PGCPB No. 05-39(A) File No. 4-04145

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

WHEREAS, Rea Hill is the owner of a 128.87-acre parcel of land known as Parcels 62, 159, 180, 190, 191, part of Lot 5 and Outlot A, Tax Map 93 in Grid D-4 said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on August 26, 2004, K-B Stratford Section 1 Development, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots and 6 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04145 for Stratford, Section I was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 27, 2005, 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 January 27, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on March 31, 2005, the Planning Board granted a reconsideration of their action disapproving 4-04145 due to inadvertence based on the applicant's inability to consummate a land swap agreement with the estate of an adjacent property owner who was recently deceased; and

*WHEREAS, on November 10, 2005, the Planning Board reconsidered their action in 4-04145, heard testimony and received evidence submitted for the record on the aforesaid application; and

*[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 DISAPPROVED the Type I Tree Conservation Plan (TCPI/78/04), and further DISAPPROVED Preliminary Plan of Subdivision 4-04145, Stratford, Section 1 for Lots 1-23 and Outlots A-F, due to unresolved environmental issues and the lack of deed information explaining deviations in the property boundary.]

*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/78/04), and further APPROVED Preliminary Plan of Subdivision 4-04145, Stratford, Section 1 for Lots 1-23 and Outlots A-F, subject to the following conditions:

*Denotes Amendment
Underlining indicates new language
[Brackets} indicate deleted language

*1. Prior to signature approval of the preliminary plan a revised geotechnical report prepared in accordance with the "Criteria for Soil Investigations and Reports on the Presence and Effect of Marlboro Clay upon Proposed Developments" shall be approved by the Department of Environmental Resources and the Environmental Planning Section of The Maryland-National Capital Park and Planning Commission.

*2. Prior to signature approval of the preliminary plan, the preliminary plan of subdivision and the Type I tree conservation plan shall be revised to show the location of the existing and proposed 1.5 safety factor lines based on the proposed site grading, and the site shall be redesigned if necessary.

*3. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

*4. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

a. Revise the TCPI to reference the approved conservation plan.

b. Have the plan signed and dated by the qualified professional who prepared it.

*5. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.

*6. The TCPII shall demonstrate that all afforestation areas must be set back 40 feet from the rear and 20 feet minimum from the sides of any existing or proposed structures and be protected by permanent tree protection devices.

*7. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

*8. 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/78/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

*9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and all afforestation areas and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

*10. Roadway improvements on Old Crain Highway shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine what these improvements are prior to detailed site plan and/or paving and stormdrain plan submittal, whichever comes first.

*11. At time of final plat, the following note shall be placed on the final plat:

"Old Crain Highway is a county designated historic road."

*12. The applicant shall plant a D tree buffer along the northwest boundary of the developing property where it adjoins the Compton Bassett Historic Site.

*13. On all future submittals, the applicant shall identify the location of Historic Site 79-063-10 (Compton Bassett and its environmental setting), which is adjacent to the subject property.

*14. Prior to signature approval of the preliminary plan, the applicant shall identify and submit information on any historic buildings to Historic Preservation staff. Staff will determine if the buildings labeled "to be removed" are historic barns/buildings and if so what their disposition should be.

*15. Prior to signature approval of the preliminary plan, the General Notes shall be corrected to state the adjacent property contains Compton Bassett, Dependencies and Cemetery, Historic Site 79-063-10.

*Denotes Amendment
Underlining indicates new language
[Brackets} indicate deleted language

*16. Prior to the issuance of any building permit, the following improvements to the US 301/MD 725 intersection shall be in place, under construction or bonded and permitted:

a. Construct a third northbound and southbound through lane along US 301.

b. Construct a fourth southbound through lane along US 301.

c. Restripe westbound approach to provide a second through lane.

*17. Development shall be in accordance with the approved stormwater management concept plan (# 34520-2004-00) or any approved revisions thereto.

*18. Lot 15 shall be deleted and combined with another lot or lots.

*19. Prior to signature approval of the preliminary plan, the applicant shall provide recorded deeds that demonstrate the respective properties (Rea and Kaz) have adjusted their common boundaries consistent with the subject preliminary plan.

*20. Prior to signature approval of the preliminary plan and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and, if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the final plat shall provide for the avoidance and preservation of the resources in place and/or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

*21. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of $86,940 ($3,780 x 23 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of $3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located on the east side of Marlboro Pike, approximately 2,000 feet south of its intersection with Old Crain Highway.

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

	EXISTING	**PROPOSED**
Zone	O-S	O-S
Uses	Single-family home, Agriculture	Single-family homes
Acreage	128.87	128.87
Lots	1	23
Parcels	5	6
Detached Dwelling Units	1	23

*4. **Environmental**—[The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, Type I Tree Conservation Plan stamped as accepted on December 13, 2004. The plans as submitted were found to be incomplete and require additional information and/or revisions, including identification of the full legal boundaries of the property being subdivided which is necessary for preparation of the Type I Tree Conservation Plan, and a complete geotechnical study necessary to identify possible unsafe lands under Section 24-131 of the Subdivision Ordinance. The following memorandum details the revisions and information required.]

*[The Environmental Planning Section recommends disapproval of Preliminary Plan 4-04145 and TCPI/78/04 for the reasons stated above. In a memorandum dated September 9, 2004, all the required information and revisions were outlined in detail. A revised submission package was not submitted until December 16, 2004. This package does not contain required information and the plans are incomplete.]

***[Background**

The Environmental Planning Section has previously reviewed a portion of the subject property as part of Preliminary Plan 4-88149 (Hilltop Way Estates, Lot 5) and Chesapeake Bay Critical Area Conservation Plan CP-88006, which was approved November 10, 1988. The current application requests the subdivision of 128.87 in the O-S Zone into 23 single-family residential lots and six parcels.] There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately half wooded and contains agricultural fields on the other half. The soils found on this property include Sandy land, and Westphalia. Westphalia soils have limitations with respect to erodibility on steep slopes. Marlboro clays are found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne

Arundel and Prince George's Counties," December 1997, ten endangered species are found to occur in the vicinity. The portion of Old Crain Highway that fronts on the subject property is a designated historic road. The property is located in the Patuxent River watershed. The property is located in the Rural Tier as reflected in the approved General Plan and is within the designated Patuxent Rural Legacy Area. A portion of the property is located in the Chesapeake Bay Critical Area.

*__Woodland Conservation__

A detailed forest stand delineation (FSD) plan and text were submitted with the original application. A revised FSD plan and text were submitted with the December 16, 2004, package. An FSD plan was submitted with the June 29, 2005, package, which was signed by Chris Athanas on April 13, 2005. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/78/04) was submitted with the preliminary plan application.

The revised tree conservation plan (TCPI/78/04) has been reviewed. The woodland conservation threshold for this site is 60.47 acres (50 percent of the net tract), based on the acreage presented by the applicant. The amount of woodland conservation required on the amount of clearing currently proposed is 66.35 acres.

The TCPI has proposed to meet the requirement with 63.80 acres of on-site preservation and 5.52 acres of on-site reforestation, which meets the requirements of the Woodland Conservation Ordinance. The woodland preservation and reforestation has been proposed in the highest priority areas of the site.

Afforestation totaling 5.52 acres is proposed in order to fulfill woodland conservation requirements on this site. All afforestation areas must be set back 40 feet from the rear and 20 feet minimum from the sides of any existing or proposed structures and be protected by permanent tree protection devices, as determined during the preparation of the TCPII.

In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for the sites; and all afforestation must be placed in conservation easements.

***[Forest Stand Delineation]**

[A Detailed Forest Stand Delineation (FSD) plan and text were submitted with the original application. A revised FSD was submitted with the December 16, 2004 package. Many of the previous comments have not been addressed. The FSD plan and text still require revisions and/or clarification and it must include the entire legal boundaries of the property, which to date have not been shown.]
*[The soils table on the FSD indicates that Sandy land soil is highly erodible. The K factor for Sandy land is 0.17, which is not highly erodible. The FSD plan fails to identify the portion of the property that falls within the Chesapeake Bay Critical Area. The legend does not include the graphic symbol used to indicate nontidal wetlands.]

[The woodland on the east boundary of the subject property is part of a contiguous block of Forest Interior Dwelling Species (FIDS) habitat along the Patuxent River to the east of the subject property. Forest Interior Dwelling Species habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffers is necessary for an accurate delineation of the PMA on the Preliminary Plan and Type I Tree Conservation Plan. The FSD plan has been revised to delineate the FIDS habitat along the northern boundary and eastern boundary of the subject property, but the delineation is incorrect on proposed Lots 7 and 10. The 300-foot-wide FIDS habitat buffer has not been identified on the FSD.]

[The FSD plan is unclear about what the correct property acreage is, with a resulting effect on the amount of existing woodland on-site. Two family conveyances, and two boundary line adjustments appear to be proposed, but not yet executed. The FSD and TCPI need to address the full legal boundaries of the site that is part of this application.]

*[**Woodland Conservation]**

[This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/78/04) was submitted with the preliminary plan application.]

[The original Tree Conservation Plan (TCPI/78/04) was reviewed and detailed comments were provided in a September 7, 2004, memo. Revised plans stamped as received by the Environmental Planning Section on December 16, 2004, have also been reviewed. The revised plans did not address many of the previous comments of this section.]

[The minimum requirement for this site is 50 percent of the Net Tract plus additional acres due to clearing. The woodland conservation worksheet provided indicates that the minimum requirement for this site is 58.23 acres (50 percent of the Net Tract) plus additional acres due to

removal totaling 24.41 acres of woodland, for a total minimum requirement of 64.33 acres, based on a total site area of 128.87 acres. The TCPI has proposed to meet the requirement with 61.75 acres of on-site preservation and 3.74 acres of on-site reforestation, which meets the requirements of the Woodland Conservation Ordinance. The Environmental Planning Section cannot confirm that this is the correct requirement for the site until the correct site area is confirmed, as previously discussed.]

*[A finding also cannot be made that woodland preservation and reforestation has been proposed in the highest priority areas of the site, because not all environmental elements that contribute to the Patuxent River Primary Management Area (PMA) were included on the FSD and the delineation of the PMA shown on the TCPI is incorrect. The soils table lists Sandy land soil as highly erodible (with a K factor of greater than 0.35) when the K factor is 0.17, which affects the delineation of the PMA. In addition, not all of the areas of steep and severe slopes have been included in the PMA as required by the Subdivision Regulation in Section 24-101.]

The area of the Chesapeake Bay Critical Area has been delineated on the plan. The area of property that is in the Chesapeake Bay Critical Area is not subject to the woodland conservation ordinance, and has a separate Conservation Plan approval. The area of the Conservation Plan should be deducted from the Net Tract Area for the determination of the woodland conservation requirement and a note needs to be placed on the plan stating that this area is subject to a Chesapeake Bay Critical Area Conservation Plan.

*[The general layout of the lots needs to be revised to be in conformance with the intent of the Woodland Conservation Ordinance. Afforestation has been proposed in areas that are not contiguous with priority preservation areas and outside of the PMA on Lot 15 and some isolated preservation areas are shown. Lots have been designed so that the siting of the houses and/or septic systems requires clearing into the delineated FIDS habitat (See Lots 3, 4, and 11, more lots may show this effect after the FIDS habitat is fully delineated). FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot buffer, clearing should be minimized and fragmentation of the existing forest should be avoided. After the FIDS habitat and the FIDS buffer have been correctly shown on the plans, revise the clearing and grading for proposed uses within the habitat area and the buffer to minimize the disturbance to the fullest extent possible.]

*[Adjacent to Lots 20, 22 and 23, an area has been indicated as a “boundary line adjustment parcel” and not included in the gross tract area. If this area is currently part of the overall parcel, then it must be included in the TCPI at this time.]

Marlboro Clay

This property is located in an area with extensive amounts of Marlboro clay that is known as an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on information available, the Environmental Planning Section projects that the top elevation of the Marlboro clay occurs at an elevation of between 50 and 65 feet, and the safety evaluation zone between the elevations of 65 and 75 feet. Identification of the location of Marlboro clay at this time is necessary so that areas of unsafe lands can be determined. A Geotechnical Engineering Report prepared by Geotech Engineers, Inc. and dated December 9, 2004, was submitted on December 14, 2004. The geotechnical study was found to be insufficient, since the report states that there is no Marlboro clay located on the site, although there are indications within the boring log data that Marlboro clay was present, but was incorrectly identified. A revised geotechnical report prepared in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation and depth of the Marlboro clay is required to determine whether unsafe lands occur on the subject property. Submittal of boring samples is necessary to support a claim that no Marlboro clay is located on the site. Of specific concern are borings in the area of Lots 14, 16, 17 and 18. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor. The 1.5 safety factor line shall then be shown on the preliminary plan and the TCPI, and where applicable it should be included in the Primary Management Area to protect "unsafe lands" from development. No structures or septic fields can be placed within the 1.5 safety factor line.

*Addendum No. 1, Slope Stability Study, a geotechnical engineering report prepared by Geotech Engineers, Inc., and dated June 17, 2005, was submitted with the current revision package. The study contains analyses of additional portions of the site. Three of the five new analyses detected unsafe slope areas [#5, #6 and #7]. A detailed examination of the report suggests that the analysis for profile #4A may be in error because it shows the layers sloping in the wrong direction; however, the error results in lower estimates of lower slope stability than are present and still results in a safe slope.

*Observations from a field visit on August 3, 2005, suggest that additional analyses are required. The proposed house on Lot 15 is located on a knoll with the potential for slope failure along its eastern boundary. No slope stability analysis has been done for this area. There is an old failure area along the west side of the ravine on Lots 14 and 15. A 1.5 safety factor line must be delineated along this ravine. Although it may not affect the house locations and septic areas shown on the plans, these areas must be shown so that the subdivision conforms to Section 24-231 of the Subdivision Regulations.

*The existing structures shown within the family conveyance may be located within the safety evaluation area for Marlboro clay. Constraints cannot be placed on the family conveyance parcel due to unsafe lands if it is documented that it is not part of the subdivision. In that case, care must be taken that the subdivision proposed does not exacerbate any unsafe conditions that might exist. The preliminary plans shows the proposed location of a stormdrain outfall into a tributary on the family conveyance parcel that could cause erosion of the streambed and surface drainage easement that might have the same effect. The resulting impacts could affect the safety of existing structures.

***[Family Conveyance Parcel]**

[There is an in holding within this subdivision, identified as Part of Parcel 159 and Part of Lot 5, which is labeled as a family conveyance. No documentation has been submitted indicating that the family conveyance has occurred. The plan also shows two proposed lot line adjustments, but no
deeds have been submitted indicating that these have been completed. This issue was raised in the Environmental Planning Section's September 7, 2004, referral memo.]

Lot 5 was the subject of a previous plat L.149 F.025, which contains the following note:

> "6. Lot 5 is subject to a declaration of covenants, conditions and restrictions recorded in Liber 7407 at Folio 485."]

*[A copy of this document should be submitted to determine if there is any effect on the proposed subdivision.]

*[In addition, the existing structures shown within the family conveyance may be located within the safety evaluation area for Marlboro clay. Constraints cannot be placed on the family conveyance parcel due to unsafe lands if it is documented that it is not part subdivision. In that case, care must be taken that the subdivision proposed does not exacerbate any unsafe conditions that might exist.]

*[The preliminary plan shows the proposed location of a stormdrain outfall into a tributary on the family conveyance parcel that could cause erosion of the streambed and surface drainage easement that might have the same effect. The resulting impacts could affect the safety of existing structures. If it cannot be documented that the family conveyance has occurred, then the area must be incorporated into the subdivision and be subject to all requirements related to the presence of unsafe land as previously discussed.]

Rare, Threatened and Endangered Species

The Wildlife and Heritage Service, Maryland Department of Natural Resources identified ten endangered species in the vicinity of this property. The species identified are as follows:

Scientific Name	Common Name	State Status
Percina notogramma	Stripeback *Darter*	Endangered
Chelone oblique	Red Turtlehead	Threatened
Mysotis macrosperma	Large-seeded Forget-me-not	Rare
Phacelia covillei	Coville's Phacelia	Endangered
Aristida curtissii	Curtis' Three-awn	Uncertain
Aristida lanosa	Woolly Three-awn	Endangered
Desmodium strictum	Stiff Tick-trefoil	Endangered
Platanthera flava	Pale Green Orchid	Rare
Desmodium pauciflorum	Few-Flowered Tickfoil	Endangered
Ilex decidua	Deciduous Holly	Rare

A Rare, Threatened and Endangered Species Investigation was performed by Chris Athanas, Ph.D., and the results were submitted to EPS in the form of a report. The site was investigated for appropriate habitat. Habitats for some of the plant species listed by the Maryland Wildlife and Heritage Service were not present on the Stratford I site or were located deep within the PMA and were not likely to be impacted. Potential habitat for two species, few-flowered tick-trefoil and Coville's phacelia, was identified and a search for the two species was conducted; however, the two species were not identified on the site.

*__**Wetlands, Streams and Floodplain**__

The site contains significant natural features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance. Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, slopes from 15 percent to 25 percent on highly erodible soils, and identified FIDS habitat compose the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance.

The Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for the installation of public roads and utilities, if they are designed to preserve the PMA to the fullest extent possible. The roads and utilities proposed do not appear to impact the PMA. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts. It appears that the location of structures and septic systems has been revised to eliminate impacts to the PMA.

***[Patuxent Primary Management Area (PMA)]**

*[Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, slopes from

15 percent to 25 percent on highly erodible soils, and identified FIDS habitat comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The elements that comprise the Patuxent Primary Management Area (PMA) have not been fully identified on the FSD, and the delineation of the PMA on the TCPI/Preliminary Plan is not correct.]

*[The Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible. The TCPI shows areas where impacts to PMA are proposed; more impacts may be found with the correct delineation of the PMA.]

*[Staff generally recommends approval of PMA impacts for the installation of public roads and utilities, if they are designed to preserve the PMA to the fullest extent possible. The roads and utilities proposed do not appear to impact the PMA. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts. It appears that the location of structures and septic systems *[may impact elements of the PMA as currently designed. The site could easily be redesigned to eliminate most, if not all, of the impacts shown.]

*[After the PMA has been correctly delineated, and the site has been revised to reduce or eliminate impacts, if impacts remain, a letter of justification must be submitted 30 days prior to any scheduled Planning Board date. The letter must address each individual impact, provide a map on 8-1/2 by 11 inch paper for each impact, and quantify the amount of impact on each feature of the PMA.]

Soils

Soils in the Sandy land, and Westphalia series are found to occur on the subject property. Westphalia soils have limitations that could affect the development of this property including high erodibility. The location of highly erodible soils with regard to the presence of Marlboro clay should be addressed in the required geotechnical report.

Scenic and Historic Roads

On this site, the frontage on Old Crain Highway is a narrow neck, which is totally dedicated in right-of-way for construction for a public road. The closest proposed dwelling on Lot 23 is located 1,000 feet from the Old Crain Highway right-of-way. Roadway improvements on Old Crain Highway should be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation.

***[Summary of Required Information and Revisions]**

*[The following information must be submitted, in accordance with this memo, prior to a full review of this application. All of the information must cover the entirety of the legal boundaries of the property.]

*[1. A revised FSD plan;

2. A revised Preliminary Plan;

3. A revised TCPI;

4. A letter of justification, if needed for Patuxent Primary Management Area impacts;

5. A revised geotechnical report and submittal of boring samples for the eastern portion of the property;

6. Deeds and/or documentation related to the family conveyance properties, which have not been included in the subdivision;

7. Deeds and/or documentation related to the "boundary line adjustment parcel," which has not been included as part of the subdivision.]

Water and Sewer Categories

The property is in water category 6 and sewer category 6; it will be served by private systems.

5. **Community Planning**—This property is located in the Rural Tier as identified by the 2002 General Plan. The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

   The property is in Planning Area 79/Upper Marlboro. The 1994 Subregion VI master plan recommends low-density, large-lot residential development with densities of up to one dwelling unit per five acres. The proposed preliminary plan density is in conformance with large-lot development recommendations of the master plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.

7. **Trails**—There are no master plan trails issues identified in the 1994 Subregion VI master plan.

8. **Transportation**—The subject property is located within the Rural Tier as defined in the *Prince George's County Approved General Plan*. Ordinarily, the subject property would be evaluated according to the following standards:

> **Links and signalized intersections:** Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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.

However, this application, like its predecessor (Stratford II, 4-04050), presents a unique situation compared to several other subdivisions recently decided by the Planning Board on the east side of US 301. In the Stratford II decision, the Planning Board found that the critical intersection being considered in that application (US 301/Village Drive) is completely surrounded by the Developing Tier, with all four approaches fully within that designation. Given this unique relationship created between the subject property in the Rural Tier and the critical intersection wholly encompassed by the Developing Tier, the Board found it would be appropriate in that case to consider the applicant's burden to be bringing the roadway to a LOS D by allowing the applicant to participate in the developer funding portion of the CIP improvements for additional lanes on US 301 and the intersection improvements at US 301/Village Drive. The same situation exists for this property and the critical intersection of US 301/MD 725.

The proposed 23-lot, single-family development would generate 17 AM (3 in, 14 out) and 21 PM (14 in, 7 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals.* Based on previous development patterns in the immediate vicinity of the subject property, staff is assigning a trip distribution of 40 percent of the site-generated traffic to the north on Old Crain Highway and 40 percent of the site-generated traffic to the south on Old Crain Highway. The trips generated by the proposed development will impact the following critical intersections:

- MD 725—US 301
- MD 725—Old Crain Highway

Based on recent traffic data, the following levels-of-service (LOS) were computed at the critical intersections:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/30.2 sec.	C/19.9 sec.
MD 725/US 301	E/1510	E/1519
** 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 guidelines.		

In recent months, several traffic studies have identified numerous background developments having an impact on the critical intersection. With the inclusion of background development along with the full compliment of CIP-funded improvements, the following results were determined:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/30.2 sec.	C/19.9 sec.
MD 725/US 301	C/1240	C/1295
** 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 guidelines.		

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the proposed development of a 23 lot, single-family development would generate 17 AM (3 in, 14 out) and 21 PM (14 in, 7 out) peak-hour vehicle trips. Applying a growth rate of three percent per year for through traffic along US 301, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/32.2 sec.	C/21.7 sec.
MD 725/US 301	C/1244	C/1296

** 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 guidelines..

The analyses under "Total" and "Background" condition assumed improvements from the CIP and the approved Beech Tree subdivision

Regarding accessibility and general on-site circulation, staff finds the proposed layout to be acceptable.

Previous traffic analyses for preliminary plans including Beech Tree and the Buck Property subdivisions have revealed failing levels-of-service under background conditions at several intersections along the US 301 corridor, including the intersection of MD 725/US 301. In response to the issues of adequacy, the Planning Board has allowed developments to pay a pro-rata share toward improvements along US 301 between MD 214 and MD 725. These improvements, as described in an item included in the county CIP, include a general roadway widening of one additional through lane northbound and southbound over that distance plus intersection improvements at key intersections along the link. Funding by developers has been based on payment of $2.5 million toward the $24 million required to complete the improvements.

TRANSPORTATION STAFF CONCLUSIONS

Adequate transportation facilities would exist to serve the proposed subdivision as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions requiring the applicant to pay a pro-rata share toward improvements to US 301 and the intersection of US 301/MD 725.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	23 sfd	23 sfd	23 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.52	1.38	2.76
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	206.64	131.88	264.24
Total Enrollment	5898	5481.88	10763.97
State Rated Capacity	5384	4688	8770
Percent Capacity	109.55%	116.93%	122.74%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: $7,000 per dwelling if a building is located between I-495 and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or $12,000 per dwelling for all other buildings.

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. 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.

*10. **Fire and Rescue**—[The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.]

*[a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.08 minutes, which is within the 5.25-minute travel time guideline.

b. The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.08 minutes, which is within the 6.25-minute travel time guideline.

c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.08 minutes, which is within the 7.25-minute travel time guideline.]

*[These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities." The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.]

*The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for the adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

*The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Marlboro, Company 20, using the "Seven Minute Travel Times and Fire Station Locations Map" provided by the Prince George's County Fire Department.

*The Fire Chief has reported that the current staff complement of the Fire Department is 685 (98.99 percent), which is within the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

*The Fire Chief has reported by letter, dated 08/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

*11. **Police Facilities**—[The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will] *[adequately serve the population generated by the proposed subdivision.] The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months.

Reporting Cycle	**Date**	**Emergency Calls**	**Non-emergency**
Acceptance Date	01/05/05-08/05/05	11.00	24.00
Cycle 1	01/05/05-09/05/05	11.00	24.00
Cycle 2	01/05/05-10/05/05	11.00	24.00
Cycle 3			

*The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-04145 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure.*

12. **Health Department**—The Health Department has reviewed the perk tests for the property and has submitted a referral dated January 11, 2005, with specific comments for nearly all of the proposed lots. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 34520-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

15. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.

16. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones is permitted by right and does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

    Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the O-S Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 50 acres in size. In this case, the total tract area is 128.87 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: five acres in the O-S Zone. This requirement has been met with the submitted preliminary plan: 15 of the 23 lots (or 65 percent) are a minimum of five acres on this subdivision.

The Zoning Ordinance allows one 2-acre lot for every 50 acres of land in the tract. With 128.87 acres of land in the O-S Zone, a maximum of two 2-acre lots is permitted, two are shown. The remaining six lots are required to be at least three acres in area, which they are. This arrangement meets the minimum standards set forth in Section 27-442(b)(Table I) of the Zoning Ordinance for the use of varying lot sizes. If lots are lost due to failing perk tests (or for any other reason) the relationships among the various lot sizes required by the Zoning Ordinance must be maintained.

17. **Historic Preservation**—The subject property is located on the northwestern property line and Environmental Setting of Compton Bassett, Dependencies and Cemetery (Historic Site 79-063-10) also listed in the National Register of Historic Places. Compton Bassett is one of the finest of Prince George's County late-18th century Georgian plantation houses. It displays the distinctive elements that characterize the popular style of that period, such as its symmetrical balance, hip roof, central pedimented pavilion front facade, palladian windows and dentiled cornice. Much of the fine detailing found on the exterior is repeated in the interior. Built by the Hill family circa 1783, this fine Georgian house reflects the prosperity of the tobacco growing plantation system on which Prince George's County's growth and economy was founded.

The original land grant for Compton Bassett was issued in 1699 to Clement Hill, Jr., Surveyor General of the Western Shore, prior to the founding of Upper Marlboro in 1706. By the time the current dwelling was built in 1783, Upper Marlboro was a thriving county seat. The current dwelling, the second on the site, was built for Clement Hill IV. Compton Bassett has been the home place of the Hill family for nearly three centuries. William Hill, a physician and one of the organizers of the Planters Bank in Upper Marlboro, would later inherit the property and undertake improvements in 1822 to Compton Bassett, including the application of stucco to the brick exterior. According to family papers, James Hoban, architect of the White House, undertook this work.

Southeast of the house is a small Roman Catholic chapel, one of three historic brick dependencies on the property; symmetrically placed to the southwest and northwest of the main house are a dairy and meat house. The family cemetery lies further to the north and west of the house. Twentieth century buildings include a tobacco barn, stable, cow shed and corn crib. The Compton Bassett Chapel is a rare surviving private Roman Catholic chapel, the only known structure of its kind surviving in the county. Unable to gather publicly to worship, families constructed private chapels and services would often include family and friends from neighboring plantations until after the Declaration of Rights in 1776 put an end to intolerance of Roman Catholic worship.

The subject property was certainly a part of the 2,182-acre Compton Bassett plantation. Therefore, it should be investigated for potential archeological significance associated with antebellum habitation by enslaved African Americans, as well as the potential for archeological significance associated with Native American habitation.

Historic Preservation Findings

1. Historic Site 79-063-10 (Compton Bassett, Dependencies and Cemetery) is located adjacent to the proposed subdivision. The developing property is almost certainly part of that larger plantation acreage of Compton Bassett.

2. The proposed lots (18-19) abut the northeastern property line/Environmental Setting for Compton Bassett.

3. Notes on this preliminary plan of subdivision do not indicate the location of the historic site or cemeteries.

4. Existing buildings on proposed lots 9, 10 and 13 are noted "to be removed".

Historic Preservation Conclusions

1. Because the developing property was certainly part of the Compton Bassett plantation, documentary and archeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials, or other significant archeological resources.

2. Because the subject property shares a property boundary with the Compton Bassett Environmental Setting, the Prince George's County *Landscape Manual* requires that a D bufferyard be retained or planted on the developing property wherever it adjoins a historic site.

3. The preliminary plan should be corrected to note the location of Historic Site 79-063-10 Compton Bassett, Dependencies and Cemetery and its Environmental Setting on the plan and in the General Notes.

4. The applicant should identify and submit information including approximate dates, condition, character as well as digital photographs of the buildings labeled "to be removed" to Historic Preservation staff so that it can be determined if these structures are historic barns/buildings.

*18. **Lot Layout**— With one exception, staff is satisfied with the lot layout proposed by the applicant. Due to the scarcity of perk sites on this property, Lots 15, 16 and 17 are split by one of the private ingress/egress easements, with the house site on the north side and the septic recovery areas on the south. The sewer line would run under the right-of-way inside a cast iron sleeve. Staff has received assurances from the Health Department that this is an acceptable delivery method. The southern section of Lots 16 and 17 are a reasonable extension of their northern portions. Lot 15 is not. Lot 15 would reach its septic recovery area via a 20-foot-wide, 400-foot-long stem running between Lots 16 and 17. Because this stem would not be available for vehicular access, the driveway for Lot 15 is squeezed between a large section of PMA and the lot line for Lot 16. These two factors lead staff to conclude that Lot 15 does not provide for a beneficial relationship between these three lots and thus should be deleted from the plan and combined with another lot or lots.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which exceeds the standard of 1,278 officers, or 105 percent.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, and Hewlett voting in favor of the motion, and with Commissioner Squire opposing the motion at its regular meeting held on Thursday, November 10, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

*Denotes Amendment
Underlining indicates new language
[Brackets} indicate deleted language