12. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of residential lots is subject to conformance to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual.

The applicant has not provided the required landscape schedules for Sections 4.1, 4.6, or 4.7. The submitted SDP provides the required schedule and notes showing the requirements being met for the proposed landscaping per Section 4.9. Although it appears the applicant has provided the required landscaping on the lots in compliance with Section 4.1, a schedule must be provided indicating the number and type of plant units provided to meet the requirements of the section. The applicant must also show compliance with Section 4.6 for those lots which have rear yards that face a street. The SDP is further subject to Section 4.7. The applicant should provide notes on the appropriate SDP sheets indicating that no buffer is required for those lots adjacent to the stormwater management facilities on Parcels G and I. It is anticipated that Phase Two development will also consist of single-family detached development which will be compatible with those lots currently proposed which abut Phase Two; however, further analysis will be undertaken at the time Phase Two is proposed. These revisions may require the applicant to revise the schedule and plantings list for Section 4.9. All landscape plan revisions will be required prior to certificate of approval.

13. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This site also has previously approved tree conservation plans that have not been implemented. A revised Type I Tree Conservation Plan, TCPI-110-90/02, was approved with Preliminary Plan 4-07005 that reflects the currently proposed use for the subject property.

The revised TCPII appropriately reflects the site statistics found on revised Natural Resources Inventory NRI-015-07-01.

The revised TCPII uses a phased worksheet, which includes the current revised SDP for Phase One proposing the clearing of 9.70 acres of the existing 26.89 acres of upland woodland, and clearing 0.75 acre of the existing 44.14 acres of woodland in the 100-year floodplain. The woodland conservation threshold for the entire site is 49.73 acres and, based upon the currently proposed clearing, the woodland conservation requirement for Phase One development is 52.90 acres. The plan proposes 16.43 acres of on-site preservation with Phase One, and 91.44 acres of on-site preservation in future phases in fulfillment of the woodland conservation requirement for the subject property.

The revised TCPII is consistent with the previously approved plan certified as TCPII-002-02-01, except for the addition of lot lines, structural footprints, and site elements for the current phase. No champion, specimen, or historic trees are proposed to be removed.

One technical revision to the TCPII plan is required to revise the title block on all sheets to read "Infrastructure for Site and Phase One Development," which accurately reflects the current application, and will be further updated as additional phases are developed.

The technical revisions are included in the Planning Board approval.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

a. **Historic Preservation**—In a memorandum dated February 26, 2014, the Historic Preservation Section offered the following information:

The subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House, Historic Site 82A-017, located at 8801 Frank Tippet Road (Tax Map 118 A-2).

The Joshua Turner House, built in the 1880s, is a two-and-one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th century country house of a successful businessman, and for its fine Queen Anne-style decorative detail. The historic site's environmental setting includes approximately five acres (Part of Parcel 91).

The Joshua Turner House historic site has included an equestrian training and riding facility, Merry Mount, operated by its current owners for approximately 30 years. A portion

of Merrymount's operations are located on the adjacent developing property through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is not currently proposed for development through the subject application.

As currently proposed on the subject plan, the applicant's street names are based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House historic site as the Merrymount equestrian facility.

Archeology

Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by the Historic Preservation Section on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth century domestic site, Site 18PR972 consists of the ruins of a twentieth century tenant farmer house and adjacent barn, and Site 18PR973 is a dense scatter of brick that likely represents a nineteenth century tobacco barn that had been destroyed by the late twentieth century. No further work was recommended on any of the archeological sites. The Planning Board concurs that no additional archeological work is necessary on Sites 18PR972 and 18PR973.

The Planning Board did not concur with the report's conclusion that no additional work was necessary on Site 18PR971. Site 18PR971 represents a late nineteenth to early twentieth century tenant house, a common property but one not well studied archeologically, in Prince George's County. The Planning Board finds that Phase II investigations should be conducted on Site 18PR971 to determine if any intact cultural deposits or features are present. A Phase II work plan should be submitted to Historic Preservation staff prior to beginning any work.

The Phase I survey also identified an area in the southeastern portion of Field F2 where brick and some nineteenth century domestic material were found. The applicant's archeological consultant was directed to record the brick fragments and associated nineteenth century artifacts as an archeological site. Although the subject property was not the primary residence of any of the eighteenth or nineteenth century owners, it is likely that tenant houses or slave quarters were located on the subject property. The Calverts, Brookes, and Sewalls, who owned the property during the course of the eighteenth and nineteenth centuries, owned large numbers of slaves. These types of sites leave few physical remains or extensive artifact scatters that are visible on the surface. However, subsurface features may still exist. This sparse scatter of brick and domestic material was believed to represent one such site. The Planning Board finds that the artifact scatter should be assigned an archeological site number and that Phase II investigations should be conducted to determine if any intact cultural deposits or features were intact below the plow zone.

The artifact scatter was designated archeological site number 18PR996 and Phase II investigations were conducted in November 2009. Seventeen artifacts were recovered, including pieces of brick, hand wrought and cut nails, one piece of earthenware, five pieces of pearlware, and oyster shell. A shallow pit feature was identified in Test Units 2 and 3. The feature was likely part of what was once a much larger borrow pit that had been filled. No artifacts were found in the pit. The site was heavily eroded from continued use as a plowed field. Site 18PR996 was defined as a severely truncated early nineteenth century domestic site and possibly represents a temporary habitation for enslaved laborers working the adjoining fields. Due to the disturbance of the site by plowing and erosion, the site lacked integrity and no further work was recommended. The Planning Board concurred that no further work was necessary on Site 18PR996. Four copies of the final Phase II report were accepted and approved by the Historic Preservation Section on January 6, 2010.

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

The descriptions of the archeological sites on the plans should be changed from "Historic Site 18PR996" and "Historic Site 18PR971" to "Archeological Site 18PR996" and "Archeological Site 18PR971."

Conclusions

1. The area within the subject SDP is not adjacent to the Joshua Turner House (Historic Site 82A-017) and will not have a direct visual impact on the site. However, the SDP for the portion of the proposed development that is adjacent to the historic site should address the buffering requirements of the Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from the Joshua Turner House.
2. The use of the Joshua Turner House historic site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the eighteenth century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide

tangible connections to it through a network of pedestrian and equestrian trails. Every effort should be made to ensure the protection of the equestrian facility.

3. The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity, and the area's equestrian heritage.
4. Phase II archeological investigations have been completed on Site 18PR996. The final reports for the Phase I and II investigations have been submitted and approved by the Historic Preservation Section.
5. Phase II archeological investigations have not been completed on Site 18PR971. Phase II and, if required, Phase III investigations should be completed prior to approval of the first SDP for the area that contains Site 18PR971.

The Planning Board concludes that the subject application will not impact any significant archeological resources or the Joshua Turner House historic site. The previous conditions applicable to the area located within the subject plan have been satisfied.

- b. **Community Planning**—In a memorandum dated March 27, 2014, the Community Planning Division offered the following comments in regard to the subject application:

The development proposal conforms to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) recommendations for a residential low land use. The proposed project design also meets the relevant policy and strategies associated with the Subregion 6 Master Plan.

The subject property is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The western portion of the property is within Imaginary Surface E, establishing a height limit of approximately 488 feet above the runway surface. The eastern portion of the property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. Where there is a height limit for the underlying zoning district and for the ILUC, the most restrictive will apply. This property is outside of the 65 dBA Ldn noise contours, so noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are required. The mapped categories on the subject site do not prevent any of the proposed development and should be noted and graphically depicted on the SDP and any other future development plans.

- c. **Transportation Planning**—In a memorandum dated March 26, 2014, the Transportation Planning Section indicated that, as of this writing, none of the transportation-related conditions approved with Preliminary Plan 4-07005 (PGCPB Resolution No. 08-112(A)) have been met and, therefore, they all still remain valid.

Upon review of the pending application, the applicant is proposing a road network that is consistent with the approved preliminary plan. The approved 410-lot subdivision will be served by two access points on Frank Tippett Road. One of the two proposed access roads will be Dressage Drive, a proposed 80-foot road with a 36-foot curb-to-curb cross section. This road, in combination with the second access road (with a similar cross section) will function as the "main street" through the development. As a result of its functionality, it is expected to carry the heaviest traffic volumes amongst the internal roads within the development. It is for this reason why every effort should be made to limit the number of driveways that front directly on this road. In situations where a lot is located at the intersection of Dressage Drive and other internal streets, the preferred location of that driveway should be on the minor street. There are several instances in this proposal where this preference was not evident. A condition is included in the Planning Board approval addressing this issue.

- d. **Subdivision Review**—The Subdivision Review Section provided an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-07005 in a memorandum dated April 17, 2014.

The subject site is located on Tax Map 117 in Grid F-2 and is within the R-S Zone. The site is currently undeveloped. The applicant has submitted a SDP for the development of 106 single-family dwellings. The acreage provided in the general notes of the SDP indicates that the SDP is for the entire area of land (324.38 acres) covered by the preliminary plan, which should be corrected.

The site is the subject of Preliminary Plan 4-07005 for the TBLU Property (342.38 acres). The Planning Board adopted the resolution of approval (PGCPB No. 08-112(A)) on November 19, 2009. The validity period for the preliminary plan was extended to December 31, 2015 pursuant to Council Bill CB-70-2013. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The applicant may request an extension of the validity period for the preliminary plan beyond the validity date.

Specific Design Plan SDP-1202-01 is in substantial conformance with Preliminary Plan 4-07005, including lot layout and size, if all of the applicable conditions 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.

The Planning Board approval includes a condition to address two minor technical revisions.

- e. **Trails**—In comments dated March 31, 2014, the Transportation Planning Section reviewed the SDP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and/or the appropriate area

master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The Subregion 6 Master Plan and SMA includes three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Branch. Frank Tippet Road is designated as a master plan bike/trail corridor. The master plan trails issues and internal connectivity were addressed via the SDP for infrastructure, as well as the approvals for the preliminary plan, CDP, and basic plan. The prior approvals all contained a large amount of detailed analysis regarding the trails network and included many subsequent conditions of approval. The submitted plans are for the development of residential units within the already approved infrastructure. The plans appear to be in conformance with these prior approvals.

As part of this review, Planning Board evaluated the sidewalk network serving the proposed residential units and recommends that, prior to certification, the plans be amended to reflect ADA (Americans with Disabilities Act) curb cuts and ramps at all sidewalk and road intersections. A short additional segment of sidewalk is also recommended along Dressage Drive. All prior conditions of approval regarding master plan trail facilities still apply.

Sidewalks and ADA ramps are shown on the plan. They were included on the previous SDP-1202 for infrastructure and are not within the scope of the current SDP.

Conclusion

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 SDP as described in Section 27-285 of the Zoning Ordinance.

- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 25, 2014, DPR reviewed the above referenced SDP for conformance with the requirements of Comprehensive Design Plan CDP-0701, Preliminary Plan 4-07055, and Specific Design Plan-1202 as they pertain to this SDP, and their findings are below.

The applicant has submitted a revision to the previously approved SDP-1202 (for infrastructure only) which proposes to add the first phase of the proposed residential development. The proposed first phase of development is to include 106 single-family detached homes on 106 lots. The previous approvals on this property (also known as TLBU) include CDP-0701, 4-07005, and SDP-1202. All of these prior approvals had conditions which addressed the mandatory dedication of parkland, along with additional recreational facilities requirements.

The applicant has provided verbal acknowledgment that they have consulted with the Brookwood-Hollaway Civic Association and the Williamsburg Estates Citizens

Association, but DPR has not received any written documentation or results from those meetings.

Findings

The park facilities as proposed by the applicant are typical and consistent with a community park that DPR would construct on property of this size. DPR has reviewed the park concept and believes that some refinements to the park concept will be necessary. DPR believes that, due to the size and shape of Parcel E, it may accommodate a separate football and soccer field. DPR also believes that the playground area should be relocated away from the rear of the proposed residential dwellings. DPR requests that a revised concept plan be submitted for review prior to final plan approval. DPR acknowledges that this plan is only a concept for the proposed park facilities and that the facilities plan could be amended pending final programming for the park. DPR has reviewed the proposed timetable as submitted by the applicant and agrees to add the proposed park as a candidate project in a future Prince George's County Capital Improvement Program (CIP) based on funding capacity. The required developer contributions will not be sufficient to construct a community park; therefore, development of the community park will require additional funding to be appropriated by the County Council. Should this funding be appropriated, it will be placed in the M-NCPPC CIP. Meanwhile, with the approval of this plan, DPR will set up an account to allow for collection of the developer fees (on a per unit basis) that will be used towards the new park.

The Planning Board approval includes a condition that the applicant submit a revised park concept plan that reflects more efficient use of Parcel E.

- g. **Environmental Planning**—In a memorandum dated April 9, 2014, the Environmental Planning Section offered a summary of the environmental site description and provided an analysis of the SDP and Type II tree conservation plan (TCPII) for conformance with various environmental requirements.

The subject application is grandfathered from the requirements in Subtitles 24 and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the project has a previously approved preliminary plan.

The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, because it has a previously approved tree conservation plan.

Site Description

The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east, and Dower House Branch on the south. There are streams, wetlands, and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. Based on the most recent Air Installation

Compatible Use Zone (AICUZ) Study released to the public in July 2008 by Joint Air Force Base Andrews, aircraft-generated noise is not significant. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury, and Westphalia series. According to information obtained from the Maryland Department of Natural Resources (MD DNR), Natural Heritage Program, a sensitive species project review area (SSPRA), as delineated on the SSPRA GIS layer, is found on this property. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the *Prince George's County Approved General Plan*. The site contains regulated areas, evaluation areas, and network gaps as identified on the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). The site is located within a priority funding area.

Conformance with the Green Infrastructure Plan

The subject property was evaluated for conformance with the Green Infrastructure Plan during the review of the CDP and preliminary plan and is not reviewed for conformance with the current application.

- (1) A revised Natural Resources Inventory, NRI-030-05-01, was signed by the Environmental Planning Section on June 30, 2008. The environmental features shown on the revised NRI plan have been correctly reflected on the revised SDP and TCPII.

The signed NRI contains a forest stand delineation which describes four forest stands totaling 183.06 acres (53 percent of the property). There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain based on the 1989 floodplain delineation. Sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

There are woodlands on this site that are part of the cultural and natural heritage of Prince George's County where woodland conservation on-site has been focused.

Stand A contains 93.13 acres of bottomland forest dominated by red maple, sweetgum, and yellow poplar with an average diameter at breast height of 11.9 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand D, the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. This stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of Basic Plan A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the regulated areas shown in the Green Infrastructure Plan, and has a very high priority for preservation.

Stand B contains 37.37 acres of early-successional mixed hardwoods dominated by red oak, sweetgum, and yellow poplar with an average diameter at breast height of 5.3 inches. Aerial photography indicates that, in 1938, all of the areas occupied by this stand were in pasture or agricultural use, but by 1965 these areas were no longer being cultivated and beginning to regenerate into woodland.

Stand C contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak with an average diameter at breast height of 8.6 inches. In 1938, all of the areas occupied by this stand were in pasture or agricultural use. Aerial photography from 1965 shows that these areas were no longer being cultivated, and beginning to regenerate into woodland. Only one specimen tree occurs in these stands.

Neither Stand B nor C contain expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within evaluation areas designated by the Green Infrastructure Plan. These stands are relatively immature, have low diversity of trees and understory species with no special characteristics, and are rated as fair- to low-priority for preservation.

Stand D contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech, and red oak with an average diameter at breast height of 14.3 inches. Two specimen trees occur in this stand, which contains a high diversity of tree species, shrub species, and native herbaceous species. The stand forms an upland connection between the main stem of Piscataway Creek on the west to the headwaters of the stream on the east. On September 7, 2007, the MD DNR, Natural Heritage Program, and the Environmental Planning Section conducted a field visit. Stand D was extensively studied and determined to be a "rich woods," which is an uncommon designation within any portion of the Maryland coastal plain. The Environmental Planning Section classifies this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. Stand D is entirely within a designated evaluation area of the Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley, and inclusion within the evaluation area of the Green Infrastructure Plan, this stand has a very high priority for preservation.

No further information is required with regard to revised NRI-030-05-01.

- (2) According to information obtained from the MD DNR, Natural Heritage Program, a SSPRA as delineated on the SSPRA GIS layer occurs on this property. A state-listed endangered species (few-flowered tick-trefoil, *Desmodium pauciflorum*)

was discovered within Stand D on a field visit in 1990. Although this species was not found on the September 7, 2007 field visit by staff, it is not to be construed that the species no longer occurs on the site even though the plant has not been physically located. It may still occur in this area and, if the woodlands are preserved, it may be physically located in the future. This is one of the reasons why forest Stand D is an extremely high priority for preservation.

At the time of preliminary plan, it was recommended that all woodland conservation areas proposed on-site, except for those on property to be dedicated to DPR, be included in the delineated conservation easements on the final plat.

The entire woodland conservation requirement will be met on-site with high-priority woodland preservation in environmentally-sensitive areas. Protection of the woodland conservation areas as platted conservation easements of this site will be addressed at the time of final plat.

- (3) Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations require variation requests in conformance with Section 24-113 of the Subdivision Regulations.

Variation requests for nine impacts were submitted and evaluated with Preliminary Plan 4-07005. The Environmental Planning Section supported all nine variation requests for the reasons stated below. Impact 1 was for the installation of an outfall for a stormwater management facility. Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts 2, 3, 5, 6, 8, and 9). Impacts 4 and 7 were for installation of the public roads that will allow access and services to the majority of the property. All of the impacts for outfalls for stormwater management ponds have been shown.

The impacts to the expanded stream buffer shown on the revised SDP and TCPII are in general conformance with those approved at the time of preliminary plan review and those approved with the previous SDP and TCPII approvals.

- (4) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage.

This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit review process.

- (5) Based on the Air Installation Compatible Use Zone (AICUZ) Study released to the public in 2007 by Joint Air Force Base Andrews (JBA), aircraft-generated noise in the vicinity is significant, but the modeled noise levels for the subject property are less than the state acceptable noise level of 65 dBA Ldn for residential land uses.

The JBA Joint Land Use Study (JLUS) from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near JBA. Legislation implementing JLUS has been proposed, but not adopted. This referral addresses the recommendations of JLUS, not the proposed legislation. This property is outside of the 65 dBA Ldn lines, so recommended noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are recommended.

No further information concerning mitigation of noise impacts is required with the subject application.

- (6) A valid stormwater management concept approval letter and associated plans, 8327602-2000-05, were submitted with the current application which expires on May 2, 2016.

Condition 26 of CDP-0701 required that the SDP show the use of forebays with the proposed stormwater management plan. The current SDP and TCPII show the use of forebays in accordance with the requirements of the Maryland Department of Environment's Stormwater Management Design Manual.

No additional information with regard to stormwater management is required with the current application.

Summary of Recommended Findings

- (1) The revised SDP and TCPII can be found in conformance with A-9738-2.
- (2) The revised SDP and TCPII can be found in conformance with CDP-0701, Preliminary Plan 4-00064, and TCPI-110-90.
- (3) The regulated environmental features within the development envelope on the subject property have been preserved and/or restored to the fullest extent possible.

The Planning Board approval includes conditions found below.

- h. **Public Facilities**—In a memorandum dated February 21, 2014 the Special Projects Section provided the following comments:

The Special Projects Section of the Countywide Planning Division has reviewed this SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which states that:

The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

Fire and Rescue

The Special Projects Section has reviewed this SDP for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The proposed project is served by Clinton Fire/EMS Company 25, a first due response station (a maximum of seven minutes travel time), is located at 9025 Woodyard Road.

Capital Improvement Program (CIP)

The Prince George’s County Capital Improvement Program for Fiscal Years 2014–2019 provides funding to complete a major renovation of the existing Clinton Fire/EMS Company 25 facility at 9025 Woodyard Road.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

Police Facilities

The Special Projects Section has determined that this SDP is located in District V, Clinton. Police facilities have been determined to be adequate.

Schools

Single-Family Detached

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	106 DU	106 DU	106 DU
Pupil Yield Factor	0.164	0.130	0.144
Subdivision Enrollment	17	14	15
Actual Enrollment	3,383	4,599	11,684
Total Enrollment	3,400	4,613	11,699
State Rated Capacity	4,399	5,540	13,106
Percent Capacity	77%	83%	89%

County Council Bill CB-31-2003 established a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,858 and \$15,185 to be paid at the time of issuance of each building permit.

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

Water and Sewerage

Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan placed this property in water and sewer Category 3, Community System.

- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 8, 2014, the Site/Road Plan Review Division offered the following comments:

The property is located along the western side of Frank Tippett Road, just north of the Dower House Branch. A right-of-way dedication and frontage improvement in accordance

with DPW&T's urban four-lane collector road for existing Frank Tippett Road is required. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's specifications and standards are required for the proposed internal subdivision streets. The internal subdivision streets centerline radius is to be designed and constructed in accordance with DPW&T's Table 1-2 Design Criteria. These roadways are to be consistent with the approved master plan for this area.

The proposed site development is consistent with approved Stormwater Management Concept Plan 8327602-2000-05 dated May 2, 2013.

Prior to issuance of street construction permits, an eight-foot-wide concrete master-planned hiker-biker trail within the public roadway rights-of-way (immediately adjacent to the south side of proposed Dressage Drive, an 80-foot right-of-way, within the community), will be required. Additionally, as recommended by DPR, this trail shall be eight feet wide where it is adjacent to roadways in all locations.

It appears that DPIE has modified the trail width within the Dressage Drive right-of-way from ten feet to eight feet.

Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between M-NCPPC and DPIE, and may involve rights-of-way reservation, dedication, and/or road construction in accordance with DPIE's specification and standards.

j. **Prince George's County Health Department**—In a memorandum dated March 14, 2014, the Environmental Engineering Program of the Health Department stated that they had completed a health impact assessment review of the subject SDP. The scope of the current SDP submission and associated health impact assessment review is limited to details associated with Phase One of the project. They provided the following summarized comments:

- (1) There is 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 a community garden.

The applicant is encouraged to consider the feasibility of providing a community garden.

- (2) 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.

- (3) During the construction phases of this project, no noise should 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.

A condition requiring the applicant to add a note to the plans indicating that they will comply with the above conditions relating to dust and noise during construction is included in the Planning Board approval.

- k. **Prince George's County Police Department**—In a memorandum dated February 28, 2014, the Community Services Division of the Police Department indicated there were no crime prevention through environmental design (CPTED) issues at this time and that they will work with DPIE to determine street tree placement adjacent to streetlights.
- l. **Prince George's County Fire/EMS Department**—In a memorandum dated February 22, 2014, the Office of the Fire Marshal provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- m. **Verizon**—Comments had not been received from Verizon.
- n. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated August 8, 2012, Verizon commented that a ten-foot-wide public utility easement had been provided along all public rights-of-way, but that in some areas it appeared that this easement was encumbered by other easements.
- The exact easement locations will be finalized at the time of final plat; however, the SDP has been revised so as to correct the proposed easement's conflict.
- o. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated February 27, 2014, WSSC provided comments relating to water and sewer service that will be required prior to issuance of permits.

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-002-02-02), and further APPROVED Specific Design Plan SDP-1202-01 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the general notes to:
- a. Add a general note indicating the correct acreage of land included in this SDP revision.

- b. Revise General Note 11 to indicate the current stormwater management concept plan number and date.
 - c. Add a general note indicating that all structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable county laws.
 - d. Add a general note indicating that the property is within the Interim Land Use Control (ILUC) impact area including the following language: "The property is within both Imaginary Surfaces E and F, establishing a height limit of approximately 488 feet above the runway surface. This property is outside of the 65 dBA Ldn noise contours and is not within an Accident Potential Zone, so no controls on use or density are required. The mapped categories on the subject site do not prevent any of the proposed development."
 - e. Add a general note indicating compliance with Prince George's County Health Department requirements relating to dust and noise during construction.
 - f. The day care center shall be deleted from the proposed uses.
2. Prior to certificate of approval, the following revisions shall be incorporated into the specific design plan:
- a. A table shall be provided on the coversheet indicating the approved front, side, and rear setbacks approved in Comprehensive Design Plan CDP-0701.
 - b. The approval sheet shall show the certificate of approval for Specific Design Plan SDP-1202.
3. Prior to certificate of approval, the applicant shall provide a minimum of two standard endwall features in a balanced composition on all Ryan Homes and Mid-Atlantic Builders models.
4. A minimum of four standard endwall features shall be provided in a balanced composition on corner and highly-visible lots, including Lots 1, 2, 10, 11, 18, 19, 30, 39, and 54, Block A; Lots 1, 20, 21, and 34, Block B; and Lot 1, Block C.
5. Prior to certificate of approval, the following revisions shall be made to the Ryan Homes models:
- a. The Lincolnshire optional dormer above the garage that is not completely enclosed by the roof plane and shall be deleted.
 - b. Milan, Elevation A, shall either include a standard front porch or shall not be offered. Elevation K shall be deleted.

- c. Sheffield, Elevations A, B, and K, shall either incorporate two standard dormers over the garage or be deleted.
 - d. Venice, Elevation C with full brick veneer front, shall include either a standard specialty window, a portico above the front door, or a full porch.
6. Prior to certificate of approval, the following revisions shall be made to the Mid-Atlantic Builders models:
 - a. An additional standard feature (for a total of three) shall be provided for left side elevations where a front-loaded garage is provided and two standard endwall features are shown oriented toward the rear of the unit, to provide a balanced composition.
 - b. Where a side-loaded garage is provided, a standard window shall be provided on the second story left side elevation to provide a balanced composition.
 - c. Sheet 3M of the Monticello model shall be replaced to provide the elevation shown on the exhibit.
 - d. Sheet A22 of the Signoria model shall be revised to correct the title of the rear elevation.
 - e. Sheet 55 of the Somerset model shall be revised to indicate that the side elevations shown are the right side elevations. Sheet 67 shall be revised to indicate the correct standard first floor feature provided on the left side elevation with a garage extension. The applicant shall confirm whether Sheet 74, showing the left side elevation with an optional lower floor owner's suite, is correct as the roofline does not appear to be accurate.
7. No two identical model elevations shall be located immediately next to or across the street from one another.
8. No less than 50 percent of the total number of units shall have full brick or stone front façades.
9. No more than 15 percent of the total number of units shall have full vinyl siding front façades.
10. All architecture approved in this specific design plan for Phase One shall be permitted in subsequent phases of the development.
11. The applicant shall make the following revisions to the landscape plan prior to certificate of approval:
 - a. A Section 4.1 schedule shall be provided indicating the number and type of plant units provided to meet the requirements of the section.

- b. A Section 4.6 schedule shall be provided to show conformance for those lots which have rear yards that front on a street.
 - c. The applicant shall provide notes on the appropriate specific design plan sheets indicating that no buffer is required for those lots adjacent to the stormwater management facilities on Parcels G and I per Section 4.7 of the 2010 Prince George's County Landscape Manual.
 - d. The schedule and plantings list for Section 4.9 shall be revised as to indicate the additional plantings required.
12. Prior to certificate of approval of the specific design plan, the Type II tree conservation plan (TCPII) shall be revised as follows:
 - a. The title block on all sheets shall be revised to read: "Infrastructure for Site and Phase I Development."
 - b. Have the revised plan signed by the qualified professional who prepared the plan.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
13. Prior to certificate of approval, the applicant shall review with Urban Design Staff whether the driveways for the proposed corner units on Lots 18, 30, and 39, Block A; and Lots 1, 20, 21, and 34, Block B may reasonably be re-sited so that they are fronting on the minor streets rather than on Dressage Drive.
14. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippet Road to the Tributary Trail in phase with the construction of Dressage Drive, or a width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).
15. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E in phase with the construction of Dressage Drive, or a width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).
16. The applicant shall construct a 30-foot-wide curb cut entrance along the frontage of Parcel E in phase with the construction of Dressage Drive, or a width as modified by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).
17. The applicant shall rough grade Parcel E and stabilize the graded areas according to the grading plan as approved by Prince George's County Department of Parks and Recreation, prior to issuance of the 50th building permit.

18. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to Prince George's County Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippet Road, a designated Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
19. The applicant shall construct the segment of the Tributary Trail south of Passage Drive prior to issuance of the 150th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.
20. The applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive prior to issuance of the 250th building permit, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

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 Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, May 15, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this *~~5th day of June~~ 29th day of May 2014 *and was administratively corrected on June 10, 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SL/CF:arj

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division *HBS*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

**SUBJECT: SDP-1202-07 Canter Creek, Phases 3 & 4
(adjacent to Joshua Turner House (Historic Site 82A-017))**

Background

The subject property includes 342.38 acres (Zoned R-S) and is located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road. The subject specific design plan (SDP) application is for the development of Phases 3 and 4, consisting of approximately 48 acres in the northern portion of the overall property. The subject application proposes 161 single-family detached residential units with architecture for Phases 3 and 4 of the Canter Creek development.

Findings

Historic Preservation

1. The subject property does not include any identified historic resources but is adjacent to the Joshua Turner House (Historic Site 82A-017), located at 8801 Frank Tippet Road (Tax Map 118 A-2). The Joshua Turner House, built in the 1880s, is a two-and-one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th century country house of a successful businessman, and for its fine Queen Anne style decorative detail. The Historic Site's Environmental Setting includes approximately 5 acres (Part of Parcel 91).
2. The Joshua Turner House Historic Site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the subject property that includes some of the Merrymount facilities is within the area of the subject application.

Archeology

1. Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by Historic Preservation staff on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth-century domestic site; site 18PR972 consists of the ruins of a twentieth-century tenant farm house and adjacent barn; and site 18PR973 is a dense scatter of brick that likely represents a nineteenth-century tobacco barn that had been destroyed by the late twentieth-century. No further work was recommended on any of the archeological sites. Staff concurs that no additional archeological work is necessary on sites 18PR972 and 18PR973.
2. Staff did not concur with the report's conclusion that no additional work was necessary on site 18PR971. Site 18PR971 represents two late-nineteenth to early-twentieth-century tenant houses, a common property type but one not well studied archeologically in Prince George's County. Staff recommended that Phase II investigations be conducted on site 18PR971 to determine if any intact cultural deposits or features are present. Site 18PR971 is within the limits of disturbance for the proposed development. The Phase II work plan was approved on December 2, 2019.

Conclusions

The following text addresses previously approved historic preservation conditions related to the subject application. The text in BOLD is the actual text from the resolution as approved. Comments are in regular typeface. The property was the subject of Comprehensive Design Plan (CDP)-0701 (approved by the District Council on November 18, 2008) and Preliminary Plan 4-07005 (approved by the Planning Board on October 29, 2009).

CDP-0701 District Council Resolution

15. **Prior to certificate approval of the subject comprehensive design plan application:**
 - a. **Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.**

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.
 - b. **Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:**
 - (1) **Evaluating the resource at the Phase II level, or**
 - (2) **Avoiding and preserving the resource in place.**

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Historic Preservation staff requested Phase II evaluation studies on sites 18PR971 and 18PR996. Phase II investigations were completed on site 18PR996 in November 2009. Historic Preservation staff did not request any further investigations on site 18PR996 because of its lack of integrity. Phase II investigations were completed on site 18PR971 in January 2020. Site 18PR971 is located within the area covered by SDP-1202-07 and will be affected by the development proposed in the subject application. The boundaries of site 18PR971 are shown on the plans. Portions of the site are located on Lots 52, 53, and 54 of the proposed development. Phase II investigations have been completed and determined that a dense artifact scatter ranging in date from the 19th to mid-20th-century was present. Two structures are visible in the 1938 aerial photographs and late 19th and early 20th-century United States Geological Survey (USGS) topographic maps. A total of 25 shovel test pits and ten 3-ft-by 3-ft units were excavated. These units yielded 1,122 artifacts, including 499 architectural materials (brick, window glass, machine-cut/headed nails, and wire nails) and 568 vessel sherds. Several artifacts dating to the 19th-century were recovered, along with several prehistoric artifacts of unknown date. No cultural features were identified, and no further work was recommended. Staff concurs that no additional archeological investigations are necessary on site 18PR971. The final reports have not been submitted and the artifacts have not yet been curated. Therefore, this condition has not been satisfied and should be carried forward with this application.

- 16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of site 18PR996, which is located within the area of SDP-1202, but the applicant should still prepare interpretive signage that discusses the findings of the archeological investigations on the subject property. Phase II investigations have not been completed on site 18PR971, which is located within the planned Phase III of the subject development. Interpretive signage discussing the history of the subject property and the findings of the archeological investigations should be provided along the trail. The applicant should indicate on the plans the location for an interpretive sign.

- 17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject specific design plan is adjacent to the Joshua Turner House Historic Site (82A-017). The applicant has provided a viewshed exhibit that demonstrates that the proposed new development will not be substantially visible from the historic site.

Preliminary Plan 4-07005, PGCPB Resolution No. 08-112(A)

- *22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:**

- a. Evaluating the resources at the Phase II level, or**
- b. Avoiding and preserving the resources in place.**

The subject specific design plan includes archeological site 18PR971. The Phase II work plan for site 18PR971 was approved on December 2, 2019. The archeological investigation of site 18PR971 was completed in January 2020. No further work is recommended on site 18PR971. This condition has been satisfied.

- *23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.**

This condition still applies and must be met prior to Planning Board approval of this application. The final report for Phase II and/or III investigations for site 18PR971 should be submitted prior to approval of this specific design plan by the Planning Board.

- *24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.**

See the comment for Condition 16 of CDP-0701 above.

- *25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corps of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Army Corps of Engineers and the Maryland Historical Trust did not require any further work on archeological site 18PR971 through the Section 106 review process. This condition has been satisfied.

- *26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The area within the subject specific design plan is adjacent to the Joshua Turner House Historic Site (82A-017). The application provided a viewshed study that indicates the new development will be substantially buffered from the viewshed of the Historic Site by existing vegetation. The viewshed exhibit indicates that the view to the proposed houses directly west of the Historic Site will be substantially screened by existing vegetation and by trees proposed to be placed at the rear of the building lots. As shown in the viewshed exhibit (A), the proposed building on Lot 129 will be about 974 feet west of the Historic Site. Some grading will occur to the west of the stream for the installation of a trail, but existing vegetation should provide sufficient screening. The viewshed to the northwest from the Historic Site (B) will also be substantially screened by existing vegetation. Historic Preservation staff concur that no additional buffering will be necessary, and that proposed dwellings will not be substantially visible from the Historic Site.

- *27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.**

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the vicinity and the area's equestrian heritage. This condition has been satisfied.

Recommendation

Historic Preservation staff recommend the approval of SDP-1202-07 Canter Creek, Phases 3 & 4 with no new conditions. However, as of this date, Conditions 15.b. and 16 of the District Council Resolution for CDP-0701 and Conditions 23 of Planning Board Resolution No. 08-112(A) have not been satisfied and still apply to this development. Should the applicant submit the required final archeology report and demonstrate a plan to curate and archive artifacts as required, the unfulfilled conditions outline above, would be considered to have been completed.

A Phase II Archaeological Site Examination of 18PR971,
Extension of Canters Creek Residential Subdivision,
Upper Marlboro, Prince George's County, Maryland

DRAFT REPORT

BY

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February 2020

Abstract

Walton Global Holdings of McLean, Maryland, has undertaken the residential redevelopment of a 343-acre farm (parts of His Lordship's Kindness, Poplar Neck, and Mount Airy) on the west side of Frank Tippet Road, approximately 1000 ft south of its intersection with Rosaryville Road, Cheltenham, Prince George's County. A Phase I archaeological survey identified a dense scatter of ceramic and glass vessel sherds and clustered soft-mud brick fragments on a rise in the northeastern portion of the subject parcel (18PR971). The County Planning Department has requested a Phase II archaeological site examination to collect data with which the site's historical significance can be determined.

Gibb Archaeological Consulting conducted the fieldwork in January 2020. The principal investigator was aided by Sarah A. Grady and technicians George F. Riseling, Jr., and Anton Motivans. The crew cleared vegetation within the area circumscribed by the silt fencing that describes the surface extent of material recorded in 2009. They then excavated 25 shovel tests on six transects at approximately 25-ft intervals, instrument-mapped those units, and analyzed the spatial distributions of architectural and domestic artifacts. Based on the trend surface analysis, we submitted a testing plan for a minimum of ten 3-ft by 3-ft excavation units to the Planning Department Archaeologist for approval and then excavated and instrument-mapped those units.

Shovel testing and trend surface analysis revealed partially coincident clusters of architectural (largely brick with some nails and window glass) and domestic (largely ceramic and glass vessel sherds) refuse trending southwestward across the site. The units revealed a recently formed plowzone, 0.3 ft to 0.8 ft, averaging about 0.6 ft, and chisel-plow scars filled with greasy organic matter that had not yet oxidized. The cluster of soft mud, early machine-made bricks noted at initial discovery of the site in 2009 proved to be surficial, possibly removed to the base of the colonizing tree by the last farmer. The combined shovel test and excavation units yielded 1,122 artifacts, including 499 architectural artifacts (brick, window glass, machine-cut/headed nails, and wire nails) and 568 vessel sherds. While the latter consisted of machine-made glass jars and bottles, post-Civil War white earthenwares/white granite ware, and Western porcelains, it included one sherd of Chinese porcelain (no later than 1840) and 42 sherds of transfer-printed pearlware (also manufactured no later than 1840). Two flakes and one fire-cracked rock from three excavation units reveal a low-density aboriginal site of indeterminate vintage.

The data suggest an earlier occupation of the dwelling site, probably in the second quarter of the 19th century, followed by a hiatus that ended in the very late 19th or early 20th century, and possibly as late as the 1920s. The one dateable marked vessel bears the imprint of Dulin and Martin Company, Washington, DC, a retailer of ceramics from 1899 to as late as the 1930s. A Wheat cent dated 1933, a blade from a multiblade razor, a plastic comb, and two carbon battery cores indicate occupation into the third quarter of the 20th century. Aerial photographs clearly show a roughly 15 ft by 30 ft building, its long axis oriented north-south, at 18PR971 in 1938 and cultivated field in 1984. There is a shadow 20 ft to the west of the dwelling in the 1938 aerial photograph, but it does not appear in the 1965 image.

Shovel testing (n=25) and excavation units (n=10) failed to uncover structural features, or features of any sort. They did reveal a largely thin, recently plowed A-horizon over a yellowish brown clayey B-horizon. The scatter of bricks at the base of a small tree appear to be surficial and redeposited. Three aboriginal artifacts suggest a low-density site of indeterminate vintage. The 20th-century dwelling probably consisted of a small frame house on brick piers, possibly with a brick stove

chimney. There is no evidence of coal burning. A porcelain insulator indicates electrical service. The footprint of the building does not survive and evidence of an early 19th-century occupation, like that of the aboriginal occupation, is meager. The ceramic assemblage does stand in stark contrast to materials attributable to manuring of fields with urban institutional garbage (Gibb 2020). This is important not in terms of the importance of 18PR971, but in terms of how sites like it provide contrast that assists in defining manuring sites.

Site 18PR971 does not meet Criteria A through C for listing on the National Register of Historic Places. The presence of three aboriginal artifacts and two early 19th-century ceramic ware types, while interesting, lack research potential beyond their recovery at 18PR971: they do not meet Criterion D. The most recent dwelling, probably dating from the 1920s and through the third quarter of the 20th century also lacks research potential because of the lack of subsurface features and stratigraphic integrity. I recommend no further archaeological investigation of 18PR971.

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Chapter 1. Introduction

Walton Global Holdings of McLean, Maryland, has undertaken the residential redevelopment of a 343-acre farm (parts of *His Lordship's Kindness*, *Poplar Neck*, and *Mount Airy*) on the west side of Frank Tippet Road, approximately 1000 ft south of its intersection with Rosaryville Road, Cheltenham, Prince George's County. A Phase I archaeological survey identified a dense scatter of ceramic and glass vessel sherds and clustered soft-mud brick fragments on a rise in the northeastern portion of the subject parcel (18PR971). The County Planning Department has requested a Phase II archaeological site examination to collect data with which the site's historical significance can be determined.

Gibb Archaeological Consulting conducted the fieldwork in January 2020. The principal investigator was aided by Sarah A. Grady and technicians George F. Riseling, Jr., and Anton Motivans. The crew cleared vegetation within the area circumscribed by the silt fencing that describes the surface extent of material recorded in 2009. We then excavated 25 shovel tests on six transects at approximately 20 to 25-ft intervals, instrument-mapped those units, and analyzed the spatial distributions of architectural and domestic artifacts. Based on the trend surface analysis, we submitted a testing plan for a minimum of ten 3-ft by 3-ft excavation units to the Planning Department Archaeologist for approval and then excavated and instrument-mapped those units.

This report documents the methods and results of the Phase II archaeological site examination. It consists of seven sections, the background sections appearing in abbreviated form from the Phase I report, expanded with additional newspaper and census research:

- 1) Introduction
- 2) Project Location and Environment
- 3) Culture History
- 4) Research Design and Methods
- 5) Field and Laboratory Results
- 6) Summary, Interpretations, and Recommendations
- 7) Supporting Documentation

All of the work described herein was conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), the *Specifications for Consulting Engineers Services Manual—Section IV* (Maryland Department of Transportation 1986), the *Consultant Specifications for Archeological Procedures* (Maryland State Highway Administration 1992), and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005).

Chapter 2. Project Location and Environment

Location

The 343-acre study area is near Cheltenham, on the west side of Frank Tippett Road just south of its intersection with Rosaryville Road, in Prince George's County. The farm extends west from Frank Tippett Road to Piscataway Creek and south to its confluence with Dower House Pond Branch, in the Riverine Potomac drainage of the Western Coastal Plain, Maryland Archeological Research Unit 11 (Figure 2-1), Upper Marlboro, MD USGS 7.5 minute quad. Site 18PR971 is located on a rise at the west end of a small, irregular field, at 38.7685829° Latitude, -76.8364645° Longitude (Maryland State Plane Coordinates N401,343.444 ft E1,358,952.054 ft).

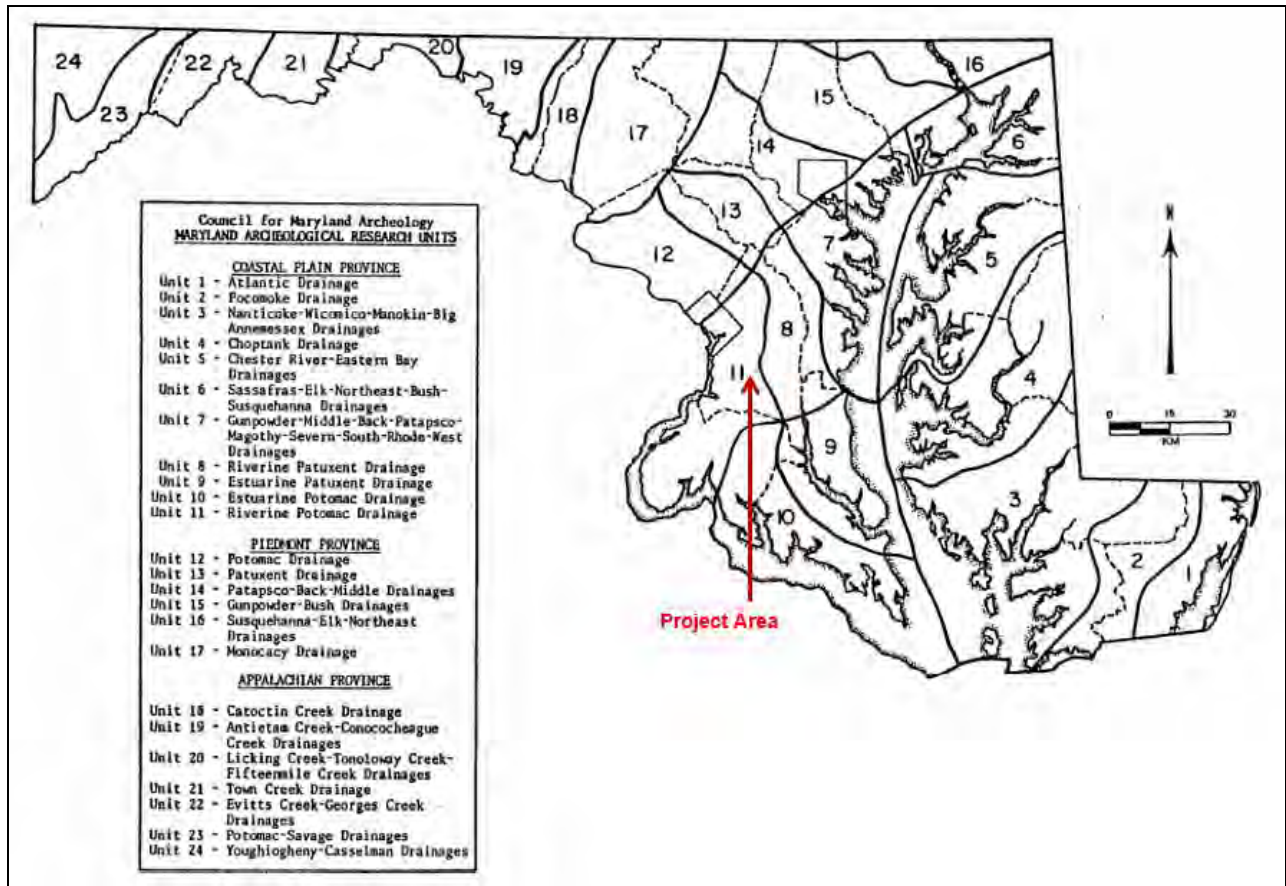


Figure 2-1. Maryland Archeological Research Unit map.

(Source: Shaffer and Cole 1994)

Environment

Rolling topography with moderate to steep slopes characterizes the parcel, elevations ranging between 155 ft (feet) and 246 ft above mean sea level (Figures 2-2 and 2-3). Forests cover wetlands and steeper slopes. Fields around the farmhouse (now a separate parcel) have been converted to paddocks. An equestrian center occupies the northeastern corner of the parcel. Figure 2-3 illustrates the exceptionally broken nature of the parcel's topography. Inspection of the slopes above Piscataway Creek revealed evidence of severe erosion, and some of the gullying continues.



Figure 2-2. USGS 7.5' Topographic Maps, Upper Marlboro, MD (2003).

Consistent with the project area’s rolling topography, the soils are varied (Figure 2-3). The mosaic of soil types is due in large part to varying slopes. It includes Beltsville, Bibb, Chillum, and Matapeake silt loams, as well as Croom, Iuka, Sassafra, and Marr sandy and gravelly sandy loams. Evidence of soil erosion and reposition occurs throughout the fields and wooded slopes.

The better drained soils within the project area (sandy and gravelly sandy loams, moderate slopes) are well-suited to the production of high to very high quantities of medium to high quality tobacco, a principal cash crop in the region from the 17th through late 20th centuries. Maize and soybeans are the principal crops sown since the late 1990s. Soil exhaustion (loss of fertility and matrix integrity) likely has characterized the farm’s soils at least since the late 19th century.

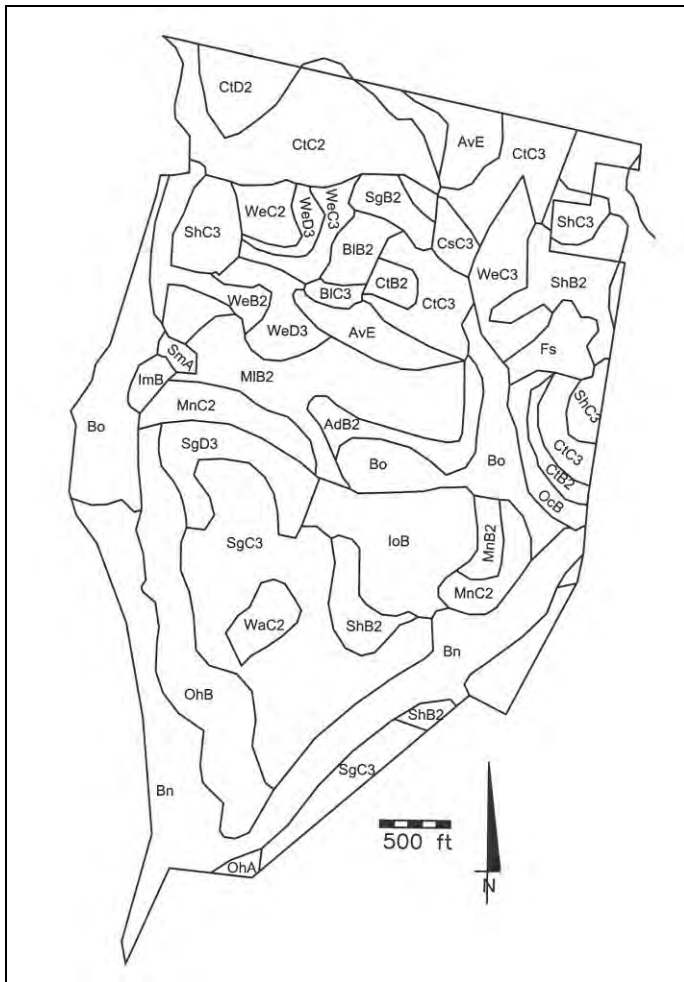


Figure 2-3. Soils map for entire farm.

Site 18PR971 occupies a small rise at the west end of a moderately sloped, irregularly shaped field to the east and a moderately to moderately steep sloped, regularly shaped field to the west (Figures 2-4 and 2-5). It is bounded north and south by forest. Soils are split between Beltsville silt loam and Grosstown gravelly silt loam (Table 2-1). Surface indications on and around 18PR971 during both phases of investigation (surface gravels and artifacts, redeposited

subsoils on the surface) reveal considerable soil deflation exacerbated by the movement of heavy equipment through the site.



Figure 2-4. Soil survey detail.

Table 2-1. Summary of soils

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BaB	Beltsville silt loam, 2 to 5 percent slopes	4.1	14.1%
BaC	Beltsville silt loam, 5 to 10 percent slopes	4.7	16.1%
CrB	Croom gravelly sandy loam, 2 to 5 percent slopes	3.7	12.8%
CrC	Croom gravelly sandy loam, 5 to 10 percent slopes	2.0	6.9%
CrD	Croom gravelly sandy loam, 10 to 15 percent slopes	0.6	2.0%
CwE	Croom-Marr complex, 15 to 25 percent slopes	2.0	6.8%
GgB	Grostown gravelly silt loam, 2 to 5 percent slopes	2.1	7.1%
GgC	Grostown gravelly silt loam, 5 to 10 percent slopes	3.7	12.7%
MnB	Marr-Dodon complex, 2 to 5 percent slopes	0.0	0.0%
MnC	Marr-Dodon complex, 5 to 10 percent slopes	3.5	12.2%
MnD	Marr-Dodon complex, 10 to 15 percent slopes	2.2	7.4%
WE	Widewater and Issue soils, frequently flooded	0.6	2.0%
Totals for Area of Interest		29.1	100.0%



Figure 2-5. Overview of 18PR971 after clearing, looking northeast.

Chapter 3. Site History

Introduction

Site 18PR971 is a tenant house site, likely dating to the second through third quarters of the 20th century. Who its occupants were—and no doubt there was a succession of households as agricultural workers were not tied to any one farmer—remains undetermined and likely will remain so. The next section identifies the landowners and offers some details about them related to the farm on which the tenant house site is situated. The section following provides a census analysis that, while it does not identify the tenants, does characterize those in the immediate vicinity to the years 1900 through 1940 (the 1950 manuscript census will be released in 2022).

Tract History

The Martenet and Hopkins maps of 1861 and 1878, respectively, depict an area north of Rosaryville and south of Woodyard that is devoid of occupation (Figures 3-1 and 3-2). Such maps need to be interpreted cautiously: they are subscription maps, contributors rewarded with their names, residences, and shops noted on the appropriate district maps and appearing in the atlas indices. The poor, the powerless, and the parsimonious are unrepresented. Title searching, however, has demonstrated that the parcel comprises portions of three very large tracts, exclusive of the principal plantation houselots. Likely historic period occupations within the project area, therefore, will include tenancies, quarters, and agricultural outbuildings. Site 18PR971 is a 20th-century tenantry.

USGS topographic maps for the Upper Marlboro quadrangle (1944, 1957, and 1965 [revised 1971 and 1978) capture some of the history of 18PR971: it is clearly present in 1944 and 1957, but shrouded in trees in 1965 and represented as an outbuilding in reforested area in 1971/1978 (Figures 3-3 through 3-5).

Aerial photographs from 1938, 1965, 1977, 1980, and 1984 also illustrate the history of 18PR971 (Figures 3-6 through 3-10). The 1938 aerial photograph depicts two possible structures, consistent with a detail of a 1900 USGS quadrangle map (see 3-16, inset). Subsequent aerial photographs reveal one rectangular building with its long axis oriented north-south (1944), becoming overgrown with vegetation in 1965 and 1977, completely shrouded in 1980, and apparently razed and cleared in 1984.

An 1880 plat (Figure 3-11) appears to show the Turner House and outbuildings (PG:82A-017), the tenant house and barn immediately to its south (18PR972), and the barn along Frank Tippet Road (18PR973). It also shows two structures north of the Turner House, but none elsewhere on the property. The absence of certain kinds of buildings on the plat (e.g., tenant houses, tobacco barns, sundry outbuildings) should not be taken to indicate their absence from the landscape: surveyors make choices in what they choose to depict, depending on the needs of the job and their idiosyncratic proclivities.



Figure 3-1. Martenet (1861) map of Prince George's County (detail).

N.B. Dashed circle identifies project area vicinity. Numbers indicate distances in miles between intersections. Proposed railroad route shifted eastward.

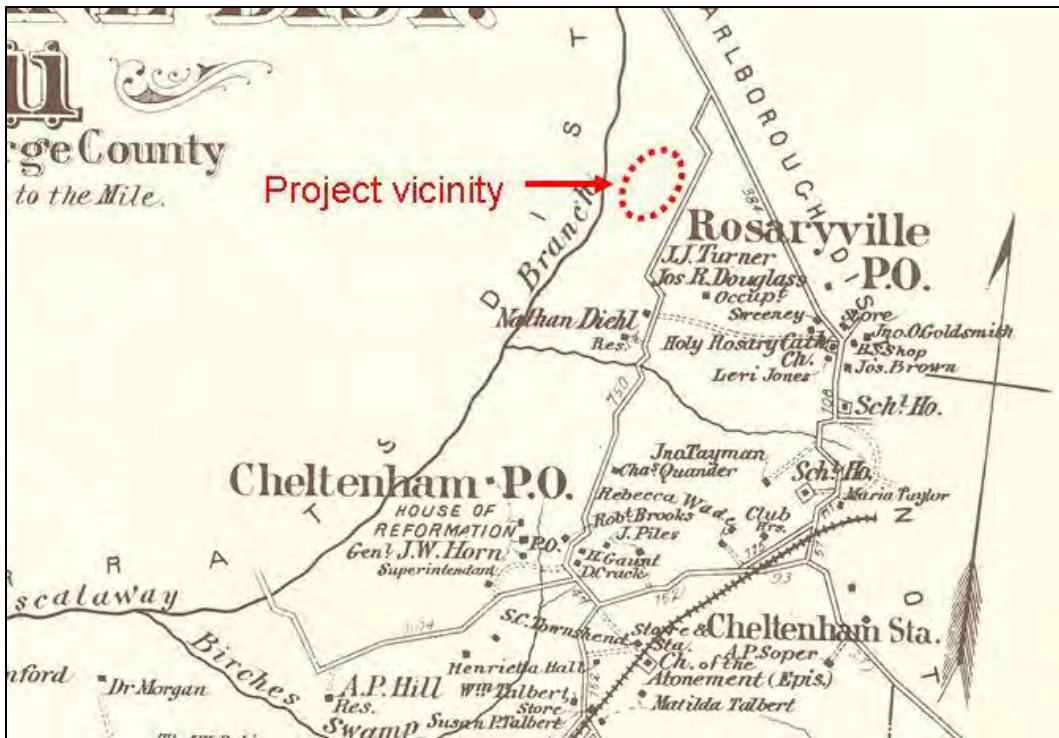


Figure 3-2. Hopkins (1878) map of Prince George's County (detail).

N.B. Numbers along roads indicate distance between intersections in perches.

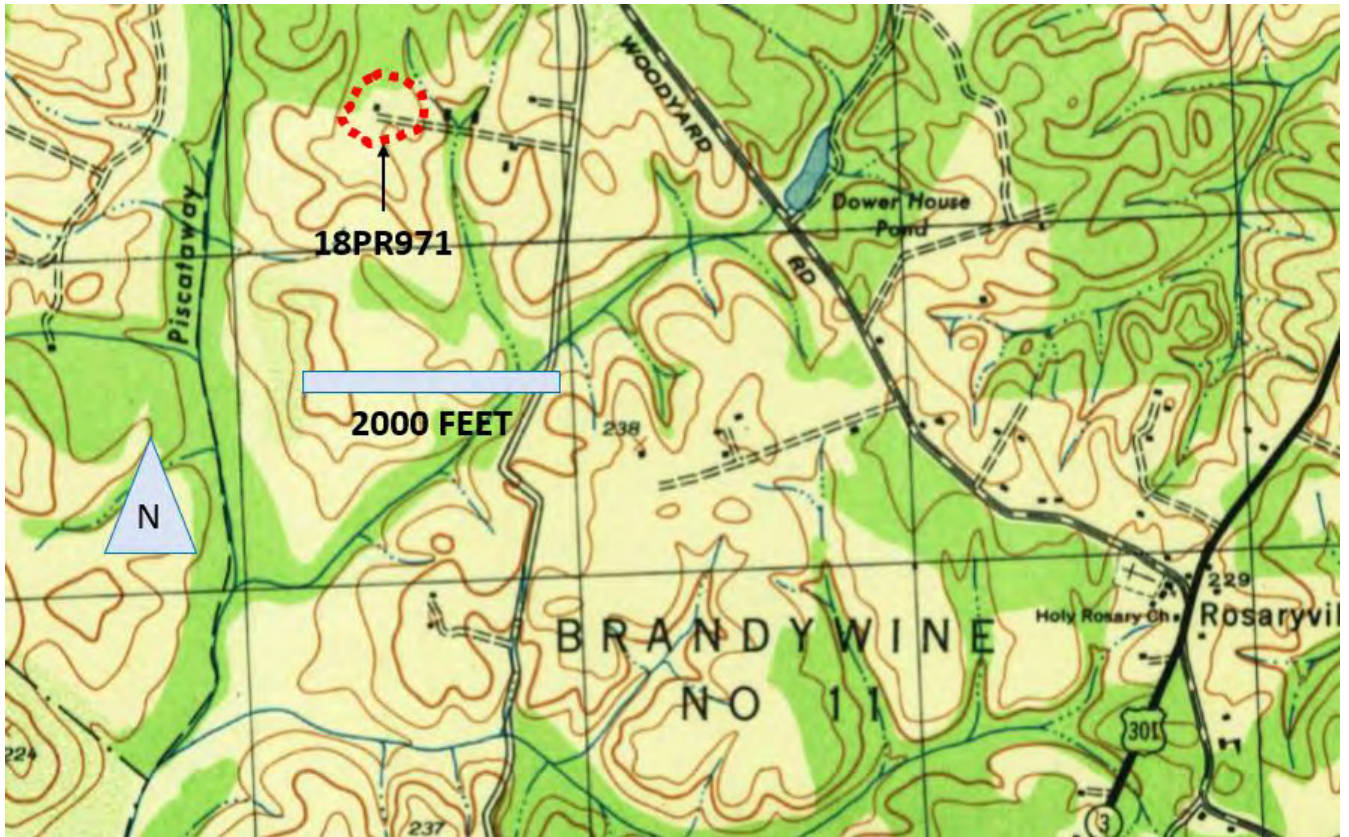


Figure 3-3. USGS topographic map, Upper Marlboro, MD (1944).



Figure 3-4. USGS topographic map, Upper Marlboro, MD (1957).

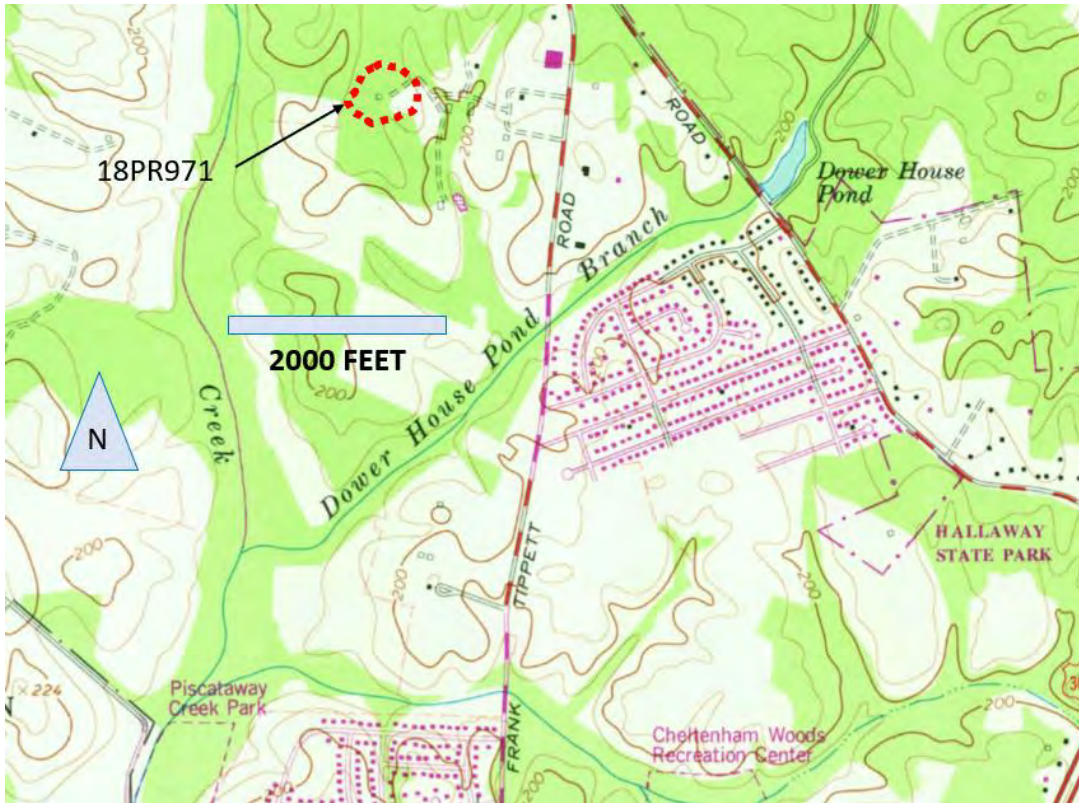


Figure 3-5. USGS topographic map, Upper Marlboro, MD (1965, 1971/1978).

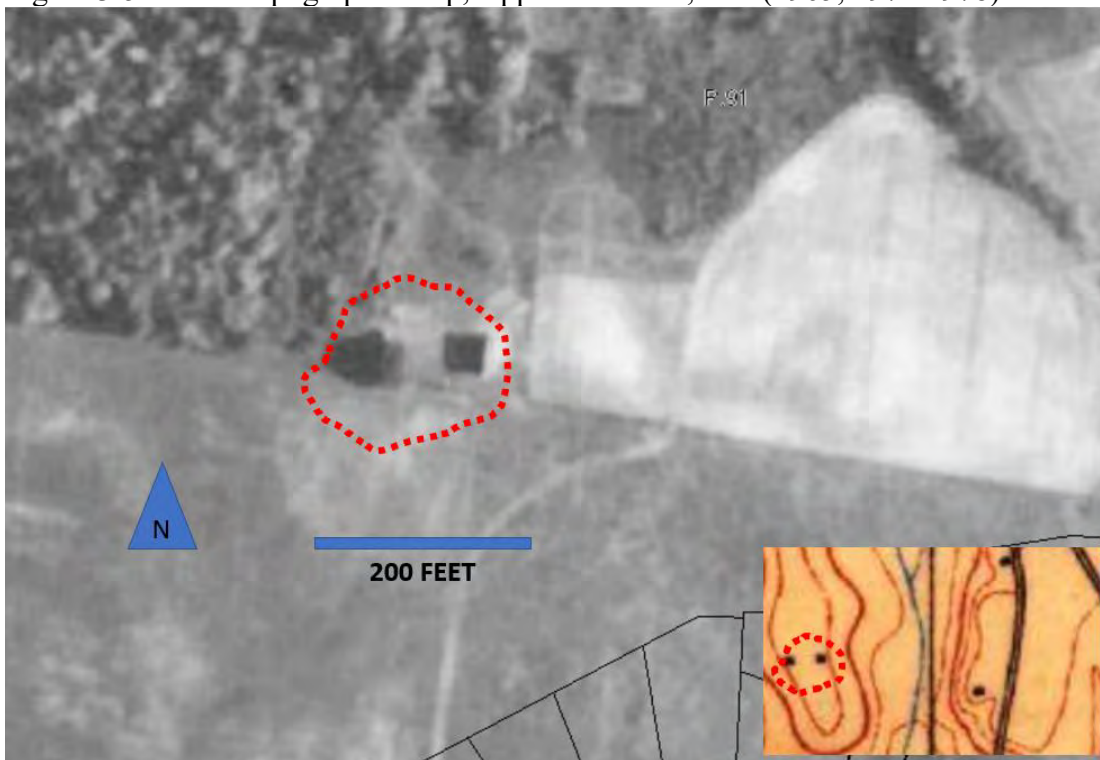


Figure 3-6. 1938 aerial view of the project area with inset.

(Source: Prince George's County Electronic Atlas and USGS topographic map [1900].)

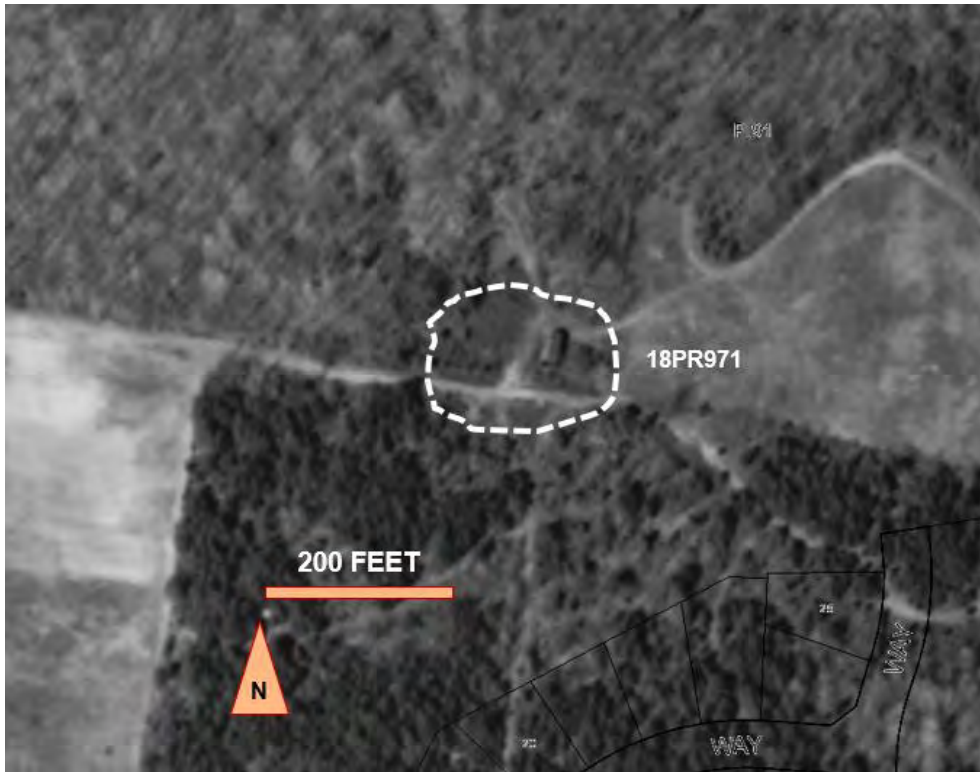


Figure 3-7. 1965 aerial view of the project area.
(Source: Prince George's County Electronic Atlas.)

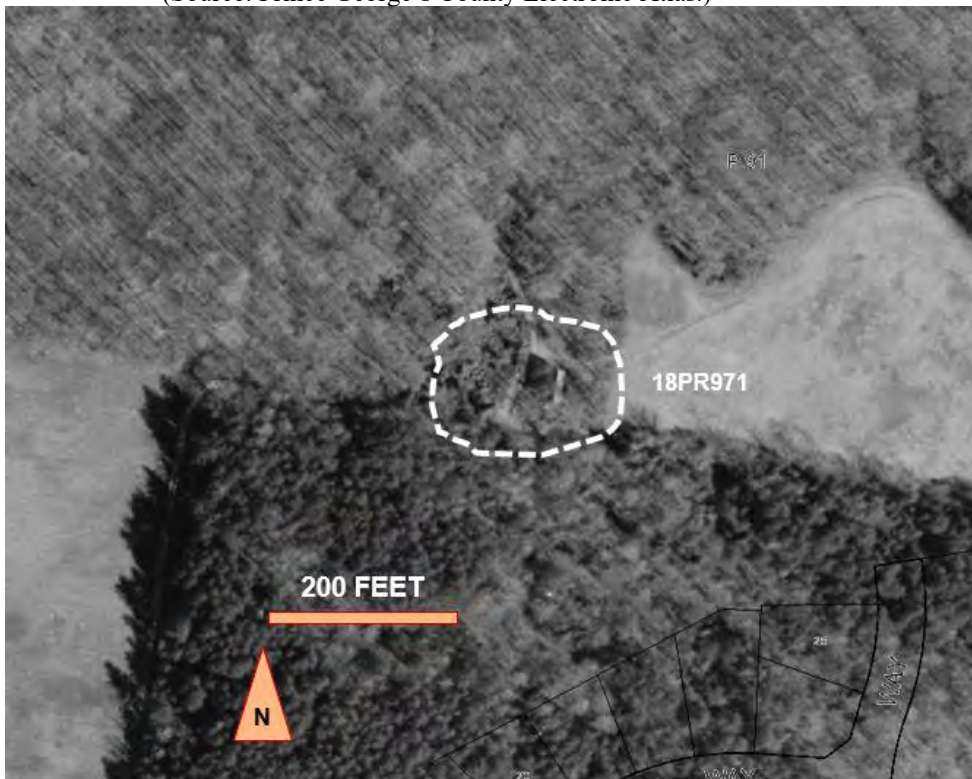


Figure 3-8. 1977 aerial view of the project area.
(Source: Prince George's County Electronic Atlas.)



Figure 3-9. 1980 aerial view of the project area.
(Source: Prince George's County Electronic Atlas.)

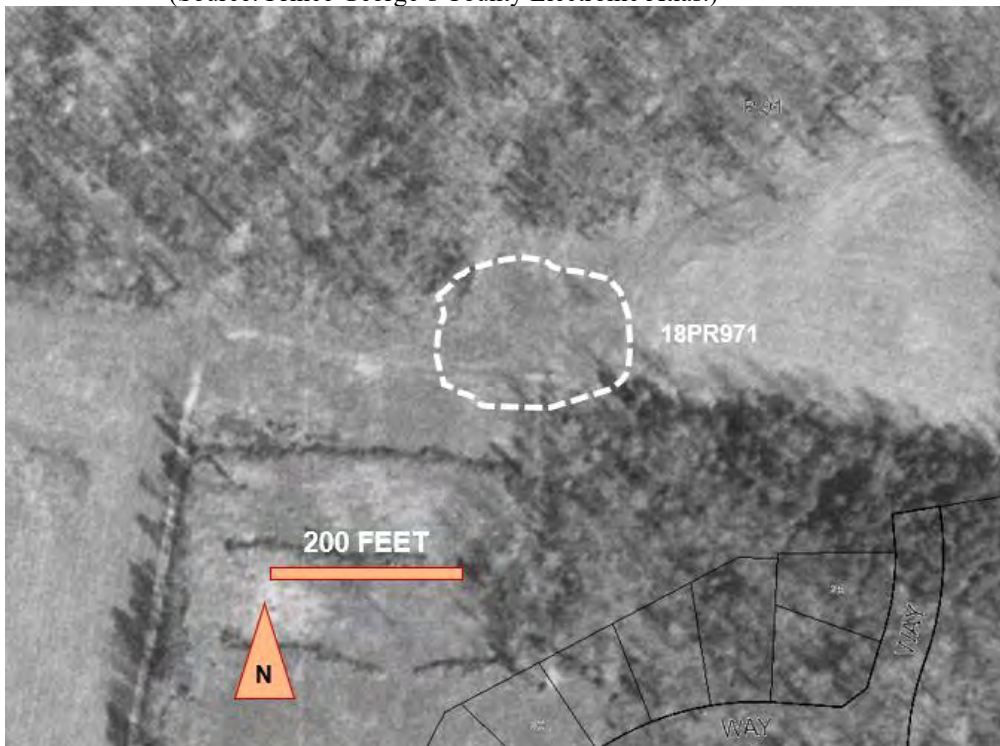


Figure 3-10. 1984 aerial view of the project area.
(Source: Prince George's County Electronic Atlas.)

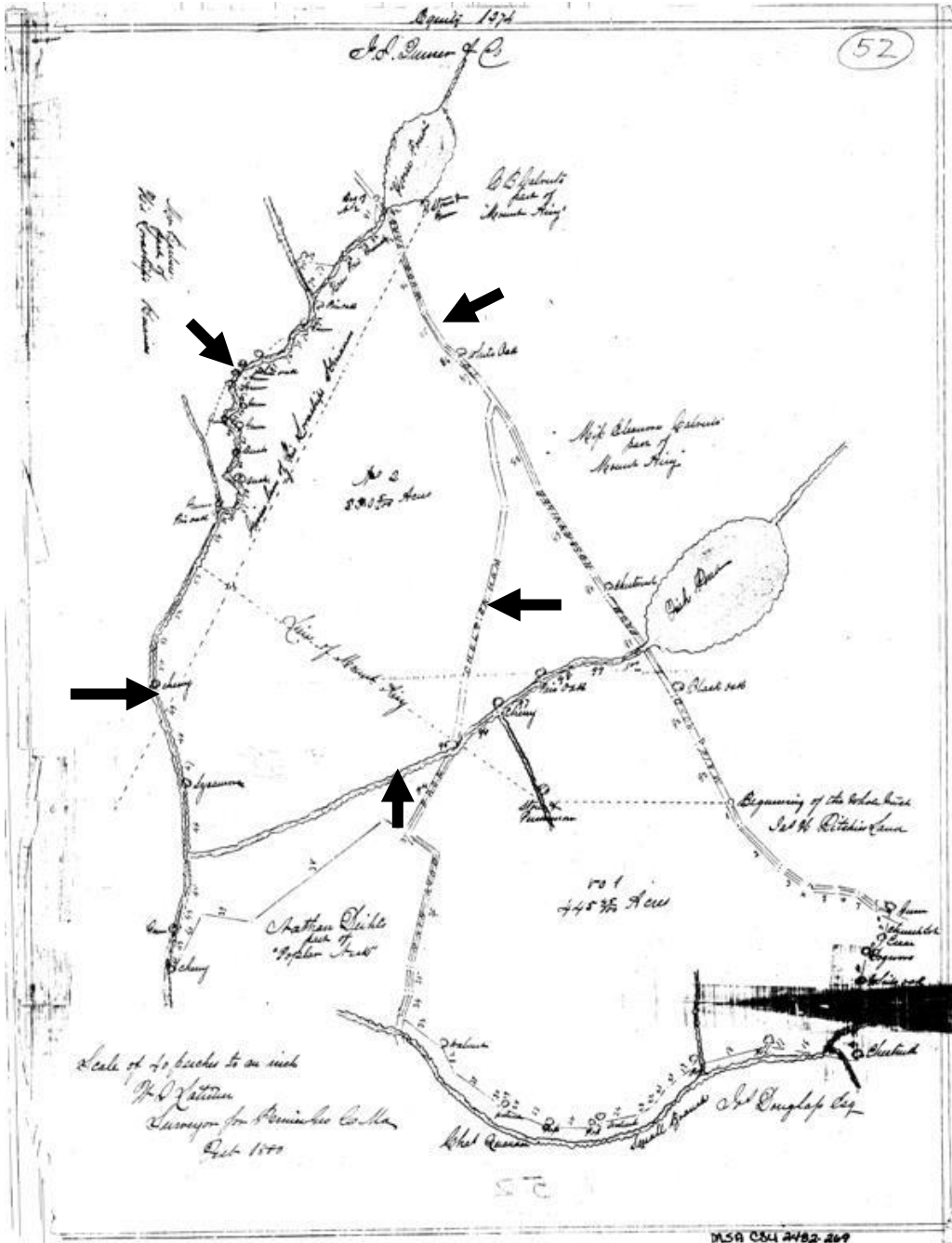


Figure 3-11. Equity 1274, Plat of Lot 2 (1890)

Source: Maryland State Archives, Plat Drawer 11, File 52. Arrows approximate boundaries of project area.

The partial chain of title in Table 3-2 traces ownership of the property from Stephen West to Joshua J. Turner, and eventually to Leo J. Long. The Planning Department's archaeologist, Jennifer Stabler, provided a transcription of an advertised auction (October 8, 1930) of the farm then owned by Leo J. Long (no citation provided):

There are 4 houses, main dwelling containing 14 rooms, 6 fireplaces with marvel. (marble?) mantles; slate roof, fine wells,

large maple shade trees. Main tenant house has 6 rooms. There are 3 barns, cow cribs, tool houses, garages, hen houses, dairy houses, meat house, wood shed, hog pens; well fenced, well watered from springs and stream and springs. Land slightly rolling. Productive and suitable for tobacco, truck and general farming. A splendid stock farm (no citation, but dated October 8, 1930).

One of the two undescribed houses may have been 18PR971.

Table 3-1. Partial chain of title for the parcel.

Grantor	Grantee	Instrument	Date	Acres
TLBU Foundation, Inc.	TLBU Foundation, Inc.	Deed 16209/24	7/19/2002	
Anne White Smith , et al.	TLBU Foundation, Inc.	Deed 13982/445	8/2/2000	98
Anne White Smith , et al.	TLBU Foundation, Inc.	Deed 13982/458	8/2/2000	20
Norman Estes Smith , et al.	TLBU Foundation, Inc.	Deed 13982/473	8/2/2000	20
Norman Estes Smith , et al.	TLBU Foundation, Inc.	Deed 13982/487	8/2/2000	20
Norman Estes Smith , et al.	TLBU Foundation, Inc.	Deed 13982/501	8/2/2000	20
Norman Estes Smith , et al.	TLBU Foundation, Inc.	Deed 13982/515	8/2/2000	20
Norman Estes Smith , et al.	TLBU Foundation, Inc.	Deed 13982/524	8/2/2000	20
Norman S. Smith	Norman E. Smith ; Harry C. Smith	Deed 10641/71	9/1/1995	97
Hannah M. Smith , Harry C. Smith	Norman S. Smith	Deed 2116/386	6/17/1957	106
1st National Bank of Southern Maryland	Hannah M. Smith	Deed 400/156	7/6/1933	478
Leo J. & Lizzie M. Long	1st National Bank of Southern Maryland	Mort 317/175	3/1/1929	361.85
Clark & Belle Riddle	Leo J. Long	Deed 158/93	5/6/1920	361.85
Norman E. & Mary Shipley Ryon	Leo J. Long	Deed 119/473	6/12/1917	361.85
Cooperative Improvement Company	Norman E. Ryon	Deed 102/400	4/20/1915	361.85
Safe Deposit & Trust Company	Cooperative Improvement Company	Deed 79/531	8/10/1913	?
Turner estate	Safe Deposit & Trust Company	Equity 3948	4/29/1911	?
	Joshua J. Turner	Deed WAJ1/483	4/23/1880	550.50
Joshua J. Turner	John Holloway	Deed HB14/8	4/5/1878	1000.00
Henry S. Mitchell	J. J. Turner	Deed FS4/392	3/18/1867	1000.00
Robert D. Sewall	Henry S. Mitchell	Will	12/31/1852	524.00
Arthur P. & Eleanor West , & Horatio C. Scott	Robert D. Sewall	Deed AB12/449	1/8/1840	500.00
Stephen West	Arthur P. West	Deed AB2/301	8/9/1822	1000.00

Some of the various owners of the property are well known locally (e.g., Henry S. Mitchell and Robert D. Sewall) and at least one owner—General Stephen West, son of Revolutionary War figure—was prominent at the State level. Joshua J. Turner was a merchant, specializing in the sale of fertilizer, a growing movement in 19th-century Southern Maryland as tobacco exhausted the soil and erosion gored fields and filled creeks with sediment (Gibb and Mask 1990; Gibb and Johns 2019; Gibb 2020). Census records, however, indicate that Joshua J. and Catherine B. Turner lived in the eighth and ninth wards of Baltimore City (1850, 1880), the widow Catherine subsequently living in Baltimore County with her son Louis (1900, 1910), also a fertilizer merchant and then a physician. J. J. Turner, senior, acquired the larger 1,000-acre tract of which the project area is a part in 1867. His Baltimore-based partnership dissolved and about 45% of the holding went to Turner’s partner, John Holloway (*Prince George’s Enquirer & Advertiser*, 22 January 1904, p. 3), and Turner continuing the business under the same name with his son J. J. Turner, junior, and son-in-law John D. Keiley, junior; all living in Baltimore City or

its vicinity (Figures 3-12 and 3-13). Precisely who occupied the Joshua J. Turner house and farm, therefore, remains unclear.

J. J. Turner, senior, died in 1889 (Equity Record 1274). He is relevant to this study in that he not only held the tract for a number of years, but also long had been associated with the German-American Bank which sought to find land and financing for prospective German immigrants to replace the many Southern Maryland farmers who had moved west in search of better soils (Gibb and Johns 2019). The local German-American bank branch was just a few miles away from the farm in Brandywine.

Death of Mr. Joshua J. Turner.—Joshua J. Turner, president of the German-American Bank, died at his home, 11 Pleasant street, at 4.10 o'clock yesterday morning, of pneumonia, after an illness of one week. He was in the 80th year of his age, and leaves a widow and two sons and two daughters. The sons are Joseph J. Turner, of the firm of J. J. Turner & Co., and L. I. Turner, of the firm of L. I. Turner & Co. Mr. Turner retired about two years ago from the firm of J. J. Turner & Co., after an active business life of fifty years. At the time of his death he was the president of the German-American Bank, one of the directors of the Metropolitan Savings Bank, a director of the American Fire Insurance Company and a member of the Corn and Flour Exchange. He had been connected with the German-American Bank for many years, having been a director before his election to the presidency, two years ago. He was a member of the Cathedral congregation. At a meeting of the Corn and Flour Exchange his death was announced, and Messrs. Charles W. Slagle, James M. Gerwin, M. J. Brown and John S. Hayes were appointed a committee to attend his funeral.

Figure 3-12. Obituary of John J. Turner, senior.
Source: The Baltimore Sun, 18 October 1889, p.4.


BALTIMORE, Md., March 19, 1878.

The copartnership heretofore existing between the undersigned, under the name of J. J. TURNER & CO. is this day dissolved by mutual consent; either partner will sign in liquidation.

J. J. TURNER,
JNO. Q. A. HOLLOWAY.

Having purchased the entire interest of Mr. Holloway, the retiring partner, in the extensive works at Canton, where for the past 12 years J. J. TURNER & CO. manufactured every ton of Fertilizers produced by them and also the old stand No. 42 W. Pratt St., and the undersigned having associated with him his son-in-law, Jno. D. KEILEY, JR., and his son, J. J. TURNER, JR., will at the SAME OLD AND EXTENSIVE WORKS, and with the SAME MACHINERY and Superintendent, continue to manufacture the

EXCELSIOR



Ammoniated Bone Superphosphate,

so long made and sold under his name and recognized as the most trust-worthy fertilizer in the market. The report that he has retired from business, or that he has parted with the works or machinery of the old firm, at Canton, necessary for the complete and uniform manipulation and manufacture of those celebrated fertilizers is utterly false. He therefore solicits the custom of his friends and former patrons, and assures them that his name shall, as before, continue to be a sufficient guarantee of their purity and excellence.

The Fertilizing Business heretofore conducted under the firm name of J. J. TURNER & CO., at No. 42 Pratt St., will be continued by J. J. Turner, Jno. D. Keiley, Jr., of New York, formerly of Virginia, and J. J. Turner, Jr., under the firm name of J. J. Turner & Co., at the same place, No. 42 Pratt Street, established by Joshua Turner, 1828, continued by J. J. Turner & Co., 1878.

BALTIMORE, March 29, 1878.

Farmers should see that every bag is branded with the ANALYSIS and our "name in red letters," which we hope will prove sufficient protection against COUNTERFEIT ARTICLES, all farther abuse of our name being disclaimed for the future.

J. J. TURNER & CO.,
42 WEST PRATT STREET, BALTIMORE, MD.

Figure 3-13. Advertisement of JJ Turner & Co.'s *Excelsior* fertilizer.

The Safe Deposit & Trust Company of Baltimore, trustee for the estate, offered Turner's 550.5-acre farm on September 21, 1911 (*Prince George's Enquirer and Southern Maryland Advertiser*, 25 August 1911, p.2; Figure 3-14):

550⁵/₁₀₀ Acres of Land

which by Decree of the Circuit Court of Prince George's County, passed April 23rd, 1880, in the case of Joshua J. Turner, vs. John Q. A. Holloway, No. 1274, Equity, was decreed to be held by said Joshua J. Turner in fee-simple.

This farm is situated about 15 miles from Washington by way of the Marlboro' Turnpike and is about 2 miles from Cheltenham Station, and the same distance from Duley Station. The main road from Cheltenham separates the property and a portion of the property binds on the main road from Rosaryville to the Marlborough Turnpike.

The improvements upon the property consist of a very substantial dwelling, with overseer's house, barn and other out-buildings.

The property is well situated being within easy reach by good roads of Washington, Upper Marlboro and other prominent points, and the sale of so large a tract of land presents rare opportunities to those seeking a large farm or those wishing a country place so admirably situated as this property.

Figure 3-14. Auction notice for Turner farm, 1911.

Leo J. Long acquired the 361.85-acre Lot 2 of the larger parcel in 1919. He advertised for sale ewes, swine, and corn in the *Prince George's Enquirer and Southern Maryland Advertiser* in 1920 through 1922, and more importantly he advertised the lease of pasture for cattle, a sign of degraded soil of limited crop value and in need of manuring.

Summary

Archival research suggests a occupation of 18PR971 prior to 1900 as a tenant house, although Phase I field investigations produced no supporting data for occupation as a tenancy prior to the 1920s. Archival and archaeological data suggest abandonment by the middle of the 1960s or possibly into the early 1970s. Archaeological data, in the form of three quartz flakes, also suggest a low-density aboriginal occupation of indeterminate vintage.

Chapter 4. Research Design and Methods

Research Design

The Phase I survey of the TLBU parcel in the spring of 2009 documented 18PR971, the site of an early to mid-20th-century dwelling represented by a scatter of ceramic and glass vessel sherds, some brick, and three pieces of flaked stone on the plowed surface. As of this writing, and to my knowledge, there are no research questions specifically addressing sites of this period in the region. Without questions, the historical significance of a site cannot be determined because connections between field findings and questions of historical and anthropological (and, increasingly, historical ecological) importance cannot be made.

The formal details of a site—its horizontal and vertical extents and spatial and stratigraphic integrity are easily established. Indeed, instrument mapping of the site in 2009, plotting locations of sherds and the apparent extent of brick rubble established the horizontal extent and spatial integrity of the site. Given the deflationary setting of the site and the considerable quantities of brick and vessel sherds on the surface, it is apparent that the site lacks considerable depth, although subplowzone features could extend several feet below the current grade. The challenge in conducting a successful Phase II site examination at 18PR971 is to go beyond the measurement of these formal qualities and determine whether the resulting data can provide meaningful, non-trivial information on the lives of tenant farmers in the county during the very late 19th and early 20th centuries.

Methodology

Background Research

Title research in 2009 failed to identify tenants of the subject parcel, only the owners. Additional title search is unlikely to advance our knowledge of tenants occupying this land and neighboring tracts; however, collecting census data from 1880 through 1940 on all households enumerated around a known occupancy will allow statistical description of tenant households and, likely, include the occupants of 18PR971 without necessarily identifying them. The Joshua Turner House (PG82A-017) served as the pivotal point in the census sample. Additional research into the property owners and trends in local agricultural production could reveal something of the tenants' working lives.

Field and Laboratory Research

All field and laboratory work will be undertaken in a manner consistent with the Maryland Historical Trust's standards and guidelines (Schaeffer and Cole 1994) and the latest guidelines issued by Prince George's County.

The site occurs in a narrow fallow field and was delineated in 2009 through instrument survey of surface finds. A silt fence was erected around the site in recent years. For the purposes of evaluating the historical significance of 18PR971, I proposed to excavate shovel tests across the approximately 0.75-acre site at 20 ft intervals after first clearing the secondary growth, spatially analyzing the distribution of artifacts, and then testing clusters of material and soil anomalies and structural features with up to ten units, each measuring 3 ft on a side. Feature excavation was not anticipated as such work could undermine possible efforts to preserve the deposits in place, should the site be determined eligible for listing on the National Register of Historic Places. I anticipated confining excavation to the plowzone, unit placement to be determined in consultation with the County's archaeologist.

All units were excavated with shovels, the soils screened through ¼-in hardware mesh, the artifacts collected by unit and stratum, and the soils described by color and texture.

All units were mapped with a Sokkia 3110 electronic total station and prism, the finds and units placed on the project's digital drawing. The three 2009 control points were not recovered because of decay of witness stakes over 10 years, disturbance of the ground for silt fence installation (destroying Datum 1), and the considerable amount of metal in the soil that hindered relocation with a metal detector. Relating new finds to old surface finds was not critical as the site location is well established and the surface materials lacked clear patterning. Artifacts were processed and prepared for permanent curation per the guidelines issued by the Maryland Historical Trust. Property owners will be requested to donate significant collections.

Chapter 5. Results

Introduction

On a bit of relatively level ground and encircling a small tree, the Phase I field crew found a dense cluster of soft mud common bricks and domestic debris attributable to the very late 19th and early 20th centuries (whitewares, machine-made vessel glass; Table 5-1, Figure 5-1). Some of the material spilled down the wooded slopes immediately to the south. The site lies within a deflationary environment that has been plowed. No shovel tests were excavated within the field.

No sherds with identifiable makers' marks were noted in the field; however, the field crew mapped several white glass jar seals and one zinc jar liner and other fragments of post-Civil War canning jars, as well as one likely *Clorox* brand bleach bottle sherd. An *Atlas E-Z* seal 'Lightening' jar (post 1930) was noted in the wood edge, as was an eleven-ounce *Pepto-Mangan* (Gude) hexagonal-section pharmaceutical bottle. While the value of the canning jar to rural and urban citizens is undisputed, a brief piece in a 1905 issue of the *California State Journal of Medicine* (v. III, n. 11: 339-340) roundly criticized the manufacture of *Pepto-Mangan's* alleged iron supplement and the medical journals that supported its claims. The National Museum of American History holds a gummed label form of the bottle in its collections (1980.0698.087), dating it to ca. 1930 and attributing it to manufacturer M. J. Breitenbach of New York City. Examples of intact *Pepto-Mangan* bottles, with gummed label and embossed types, appear in Figure 5-2.

The range of domestic materials and the 1938 aerial photograph (see Figure 3-6) suggest that the site dates as early as the first quarter, but probably the second quarter, of the 20th century. Given the relative dearth of plastics, the site likely was abandoned prior to the mid-1960s or early 1970s.

Table 5-1. Summary of mapped artifacts (Phase I)

Type	Quantity
Ceramic	78
Whiteware	73
Alkaline glazed stoneware	2
Gray salt-glazed stoneware	3
Vessel glass	60
Amber	9
Amethyst	6
Aqua	12
Colorless	28
Blue	1
Green	4
Architectural	6
Window	5
Sanitary pipe	1

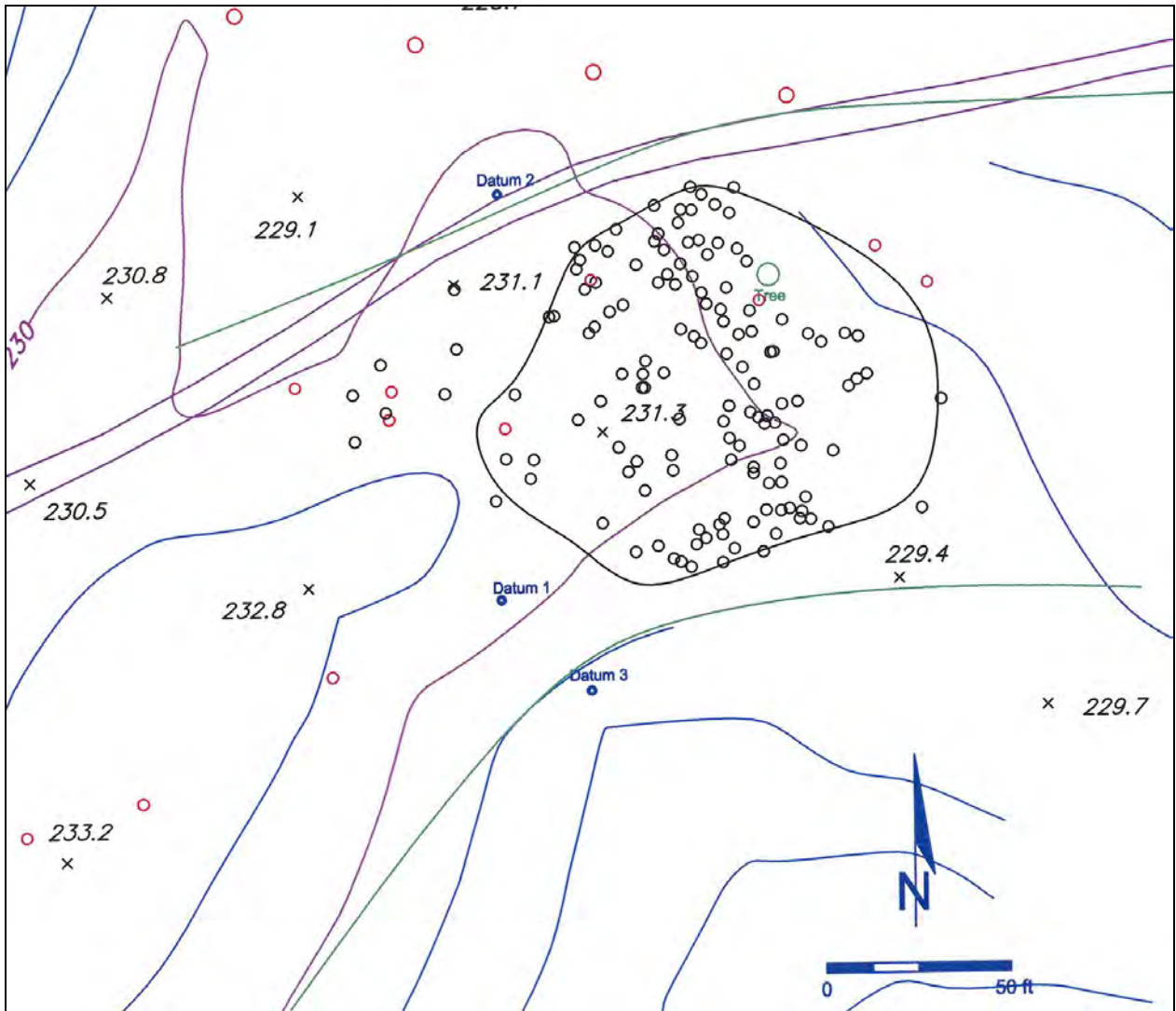


Figure 5-1. Phase I map of surface finds, 18PR971.

N.B. Continuous black line delineates the dense brick and domestic debris. Open red circles are bricks lying outside of the high concentration, and open black circles represent a sampling of larger ceramic and glass sherds.



Figure 5-2. Intact examples of *Pepto-Mangan* bottles.

Phase II Site Examination

The Phase II investigation of 18PR971 included three principal tasks, described below in the order in which they occurred:

1. Additional background research, including newspaper research (see Chapter 3) and census analysis (see next subsection);
2. Shovel testing at 20 to 25-ft intervals, followed by instrument mapping of those units, artifact processing, and trend surface analysis of the resulting architectural and domestic finds;
3. Excavation and instrument mapping of ten units, each 3 ft on a side; and
4. Cataloguing and analysis of the artifacts.

We can begin with the census analysis as that provides the sociological context for this tenancy, the analysis being all the more important because we do not know who tenanted the site.

CENSUS ANALYSIS

The research team consulted the *Postbellum Archeological Resources in Prince George's County, Maryland A Historic Context and Research Guide* (2012) for guidance on the kinds of questions we might ask of 18PR971, data we might collect, and the methods we might use in their analysis. The questions offered in that document are not without interest, but they are largely historical and sociological in nature and ill-suited to archaeological analysis. Moreover, the background research informing the construction of those questions doesn't address one of the

preeminent issues agricultural Maryland faced since the third quarter of the 18th century and that led to crisis in the last quarter of the 19th century; namely, soil exhaustion, which led in turn to rural depopulation. The document also doesn't address the most immediate kind of question that can be answered on any rural or suburban site with even a modest degree of integrity: how did a particular household, or succession of households, adapt to a changing economy and geography through the provision of their own goods and services. Stewart-Abernathy () introduced the concept of urban farmstead to document and interpret houselots in close proximity to central places, but it serves for more rural settings as well.

Questions of household structure in the area, and specifics about the household(s) occupying the site also are critical. A single individual or couple functions economically in one way, a young family in another, a family with children of working age another, and an extended family in yet another. And household structure also is part and parcel of the strategies pursued by the occupants of an urban farmstead insofar as the needs such a farmstead attempts to supply (as opposed to purchase) depends on, among other variables, the size and make-up of the household. Toward this end, we conducted an analysis of those population schedules of the US Census for 1900 through 1940.

We created a spreadsheet with the data for the district, focusing on the Turner farm, and then graphed a number of variables to achieve a sense of variability in household structure measurable in along the dimensions of race and land tenure.

Figure 5-3 depicts the distribution of population in the vicinity of 18PR971 by race for the census years 1900 through 1940. It is an odd distribution with nearly equal numbers in 1900, rapid divergence between 1910 and 1930, and equal numbers in 1940. This, of course, applies only to the narrow confines of the sample and does not necessarily represent wider patterns beyond the neighborhood. The changes could have been precipitated by changes among tenant households, which tend to be more mobile than real property owners.

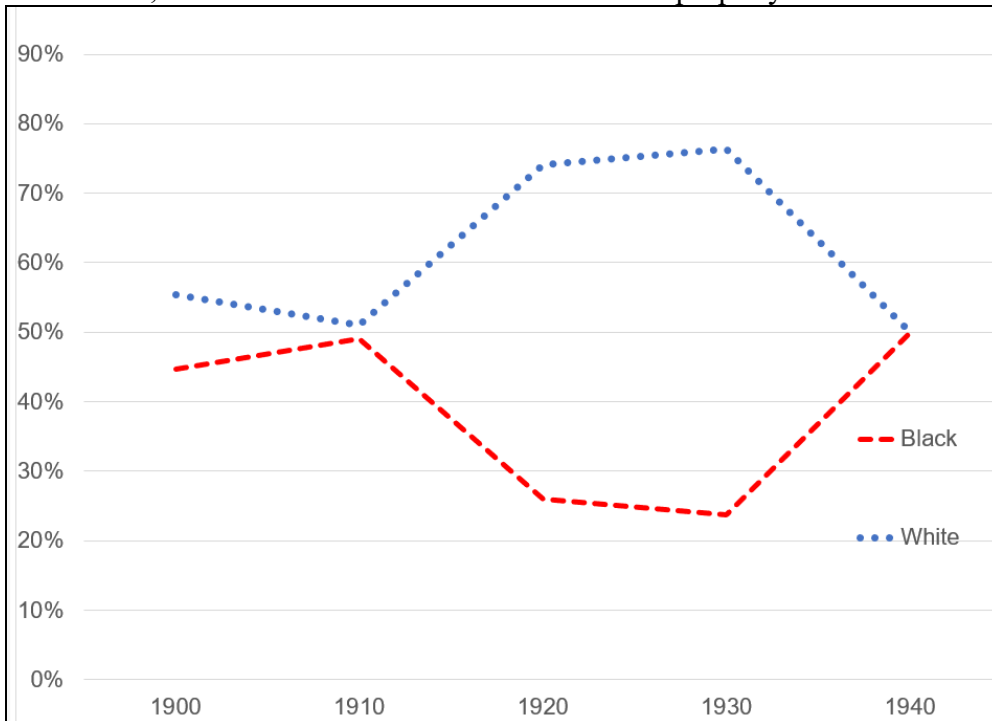


Figure 5-3. Population distribution by race, 1900-1940.

Figure 5-4, through the lens of race, documents patterns in land tenure in the sample through the first four decades of the 20th century. Ownership among “whites,” not surprisingly given general knowledge of American history and discussions in *Postbellum Archeological Resources*, was higher (as a percentage of total ownership) for white households throughout the five census years. Ownership increased rapidly among whites between the end of World War I and the beginning of the Great Depression, while black ownership and population declined in the first quarter of the 20th century, probably a local expression of the horrors and indignities of Jim Crow Laws and the Great Migration. Relevant variables during the first quarter of the 20th century include African American households selling their holdings and leaving the region, while Maryland’s new Bureau of Immigration (formed 1896) and the creation of the German American Bank recruited European and Western United States farmers. Black home ownership rose slowly during the 1920s and increased rapidly during the Great Depression. Renting rates varied inversely for black and white households, ranging between approximately 40% and 60%. The Great Depression proved catastrophic for both, although the losses of realty were larger and more widespread among whites who owned most of the land. These losses and the subdivision of land, particularly parcels of lesser agricultural value, may have benefited black households.

Looking more closely at the households in the sample, Figure 5-5 reveals patterns in farm occupation (the question was omitted in the 1920 census and it does not address ownership). The numbers are highly varied, although whites showed a distinct pattern of answering “no,” appearing to abandon farms. The historic housing stock in the Brandywine region for the 1920s through 1940s, spanning Prince George’s and Charles counties, suggest whites increasingly left farms and pursued non-agricultural occupations. Black households answering in the affirmative remained relatively stable and under 20%.

The data can be used to statistically describe household size and composition, literacy rates, occupations, and places of birth; but for the purposes of this study the above distributions will suffice as exemplars. They suggest that the occupants of 18PR971 could have been either of African or European heritage. The patterns of population movement, land tenure, and residence are varied, shifted significantly through some of the most momentous changes of the 20th century between 1900 and 1940: the Progressive Movement, implementation of Jim Crow laws and violent suppression of African American rights, the Great Migration to Northern cities and the District of Columbia, World War I, and the Great Depression. The occupants of 18PR971, and of any 20th-century tenancy, cannot be assumed to be African American.

PHASE II SHOVEL TESTING AND ANALYSIS

Within the past year, a silt fence was installed around the concentration defined as a result of the Phase I investigation of the site. The field team cleared the dense stand of saplings that had grown across the site in the last ten years and established a grid of shovel tests on six parallel transects at intervals of 20 ft to 25 ft, varying to avoid obvious ground disturbances, particularly from fence installation and subsequent movement of heavy equipment through the fence and across the southern third of the site.

Figure 5-6 depicts the projected distributions of architectural and domestic refuse, by weight, produced through the application of a kriging algorithm to the raw data values. Curiously, the shovel test excavated near the tree around which scattered bricks are present produced no appreciable amount of brick

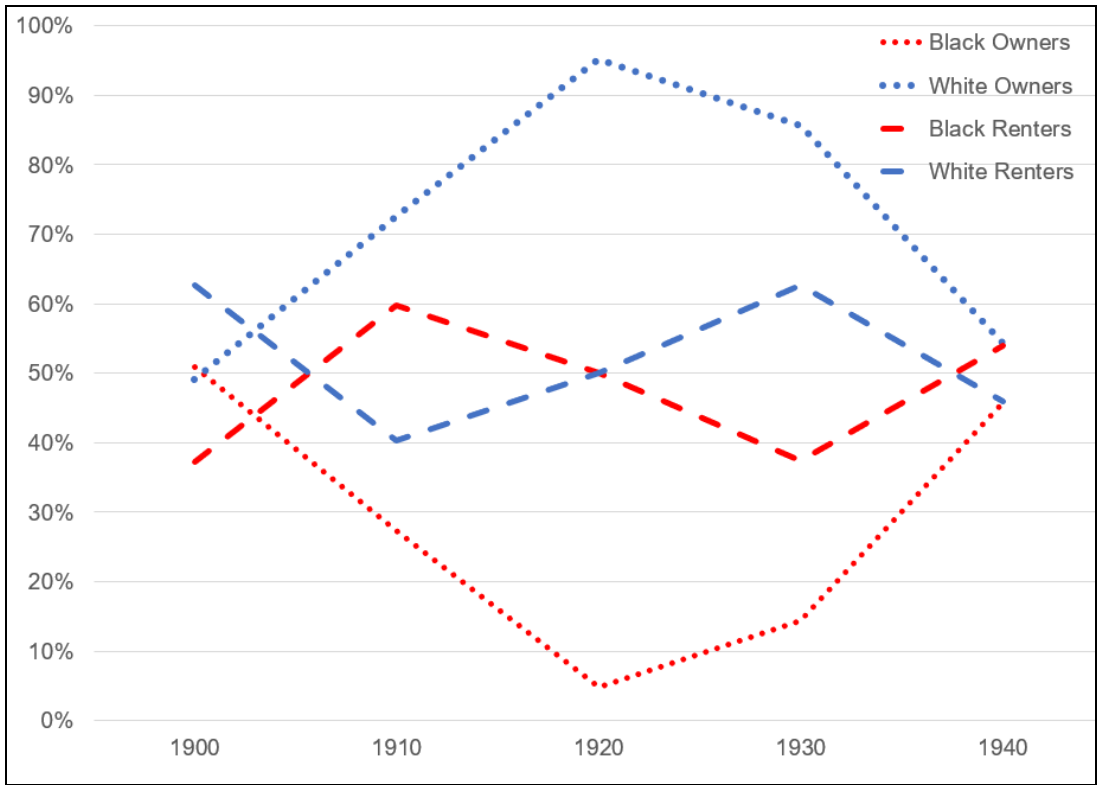


Figure 5-4. Distribution of renters and owners by race and year,

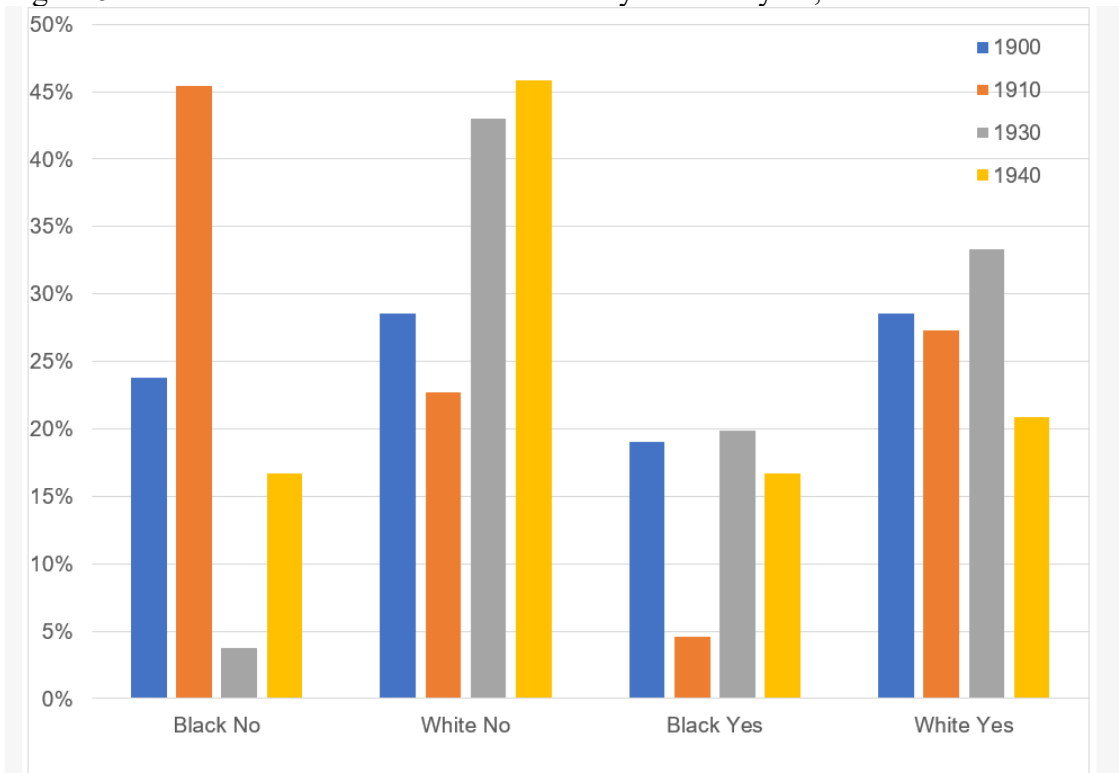


Figure 5-5. Response to farm occupancy question.

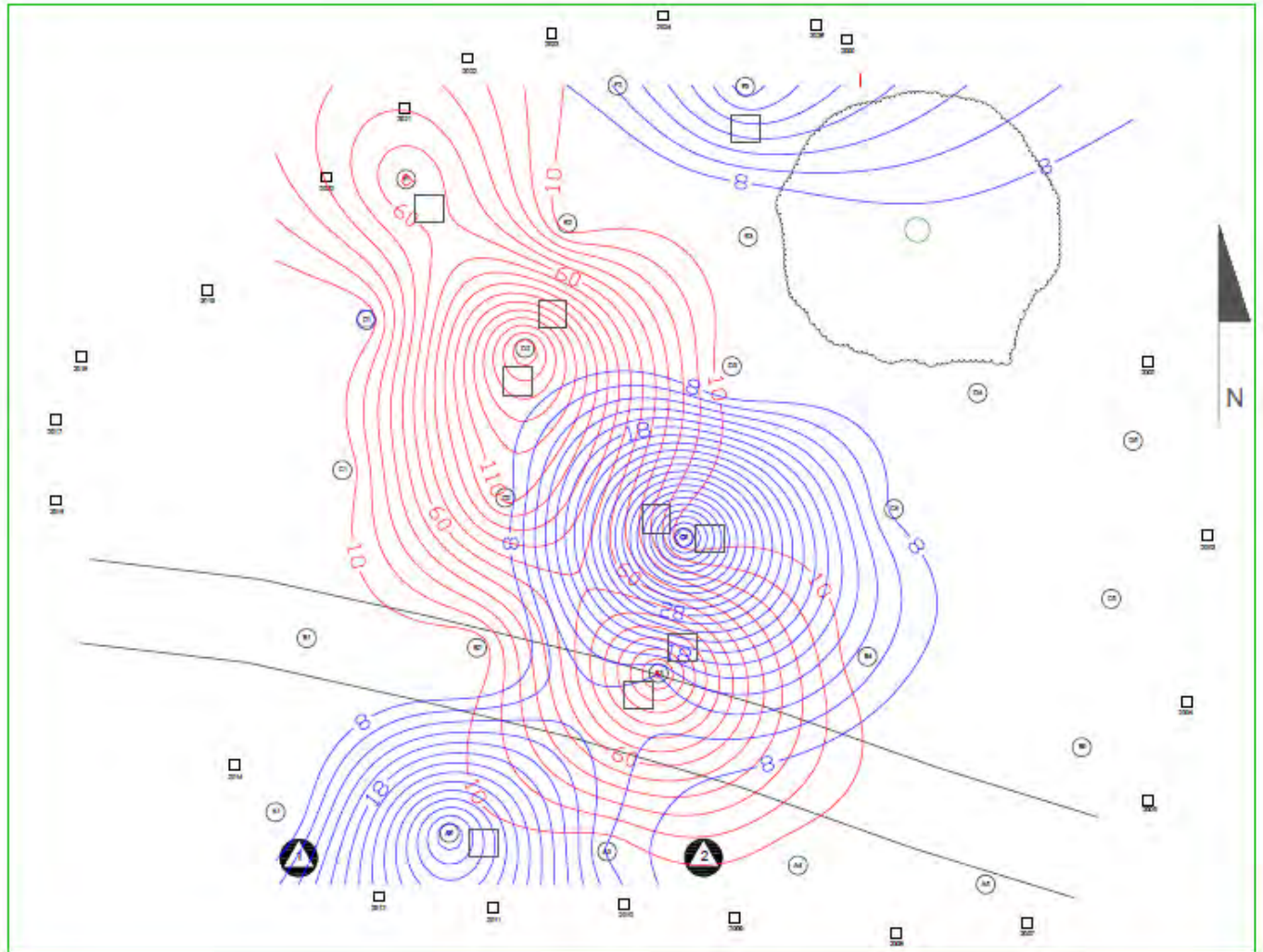


Figure 5-6. Trend surface distributions from shovel testing.

Red contours represent architectural projections, blue contours represent ceramic and glass vessels, all by weight. Circles represent shovel tests and squares represent projected excavation locations.

The distributions are linear and overlapping, suggesting the north-south principal axis of the dwelling visible in the 1938, 1965, and 1977 aerial photographs reproduced in Chapter 3. A tighter sampling interval might have yielded a more continuous deposit of brick, nails, window glass, ceramics, and vessel glass. Based on these distributions, I selected ten locations for the excavation of stratigraphic test units, which Dr. Jennifer Stabler approved.

PHASE II TEST EXCAVATION UNITS

All ten units were shovel-excavated and all encountered a thin to moderately thick (0.1 to 1.0 ft, averaging 0.62 ft) dark yellowish brown (10YR3/4) sandy silt loam to silt loam A_p horizon overlying yellowish brown (10YR5/4) silt loam to sandy silt loam to gravelly silt loam B horizon. Chisel-plow scars were evident in most, trending slightly south of west. Unit 1 encountered deeper A_p/A horizon soil (1.0 ft) next to the tree and among the scatter of bricks and brick bats. This appears to be aeolian material of recent formation and the bricks lie largely embedded in the surface. Greasy deposits on the transition of the A_p/B horizons and in the

plowscars indicates relatively recent plowing on an organically rich surface, but it also could represent mechanical razing and grubbing.

The bricks are early machine-made and handstruck common red bricks commonly made in the region into the very early 19th century. The two manufacturing methods suggest cannibalization—perhaps of a structure on site—of bricks for reuse. The amount of brick suggests pier construction and no chimney stack. The lack of coal ash in any of the units and the recovery of a porcelain insulator suggests that the dwelling’s occupants relied on electricity. I haven’t determined when rural electrification reached this area, but the lack of evidence for alternative fuel sources (coal or wood represented by coal ash and a chimney stack) seems odd. Considerable loss of cultural material through erosion is possible and the linear, downslope orientation of the material revealed through trend surface analysis may be evidence for such movement.

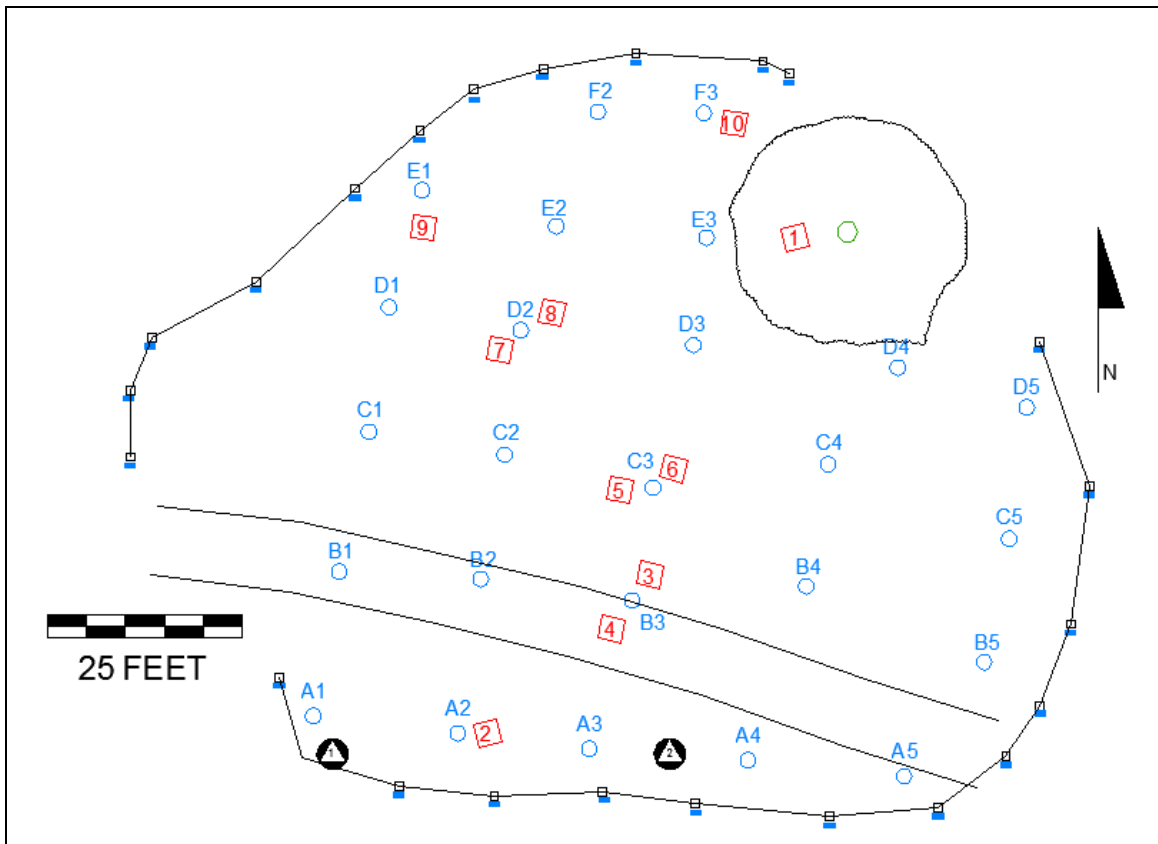


Figure 5-7. Mapped locations of shovel tests and excavation units.

The distribution of artifacts, by class, across the ten excavation units is relatively uniform (Table 5-2). Unit 4 is in the eroded track which proved impenetrable as the thin A-horizon revealed an underlying deposits of gravelly clay that had been disturbed by heavy machine operation. Unit 1 revealed deep aeolian deposits in an area that appears to have escaped plowing, possibly because of the tree (Figure 5-8).

Architectural material was concentrated in the northern part of the site, with the largest numbers recovered from units 1, 9, and 10 (Table 5-3). Weight distributions proved unworkable with the recovery of single brick bats and whole bricks in some units. Recovery of wire nails

(n=36) and machine-cut and headed nails (n=84), to the exclusion of handwrought and machine-cut/hand headed nails suggests an early 20th-century construction date.

Table 5-2. Summary of artifacts by class and excavation unit

Class	TU1	TU2	TU3	TU4	TU5	TU6	TU7	TU8	TU9	TU10	Total
Architecture	35	24	50	35	24	35	76	91	60	49	479
Clothing							1				1
Food						2				1	3
Furnishing	2	1	1						1		5
Hardware	5									3	8
Indeterminate	3		1		1		1		2		8
Jewelry	1										1
Lithic			1			1			1		3
Miscellaneous	9	1	1		1			1	1		14
Toy				1							1
Vessel	86	74	48	29	66	67	19	28	47	51	515
Total	141	100	102	65	92	105	97	120	112	104	1038



Figure 5-8. Unit 1 and brick scatter around tree.

Table 5-3. Summary of architectural material, by unit and count

Type/Variety	TU1	TU2	TU3	TU4	TU5	TU6	TU7	TU8	TU9	TU10	Total
Bolt			2		1						3
Nail, indeterminate		4				6		2			12
Nail, machine-cut, machine-headed	12		14	3	12	2	10	11	8	12	84
Nail, wire	8					1		4	4	19	36
Rubber, hard	1										1
Strap, metal						1					1
Tile		1					1				2
Window glass	11	16	12	12	3	11	10	17	33	16	141
Total	32	21	28	15	16	21	21	34	45	47	280

The number of recovered architectural artifacts was exceeded only by the number of ceramic and vessel sherds. About 38% of those sherds are ceramic, consistent with the dominance of glass containers on post-Civil War sites, especially in the early 20th century (Table

5-4). American gray stoneware, a common storage vessel type on 19th and early 20th-century domestic sites, is represented by five sherds, about 1% of the total. White glass jar seal and zinc jar covers were recovered, also typical of post-Civil War deposits. Whiteware, White Granite, and Ironstone dominate the ceramic assemblage (n=124, or about 64%). One marked whiteware sherd bears the name of retailer Dulin & Martin Company of Washington, DC, dating between 1899 and the 1930s (Figure 5-9).

Two ceramic types are anomalous: a small sherd of Chinese porcelain (Unit 8) and 42 small, spalled sherds of a single chinoiserie-style printed pearlware plate from Unit 1 (Figure 5-10). Both likely date to the 1820s through 1830s. The pearlware and the Dulin & Martin piece were recovered from Unit 1.

Table 5-4. Summary of vessel sherd counts

Type/Variety	TU1	TU2	TU3	TU4	TU5	TU6	TU7	TU8	TU9	TU10	Total
Bottle	2										2
Bottle, machine-molded						13	15				28
Earthenware, Pearlware	42										42
Earthenware, White Granite			1		3	2		2			10
Earthenware, Whiteware	12	26	7	6	14	19	4	1	11	13	113
Flowerpot			3		2	3		1			9
Ironstone									1		1
Jar					1						1
Lid										1	1
Lid liner		1									1
Porcelain, Chinese								1			1
Porcelain, indeterminate	2										2
Porcelain, Western	2		3	1	2				2	1	11
Stoneware, American Gray		2	2					1			5
Vessel glass, indeterminate		1									1
Vessel glass, machine-molded		42	32	22	44	30		22	33	36	261
Total	60	74	48	29	66	67	19	28	47	51	489

Other artifacts included a porcelain doll fragment, a 1933 Wheat cent (Unit 5), one blade from a multiblade safety razor (Unit 3), a plastic comb (Unit 2), and two carbon battery cores (Units 8 and 9). Three flakes also were recovered: quartz shatter (Unit 3), quartzite primary flake (Unit 6), and coarse-grained quartzite fire-cracked rock (Unit 9). Three aboriginal lithics had been mapped during the Phase I investigation.



Figure 5-9. Dulin & Martin Co, Washington DC (Unit 1).



Figure 5-10. Spalled printed pearlware plate rim (Unit 1).

Chapter 6. Summary, Conclusions and Recommendations

Summary

Walton Global Holdings of McLean, Maryland, has undertaken the residential redevelopment of a 343-acre farm (parts of His Lordship's Kindness, Poplar Neck, and Mount Airy) on the west side of Frank Tippet Road, approximately 1000 ft south of its intersection with Rosaryville Road, Cheltenham, Prince George's County. A Phase I archaeological survey identified a dense scatter of ceramic and glass vessel sherds and clustered soft-mud brick fragments on a rise in the northeastern portion of the subject parcel (18PR971). The County Planning Department has requested a Phase II archaeological site examination to collect data with which the site's historical significance can be determined.

Gibb Archaeological Consulting conducted the fieldwork in January 2020. The principal investigator was aided by Sarah A. Grady and technicians George F. Riseling, Jr., and Anton Motivans. The crew cleared vegetation within the area circumscribed by the silt fencing that describes the surface extent of material recorded in 2009. They then excavated 25 shovel tests on six transects at approximately 25-ft intervals, instrument-mapped those units, and analyzed the spatial distributions of architectural and domestic artifacts. Based on the trend surface analysis, we submitted a testing plan for a minimum of ten 3-ft by 3-ft excavation units to the Planning Department Archaeologist for approval and then excavated and instrument-mapped those units.

Shovel testing and trend surface analysis revealed partially coincident clusters of architectural (largely brick with some nails and window glass) and domestic (largely ceramic and glass vessel sherds) refuse trending southwesterly across the site. The units revealed a recently formed plowzone, 0.3 ft to 0.8 ft, averaging about 0.6 ft, and chisel-plowscars filled with greasy organic matter that had not yet oxidized. The cluster of soft mud, early machine-made bricks noted at initial discovery of the site in 2009 proved to be surficial, possibly removed to the base of the colonizing tree by the last farmer. The combined shovel test and excavation units yielded 1,122 artifacts, including 499 architectural artifacts (brick, window glass, machine-cut/headed nails, and wire nails) and 568 vessel sherds. While the latter consisted of machine-made glass jars and bottles, post-Civil War white earthenwares/white granite ware, and Western porcelains, it included one sherd of Chinese porcelain (no later than 1840) and 42 sherds of transfer-printed pearlware (also manufactured no later than 1840). Two flakes and one fire-cracked rock from three excavation units reveal a low-density aboriginal site of indeterminate vintage.

Conclusions

The data suggest an earlier occupation of the dwelling site, probably in the second quarter of the 19th century, followed by a hiatus that ended in the very late 19th or early 20th century, and possibly as late as the 1920s. The one dateable marked vessel bears the imprint of Dulin and Martin Company, Washington, DC, a retailer of ceramics from 1899 to as late as the 1930s. A Wheat cent dated 1933, a blade from a multiblade razor, a plastic comb, and two carbon battery cores indicate occupation into the third quarter of the 20th century. Aerial photographs clearly show a roughly 15 ft by 30 ft building, its long axis oriented north-south, at 18PR971 in 1938 and cultivated field in 1984. There is a shadow 20 ft to the west of the dwelling in the 1938 aerial photograph, but it does not appear in the 1965 image.

Shovel testing (n=25) and excavation units (n=10) failed to uncover structural features, or features of any sort. They did reveal a largely thin, recently plowed A-horizon over a yellowish brown clayey B-horizon. The scatter of bricks at the base of a small tree appear to be surficial

and redeposited. Three aboriginal artifacts suggest a low-density site of indeterminate vintage. The 20th-century dwelling probably consisted of a small frame house on brick piers, possibly with a brick stove chimney. There is no evidence of coal burning. A porcelain insulator indicates electrical service. The footprint of the building does not survive and evidence of an early 19th-century occupation, like that of the aboriginal occupation, is meager. The ceramic assemblage does stand in stark contrast to materials attributable to manuring of fields with urban institutional garbage (Gibb 2020). This is important not in terms of the importance of 18PR971, but in terms of how sites like it provide contrast that assists in defining manuring sites.

Recommendations

Site 18PR971 does not meet Criteria A through C for listing on the National Register of Historic Places. The presence of three aboriginal artifacts and two early 19th-century ceramic ware types, while interesting, lack research potential beyond their recovery at 18PR971: they do not meet Criterion D. The most recent dwelling, probably dating from the 1920s and through the third quarter of the 20th century also lacks research potential because of the lack of subsurface features and stratigraphic integrity. I recommend no further archaeological investigation of 18PR971.

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Appendix A: Shovel Test Data

Transect	Unit	Stratum	Depth	Munsell	Texture	Horizon	Notes/Inclusions
A	1	1	0.70	10YR3/4	Gravelly sandy silt loam	Ap	
A	1	2	1.10	10YR5/4	Sandy silt loam	B	
A	2	1	1.00	10YR3/4	Sandy silt loam	Ap	
A	2	2	1.20	10YR5/4	Sandy silt loam	B	
A	3	1	0.90	10YR3/4	Sandy silt loam	Ap	
A	3	2	1.20	10YR5/4	Sandy silt loam	B	
A	4	1	0.90	10YR3/4	Sandy silt loam	Ap	
A	4	2	1.00	10YR5/4	Sandy silt loam	B	Dense, compact
A	5	1	0.10	10YR3/4	Sandy silt loam	Ap	Dense, compact
A	5	2	0.20	10YR5/6	Gravelly sandy silt loam	B	
B	1	1	0.20	10YR3/4	Silt loam	Ap	Dense, compact
B	1	2	0.50	10YR5/8	Gravelly silt loam	B	
B	2	1	0.30	10YR3/4	Silt loam	Ap	Dense, compact
B	2	2	4.00	10YR5/4	Gravelly silt loam	B	
B	3	1	0.40	10YR3/4	Silt loam	Ap	Dense, compact
B	3	2	0.50	10YR5/4	Gravelly silt loam	B	
B	4	1	0.70	10YR3/4	Silt loam	Ap	Dense, compact
B	4	2	1.10	10YR5/4	Gravelly silt loam	B	
B	5	1	0.70	10YR3/4	Silt loam	Ap	
B	5	2	0.90	10YR5/4	Gravelly silt loam	B	
C	1	1	0.50	10YR3/4	Silt loam	Ap	
C	1	2	1.10	10YR5/8	Silt loam	B	
C	2	1	0.70	10YR3/4	Silt loam	Ap	
C	2	2	1.10	10YR5/8	Silt loam	B	
C	3	1	0.70	10YR3/4	Silt loam	Ap	
C	3	2	1.00	10YR5/4	Silt loam	B	
C	4	1	0.70	10YR3/3	Sandy silt loam	Ap	
C	4	2	1.00	10YR5/6	Sandy silt loam	B	
C	5	1	0.60	10YR3/4	Sandy silt loam	Ap	
C	5	2	1.00	10YR5/4	Gravelly sand	B	
D	1	1	0.60	10YR3/4	Sandy silt loam	Ap	
D	1	2	1.00	10YR6/4	Gravelly sandy silt loam	B	
D	2	1	0.70	10YR3/4	Sandy silt loam	Ap	
D	2	2	1.10	10YR5/4	Sandy silt loam	B	
D	3	1	0.60	10YR3/4	Sandy silt loam	Ap	
D	3	2	1.10	10YR5/4	Sandy silt loam	B	
D	4	1	0.80	10YR3/4	Sandy silt loam	Ap	
D	4	2	1.10	10YR5/4	Sandy silt loam	B	
D	5	1	0.60	10YR3/4	Sandy silt loam	Ap	
D	5	2	1.10	10YR5/4	Sandy silt loam	B	
E	1	1	0.60	10YR3/4	Silt loam	Ap	
E	1	2	1.10	10YR5/4	Silt loam	B	
E	2	1	0.60	10YR3/4	Silt loam	Ap	
E	2	2	1.00	10YR5/4	Silt loam	B	
E	3	1	0.50	10YR3/4	Silt loam	Ap	
E	3	2	1.00	10YR5/4	Silt loam	B	
F	2	1	0.60	10YR3/4	Silt loam	Ap	
F	2	2	0.70	10YR5/4	Silt loam	B	
F	3	1	0.70	10YR3/4	Silt loam	Ap	
F	3	2	1.00	10YR5/4	Gravelly silt loam	B	

Appendix B: Catalogue

Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
1	A1	1	2.3	Vessel	Glass	Bottle			Colorless	
1	A1	1	0.8	Vessel	Ceramic	Earthenware, Whiteware				
2	A2	1	12.1	Vessel	Glass	Bottle		Partial neck/top	Amber	Crown cap
2	A2	2	1.4	Vessel	Glass	Lid liner	Milk glass			Mend
2	A2	6	15.4	Vessel	Glass	Indeterminate				One solarized plae violet
2	A2	5	6.3	Architecture	Glass	Window glass			Palest blue	
2	A2	2	6.4	Vessel	Ceramic	Earthenware, Whiteware				
2	A2	1	1.3	Vessel	Ceramic	Porcelain, indeterminate				
3	A3	2	7.2	Vessel	Ceramic	Earthenware, White Granite				
3	A3	1	1.5	Vessel	Ceramic	Earthenware, Whiteware				
3	A3	1	0.9	Vessel	Glass	Indeterminate				
3	A3	1	0.4	Architecture	Glass	Window glass			Palest blue	
4	A4	1	0.8	Vessel	Ceramic	Earthenware, Whiteware				
4	A4	1	1.6	Vessel	Ceramic	Earthenware, Unglazed Red				
	A5	0								No artifacts
	B1	0								No artifacts
	B2	0								No artifacts
5	B3	2	9	Vessel	Glass	Indeterminate			Colorless	
5	B3	1	3	Vessel	Ceramic	Earthenware, Whiteware				Burnt
5	B3	2	2.7	Architecture	Glass	Window glass				Palest blue
5	B3	1	132.2	Architecture	Brick/Daub/Mortar	Brick, common red				Sand-struck
6	B4	2	11	Vessel	Glass	Indeterminate			Colorless	
7	B5	1	0.5	Vessel	Glass	Earthenware, Whiteware/Pearlware				
8	C1	1	4.3	Indeterminate	Glass	Flat Glass			Colorless	Thicker than window glass
9	C2	1	1.1	Vessel	Glass	Indeterminate			Colorless	
9	C2	1	5.5	Vessel	Ceramic	Stoneware, American Gray				
9	C2	1	2.2	Architecture	Glass	Window glass			Palest blue	
9	C2	2	112.2	Architecture	Brick/Daub/Mortar	Brick, common red				Sand-struck
10	C3	1	20.7	Vessel	Glass	Indeterminate			Amber	
10	C3	3	24.6	Vessel	Glass	Indeterminate			Colorless	
10	C3	3	5.9	Vessel	Ceramic	Earthenware, Whiteware				

10	C3	1	0.9	Indeterminate	Glass	Flat Glass			Colorless	
10	C3	1	4.5	Indeterminate	Metal	Indeterminate				Ferrous
11	C4	1	7.3	Vessel	Glass	Indeterminate				Threaded top
11	C4	3	2.6	Architecture	Glass	Window glass			Palest blue	
12	C5	1	7.4	Vessel	Glass	Indeterminate				Screw to canning jar Not brick like
13	D1	1	8.5	Vessel	Ceramic	Terra cotta				
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
13	D1	1	36.3	Fuel	Composite	Battery core				
14	D2	1	4.3	Vessel	Glass	Indeterminate			Palest blue	
14	D2	2	172.9	Architecture	Brick/Daub/Mortar	Brick, common red				Sand-struck
14	D2	1	27.8	Indeterminate	Composite	Indeterminate				Possible iron cemented sandstone No artifacts
15	D3	0								
16	D4	1	0.3	Vessel	Glass	Indeterminate			Colorless	
16	D4	2	2.6	Vessel	Glass	Lid liner	Milk glass			
16	D4	1	2.3	Vessel	Ceramic	Earthenware, Whiteware				
17	D5	0								No artifacts
18	E1	2	2.4	Vessel	Glass	Indeterminate			Colorless	
18	E1	1	0.7	Vessel	Glass	Indeterminate			Palest blue	
18	E1	1	72.5	Architecture	Brick/Daub/Mortar	Brick, common red				
19	E2	3	7.1	Indeterminate	Glass	Flat Glass			Colorless	Thicker than window glass
19	E2	1	0.4	Architecture	Glass	Window glass			Palest blue	
20	E3	1	1.7	Vessel	Ceramic	Earthenware, Whiteware				
20	E3	1	0.7	Arms	Plastic	Shotgun shell wad				
21	E4	0								Not dug
22	E5	0								Not dug
23	F1	0								Not dug
24	F2	1	10.3	Vessel	Glass	Bottle, machine- molded		Neck with some lip	Pale violet solarization	
25	F3	1	10.3	Vessel	Glass	Indeterminate			Colorless	
25	F3	1	5.1	Vessel	Glass	Indeterminate			Palest blue	
25	F3	3	5.9	Vessel	Ceramic	Earthenware, Whiteware				One burnt
25	F3	1	5.4	Architecture	Brick/Daub/Mortar	Brick, common red				Sank-struck
25	F3	1	3.3	Miscellaneous	Metal	Wire				
25	F3	1	33	Fuel	Composite	Battery core				
26	F4	0								Nor dug
27	F5	0								Nor dug
28	TU1	2	3.3	Vessel	Glass	Bottle			Amber	Partial "E" on sholder
28	TU1	2	11.6	Vessel	Glass	Indeterminate			Aqua	
28	TU1	7	18.5	Vessel	Glass	Indeterminate			Palest blue	
28	TU1	1	2.2	Vessel	Glass	Indeterminate			Pale violet solarization	

28	TU1	12	24.3	Vessel	Glass	Indeterminate				Multipale vessels
28	TU1	1	40.5	Vessel	Glass	Indeterminate		Base and side w/ rim		Molded candy dish
28	TU1	1	4.5	Vessel	Glass	Indeterminate			Frosted	Fractured
28	TU1	1	2.1	Vessel	Glass	Indeterminate			Colorless	"... i v"
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
28	TU1	1	3	Vessel	Glass	Indeterminate			Opalescent, pale violet solarization	Molded band of cones
28	TU1	11	24.5	Architecture	Glass	Window glass			Palest blue	
28	TU1	3	44.6	Architecture	Brick/Daub/Mortar	Brick, common red				Sand-struck
28	TU1	1	0.6	Indeterminate	Bone	Indeterminate				Very eroded
28	TU1	1	0.5	Indeterminate	Bone	Indeterminate				Calcined
28	TU1	1	3.5	Indeterminate	Wood	Indeterminate				Possibly nothing
28	TU1	1	3	Architecture	Composite	Rubber, hard			Black	Ruber corrugated tread
28	TU1	1	54.8	Hardware	Metal	Pad lock				
28	TU1	1	5.4	Jewelry	Metal	Ring			Figures both sides. Sunburst on face. Srone missing.	
28	TU1	4	21.8	Hardware	Metal	Perforated strap				Erector set?
28	TU1	1	24.3	Miscellaneous	Metal	Indeterminate				Steel bar w/ white metal straos
28	TU1	4	70.2	Miscellaneous	Metal	Hardware				Wire, washer, bar, folded sheet
28	TU1	4	7.5	Miscellaneous	Metal	Copper alloy				Thin sheet, Handy Grip shaving stick [steptic] Colgate & Co. NY
28	TU1	5	25.8	Architecture	Metal	Nail, machine-cut, machine-headed		Whole		Mixex sizes
28	TU1	4	16.3	Architecture	Metal	Nail, machine-cut, machine-headed		Head		
28	TU1	3	6.5	Architecture	Metal	Nail, machine-cut, machine-headed		Shank		
28	TU1	8	43.6	Architecture	Metal	Nail, wire		Whole		Mixed sizes
28	TU1	2	53.4	Vessel	Ceramic	Porcelain, Western		1-Base w/rim, 1-rim w/ gold line		Maker's mark, "...in& Martin Washington DC [Dulin &

28	TU1	1	9.8	Furnishing	Ceramic	Porcelain, Western		Base		Martin]. Molded number "2..." at base. Decorative figurine
28	TU1	1	3.4	Furnishing	Ceramic	Porcelain, indeterminate		Base	Blue, painted.	
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
28	TU1	2	2.1	Vessel	Ceramic	Porcelain, indeterminate		1-Rim		
28	TU1	3	9.3	Vessel	Ceramic	Earthenware, Whiteware		body	Faint green leaves and pink flower	
28	TU1	9	44.8	Vessel	Ceramic	Earthenware, Whiteware		Mixed foot, rim, handle, body ...		Mixed vessels
28	TU1	1	0.6	Vessel	Ceramic	Earthenware, Pearlware		Rim	Blue, painted, feathered edge.	Non-impressed.
28	TU1	19	27.9	Vessel	Ceramic	Earthenware, Pearlware		Mixed	Undecorated	Mixed vessels
28	TU1	22	21.1	Vessel	Ceramic	Earthenware, Pearlware		Mixed	Blue transfer	One mend
29	TU2	1	28	Architecture	Brick/Daub/Mortar	Tile				
29	TU2	2	121.2	Architecture	Brick/Daub/Mortar	Brick, common red				3/4 inch
29	TU2	1	3.4	Architecture	Brick/Daub/Mortar	Brick, common red				1/2 inch
29	TU2	4	15.2	Architecture	Metal	Nail, indeterminate				
29	TU2	1	1.2	Miscellaneous	Plastic	Comb		Fragment		
29	TU2	2	15.3	Vessel	Ceramic	Stoneware, American Gray		Body		
29	TU2	24	41.5	Vessel	Ceramic	Earthenware, Whiteware		Mixed		
29	TU2	1	1.7	Vessel	Ceramic	Earthenware, Whiteware		Body	Blue transfer	
29	TU2	1	2.5	Vessel	Ceramic	Earthenware, Whiteware		Rim	Blue dipped	
29	TU2	2	3.5	Vessel	Ceramic	Earthenware, White Granite		Base		
29	TU2	1	4.1	Furnishing	Ceramic	Porcelain, Western	Electrical insulator			
29	TU2	1	0.2	Vessel	Glass	Vessel glass, indeterminate			Cobalt blue	
29	TU2	8	44.2	Vessel	Glass	Vessel glass, machine- molded	Medicine bottle		Amber	
29	TU2	2	5.6	Vessel	Glass	Vessel glass, machine- molded			Green	
29	TU2	1	2.9	Vessel	Glass	Lid liner	Milk glass			
29	TU2	2	8	Vessel	Glass	Vessel glass, machine- molded		Rim	Pressed mold, Colorless	
29	TU2	3	14.6	Vessel	Glass	Vessel glass, machine-		Rim	Colorless	

29	TU2	1	16.4	Vessel	Glass	molded Vessel glass, machine-		Base	Colorless	
29	TU2	26	73.6	Vessel	Glass	molded Vessel glass, machine-		Body	Colorless	
29	TU2	16	21	Architecture	Glass	Window glass			Colorless	
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
30	TU3	9	1440.3	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
30	TU3	6	25.8	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
30	TU3	3	3.6	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			0.187 inch
30	TU3	3	61.5	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			3/4 inch
30	TU3	1	2.7	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			1/2 inch
30	TU3	14	41.6	Architecture	Metal	Nail, machine-cut, machine-headed				
30	TU3	2	138.4	Architecture	Metal	Bolt				
30	TU3	1	0.5	Miscellaneous	Metal	Razor blade				
30	TU3	3	23.6	Vessel	Ceramic	Flowerpot		1 Rim, 2 Body		
30	TU3	7	8.8	Vessel	Ceramic	Earthenware, Whiteware		Body		
30	TU3	2	6.8	Vessel	Ceramic	Stoneware, American Gray		Body		
30	TU3	3	4.1	Vessel	Ceramic	Porcelain, Western		1 Rim, 2 Body		
30	TU3	1	3.2	Furnishing	Ceramic	Porcelain, Western	Electrical insulator			
30	TU3	1	2.5	Vessel	Ceramic	Earthenware, White Granite		Rim	Geometric motif	
30	TU3	5	11.9	Vessel	Glass	Vessel glass, machine-molded		Body	Amber	
30	TU3	1	1.3	Vessel	Glass	Vessel glass, machine-molded		Body	Green	
30	TU3	2	11.6	Vessel	Glass	Vessel glass, machine-molded		Rim	Threaded jar lid, Colorless	
30	TU3	4	34.2	Vessel	Glass	Vessel glass, machine-molded	Medicine bottle (?)	Rim and neck	Colorless	
30	TU3	1	8.9	Vessel	Glass	Vessel glass, machine-molded		Base	Colorless	
30	TU3	14	24	Vessel	Glass	Vessel glass, machine-molded		Body	Colorless	
30	TU3	3	6.1	Vessel	Glass	Vessel glass, machine-		Body	Palest blue	

30	TU3	2	2.2	Vessel	Glass	molded Vessel glass, machine-		Body	Pressed mold, Colorless	
30	TU3	12	22.2	Architecture	Glass	Window glass			Colorless	
30	TU3	1	0.3	Lithic	Quartz	Shatter				
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
30	TU3	1	0.2	Indeterminate	Plastic	Indeterminate				
31	TU4	7	718.7	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			3/4 inch
31	TU4	5	21.2	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			1/2 inch
31	TU4	5	5.3	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			0.187 inch
31	TU4	2	26.1	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
31	TU4	1	2.3	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			0.187 inch
31	TU4	3	8.5	Architecture	Metal	Nail, machine-cut, machine-headed				
31	TU4	3	11.3	Vessel	Ceramic	Earthenware, Whiteware		Base		
31	TU4	3	2.7	Vessel	Ceramic	Earthenware, Whiteware		Body		
31	TU4	1	0.8	Vessel	Ceramic	Porcelain, Western		Body	Floral decal print	
31	TU4	1	1.7	Toy	Ceramic	Porcelain, Western	Doll	Head	Ear	
31	TU4	4	2.1	Vessel	Glass	Vessel glass, machine- molded		Body	Green	
31	TU4	1	1.1	Vessel	Glass	Vessel glass, machine- molded		Body	Amber	
31	TU4	1	1.3	Vessel	Glass	Vessel glass, machine- molded		Rim	Pressed mold, Colorless	
31	TU4	1	16	Vessel	Glass	Vessel glass, machine- molded		Rim/neck	Colorless	
31	TU4	1	3.1	Vessel	Glass	Vessel glass, machine- molded		Body	Pattern molding, Colorless	
31	TU4	4	11.8	Vessel	Glass	Vessel glass, machine- molded		Rim	Threaded jar lid, Colorless	
31	TU4	10	14.5	Vessel	Glass	Vessel glass, machine- molded		Body	Colorless	
31	TU4	12	11.4	Architecture	Glass	Window glass			Colorless	
32	TU5	2	242.3	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch

32	TU5	2	15.14	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
32	TU5	3	3.5	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			0.187 inch
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
32	TU5	1	1.1	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			0.187 inch
32	TU5	1	33.8	Architecture	Metal	Bolt				
32	TU5	12	37.9	Architecture	Metal	Nail, machine-cut, machine-headed				
32	TU5	1	0.5	Vessel	Metal	Jar	Canning jar	Lid		
32	TU5	1	57.6	Indeterminate	Metal	Indeterminate				Toy? Oven component? 1933
32	TU5	1	3	Miscellaneous	Metal	Wheat Penny	One Cent			
32	TU5	2	5.2	Vessel	Ceramic	Flowerpot		Body		
32	TU5	11	21	Vessel	Ceramic	Earthenware, Whiteware		Body		
32	TU5	1	1.1	Vessel	Ceramic	Earthenware, Whiteware		Handle	Molded	
32	TU5	2	1.1	Vessel	Ceramic	Earthenware, Whiteware		Rim	Molded	
32	TU5	2	3.5	Vessel	Ceramic	Earthenware, White Granite		Rim	1pc lightly molded	
32	TU5	1	3.5	Vessel	Ceramic	Earthenware, White Granite		Body		
32	TU5	1	1.7	Vessel	Ceramic	Porcelain, Western		Body		
32	TU5	1	1.2	Vessel	Ceramic	Porcelain, Western		Rim		
32	TU5	5	7.9	Vessel	Glass	Vessel glass, machine-molded		Body	Amber	
32	TU5	1	2.5	Vessel	Glass	Vessel glass, machine-molded		Body	Cobalt blue	
32	TU5	3	7.7	Vessel	Glass	Vessel glass, machine-molded		Body	Palest blue	
32	TU5	1	2.9	Vessel	Glass	Vessel glass, machine-molded		Body	Olive	
32	TU5	3	3	Vessel	Glass	Vessel glass, machine-molded	Milk glass	Canning jar lid	Opaque white	
32	TU5	3	8.6	Vessel	Glass	Vessel glass, machine-molded	Medecine bottle (?)	Rim and neck	Colorless	
32	TU5	1	4.7	Vessel	Glass	Vessel glass, machine-molded		Rim	Threaded jar lid, Colorless	
32	TU5	22	49.3	Vessel	Glass	Vessel glass, machine-molded		Body	Colorless	
32	TU5	1	10.5	Vessel	Glass	Vessel glass, machine-molded		Base	Pressed mold, Colorless	
32	TU5	4	23.2	Vessel	Glass	Vessel glass, machine-molded		Body	Pressed mold, Colorless	
32	TU5	3	3.1	Architecture	Glass	Window glass			Colorless	

33	TU6	12	550.6	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
33	TU6	2	7	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
33	TU6	2	7.3	Architecture	Metal	Nail, machine-cut, machine-headed				
33	TU6	1	2.5	Architecture	Metal	Nail, wire				
33	TU6	6	30.9	Architecture	Metal	Nail, indeterminate				
33	TU6	1	789.9	Architecture	Metal	Strap, metal	Hinge			
33	TU6	3	7.1	Vessel	Ceramic	Flowerpot		Body		
33	TU6	2	2.4	Vessel	Ceramic	Earthenware, Whiteware		Body	Blue painted	
33	TU6	2	2.3	Vessel	Ceramic	Earthenware, White Granite		Rim	Molded	
33	TU6	2	16.1	Vessel	Ceramic	Earthenware, Whiteware		Body	Molded	
33	TU6	3	9.3	Vessel	Ceramic	Earthenware, Whiteware		Base		
33	TU6	11	26.3	Vessel	Ceramic	Earthenware, Whiteware		Body		
33	TU6	1	1.1	Vessel	Ceramic	Earthenware, Whiteware		Rim		
33	TU6	9	22.7	Vessel	Glass	Bottle, machine-molded		Body	Amber	
33	TU6	1	14.3	Vessel	Glass	Bottle, machine-molded		Base	Amber	
33	TU6	3	6.6	Vessel	Glass	Bottle, machine-molded		Body	Olive	
33	TU6	1	1.7	Vessel	Glass	Vessel glass, machine-molded	Milk glass	Canning jar lid	Opaque white	
33	TU6	25	103.8	Vessel	Glass	Vessel glass, machine-molded		Body	Colorless	
33	TU6	2	5.3	Vessel	Glass	Vessel glass, machine-molded		Body	Pressed mold, Colorless	
33	TU6	2	29.8	Vessel	Glass	Vessel glass, machine-molded		Base	Colorless	
33	TU6	11	11.2	Architecture	Glass	Window glass			Colorless	
33	TU6	2	35	Food	Bone	Bone, Mammal				
33	TU6	1	5.9	Lithic	Quartzite	Flake, Primary				Worked
34	TU7	32	3532.9	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
34	TU7	19	83.7	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
34	TU7	4	4.8	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			0.187 inch
34	TU7	1	64.1	Architecture	Brick/Daub/Mortar	Tile				
34	TU7	10	43.7	Architecture	Metal	Nail, machine-cut, machine-headed				
34	TU7	1	2.8	Vessel	Ceramic	Earthenware,		Rim	Dipped blue	

34	TU7	1	2	Vessel	Ceramic	Whiteware Earthenware,		Rim	Molded	
34	TU7	1	0.3	Vessel	Ceramic	Whiteware Earthenware,		Rim		
34	TU7	1	0.2	Vessel	Ceramic	Earthenware, Whiteware		Body		
34	TU7	1	0.8	Vessel	Glass	Bottle, machine- molded		Body	Amber	
34	TU7	3	5.2	Vessel	Glass	Bottle, machine- molded		Body	Palest blue	
34	TU7	11	16.8	Vessel	Glass	Bottle, machine- molded		Body	Colorless	
34	TU7	10	13.5	Architecture	Glass	Window glass			Colorless	
34	TU7	1	0.4	Clothing	Plastic	Button, Plastic			White	
34	TU7	1	0.7	Indeterminate	Plastic	Indeterminate			"C" (?)	
35	TU8	34	4459.3	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
35	TU8	16	65.9	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
35	TU8	6	7.3	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			0.187 inch
35	TU8	1	30.5	Architecture	Brick/Daub/Mortar	Brick, common red	Uniformly sintered (likely early machinemade)			3/4 inch
35	TU8	11	28.1	Architecture	Metal	Nail, machine-cut, machine-headed				
35	TU8	4	7.4	Architecture	Metal	Nail, wire				
35	TU8	2	12.7	Architecture	Metal	Nail, indeterminate				
35	TU8	7	15.8	Vessel	Glass	Vessel glass, machine- molded		Body	Amber	
35	TU8	5	12.7	Vessel	Glass	Vessel glass, machine- molded		Body	Pressed mold, Amber	
35	TU8	1	7.1	Vessel	Glass	Vessel glass, machine- molded		Rim	Threaded rim, amber	
35	TU8	4	4.2	Vessel	Glass	Vessel glass, machine- molded		Body	Colorless	
35	TU8	1	1.1	Vessel	Glass	Vessel glass, machine- molded		Body	Palest blue	
35	TU8	1	26.4	Vessel	Glass	Vessel glass, machine- molded		Handle	Pressed mold, Colorless	
35	TU8	3	9.4	Vessel	Glass	Vessel glass, machine- molded		Rim	Threaded rim, Colorless	
35	TU8	17	29.7	Architecture	Glass	Window glass			Colorless (slightly frosted)	
35	TU8	1	4.3	Vessel	Ceramic	Flowerpot		Rim		
35	TU8	1	12.1	Vessel	Ceramic	Stoneware, American		Body		

Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
35	TU8	1	3.5	Vessel	Ceramic	Gray Earthenware, White Granite		Body		
35	TU8	1	0.5	Vessel	Ceramic	Earthenware, White Granite		Body	Painted blue	
35	TU8	1	2.4	Vessel	Ceramic	Earthenware, Whiteware		Body		
35	TU8	1	0.5	Vessel	Ceramic	Porcelain, Chinese		Rim	Painted blue	
35	TU8	1	4.2	Miscellaneous	Indeterminate	Battery core				
36	TU9	12	1440.8	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
36	TU9	3	11.5	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			1/2 inch
36	TU9	8	35.7	Architecture	Metal	Nail, machine-cut, machine-headed				
36	TU9	4	40.8	Architecture	Metal	Nail, wire				
36	TU9	1	88.6	Indeterminate	Iron	Indeterminate hardware				Tool (?)
36	TU9	1	8.5	Vessel	Ceramic	Ironstone		Base		Section of maker's mark "[...]stone"
36	TU9	1	3	Furnishing	Ceramic	Porcelain, Western	Electrical insulator			
36	TU9	2	1.7	Vessel	Ceramic	Porcelain, Western		Body		
36	TU9	11	11.2	Vessel	Ceramic	Earthenware, Whiteware		Body		
36	TU9	2	7.4	Vessel	Glass	Vessel glass, machine-molded		Body	Amber	
36	TU9	2	2.5	Vessel	Glass	Vessel glass, machine-molded		Body	Cobalt blue	
36	TU9	6	22.8	Vessel	Glass	Vessel glass, machine-molded		Body	Palest blue	
36	TU9	20	43	Vessel	Glass	Vessel glass, machine-molded		Body	Colorless	
36	TU9	1	3.5	Vessel	Glass	Vessel glass, machine-molded		Base	Colorless	
36	TU9	1	2.4	Vessel	Glass	Vessel glass, machine-molded		Body	Pressed mold, Colorless	
36	TU9	1	2.5	Vessel	Glass	Vessel glass, machine-molded		Body	Colorless	Portion of maker's mark visible
36	TU9	33	58.2	Architecture	Glass	Window glass			Colorless	
36	TU9	1	0.6	Indeterminate	Plastic	Indeterminate			Yellow	
36	TU9	1	10.6	Miscellaneous	Indeterminate	Battery core				
36	TU9	1	41.1	Lithic	Quartzite	Fire-cracked rock				
37	TU10	2	28.8	Architecture	Brick/Daub/Mortar	Brick, common red	Soft mud hand struck			3/4 inch
37	TU10	12	38.1	Architecture	Metal	Nail, machine-cut, machine-headed				

37	TU10	19	88.7	Architecture	Metal	Nail, wire				
37	TU10	1	5.7	Vessel	Ceramic	Porcelain, Western				
Lot	Unit	Count	Weight (g)	Class	Material	Variety	Type	Element	Decoration	Comments
37	TU10	3	2.5	Vessel	Ceramic	Earthenware, Whiteware		Rim		
37	TU10	10	29.5	Vessel	Ceramic	Earthenware, Whiteware		Body		
37	TU10	7	24.5	Vessel	Glass	Vessel glass, machine- molded		Body	Amber	
37	TU10	16	19.8	Architecture	Glass	Window glass				Colorless
37	TU10	27	42.3	Vessel	Glass	Vessel glass, machine- molded		Body		Colorless
37	TU10	2	28.6	Vessel	Glass	Vessel glass, machine- molded		Base		Colorless
37	TU10	1	4.6	Food	Bone	Bone, Mammal				
37	TU10	1	80.6	Hardware	Metal	Handle				Valve handle
37	TU10	1	2.1	Vessel	Metal	Lid	Jar lid			
37	TU10	1	13.3	Hardware	Metal	Utensils, table		Handle		
37	TU10	1	93.8	Hardware	Metal	Hardware				

Appendix C: Credentials

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EDUCATION

1994 Ph.D. in Anthropology, Binghamton University

1985 M.A. in Anthropology, Binghamton University

1978 B.A. in Anthropology, State University of New York at Stony Brook

PROFESSIONAL EXPERIENCE

Forty-four years of archaeological field and laboratory experience in six eastern states and Arizona, on sites ranging in age from early prehistoric to late 20th century. Author of approximately 300 technical reports. Forty-two years of supervisory experience and 30 years as Principal Investigator in Sole Proprietorship consulting firm. Published two books, edited two others, published 30 professional papers, 29 public information articles, and 17 book reviews. Prepared numerous NPS-style interpretive signs.

SELECT PUBLICATIONS

- 2020 Pig Manure and Swizzle Sticks: Patterns of Urban Trash in Rural Settings. *Historical Archaeology* 54(1).
- 2019 Entering Undocumented Pasts through Playwriting. In *A Necessary Fiction: Researching the Archaeological Past through Imagined Narratives*. Daan van Helden and Robert Witcher (editors). Routledge, London, UK.
- 2018 Epp Farmstead: Germans Homesteading a Charles County Farm. *Preservation Matters* 2018:28-35. (with Sherri Marsh Johns)
- 2018 Citizen Science: Case Studies of Public Involvement in Archaeology at the Smithsonian Environmental Research Center. *Journal of Community Archaeology & Heritage* 6(1):3-20.
- 2018 Late Archaic /Transitional Settlement on a Relict Stream Channel: the Octoraro Farm Site (18CE16). *Maryland Archeology* 51(1 & 2):19-41.
- 2016 Imposed and Home-Grown Colonial Institutions: The Jesuit Chapels of St. Mary's City and St. Francis Xavier, Maryland. In *Archaeologies of Colonial Institutions: uses, subversions and material afterlives*. Edited by Laura McAtackney and Russell Palmer. Special Issue of *International Journal of Historical Archaeology* 20(3):536-547. (with Scott D. Lawrence)
- 2015 Protecting the Upper Chesapeake Bay: Fort Hollingsworth (1813-1815), Elk River, Cecil County, Maryland. *Northeast Historical Archaeology* 44: 18-33. (with William E. Stephens, Peter C. Quantock, Daniel G. Coates, and Ralph Eshelman)
- 2015 Constructive Imagination and the Elusive Past: Play Writing as Method. In *Subjects and Narratives in Archaeology*, edited by Ruth M. Van Dyke and Reinhard Bernbeck, pp. 145-168. University of Colorado Press.
- 2011 Searching for the Lost Towns of Port Tobacco. *Maryland Archeology* 47(1):5-14.
- 2009 Farm and Factory: Agricultural Production Strategies and the Cheese and Butter Industry. *Historical Archaeology* 43(2): 84-108. (with David J. Bernstein and Stephen Zipp)
- 2009 *The Archaeology of Institutional Life*. University of Alabama Press, Tuscaloosa. Edited with April M. Beisaw.
- 2006 Median Ceramic Dates for Hagerstown Valley Pottery. *Maryland Archeology* 42(1): 15-23.
- 2006 Archaeology in the Zone: Can Plowed Sites Yield Bountiful Harvests? Forum organized and compiled by Julia A. King. *The Journal of Middle Atlantic Archeology Middle* 22: 114-117.
- 2003 The Archaeologist as Playwright. In *Ancient Muses: Archaeology and the Arts*, edited by John H. Jameson, Jr., Christine Finn, and John E. Ehrenhard, pp. 25-39. University of Alabama Press.
- 2000 Learning Cast Up from the Mire: Archaeological Investigations of Schoolhouses in the Northeastern United States. *Northeast Historical Archaeology* 29: 107-129. (with April M. Beisaw)
- 2000 Imaginary, But by No Means Unimaginable: Storytelling, Science, and Historical Archaeology. *Historical Archaeology* 33 (2): 1-6.
- 2000 Reflection, Not Truth, the Hero of My Tale: Responding to Lewis, Little, Majewski, and McKee and Galle. *Historical Archaeology* 33(2): 20-24.
- 1999 *A Layperson's Guide to Historical Archaeology in Maryland*. Archeological Society of Maryland. (Editor and contributor)


- 1997 Selby Bay Phase Subsistence Strategies at the Smithsonian Pier Site, Anne Arundel County, Maryland. *Maryland Archeology*. 33(1&2): 59–76. (with Anson H. Hines)
- 1997 Necessary but Insufficient: Archaeology Reports and Community Action. In “In the Realm of Politics: Prospects for Public Participation in African–American and Plantation Archaeology,” edited by Carol McDavid and David W. Babson. Special Issue of *Historical Archeology* 31(3): 51–64.
- 1996 *The Archaeology of Wealth: Consumer Behavior in English America*. Plenum Press, New York.
- 1995 The History of Helb Barn. *The Calvert Historian* 10(2):5–18. (with Matt Croson)
- 1994 Dated Window Leads from Colonial Sites in Anne Arundel County, Maryland. *Maryland Archeology* 30(2):23–28.(with Al Luckenbach)
- 1994 English Trade Tokens from a 17th Century Colonial Site in Southern Maryland. *Maryland Archeology* 29(1 & 2):55–60.
- 1994 “Dwell Here, Live Plentifully, and Be Rich”: Consumer Behavior and the Interpretation of 17th Century Archaeological Assemblages from the Chesapeake Bay Region. UMI, Ann Arbor Michigan.
- 1993 Dutch Pots in Maryland Middens; or, What light from yonder pot breaks? *Journal of Middle Atlantic Archaeology* 9:67–86. (With Wesley J. Balla)
- 1993 Publishing in Local History Journals. *Journal of Middle Atlantic Archaeology* 9:41–48.
- 1991 Gender, Activity Areas and Homelots in the 17th Century Chesapeake Region. *Historical Archaeology* 25(4):109-131. (with Julia A. King)
- 1990 Making Cheese: Archaeology of a 19th Century Industry. *Historical Archaeology* 24(1):18-33. (with David Bernstein and Daniel F. Cassedy)
- 1989 History Exhibits and Theories of Material Culture. *Journal of American Culture* 12(2):27-34. (with Karen Lee Davis)
- 1988 Unpuzzling the Past: Critical Thinking in History Museums. *Museum Studies Journal* 3:41-45. (with Karen Lee Davis)
- PUBLICATIONS: PUBLIC INFORMATION AND INTERPRETATION**
- 2018 Epp Farmstead: Germans Homesteading a Charles County Farm. *Preservation Matters* 2018:n.p. (with Sherri Marsh Johns)
- 2018 From Riverside Village to Upland Camp and Back: Native Americans of the Terminal Archaic Period in Charles County’s Mattawoman Valley. *Preservation Matters* 2018:n.p.
- 2017 View from a Dune: Life Atop a Small Sand Dune Overlooking Pomonkey Creek. *Preservation Matters* 2017:26-29.
- 2006 Dove’s Nest Afire. *St. Mary’s Chronicles*.
- 2004 Annapolis Roads Development, 1926-2003. *The Bay Breeze*, Winter 2004.
- 2003 *Santo Toribio: The Forgotten Battery at La Puntilla/Santo Toribio: La Bateria Olvidada de la Puntilla*. Educational pamphlet produced for the U.S. Coast Guard, San Juan, Puerto Rico (with Varna Boyd and URS Corporation).
- 2002 Before Annapolis Roads, Before History. *The Bay Breeze*, Spring 2002.
- 2002 Designing Annapolis Roads, 1926–1934. *The Bay Breeze*, Winter 2002.
- 2001 *Recognizing and Reporting Archeological Sites*. Educational pamphlet produced for Free State Electric, Waldorf, Maryland. Greenhorne & O’Mara, Greenbelt, Maryland (with Varna Boyd).
- 2001 Fischer’s Station on the Chesapeake Beach Railway, Anne Arundel County, Maryland (1908–1935). *The Calvert Historian* 27: 7–42.
- 2000 Lessons...from Our Long Lost Neighbors: Oysters eaten 1,800 years ago have a moral for our times. *Bay Weekly* 8(46).
- 2000 Linden: An Urban Farmstead in Prince Frederick, Calvert County, Maryland (1868–1988). *The Calvert Historian* 26: 39–55.
- 2000 Animating History at Colonial London Town. *Chesapeake Life Magazine* (January–February): 92–95. (with John Kille)
- 1999 Revolutionary Spirits: A Play in Two Acts. Performed at London Town Historic Park by the London Town Publik House Players, April 1999.

Appendix D: Site Form, Amended

January 6, 2020

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Wendy Irminger, Planner Coordinator, Neighborhood Revitalization Section,
Community Planning Division *WRI*

SUBJECT: **SDP-1202-07 Canter Creek, Phases 3 and 4**

FINDINGS

Pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Specific Design Plan

Location: Located on the west side of Frank Tippett Road, approximately 1000 feet south of its intersection with Rosaryville Road.

Size: 48 acres (overall 342.38 acres)

Existing Uses: Woodland, streams, wetland

Proposal: Add Phases 3 and 4 consisting of 161 single-family detached residential lots

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located within the Established Communities growth policy area. The vision for the Established Communities is most appropriate for context-sensitive infill and low-to medium-density development (page 20).

Master Plan: The 2013 *Approved Subregion 6 Master Plan* (CR-82-2013) recommends Residential Low (up to 3.5 dwelling units per acre) as the future land use for the subject property.

Planning Area 82A

Community: Rosaryville

Aviation/MIOZ: This property is outside of the 65 dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended. The subject property is located within Conical Surface E for height with a 20:1 restriction from the end of the right runway. The subject property is within 11,000 and 14,000 feet from the Clear Zone based on that runway. Therefore, the maximum heights for structures at this location is 550 to 700 feet. None of the structures in this application approach these heights.

SMA/Zoning: The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* retained the subject property in the Residential-Suburban (R-S) Zone (CR-83-2013).

cc: Long-range Agenda Notebook
Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, Community Planning Division

January 3, 2020

MEMORANDUM

TO: Tom Burke, Urban Design Section, Development Review Division

VIA: Tom Masog, Transportation Section, Countywide Planning Division

FROM: Glen Burton, Transportation Section, Countywide Planning Division

SUBJECT: SDP-1202/07: Canter Creek, Phases 3 and 4

The Transportation Planning Section has reviewed the specific design plan (SDP) amendment referenced above. This application proposes the construction of Phases 3 & 4, of the development, totaling 161 single-family homes.

Background

On October 29, 2009, the Planning Board approved the Preliminary Plan of Subdivision (PPS) (4-07005) for the subject property. Based on the PGCPB No. 08-112(A), the development was approved with several transportation-related conditions. Among those are the following:

19. *Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assigns:*
 - a. ***At the intersection of Rosaryville Road & Gambier Drive***
 - *Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T*
 - b. ***At the intersection of Rosaryville Road and Williamsburg Drive***
 - *Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T*
 - c. ***At the intersection of Rosaryville Road and Frank Tippett Road***
 - *Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.*
 - *Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T*

Status: The two signal warrant studies referenced in Conditions 19a. and 19b. have been completed and traffic signals are not deemed to be warranted. The findings have been shared with the Department of Permits, Inspections & Enforcement (DPIE) and the Department of Public Works and Transportation (DPW&T). The offsite improvements have been bonded through DPIE.

20. *Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along Piscataway/Woodyard Road (MD 223) at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2001).*

Status: This condition will be addressed at the issuance of building permits.

33. *At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate a 10-foot public utility easement (PUE) along all the public rights-of-way.*

Status: This condition has been met.

34. *The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.*

Status: This condition has been met.

Site Layout Review

Upon review of the pending application, the applicant is proposing a road network that represents the network on which the approved preliminary plan was based. Regarding on-site circulation, staff has no issues.


Transportation Staff Conclusion

The Transportation Planning Section concludes that the SDP application is deemed acceptable from the standpoint of transportation.

January 8, 2020

MEMORANDUM

TO: Thomas Burke, Development Review Division

FROM:  Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division

SUBJECT: **Specific Design Plan Review for Master Plan Trail Compliance**

The following specific design plan (SDP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area master plan in order to provide the appropriate recommendations.

Specific Design Plan Number: SDP-1202-07

Name: Canter Creek (Phase 3 & 4)

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.*	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.*	<u> </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> X </u>	Bicycle Parking	<u> </u>
Sidewalks	<u> X </u>	Trail Access	<u> X </u>

The Transportation Planning Section has reviewed the preliminary plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. Staff recommendations based on current or proposed conditions are also included in this memo.

The subject application is for Phase 3 and 4 of a previously approved subdivision. The subject site is located approximately 1,000 feet south of the intersection of Rosaryville Road and Frank Tippett Road. The property is bordered by Frank Tippett Road on the east and the Piscataway Creek Stream Valley Park on the west. Phases 3 and 4 of the subdivision are located at the northern end of the property.

The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan* and Section Map Amendment (Sector Plan). This application includes 161 single-family detached dwelling units on the west side of Frank Tippett Road.

Review Comments (Master Plan Compliance)

Two master plan trails impact the subject property. A shared roadway is planned along the entirety of Frank Tippett Road and a hard surface trail is planned through the Piscataway Creek Stream Valley Park.

Comment: The shared roadway along Frank Tippett Road requires “share the road with a bike” bikeway signage assemblies. A condition of approval for PGCPB No. 12-102(A) require a bikeway signage fee to be paid prior to the first building permit. This fee has since been paid to the Department of Public Works & Transportation (DPW&T). Also, the applicant has dedicated land to the Prince George’s County Department of Parks and Recreation for the Piscataway Valley Stream Park and the planned hard surface trail. This trail will be built as a future capital improvement project by the Department of Parks and Recreation.

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also 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.

Comment: The submitted plans include sidewalks along all internal roads. Additionally, a sidewalk is shown along the subject site’s property frontage on Frank Tippett Road, except for the portion of the property that fronts Frank Tippett Road north of the Joshua Turner House property.

Staff recommend that a sidewalk be provided along the entire property frontage of Frank Tippett Road.

Review Comments (Prior Approvals)

SDP-1202 included the following recommendations related to bicycle, pedestrian and trail facilities (PGCPB No. 12-102(A)).

1. Prior to certification of the specific design plan, the applicant shall:
 - b. Coordinate with DPW&T the final location and design, including crosswalk striping and warning signage, of the pedestrian and equestrian trail crossings located in the Dressage Drive right-of-way.
 - c. Provide details, specifications, and locations for the trail signage. These signs shall state “Private trail for use by residents of Canter Creek and guests of the Merrymount Equestrian Center only. Please respect the rights of private property owners.”

- d. Revise the plans to provide a minimum four-foot-wide grass strip adjacent to the equestrian trail along Dressage Drive from Frank Tippet Road to the Tributary Trail. This grass strip shall be free of landscaping, above ground utilities, and other obstructions.

Comment: These requirements are beyond the limits of this development application.

3. The applicant shall construct a ten-foot-wide concrete trail and a 12-foot-wide equestrian trail along the south side of Dressage Drive from Frank Tippet Road to the Tributary Trail, in phase with the construction of Dressgae Drive.
4. The applicant shall construct a ten-foot-wide concrete trail in the Dressage Drive right-of-way along Parcel E, in phase with the construction of Dressage Drive.

Comment: These trails are included on the submitted plan and are included in Phase 1 of this development.

10. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for placement of a bikeway sign(s) along Frank Tippet Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.

Comment: This condition is included as general note eight for the recorded plat (MSA S1250-19330) and has been fulfilled.

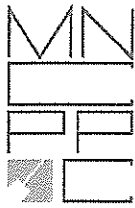
12. Prior to approval of the first final plat, the applicant and the applicant's heirs, successors, and/or assignees shall record in Prince George's County Land Records the cooperative use agreement for part of Parcel F between the applicant and the Merrymount Equestrian Center dated July 12, 2008. The applicant shall also demonstrate at that time, a cooperative use agreement between the homeowner's association (applicant) and the Merrymount Equestrian Center for the equestrian trails on Parcels B and C. Both agreements shall terminate in the event that the Equestrian Center ceases to operate, unless extended with the agreement of all parties to the easement.

Comment: This agreement was recorded at the time of the first plats for Phase 1 (Liber 36264 Folio 096). Approval of this plan will not impact the existing agreement.

13. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.

Comment: The submitted plans indicated sidewalks along all internal roads.

14. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippet Road.



MEMORANDUM

DATE: January 3, 2020

TO: Thomas Burke
Urban Design Section
Development Review Division

VIA: Helen Asan, Land Acquisition, Development Review Supervisor
Park Planning and Development Division *HAS*

FROM: Paul J. Sun, RLA, Land Acquisition Specialist *PJS*
Park Planning and Development Division

SUBJECT: **SDP-1202/07 Canter Creek Subdivision Phases 3&4**

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced Specific Design Plan (SDP) application. This SDP is the seventh revision to the Canter Creek Subdivision. The Canter Creek Subdivision consists of 342 acres of land located in a Comprehensive Design Zone. Previous approvals for this property include Comprehensive Design Plan (CDP-0701), Preliminary Plan of Subdivision (PPS) (4-07005), and SDP-1202 through the 06 revision. This 07 revision is for the development of the final phase of the development and will include 161 single-family residential lots and three open space parcels.

As related to parks and recreation, the majority of the previous conditions of approval for the development have been met, through the plan approvals and prior phases for this development. One prior condition that affects this phase of the development is condition 30 (c) as noted on the Amended Resolution of Approval (08-112(A) for PPS 4-07005:

30(c) The applicant shall construct the East-West Trail required as part of Exhibit 44 of the approved Basic Plan A-9738 C. The timing of construction shall be determined at time of specific design plan.

The proposed East-West Trail is shown on the northern edge of the development and located on Parcel J.

Response: The applicant has met this requirement via a recorded Private Recreational Facilities Agreement (RFA) at Liber 36434, Folio 083. The RFA states that the developer has agreed to construct a 2,882 feet of an 8' wide equestrian trail. The RFA also established a trigger to complete this trail prior to the 250th building permit.

The only other DPR issue regarding this final phase is the Stormwater Management (SWM) Easement on Park Property as shown on the plans. At the northwest corner of the property at the end of Caveson Way, there is a proposed SWM pond, with the outfall onto existing Park Property (Parcel D).

Response: The applicant has met this requirement. On July 17, 2018, the applicant and M-NCPPC executed a Right of Entry, Construction and Maintenance Agreement to allow the developer to perform this work.

Findings

DPR staff finds no other issues with this SDP application.

Recommendations:

The Park Planning and Development Division of the Department of Parks and Recreation recommends to the Prince George's County Planning Board approval of Specific Design SDP-1202-07.



THE **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 www.mncppc.org/pgco

Countywide Planning Division
 Environmental Planning Section

301-952-3650

January 23, 2020

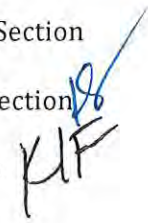
MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Review Section

VIA: Megan Reiser, Acting Supervisor, Environmental Planning Section

FROM: Kim Finch, Master Planner, Environmental Planning Section

SUBJECT: **Canter Creek, Phases 3 and 4
 SDP-1202-07 and TCPII-043-2019**



The Environmental Planning Section has reviewed the above Specific Design Plan (SDP) and Type II Tree Conservation Plan (TCP) for Phases 3 and 4 of the Canter Creek development, accepted for review on November 18, 2019. A Subdivision and Development Review Committee (SDRC) meeting was held on December 2, 2019, where comments regarding the project were provided. The Environmental Planning Section recommends approval of SDP-1202-07 and TCPII-043-2019 subject to the recommended findings and conditions.

Background

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9738	NA	District Council	Approved	5/4/1990	N/A
CDP-9001	TCPI-110-90	N/A	Withdrawn	N/A	N/A
4-00064	TCPI-110-90	Planning Board	Approved	4/12/2001	PGCPB No. 01-79(A)
N/A	TCPII-002-02	Planning Director	Approved	1/17/2002	N/A.
CDP-0701	TCPI-110-90-01	District Council	Approved	11/18/2008	Order of Approval
4-07005	TCPI-110-90-02	Planning Board	Approved	11/29/2009	PGCPB No. 08-112(A)
SDP-1202	TCPI-110-90-01	Planning Board	Approved	4/25/2013	PGCPB No. 12-102(A)
SDP-1202-01	TCPI-110-90-02	Planning Board	Approved	5/14/2014	PGCPB No. 14-46
SDP-1605	TCPI-110-90-03	Planning Board	Approved	3/9/2017	PGCPB No. 17-38

SDP-1202-04	TCP2-013-2017	Planning Board	Approved	4/20/2017	PGCPB No. 17-65
SDP-1202-07	TCP2-043-2019	Planning Board	Pending	Pending	Pending

Proposed Activity

The subject application is for the approval of an amended SDP and TCPH for Phase 3 and 4 of the subject development, which proposes 161 single-family detached dwellings.

Grandfathering

The subject application is grandfathered from the requirements of Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan.

Site Description

The overall development is a 342.38-acre property in the R-S zone that is bounded by Piscataway Creek on the west, Frank Tippet Road on the east and Dower House Branch on the south. There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the Web Soil Survey, the principal soils on the site are in the Beltsville, Chillum, Croom, Croom-Marr, Croom-Urban land, Fallsington, Grosstown, Marr-Dodon, Sassafras, and Widewater and Issue soils series. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), a Sensitive Species Project Review Area (SSPRA) as delineated on the SSPRA GIS layer is found on this property. No designated scenic or historic roads are affected by this development. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George’s 2035 Approved General Plan*. According to the *Countywide Green Infrastructure Plan of the Approved Prince George’s Resource Conservation Plan* (May 2017), this property includes Regulated Area and Evaluation Area within the Green Infrastructure network.

Phases 3 and 4 consists of 112.46-acres of the overall 342.38-acres development.

CONFORMANCE WITH DISTRICT COUNCIL FINAL DECISION ON A-9738-C

A Final Decision was issued by the District Council on May 14, 1990 on the Basic Plan of Zoning Map Amendment A-9738-C. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process.

The following are staff's analysis of the environmental conditions, limitations and considerations from the Council Decision. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

Conditions of the Final Decision for Revised Basic Plan A-9738-C

Condition 4. There shall be no grading or cutting of trees on this site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.

A Comprehensive Design Plan (CDP) and Specific Design Plan (SDP) for Infrastructure for Phase 1, and for stormwater infrastructure for Phase 2, 3, and 4 have been approved for this site. Grading and the cutting of trees has occurred in conformance with approved SDPs and TCP2s.

Condition 5 b. A 50-foot wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.

In Phases 3 & 4 a 200-foot-wide "preservation corridor" of existing woodlands has been largely retained adjacent to the Williamsburg Estates development which includes a trail across Parcel J from west to east. Minor grading and clearing have occurred within the delineated "preservation corridor" associated with installation of the cul-de-sac located at the west end of Cavesson Way.

Consideration 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.

A forest stand delineation was submitted with the approved Natural Resource Inventory (NRI-015-07). The approved TCPI and current TCPII application show the preservation of woodlands along streams and adjoining roads and preserves a major forest stand identified by the NRI as Forest Stand "D". This is in conformance with this consideration because it preserves a major stand of trees adjacent to a stream and property lines and preserves additional woodland along Piscataway Creek.

Consideration 2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.

A 100-year floodplain study was approved on November 20, 1989. A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicated that floodplain study, FPS No. 900058, approved on November 20, 1989 remained valid.

A Stormwater Management (SWM) Concept Approval Letter and Concept plan, Case #: 8327602-2000-06 was issued by the Department of Permitting, Inspections, and Enforcement (DPIE) on May 9, 2017, which expires on May 9, 2020. The current SWM Concept Approval requires extended detention for water quality and one-year attenuation for water quantity control, and the

payment of a SWM fee of \$107,000.00 in lieu of providing on-site attenuation/quality control measures.

Consideration 3. A minimum 50-foot wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.

The NRI, TCPI and TCPII show the expanded stream buffer which comprise the Regulated Environmental Features (REF) of the site. Any additional impacts to REFs beyond those approved at time of Preliminary Plan would require a Statement of Justification and Planning Board approval. No new impacts to REF have been identified with the current application.

Conformance with District Council Final Decision On CDP-0701

A Final Decision was issued by the District Council on November 24, 2008 on the Comprehensive Design Plan CDP-0701. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process.

The following are staff's analysis of the environmental conditions, limitations and considerations from the Council Decision that have not been fully addressed and may require conditions or recommendations with the current application. Conditions 18 and 20 through 25 have either been addressed or will be addressed at the appropriate time in the development process. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCPII is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

No part of the expanded stream buffer, which will be placed into conservation easements at the time of final plat, is located on a residential lot with the current application.

At the time of certification of the SDP, a WCO easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the liber and folio shall be added to the TCPII in an appropriate note.

26. The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

The current SDP and TCPII show the use of forebays.

30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

a. Preservation of Forest Stand "D": through the elimination of proposed stream crossing that forms the extension of Dressage Drive.

The stream crossing was eliminated and additional area in Forest Stand "D" was proposed for preservation. The final decision of the Planning Board was to preserve Forest Stand "D" with the approval of TCPI-110-90-02. The current TCPII application is consistent with the TCPI, and consistent with the preservation of Forest Stand "D".

b. Elimination of lots that are adjacent to the north property line and provide a 300-foot wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys.

At the time of preliminary plan, a 200-foot-wide land bridge was determined to be sufficient in width to fulfill the functional requirements of a wildlife corridor envisioned in the Green Infrastructure Plan, which is shown on the approved preliminary plan and TCP1. A 200-foot-wide "preservation corridor" has been maintained with the current application.

c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.

The area located within 300 feet of the 100-year floodplain of Piscataway Creek is included in woodland conservation areas to the fullest extent possible, and unforested areas within the desired riparian buffers are proposed for afforestation/reforestation with the TCPII for Phases 3 and 4 and are consistent with the approved TCPI.

d. The use of afforestation in those areas those are adjacent to regulated areas.

Afforestation has been used as a methodology to re-establish woodlands within and adjacent to expanded stream buffers.

Conformance with Conditions of Approval for 4-07705 (PGCPB No. 08-112(A))

The Prince George's County Planning Board initially disapproved the Type I Tree Conservation Plan, TCPI-110-90-02, and Preliminary Plan of Subdivision 4-07005, because it did not meet the requirements of Section 24-132, Woodland Conservation, the Subdivision Ordinance, and was not in conformance with the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017). Subsequently, the applicant requested reconsideration to addressing the WCO and the *Countywide Green Infrastructure Plan* and adjusting the lotting pattern to accommodate the same.

On October 30, 2008, the Planning Board approved the request for reconsideration based on the good cause, and on October 29, 2009, the Planning Board heard testimony regarding the reconsideration. The Planning Board approved Preliminary Plan 4-07005 and Type I Tree

Conservation Plan, TCPI-110-90-02, and variations from Section 24-130, subject to recommended conditions. Those which are environmental in nature and were not previously satisfied are addressed below:

2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).

TCPII-043-2019 for Phases 3 and 4, is being reviewed for approval with the current SDP application.

11. Prior to the approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:

i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

A DPR Exhibit "A" dated June 17, 2008 was approved with CDP-07001 and 4-07005 which shows approximately 118 acres of park dedication, and approximately 16.7 acres of woodland conservation to be provided on land to be dedicated to M-NCPPC outside of the 100-year floodplain. Parcels D and E have been previously dedicated to M-NCPPC and were included in Phase 1 and TCPII-002-02-02.

13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:

c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval to assure that the park is usable.

The rough grading of Parcel E provided for in this condition was shown on the prior SDP-1202 and TCPII application for Phase 1 infrastructure.

14. At time of final plat, conservation easements (Sec. 24-130), shall be described by bearings and distances. No part of any conservation easement shall be permitted on any residential lot. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the

preliminary plan of subdivision, and all areas preserved or to be planted with the exception of land to be dedicated to DPR. The proposed final plat shall be reviewed by the Environmental Planning Section prior to approval of the plat. The following note shall be placed on the plat:

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

This condition will be addressed at time of final plat.

15. The following note shall be placed on the final plat:

“Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.”

The required note will be placed on the final plat, and prior to the issuance of any grading permits which impact jurisdictional wetlands or Waters of the US, including infrastructure, the submittal of the required federal and/or state wetland permits, associated mitigation plans, and evidence that approved conditions have been complied shall be required.

17. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-10-90-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s Planning Department.”

The condition will be addressed at time of final plat.

18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand ‘D’ to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor less than 50 feet wide are needed for temporary grading to allow the

development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.

The preliminary plan and Type I tree conservation plan were revised, and the certificate was issued. Minor incursions into the required "preservation corridor" with the current specific design plan for Phases 3 and 4 have been identified and will be evaluated in the Environmental Review section of this memorandum. The location of the east-west equestrian trail within Phase 3 and 4 has now been shown on the plan with an excessive clearing width of 30 feet with substantial impacts to the "preservation corridor" which has been reduced to a 200 foot-width. The intention of field locating the trail is to minimize the clearing necessary for trail construction to the fullest extent possible while complying with the M-NCPPC Park and Recreation Facilities Guidelines. Minimizing clearing for the trail will be further discuss in the Environmental Review section of this memorandum.

25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to consider the effects of the development on historic resources, to include archeological sites.

The Environmental Planning Section coordinates as needed with the Historic Preservation Section in the protection of historic resources and environmental settings during the review of development applications and during Section 106 review of proposed disturbances to wetland, wetland buffers, streams and Waters of the U.S.

Conformance with Conditions of Approval for SDP-1202 (PGCPB No. 12-102(A))

The Planning Board re-approved SDP-1202 and Type II Tree Conservation Plan TCPII-002-02-01, on April 25, 2013 subject to environmental conditions, which were addressed prior to certification.

Conformance with Conditions of Approval for SDP-1202-01 (PGCPB No. 14-46)

The Prince George's County Planning Board adopted the findings contained herein and approved TCPII-002-02-02, and SDP-1202-01, subject to environmental conditions which were addressed prior to certification.

Conformance with Conditions of Approval for SDP-1605 (PGCPB No. 17-38)

The Prince George's County Planning Board approved TCPII-002-02-03, and SDP-1605 on March 9, 2017 subject to the following environmental conditions, shown in **bold** font, which were not previously addressed. Staff comments are shown in regular font.

3. At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases

being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.

Recordation of a WCO easement for Phases 3 and 4 shall be required with the current application, which is not limited to infrastructure.

Conformance with Condition of SDP-1202-04 and TCPII-013-2017

The Prince George's County Planning Board approved TCPII-013-2017 and SDP-1202-04 for Phase 2 on April 20, 2017 subject to the following environmental conditions, shown in **bold** font, which were not previously addressed or are pertinent to the current review. Staff comments are shown in regular font.

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the plans as follows:

c. The equestrian trails shall be designed in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

The above condition adopted for Phase 2 provides specification for the East-West (Equestrian) Trail crossing Phase 3 and 4 with regards to width of clearing, width of trail, height of clearance, and expectation for the preservation of mature tree specimens as much as possible which will be applied to the current application, and further discussed in the Environmental Review Section of this memorandum and a condition is proposed.

Environmental Review

Natural Resources Inventory and Existing Conditions

A revised NRI-015-07-01 was signed by the Environmental Planning Section on June 30, 2008. Although the NRI is past the usual five-year validity period, the current application was not required to submit an updated NRI with the current application because the site was otherwise grandfathered. The environmental features shown on the revised NRI plan have been correctly reflected on the amended specific design plan and TCPII, and the site statistics of NRI-015-07-01 are consistent with the SDP and TCPII submitted with the current application.

The signed NRI contains a forest stand delineation which describes four forest stands totaling 183.06 acres (53% of the property), with Stand "D" being of special interest. There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain, based on the

1989 floodplain delineation. Sixteen specimen trees were identified on-site, but the application is grandfathered from the Subtitle 25. variance requirement for the removal of specimen, champion and historic trees.

Stand "A" contains 93.13 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar, with an average diameter at breast height of 11.9 inches. This stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the Regulated Areas shown in the *Countywide Green Infrastructure Plan* and has a very high priority for preservation.

Stand "B" contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar with an average diameter at breast height is 5.3 inches. Aerial photography indicates that this stand was previously in pasture or agricultural use, but by 1965 these areas were no longer being cultivated and beginning to generate into woodland.

Stand "C" contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak with an average diameter at breast height is 8.6 inches. Aerial photography from 1965 shows that these areas previously in pasture or agricultural use had begun to regenerate into woodland.

Stand "D" contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak with an average diameter at breast height of 14.3 inches. This stand contains a high diversity of tree species, shrub species and native herbaceous species. The stand forms an upland connection between the mainstem of Piscataway Creek on the west to the headwaters of the stream on the east. On September 7, 2007 staff of the MD DNR NHP and the Environmental Planning Section conducted a field visit. Stand "D" was extensively studied and determined to be a "rich woods" which is an uncommon designation within any portion of the Maryland Coastal Plain. This type of woodland is exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. Stand "D" is entirely within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within the Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation, which will be further addressed in the discussion of woodland conservation on-site.

Clearing within the "preservation corridor" for the equestrian trail should be the minimum width required to satisfy the standard for an equestrian trail so that canopy closure is maintained to protect the quality of the ecosystem, and the centerline of the trail should be moved so that a minimum 35 feet of woodland is retained between the delineated edge of the "preservation corridor" and the southern edge of the clearing for the equestrian trail.

Rare, Threatened and Endangered Species (RTEs) and Wildlife Habitat Conservation

According to information obtained from the DNR NHP, a SSPRA occurs on the subject property.

A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*) was discovered within Stand "D" on a field visit in 1990. Although this species was not found on the September 7, 2007 field visit by staff, it is not to be construed that the species no longer occurs on the site, even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future, making Forest Stand "D" a high priority for preservation.

At time of preliminary plan, it was recommended that all woodland conservation areas proposed on-site, except for those on property to be dedicated to the M-NCPPC Department of Parks and Recreation be included in delineated conservation easements on the final plats. The woodland conservation requirement satisfied on-site will be met with high priority woodland preservation in environmentally sensitive areas.

Regulated Environmental Features (REFs)/Primary Management Area (PMA)

The 342.38-acre property in the R-S zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east and Dower House Branch on the south. There are streams and stream buffers, wetlands and wetland buffers and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are regulated environmental features (REFs) within a delineated Primary Management Area (PMA) within the current application for the development of Phase 2.

Impacts to Regulated Environmental Features

With this application, impacts to REFs that are required to be protected by Section 24-130 of the Subdivision Regulations required variation requests in conformance with Section 24-113 of the Subdivision Regulations.

Variation requests for nine impacts were submitted and evaluated with preliminary plan 4-07005. The Environmental Planning Section supported all nine variation requests, for the reasons stated below.

- a. Impact No. 1 was for the installation of an outfall for a SWM facility.
- b. Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts No.2, 3, 5, 6, 8 and 9).
- c. Impacts No.4 and 7 are for installation of the public roads that will allow access and services to most the property. All impacts for outfalls for stormwater management ponds have been shown.

The impacts to the expanded stream buffer/primary management area shown on the revised SDP and TCPII with the currently proposed activity are in conformance with those approved at time of preliminary plan review and those approved with the previous SDP and TCPII approvals. No

additional environmental impacts were requested with the current application, and none have been identified during the review process. The location of the proposed tributary trail has been placed over the old roadbed of an existing driveway to minimize disturbance.

Woodland Conservation

The property is subject to the requirements of the WCO and TCP ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved Type II tree conservation plan for Phase 1 that has been implemented, and a revised TCPII for the implementation of SWM infrastructure for Phases 2,3, and 4.

The TCPII plan submitted with the current SDP application for Phases 3 & 4 has been assigned a new TCPII number. All future development phases going forward will also be assigned an individual TCPII number. The development of Phase 1 will retain the number TCPII-002-02 with any future revisions.

The Phased Woodland Conservation Worksheet for the overall development submitted on the plan indicates that the gross tract area of the application is 342.38 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site is 49.73 acres. With replacement for cumulative clearing of 46.99 acres of woodlands, 1.07 acres of wooded 100-year floodplain, the woodland conservation requirement for the site is 71.58 acres of woodland conservation.

With the current development phase, the requirement will be met with 54.07-acres of on-site preservation, 0.93 acres of on-site afforestation/reforestation, and 16.58-acres of off-site woodland conservation credits.

The TCPII requires additional information, design and technical revisions to bring it into conformance with the requirement of the applicable WCO and Environmental Technical Manual (ETM) prior to certification of the SDP.

Soils

According to the Web Soil Survey the principal soils on the site are in the Beltsville silt loam, Chillum, Croom, Croom-Marr, Croom-Urban land, Fallsington, Grosstown, Marr-Dodon, Sassafra, and Widewater and Issue soils. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report based on the most current soils survey may be required by Prince George's County during the permit process review.

Stormwater Management

A valid Stormwater Management Concept Approval Letter and associated plans, 8327602-2000-06, were submitted with the current application, which expires on May 4, 2020.

Condition 26 of CDP-0701 required that the specific design plan show the use of forebays with proposed stormwater management plan. The current SDP and TCPII show the use of forebays in accordance with the requirements of the Maryland Department of Environment's *Stormwater Management Design Manual*. No additional information with regards to stormwater management is required with the current application.

Summary of Findings and Recommendations

The Environmental Planning Section recommends approval of SDP-1202-04 and TCPII-013-2017 subject to the following recommended findings and conditions:

Recommended Findings

1. The amended specific design plan and TCPII can be found in general conformance with the environmental requirements of A-9738-2.
2. The amended SDP and TCPII can be found in general conformance with CDP-0701 and TCPI-110-90-01; and Preliminary Plan 4-07005 and TCPI-110-90-02.
3. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, and impacts shown are consistent with the impacts approved at time of preliminary plan for Phase 3 & 4.

Recommended Conditions

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the plans as follows:
 - a. The east-west equestrian trail shall be designed in accordance with the M-NCPPC Park and Recreation Facilities Guidelines.
 - b. Alignment of the equestrian trail shall preserve mature specimen trees as much as possible and be staked in the field by staff of the Environmental Planning and Transportation Planning Sections prior to clearing. A minimum of 35-feet of woodland preservation shall be retained between the south edge of clearing for the trail and the delineated edge of the preservation corridor.
 - c. The plans shall be revised to reduce the width of the Limit of Disturbance (LoD) for construction of the trail to no more than 12-feet in width. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet.
 - d. A cross-section pruning detail shall be added to the TCP2 for a cross section which shows the width of horizontal clearing allowed, and the minimum height of vertical pruning required.
 - e. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

2. Prior to certification of the specific design plan, the TCPII shall be revised as follows:
 - a. On all plan sheets, provide the most current TCP2 approval block, the correct TCPII number in the correct format, TCPII-043-2019.
 - b. On the cover sheet location map, make the boundary line for Phases 3 & 4 more visible.
 - c. On Sheet 2 of 20:
 1. Revise Phased Woodland Conservation Worksheet to provide the correct TCPII number for the current phase.
 2. Add an "Individual TCP2 Worksheet for a TCPII with a prior TCPII worksheet" which addresses the woodland conservation requirement for Phase 3 & 4, and how it is fulfilled.
 3. Relabel the phased woodland conservation worksheet as "Canter Creek OVERALL."
 4. Revise standard note 1. reference the correct TCPII number and remove the second sentence of the note.
 5. Add standard notes applicable when off-site woodland conservation is proposed.
 - d. On Sheet 2A:
 1. Add a cross-section of the clearing for the east-west equestrian trail which shows the allowable horizontal and vertical clearing.
 2. Add a standard detail for root pruning and include notes for its application along the edge of woodlands to be preservation on the plan prior grading.
 3. Add a detail for a permanent tree protection fence.
 4. Add a Non-native Invasive Species Management Plan.
 - e. Revise the limit of disturbance/ cleared width of the east-west equestrian trail to a maximum of 12-feet in accordance with the M-NCPPC Park and Recreation Facilities Guidelines, and move the trail a minimum of 35 feet north of the delineated limit of the "preservation corridor".
 - f. Add a woodland conservation sheet summary to each plan sheet.
 - g. Add a symbol for woodland conservation signage to the legend.
 - h. Along the north side of Cavesson Way, revise the grading Limit of Disturbance (LoD) to minimize intrusions into the "preservation corridor" to the fullest extent possible.
 - i. Adjust all quantities and calculations to reflect the required revisions
 - j. Provide the liber/folio of a recorded on-site woodland conservation easement as required by Condition 3 of SDP-1605.
 - j. Have the revised plan signed and dated by the qualified professional who prepared the plan.

If you have any questions, please contact me at 301-952-3605 or via e-mail at kim.finch@ppd.mncppc.org.

February 10, 2020

REVISED MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design, Development Review Division

VIA: *GC* Whitney Chellis, Acting Planning Supervisor, Special Projects Section,
Countywide Planning Division

FROM: *IRT* Ivy R. Thompson, Senior Planner, Special Projects Section, Countywide Planning
Division

SUBJECT: **SDP-1202-07 Canter Creek**

Project Summary: This application consists of 161 lots and 3 parcels on approximately 48 acres. Collectively these lots and parcels propose the development of 161 single-family detached residential units.

RESIDENTIAL

Ordinance: Section 27-528(a)(2) of the Prince George's County Code of Ordinances requires a finding prior to approval that development will be adequately served within a reasonable period of time with existing or programmed public facilities. Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities as set forth below.

Capital Improvement Program (CIP)

Title: The Prince George's County FY 2020-2025 Approved CIP
Planning Area: 82A Rosaryville, Subregion VI
Projects: MNCPPC- Canter Creek and Halloway Estates Park – Comfort Stations.
Result: There are two CIP projects identified near the subject site.

Police Facilities

Ordinance: Section 27-528(a)(2) of the Prince George's County Code of Ordinances Per Section 24-122.01(c) and Section 24-122.01 (e)(1)(D) of the Subdivision Regulations

Station/Location: Police District V, is located at 6707 Groveton Drive, in Clinton.

Test: The response time standard is ten minutes for emergency calls and 25 minutes for non-emergency calls. The subject application was accepted on November 18, 2019 and reviewed at the December 2, 2019 Subdivision Development Review Committee Meeting. The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met at the time of acceptance. Based on the most recent available information provided by the Police Department, the police response time standards are met.

Fire and Rescue

Ordinance: 27-528(a)(2) of the Prince George's County Code of Ordinances Per Section 24-122.01(d) and Section 24-122.01(e) of the Subdivision Regulations.

Station/Location: Croom Fire/EMS #845, 7710 Croom Road, in Suitland.

Test: The residential response time standard is a maximum of seven minutes travel time from the station. There is adequate personnel and equipment. The project is within a seven-minute residential travel time from the first due station, per Prince George's County Fire/EMS Department.

Schools

Ordinance/Resolution: 27-528(a)(2) of the Prince George's County Code of Ordinances
Result: Per Section 24-122.02 of the Subdivision Regulations the Planning Board shall analyze school facilities at the time of preliminary plan of subdivision. Planning staff has conducted the analysis below:

Impact on Affected Public School Cluster by Dwelling Units (DU)

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Single-Family Attached DU	161DU	161 DU	161 DU
Pupil Yield Factor	0.145	0.076	0.108
Total Future Subdivision Enrollment	23	12	17
Actual Enrollment in 2018	4795	1923	2471
Total Enrollment	4818	1935	2488
State Rated Capacity	6401	2490	3754
Percent Capacity	75%	77%	66%

Surcharge: Section 10-192.01 establishes school surcharges and an annual adjustment for inflation. The current amount is \$16,698 per dwelling unit as this project falls outside of the I-495 Capital Beltway. This fee is to be paid at the time of issuance of each building permit.

Water and Sewerage Findings

Ordinance: 27-528(a)(2) of the Prince George's County Code of Ordinances and Section 24-122.01(b)(1) of the Subdivision Regulations.

Category: Water Category 3, Community System. Sewer Category 3, Community System Adequate for Development Planning.

Result: The project is adequately served.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

November 22, 2019

TO: Thomas Burke, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE

RE: Canter Creek - Phases III and IV
Specific Design Plan No. SDP-1202-07

CR: Frank Tippett Road

neg 11/22/19

In response to the Specific Design Plan No. SDP-1202-07 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject site is located along the western side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road.
- Frank Tippett Road is a County-maintained roadway.
- At the time of the fine grading permit, Canter Creek is to construct frontage improvements along Frank Tippett Road.
- Right-of-way dedication and roadway improvements are required for the existing Frank Tippett Road, in accordance with the Department of Public Works and Transportation's (DPW&T) urban 4-lane collector roadway Specifications and Standards.
- Street construction permits are required for improvements within the public right-of-way.
- Compliance with DPW&T's Utility Policy is required. Proper temporary, final patching, and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility and Maintenance Permits" are required.
- A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, stormwater management, and onsite grading, is required. The soils investigation report shall be signed and sealed by a registered professional engineer, licensed to practice engineering in the State of Maryland.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

- The proposed site development plan is consistent with the approved Stormwater Management Concept Plan No. 8327602-2000-06, originally approved on November 27, 2000, with the latest revision on May 9, 2017.
- All stormwater management facilities and drainage systems are to be constructed in accordance with the Specifications and Standards of DPIE, DPW&T and the Department of the Environment (DoE).
- Proposed roadway culverts are to be designed to convey the 100-year storm discharge with one-foot minimum freeboard in accordance with the County design standards.
- The proposed site development is part of the approved 100-year Floodplain No. FPS 900058, dated November 20, 1989. The floodplain easement is to be dedicated prior to issuance of any permit.
- For the floodplain that is contained within the site, stream buffers, culvert design and site developments should be in accordance with County requirements.
- Stormwater management and storm drain easements are to be approved by DPIE and recorded prior to the technical approval.
- The United States Army Corps of Engineers (USCOE)/Maryland Department of the Environment (MDE) approval, with respect to the wetland impacts, and waters of U.S. are required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required, by the applicant.
- The proposed development will require an approved DPIE permit.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a. Final site layout, exact impervious locations are shown on plans.
 - b. Exact acreage of impervious areas has not been provided with concept plan.
 - c. Proposed grading is shown on plans.
 - d. Delineated drainage areas at all points of discharge from the site have not been provided with the concept plan.
 - e. Stormwater volume computations have not been provided with the concept plan.

Thomas Burke
November 22, 2019
Page 3

- f. Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overly plan to show the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- g. A narrative in accordance with the code has not been provided.

Please submit any additional information described above for further review, at the time of final stormwater management permit review.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.636.2060.

MCG:SJ:csw

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Selam Jena, Engineer, S/RPRD, DPIE
Dewberry, 4601 Forbes Boulevard, Suite 300, Lanham, MD 20706
Walton Canter Creek Development, 8000 Westpark Drive,
Suite 430, Mclean, Virginia 22102



Division of Environmental Health/Disease Control

Date: November 27, 2019
To: Thomas Burke, Development Review Division, M-NCPPC
From: ^(AK) Amend Kpadeh, Environmental Health Specialist, Environmental Engineering/Policy Program
Re: SDP-1202-07, Canter Creek

The Environmental Engineering Program of the Prince George's County Health Department has completed a health impact assessment review of the specific design plan submission for Canter Creek and has the following comment/recommendation.

NOTE: There are multiple prior reviews on record for this project. The scope of the current specific design plan submission and associated health impact assessment review is limited to details associated with Phase III and Phase IV of the project.

Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. It is noted that the development of the site provides trail facilities for active recreation and pedestrian access for walkability and access to the adjacent parts of the community.

If you have any questions, or require additional information, please call me at (301) 883-7658 or adkpadeh@co.pg.md.us



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

Largo Government Center
Telephone: (301) 883-7610

• 9201 Basil Court, Suite 318
• FAX: (301) 883-7601

• Largo, Maryland 20774-5310
• TDD: (301) 883-7610

CANTER CREEK SPECIFIC DESIGN PLAN PHASES III & IV (SDP-1202/07)

GENERAL NOTES

- SUBDIVISION NAME: CANTER CREEK
- TOTAL ACREAGE: 342.9828 ACRES
- EXISTING ZONING: R-S
- PROPOSED USE: SINGLE-FAMILY DETACHED RESIDENTIAL DWELLINGS
- NUMBER OF LOTS & PARCELS:

PHASE II	PHASES III & IV
a. LOTS 143	161
b. PARCELS 5	5
- BREAKDOWN OF PROPOSED DWELLINGS: ALL FUTURE DWELLINGS WILL BE SINGLE-FAMILY DETACHED
- WSSC GRID: 211SE8, 211SE9, 212SE8, 212SE9
- TAX MAP NUMBER AND GRID: MAP NO. 117, GRID E3-E4, F2-F3 & MAP NO. 118, GRID A3
- THE SITE IS NOT WITHIN AN AVIATION POLICY AREA.
- WATER AND SEWER:
 - EXISTING: W-3 & S-3
 - PROPOSED: W-3 & S-3
- STORMWATER MANAGEMENT CONCEPT: 8327602-2000-06
- A 10-FOOT PUBLIC UTILITY EASEMENT HAS BEEN PROVIDED ALONG ALL PUBLIC RIGHT-OF-WAYS.
- MANDATORY PARK DEDICATION:
 - PHASE 1 ONLY
 - MINIMUM: 5% // 17.1 ACRES
 - PROPOSED: 35.3% // 120.83 ACRES
- CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: NO
- HISTORIC SITES ON OR IN THE VICINITY OF THE PROPERTY: YES
 - The Joshua Turner House, County Site No. 82A-17, is adjacent to the property.
- WETLANDS: YES (NON-TIDAL)
- STREAMS: YES
- 100-YEAR FLOODPLAIN AREA: YES; APPROVED FPS 900058
- CHESAPEAKE BAY CRITICAL AREA: NO
- TOPOGRAPHICAL DATA SOURCE FROM: FLOWN TOPOGRAPHY BY MCKENZIE SNYDER, INC. IN FEBRUARY 2019 WITH SUPPLEMENTAL FIELD DATA BY DEWBERRY ENGINEERS INC. IN NOVEMBER 2018 & APRIL 2019. BOUNDARY DATA SOURCE: ALL INFORMATION SHOWN IS BASED ON EXISTING AVAILABLE LAND RECORDS. A BOUNDARY SURVEY WAS COMPLETED BY DEWBERRY, 2016/2017.
- OWNER/APPLICANT:
 - WALTON CANTER CREEK DEVELOPMENT, L.L.C.
8000 WESTPARK DRIVE, SUITE 430, MCLEAN, VA 22102
ATTN: MIKE MILLER
703-639-6918
- THE FOLLOWING CONDITIONS SHALL APPLY PER PRINCE GEORGE'S COUNTY PLANNING BOARD RESOLUTION NO. 17-66:
 - THE EQUESTRIAN TRAILS SHALL BE DESIGNED IN ACCORDANCE WITH THE PARK AND RECREATION FACILITIES GUIDELINES. ALIGNMENT OF THE TRAILS (THE TRIBUTARY AND EAST-WEST TRAILS) SHALL PRESERVE NATURE TREE SPECIMENS AS MUCH AS POSSIBLE. THE DEVELOPER SHALL BE RESPONSIBLE FOR CLEARING THE TRAILS TO A WIDTH OF 12 FEET WITH A VERTICAL CLEARANCE OF 12 FEET. THE TRAIL SURFACE SHALL BE EIGHT FEET WIDE, OF COMPACTED EARTH WITH STUMPS REMOVED AND SHALL AFFORD DRY PASSAGE. THE USE OF GEOFABRICS MAY BE NECESSARY IN WET AREAS, APPLIED BENEATH A GRAVEL BASE COURSE. FORDS AT STREAM CROSSINGS SHALL AFFORD SAFE FOOTING FOR HORSES AND THE APPROACH SLOPES BE MINIMIZED TO PREVENT EROSION.
 - NO IDENTICAL FRONT ELEVATIONS SHALL BE LOCATED NEXT TO OR ACROSS THE STREET FROM ONE ANOTHER.
 - A MINIMUM OF TWO STANDARD END-WALL FEATURES IN A BALANCED COMPOSITION SHALL BE INDICATED ON ALL HOUSE MODELS
 - A MINIMUM OF FOUR STANDARD END-WALL FEATURES SHALL BE PROVIDED ON CORNER AND HIGHLY-VISIBLE LOTS IN A BALANCED COMPOSITION.
 - NO LESS THAN 50 PERCENT OF THE TOTAL NUMBER OF UNITS SHALL HAVE FULL BRICK FRONT FACADES.
 - NO MORE THAN 15 PERCENT OF THE TOTAL NUMBER OF UNITS SHALL HAVE VINYL SIDING FACADES.
 - ALL STRUCTURES SHALL BE FULLY SPRINKLERED IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 13 OR 13R AS APPROPRIATE AND ALL APPLICABLE COUNTY LAWS.
- CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE CONSTRUCTION DUST CONTROL REQUIREMENTS SPECIFIED IN THE 2011 MARYLAND STANDARDS & SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE CONSTRUCTION ACTIVITY NOISE CONTROL REQUIREMENTS SPECIFIED IN SUBTITLE 19 OF THE PRINCE GEORGE COUNTY CODE.
- ALL APPLICABLE CONDITIONS OF DEVELOPMENT IN ACCORDANCE WITH COMPREHENSIVE DESIGN PLAN (CDP) - 0701 SHALL BE FOLLOWED INCLUDING LOT DEVELOPMENT STANDARDS (SEE SHEET 1A FOR ADDITIONAL NOTES & SCHEDULES).
- THE PROPERTY IS WITHIN THE MILITARY INSTALLATION OVERLAY ZONE - HEIGHT.
- IN ACCORDANCE WITH COUNTY CODE SECTION 27-568, A MINIMUM OF 2.0 PARKING SPACES SHALL BE PROVIDED PER LOT.

PRELIMINARY PLAN TO SDP COMPARISON TRACKING CHART

PROPERTY:	PRELIMINARY PLAN 4-07005	PRIOR APPROVED SDPs	Prior Approved SDP-1201/01 (Phase I - 08/15/2013)	Prior Approved SDP-1202/04 (Phase II - 03/27/2018)	SDP-1202/07 (Phase III & IV)	TOTAL
LOTS	410	-	106	143	161	410
PARCELS	8	6	-	5	3	8
OUTLOTS	0	-	-	-	-	-
DWELLING UNITS:						
SINGLE-FAMILY	410	-	106	143	161	410
TOWN HOUSE	-	-	-	-	-	-
MULTI-FAMILY	-	-	-	-	-	-
TOTAL	410	-	106	143	161	

SDP - 1202 REVISION TRACKING CHART

DESCRIPTION	REVIEWER	APPROVAL DATE	CERTIFICATION DATE
00 INFRASTRUCTURE ONLY - PHASE I	SL	04/26/2013	08/15/2013
01 PHASE I, INCLUDING ARCHITECTURE	CYNTHIA FENTON		02/10/2015
02 SIGNAGE	CYNTHIA FENTON		02/11/2016
03 FOUR NEW MODELS, (RYAN HOMES) PHASE I	HENRY ZHANG		05/10/2016
04 PHASE II - SDP	CYNTHIA FENTON	01/31/2017	03/27/2018
05 NEW ARCHITECTURE (MID-ATLANTIC) PHASE I	HENRY ZHANG		07/19/2016
06 ADDITIONAL ARCHITECTURE (MID-ATLANTIC)			
07 PHASES III & IV	THOMAS BURKE		

NOTE
FOR LOCATION OF UTILITIES CALL
8-1-1 OR 1-800-257-7777
OR LOG ON TO
www.call811.com
http://www.missutility.net
48 HOURS IN ADVANCE OF ANY WORK
IN THIS VICINITY
INFORMATION CONCERNING UNDERGROUND
UTILITIES WAS OBTAINED FROM AVAILABLE
RECORDS BUT THE CONTRACTOR MUST
DETERMINE THE EXACT LOCATION AND
ELEVATION OF THE MAINS BY DIGGING TEST PITS
BY HAND AT ALL UTILITY CROSSINGS WELL IN
ADVANCE OF THE START OF EXCAVATION.

DRAWN BY: KDH
APPROVED BY: RM
CHECKED BY: ACM
DATE: MAY 3, 2019

DEVELOPER
WALTON CANTER CREEK
DEVELOPMENT, L.L.C.
1650 TYSONS BLVD.
SUITE 1500
TYSONS, VA 22102
PH: 540-532-2158

OWNER/APPLICANT
WALTON CANTER CREEK
DEVELOPMENT, L.L.C.
8000 WESTPARK DRIVE
SUITE 430
MCLEAN, VA 22102
PH: 703-639-6918
ATTN: MIKE MILLER
EMAIL: Mike.miller@walton.com

11TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY
TAX MAP 117-E3, E4, F2, F3 & 118-A3
WSSC GRID 211SE8, 211SE9, 212SE8, & 212SE9

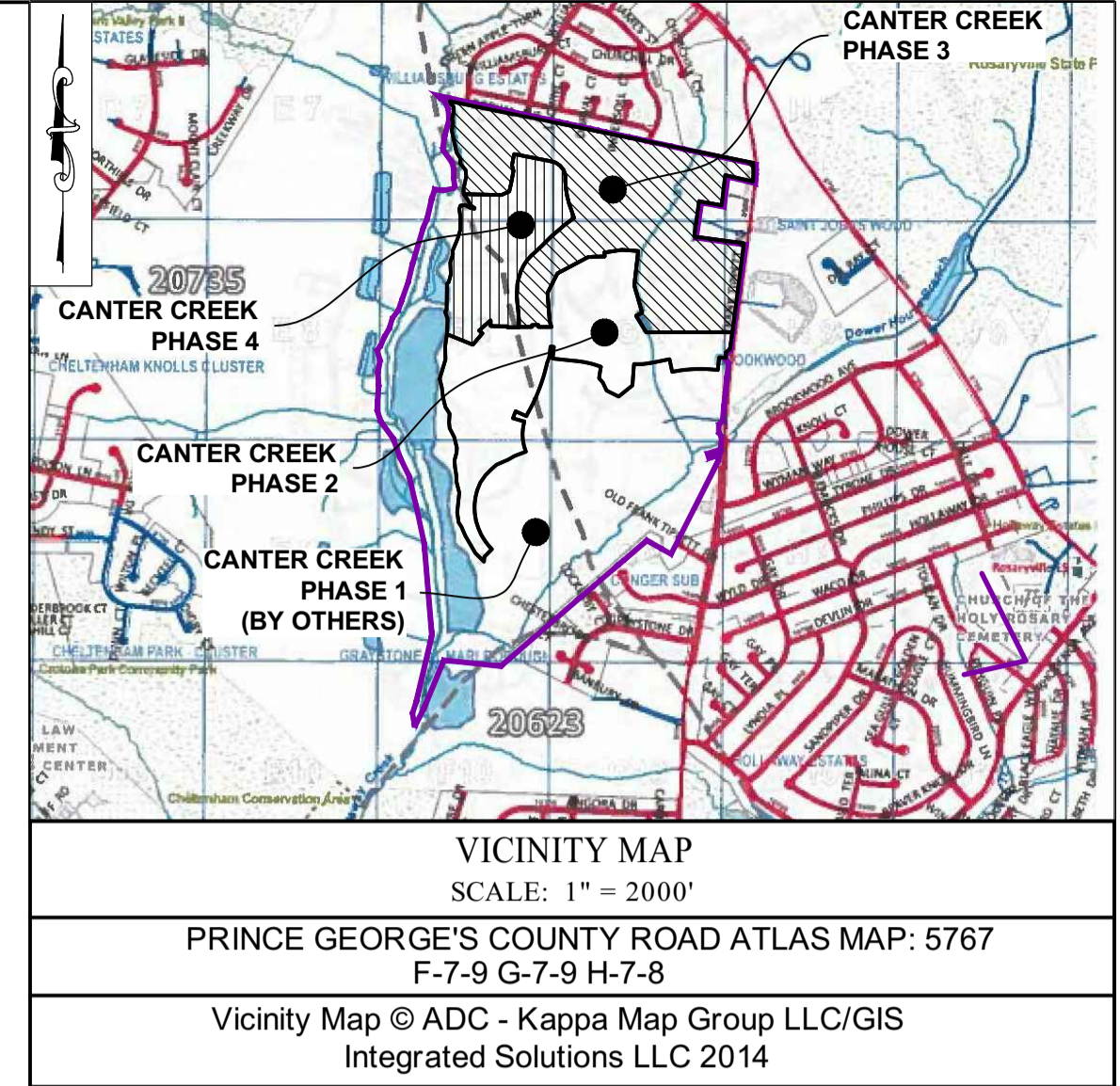
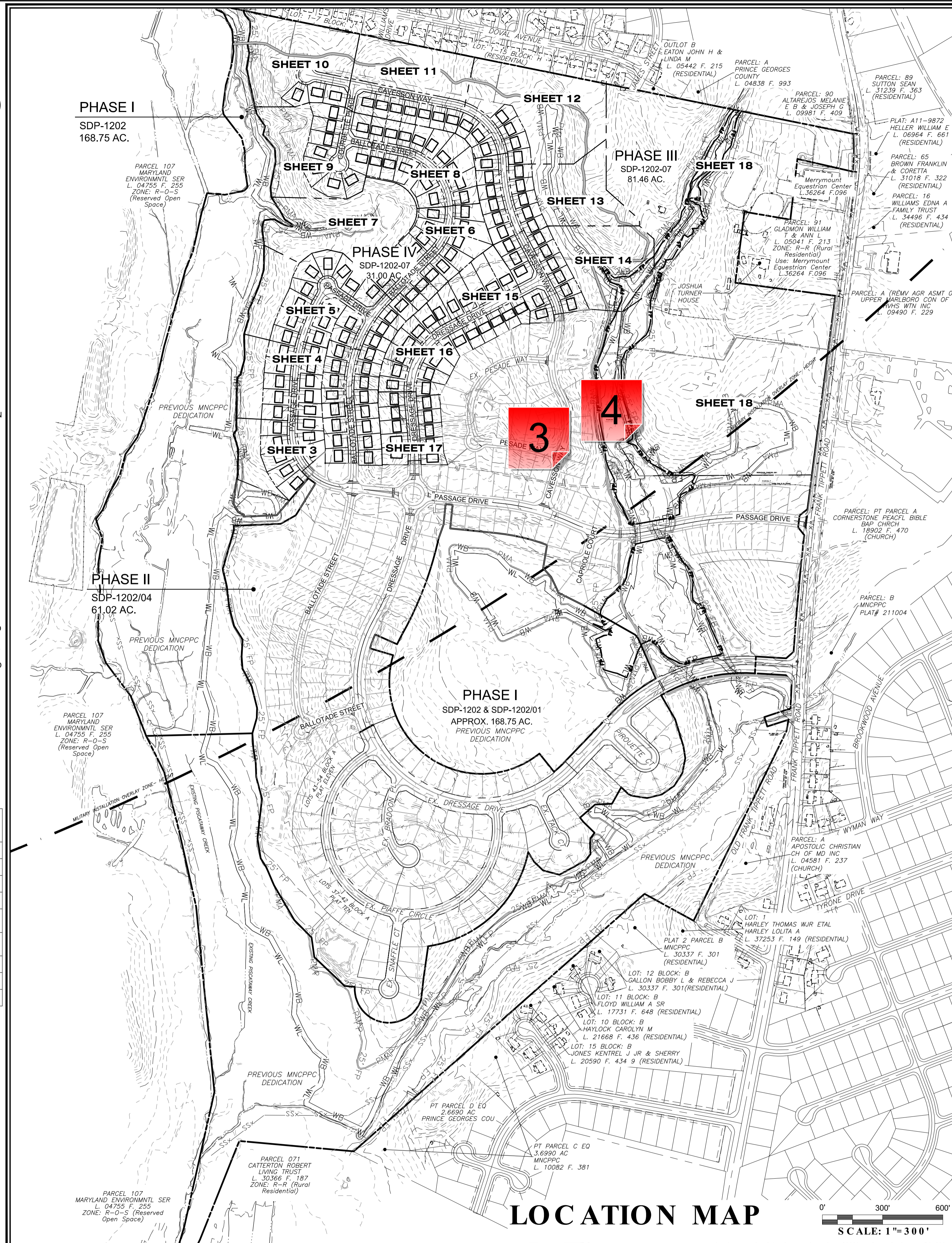
SCALE(S)
AS SHOWN
Unless otherwise noted

NO.	DESCRIPTION	DATE	BY
2	FOR ACCEPTANCE	10/23/2019	ACM
1	PRE-ACCEPTANCE COMMENTS ADDRESSED	07/17/2019	ACM

SEAL
PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A
DULY REGISTERED LANDSCAPE ARCHITECT
UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NO. 3108,
EXPIRATION DATE: OCTOBER 3, 2021.

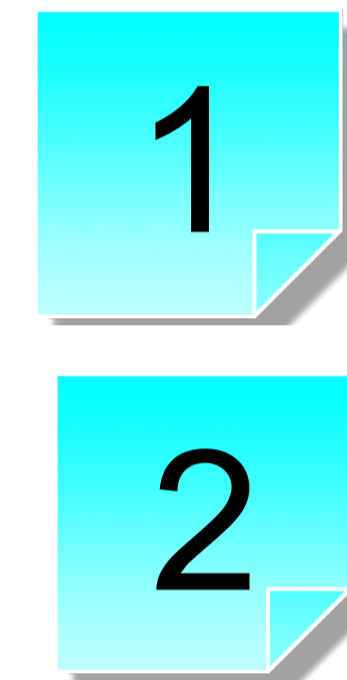


TITLE
SPECIFIC DESIGN PLAN
COVER SHEET
PROJECT NO. 50071385
Dewberry
Dewberry Engineers Inc.
4601 Forbes Boulevard, Suite 300
Lanham, MD 20706
301.731.5551
301.731.0188 fax
1
SHEET NO. 1 of 19



LEGEND

	EXISTING BOUNDARY
	MILITARY INSTALLATION OVERLAY ZONE
	SHEET MATCHLINE
	PHASE #
	PROJECT PHASE LINE (AS NOTED)



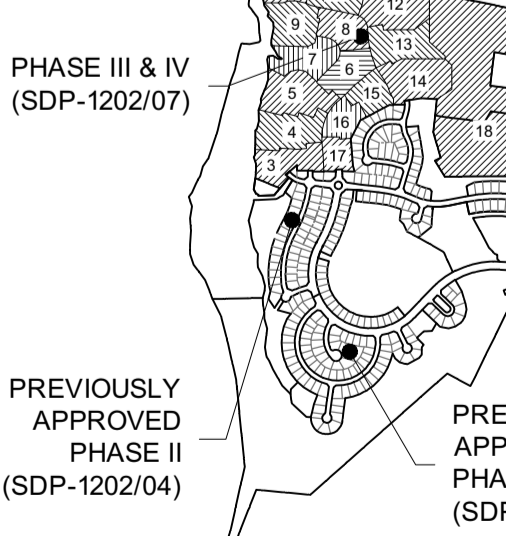
SITE STATISTICS

	TOTAL GROSS TRACT AREA	PHASE 2	PHASES 3 & 4
GROSS TRACT AREA	342.38	61.02	112.46
EXISTING 100-YEAR FLOODPLAIN	93.74	3.05 AC.	2.78 AC.
NET TRACT AREA	248.64	57.97AC.	109.61 AC.
EXISTING WOODLAND IN THE FLOODPLAIN	47.16	1.31 AC.	2.64 AC.
EXISTING WOODLAND NET TRACT	135.90	32.81 AC	76.43 AC.
EXISTING WOODLAND TOTAL	183.06	34.12 AC.	79.07 AC.

SHEET INDEX

- COVER SHEET
- 1A. NOTES
- 2-2.1. APPROVAL SHEET
- 2A-2B. ARCHITECTURAL TEMPLATES
- 3-18. PLAN SHEETS
19. DETAIL SHEET

KEY PLAN



CANTER CREEK
PHASES III & IV
PRINCE GEORGE'S COUNTY
MARYLAND

1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes
On: 11/21/2019 10:01 AM

WSSC Plan Review Comments
SDP-1202-07 - Canter Creek, Phase III and IV

----- 0 Replies -----

2 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes
On: 11/21/2019 10:03 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSC's system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

3 - #01 - Hydraulics

Created by: Jon-Edward Thorsell
On: 12/04/2019 09:22 AM

HPA Letter of Findings for DA-5461Z12 was approved on 3/1/2017 and expires in 3 years after that date. If there is any deviation in the number of units or types of units, layout of the site, and overall buildout, then you need to amend the Letter of Findings.

----- 0 Replies -----

4 - #03 - General Comments

Created by: Jon-Edward Thorsell

On: 12/04/2019 09:30 AM

Water:

- This site is currently being served by existing and active water connections.
- Plumbing permits will be required to activate connections. Contact the WSSC Permit Services Unit at (301) 206-4003 for information or visit our website.
- Add the proposed pipeline alignments with water house connections to the plan. Additionally, if easements are required, their limits and locations must be shown. See WSSC Design Manual C-2.1
- WSSC Design requirements do not allow Pressure Sewer House Connections (PSHC) and Water House Connections (WHC) constructed in the same trench. If the plan includes them, design the plan to provide a 10-foot clearance between the PSHC and WHC. See WSSC Design Manual C-3.5
- WSSC Design requires On-Site service pipe(s) to maintain a minimum 20-foot clearance from possible contaminated areas such as: streams, seepage pits, drain fields, septic tank/systems and other sources. When on-site pipes need to cross these areas, the water and/or sewer pipelines must be placed in a sleeve extending at least 20 feet beyond the limits of contamination in each direction. See WSSC Design Manual C-24.1
- align water and/or service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC Design Manual C-3.1
- Existing mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.
- Show easement limits on plan for all existing and proposed water mains.
- Provide proper protection of water supply where water main is below or parallel to sewer main, building drain, sewer house connection or septic field and when pipe crosses other utilities. See WSSC Design Manual C-3.1
- Design the plan to align any water pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC Design Manual C-3.1
- There is a 8- inch diameter water main located on or near this property. WSSC records indicate that the pipe material is Ductile Iron (DI). Prior to submittal of Phase 2 System Integrity review, it is the applicants responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.
- Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.
- When designing roadway grade establishments that cross over bottomless arch bridges - you must provide the required pipeline cover and clearance for proposed water main.
- The 2015 WSSC Plumbing & Fuel Gas Code has been adopted and is effective July 1, 2015. The minimum water service connection for Group R-3 occupancies (Single Family Dwellings and Townhouses) should be 1.5 inches, unless there is an exception under Section 111.1.1.1 of the Code.

Sewer:

- This site is currently being served by existing and active sewer connections.

- Show the proposed pipeline alignments with sewer house connections to the plan. Additionally, if easements are required their limits and locations must be shown. See WSSC Design Manual C-2.1
- Existing mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.
- align sewer service connections to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC Design Manual C-3.1

Rights-of-way:

- WSSC easements must be free and clear of other utilities, including storm drain systems, with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Under certain conditions (and by special request) storm drains may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement between WSSC and the developer.
- Private Street & Alley Easement Requirements. Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met:
 - All separation requirements in the WSSC Pipeline Design Manual (PDM) must be met.
 - A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
 - Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
 - Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
 - The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.
- WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.
- The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.
- Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum 5-foot horizontal clearance from storm-drain pipeline/structures and other utilities. Review of plan submitted does not meet these requirements.

Environmental:

- Proposed pipeline needs to be aligned to avoid or minimize environmental concerns such as: tree save areas, forested areas, rural/rustic roads, blasting areas, utilities, water quality, champion trees, historic or burial properties, landfills or other soil contaminated areas. See WSSC Design Manual C-8.1, C-19.1 and 23.1
- A Phase-1 Environmental Site Assessment report may be required for the proposed site.
- Wetlands permit will be required for any construction within wetland areas. See WSSC Design Manual C-23.1

General:

- Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade

establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC Design Manual, C-5.1 and Part Three, Section 11.

- WSSC facilities/structures cannot be located with a public utility easement (PUE) however WSSC pipelines may cross over a PUE. Revise the plan to relocate any pipeline, valve, fire hydrant, meter vault and any other WSSC facilities/structures outside of the PUE.

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----- 0 Replies -----

EXHIBIT'S LIST

Regular Planning Board Meeting

MARCH 5, 2020

Exhibits Transmitted to Development Review Division

AGENDA ITEM #7 – SPECIFIC DESIGN PLAN

SDP-1202-07 CANTER CREEK, PHASES III & IV

The following exhibits were accepted and entered into the record:

Proposed Revised Conditions

Applicant's Exhibit No. 1

1-page

MARIE PROCTOR

Marie Proctor
SIGN AND DATE

3/5/2020
MARCH 5, 2020

REC'D BY PGCPB ON 3-5-2020 A.E. 1
ITEM # 7 CASE # SDP-1202-07
EXHIBIT # Applicants Exhibit #1

Canter Creek

SDP-1202/07: Phases III and IV

Proposed Conditions of Approval Amendments

Condition 1.e.

The plans shall be revised to reduce the width of the limit of disturbance for construction of the trail to no more than 12 feet in width, or minimized to the fullest extent possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet.

Condition 1.j.(4)(d)

~~Add a non-native invasive species management plan.~~

Condition 1.j.(5)

Revise the limit of disturbance/cleared width of the east-west equestrian trail to a maximum of 12 feet, or minimized to the fullest extent possible, in accordance with the *Park and Recreation Facilities Guidelines*, and move the trail a minimum of 35 feet north of the delineated limit of the preservation corridor.