



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-83

File No. 4-09040

R E S O L U T I O N

WHEREAS, Mount Oak Estates LLC and Ursula D. Poydras are the owners of a 11.84-acre parcel of land known as Tax Map 62 in Grid D-2 and is also known as Lots 1, 2, and 3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential Agriculture (R-A); and

WHEREAS, on March 9, 2010, M.B. Visnic, Inc filed an application for approval of a Preliminary Plan of Subdivision for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09040 for Mount Oak Estates, Lots 1A, 2A, and 3 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 15, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 15, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/003/10), and further APPROVED Preliminary Plan of Subdivision 4-09040, Mount Oak Estates, Lots 1A, 2A, and 3 for 3 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Change the line of the proposed 25-foot-wide private right-of-way to reflect that the right-of-way is still within the confines of Lots 1A and 2A and not a separate parcel.
 - b. Label the existing gravel driveway as abandoned and to be removed.
 - c. Show and label the ten-foot-wide public utility easement (PUE) parallel to the dedicated land for Church Road.
 - d. Show and label a 40-foot-wide scenic easement adjacent to the public utility easement along Church Road.

- e. Show the entire boundaries of the septic field area on Lot 1A.
 - f. Delete "66" from within the "septic field area" on Lot 1A.
 - g. Show the proposed well location on Lot 2A.
 - h. Show all prior water table and percolation test holes conducted in 2009 on Lot 2A.
 - i. Show all prior water table and percolation test holes conducted in 1983 on Lot 3.
 - j. Label the existing deep well on Lot 3.
 - k. Add a note to state that the 25-foot-wide private right-of-way to serve Lots 1A, 2A, and 3 is created pursuant to Section 24-128(b)(1) of the Subdivision Regulations and can only be authorized by the Planning Board.
 - l. Label the denied direct access to Church Road and Westbrook Lane from Lots 1A, 2A, and 3.
2. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate a ten-foot PUE along the public right-of-way as delineated on the approved preliminary plan of subdivision.
3. A 40-foot-wide scenic and historic road easement, adjacent to the 10-foot PUE, shall be provided along Church Road and shall be shown on the final plat. The following note shall be placed on the plat:
- "Church Road is a county designated Scenic and Historic Road. The scenic easement described on this plat is an area where the installation of structures 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 permitted."
4. Prior to approval of the final plat, the following notes shall be placed on the plat:
- a. Development of this subdivision shall be in accordance with approved Stormwater Management Concept Plan 920-2010-00 and any subsequent revisions.
 - b. Lots 1A and 3 are denied direct access to Church Road.
 - c. The height of buildings and other structures shall be no greater than 50 feet unless the applicant demonstrates compliance with FAR Part 77, of the Federal Aviation Administration Regulations.

- d. This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/10), 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 County Planning Department.
- e. Lots 2A and 3 are denied direct access to Westbrook Lane.
- 5. Prior to the approval of any grading permits, a copy of the approved stormwater management technical plan and erosion and sediment control plan shall be included in the permit package. The plans shall show conformance with the provisions of the Maryland Stormwater Management Act of 2007.
- 6. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Show the correct total of the fee-in-lieu acreages for Lots 1A, 2A, and 3.
 - b. Provide afforestation along the northeastern boundary in the area that is currently unwooded on Lot 2A. Revise the worksheet to reflect the afforestation and 0.11 acre of woodland connected to this area.
 - c. Revise the worksheet as necessary.
 - d. Show and label the 10-foot-wide PUE along Church Road, and a 40-foot-wide scenic easement adjacent to the PUE.
 - e. Label the percolation test near contour 160 as Pt 1-2005-1 on Lot 1A.
 - f. Eliminate the extra percolation test hole shown on the plan with the circular driveway that does not correspond with the Health Department records on Lot 1A.
 - g. Show the proposed well location on Lot 2A.
 - h. Show all prior water table and percolation test holes conducted in 2009 on Lot 2A.
 - i. Show all prior water table and percolation test holes conducted in 1983 on Lot 3.
 - j. Label the existing deep well on Lot 3.

7. As part of the permit review package, the landscape plan shall demonstrate the use of conservation landscaping techniques that reduce water consumption and minimize run-off resulting from the use of fertilizers or chemical application to the greatest extent possible. The U.S. Fish and Wildlife Service publication "Native Plants for Wildlife Habitat and Conservation Landscaping-Chesapeake Bay Watershed" shall be used as a guide in developing the landscaping for the entire site.
8. Prior to the issuance of a building permit for Lots 1A and 2A, all afforestation and associated fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It shall include, at a minimum, photos of the reforestation areas and the associated fencing for Lots 1A and 2A, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
9. The TCPII shall provide detailed notes regarding the treatment and preparation of the existing gravel road that ensures it will be suitable for the proposed afforestation planting. It shall include, at a minimum, excavation of the gravel and amendments to the soil.
10. The final plat shall reflect the 25-foot-wide private right-of-way consistent with the approved preliminary plan and the following note shall be placed on the final plat:

"A 25-foot-wide private right-of-way to serve Lots 1A, 2A, and 3 was created pursuant to Section 24-128(b)(1) of the Subdivision Regulations and authorized by the Planning Board."
11. Prior to the issuance of any permits for Lot 1A, an alternative compliance application from the "D" bufferyard requirements of the *Prince George's County Landscape Manual* shall be approved.
12. Prior to the installation of any street lighting within the 25-foot-wide private right-of-way, a limited detailed site plan shall be approved by the Planning Board or its designee to evaluate impacts to the Mount Oak Historic Site (74A-008) on Lot 3.
13. Prior to the approval of the final plat, the applicant shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.

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

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Residential Single-family dwelling	Residential Single-family dwelling
Acreage	11.84	11.84
Lots	3	3
Outlots	0	0
Parcels	0	0
Dwelling Units:		
Detached	1	3
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 2, 2010.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within 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. This application for residential development is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier goals of maintaining low- to moderate-density land uses.

The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* retained the property in the R-A Zone. The master plan recommendation is for residential low density. Residential low-density development areas are intended for suburban neighborhoods with single-family houses on lots ranging from 6,500 square feet to one acre in size and retirement or planned residential development. The proposed residential development for this application conforms to the land use recommendations of the 2006 Bowie and vicinity master plan for residential low density.

4. **Environmental**—Preliminary Plan 4-09040, Type I Tree Conservation Plan TCPI/003/10, and signed Natural Resources Inventory NRI/026/06 for the subject property have been received and reviewed.

The 11.84-acre site is located on the south side of Westbrook Lane, approximately 4,500 feet north and east of its intersection with Woodmore Road. Lot 1A has frontage on Church Road, a designated scenic and historic road. According to available information, there are streams and wetlands on the site. There is no 100-year floodplain or steep and severe slopes on highly erodible soils located on-site. A review of 2007 air photos show that the site is approximately 85 percent wooded. According to the *Prince George's County Soil Survey*, the soils on-site are in the

Adelphia, Collington, Ochlocknee, Monmouth, and Shrewsbury series. Based on available information, Marlboro clays are not associated with the site. There are no traffic-related noise generators in the vicinity of the site. The site is within a sensitive species project review area; however, in a letter from the Maryland Department of Natural Resources, Wildlife and Natural Heritage Program, dated September 23, 2009, there are no rare, threatened, or endangered species found on the subject site. According to the *Approved Countywide Green Infrastructure Plan*, the site contains evaluation areas and network gaps within the designated network. The property is in the Northeast Branch watershed of the Patuxent River basin.

Master Plan Conformance

The current master plan for this area is the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. In the approved master plan and sectional map amendment, the Environmental Infrastructure chapter contains goals, policies, and strategies. The following policies and strategies have been determined to be applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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

Strategies:

1. **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

The site contains evaluation areas and network gaps within the Countywide Green Infrastructure Plan. The plan seeks to preserve some of these areas; however, additional woodland conservation should be provided in available areas and is recommended on Lot 2A.

3. **Carefully evaluate land development proposals in the vicinity of identified SCAs (The Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and connections are either maintained or restored.**

The subject site is located within the area of concern for the Belt Woods Special Conservation Area (SCA). Because of this site's current large-lot zoning (R-A), its location with respect to the designated special conservation area, its location within a sensitive species project review area, the presence of the evaluation areas and network gaps within the designated Green Infrastructure Plan, its location abutting a designated historic site, and the current character of the surrounding area which is predominately wooded, every effort should be made to meet the woodland conservation threshold on-site.

Lot 1A and Lot 3 are in conformance with this policy; however, Lot 2A is not in conformance with this policy. Lot 2A shows an open area along its northeastern boundary where there is an opportunity to provide afforestation on-site and also uses an area of woodland that is currently proposed to be preserved, not counted, as credit toward the woodland preservation requirement.

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

Strategies

1. **Ensure the use of low impact development techniques to the extent possible during the development process.**

The site has an approved Stormwater Management Concept Letter and Plan (920-2010-00), which shows a drywell on Lot 1A in conformance with the approved concept plan. Drywells and sheet flow are considered forms of low-impact development (LID) stormwater management techniques. The submitted application is proposing one drywell on Lot 1A. It appears that runoff from Lot 3, which is currently developed, will be controlled by sheet flow and the preservation of woodland. As currently designed, the application is in conformance with this policy.

2. **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

The landscape plan for this site will be reviewed for the application of conservation landscaping techniques at the time of permit review. As part of the permit review package, the landscape plan should demonstrate the use of conservation landscaping techniques that reduce water consumption and minimize run-off resulting from the use of fertilizers or chemical application, to the greatest extent possible. The U.S. Fish and Wildlife Service publication "Native Plants for Wildlife Habitat and Conservation Landscaping – Chesapeake Bay Watershed" should be used as a guide in developing the landscaping for the entire site.

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

Strategies

1. **Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**
2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**

4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

The TCPI proposes the preservation of existing woodland within the on-site stream and wetland buffers. The site contains an existing gravel road that could be reforested. The site development should address opportunities for reforestation and/or afforestation to maximize the tree canopy on-site.

Conformance with the Green Infrastructure Plan

The site is within the designated network of the *Approved Countywide Green Infrastructure Plan* and includes areas designated as evaluation areas and network gaps. The evaluation areas include forested areas contiguous with an off-site regulated area that contains sensitive environmental features that should be preserved. The evaluation area also contains a large block of contiguous woodlands as well as a historic site (74A-008 Mount Oak). The TCPI proposes on-site preservation where possible within these areas.

The applicable policies of the Green Infrastructure Plan are similar to those contained in the master plan with regard to the preservation of existing woodlands within the network and the protection, and where appropriate restoration, of water quality. Of particular note are the following applicable policies and strategies. The plan text is provided in **BOLD**.

Policy 1.5: Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established within the green infrastructure network.

- a. **Reduce fragmentation of undeveloped woodlands by revising the Woodland Conservation Ordinance to place a greater emphasis on the value of retaining connected woodlands.**
- b. **Protect plant, fish, and wildlife habitats and maximize the retention and/or restoration of the ecological potential of the landscape by prioritizing habitat cover types in the Woodland Conservation Ordinance.**
- c. **Evaluate connectivity within the green infrastructure network when reviewing and approving specific land use projects.**

As proposed, the TCPI does not meet this policy because the development proposed on Lot 2 does not maximize woodland conservation on-site and should. As previously discussed, the open area along the northeast boundary can be afforested to increase the on-site woodland conservation, as well as, provide connectivity with an area of woodland that currently cannot be counted because of its size. Development should maximize the tree canopy on this lot.

Policy 1.6: Ensure that special conservation areas (SCAs) (Map 2) and the critical ecological systems supporting them are protected.

- a. Identify critical ecological systems supporting the SCA and ensure these areas are maintained and/or protected during the development review process to provide ongoing support to the SCAs.**

The site is adjacent to the Belt Woods SCA, one of the few remaining old-growth forests in the coastal plain. It is characterized by the presence of its forest interior dwelling species (FIDS) habitat and is known to serve as a refuge for high populations of breeding birds.

On proposed Lot 1A, the TCPI shows a single-family home, in-ground pool, septic area, and a tennis court. This level of development will result in the loss of an area of habitat cover. Development on this site must be sensitive toward the necessary protection of this area through the maximization of on-site woodland conservation and is recommended on Lot 1A.

To find conformance with the green infrastructure plan and to preserve the existing evaluation areas and network gap areas, every effort should be made to meet the woodland conservation requirement on-site.

Environmental Review

A signed Natural Resources Inventory (NRI/026/06) was included in the preliminary plan submittal. The site contains a stream at the far southeast portion of Lot 1A. Another stream runs along the southern boundary of Lot 3, which also contains a wetland. According to the *Prince George's County Soil Survey*, the soils on the site are in the Adelphia, Collington, Ochlocknee, Monmouth, and Shrewsbury series. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan review. A soils report may be required by Prince George's County during the permit review process.

The site contains one forest stand (Forest Stand 1). This stand is 8.36 acres and is dominated by black cherry, red oak, sweetgum, and sassafras. No specimen trees were found on the site. This woodland is connected to large block of contiguous woodlands located off-site.

The site is subject to the Prince George's County Woodland Conservation and Tree Preservation Ordinance because Lot 2A has a previously approved Type II Tree Conservation Plan (TCPII/007/06) and Lot 3 has a previously approved Type II Tree Conservation Plan (TCPII/008/06). The woodland conservation threshold (WCT) requirement is 50 percent of the net tract area. The woodland conservation requirement should be met individually for each of the proposed lots to the extent possible. In order to evaluate the woodland conservation on each lot, a separate worksheet for each lot has been provided, in addition to an overall worksheet.

The WCT for this 11.84-acre property is 50 percent of the net tract area or 5.91 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 6.54 acres.

According to the worksheet, the requirement is proposed to be met with a total of 5.26 acres of on-site preservation, 0.38 acre of on-site planting, and 0.90 acre of fee-in-lieu.

Lot 1A has a WCT of 1.77 acres and a total requirement of 2.50 acres. The TCPI proposes to meet the requirement with 1.25 acres of on-site preservation, 0.26 acre of on-site planting, and 0.99 acre of fee-in-lieu. Lot 2A has a WCT of 1.14 acres and a total requirement of 1.48 acres. The TCPI proposes to meet the requirement with 0.78 acre of on-site preservation, 0.12 acre of on-site planting, and 0.60 acre of fee-in-lieu. Lot 3 has a WCT of 3.0 acres and a total requirement of 3.0 acres, and proposes to meet the requirement with 3.23 acres of on-site preservation.

The proposed fee-in-lieu for Lot 1A is appropriate given the amount of development proposed. The use of fee-in-lieu on Lot 2A can be reduced because this lot contains an open area along its northeastern boundary that shall be afforested. Lot 2A has a WCT of 1.14 acres and is only proposing 0.90 acre of on-site woodland conservation. In order to make every effort to maximize woodland conservation on-site, the open area shall be afforested. The afforestation would allow the adjacent area of 0.11 acre of woodland, presently proposed as woodland preserved, not counted, to be counted as on-site preservation if this connection is established. The TCPI shall be revised to provide afforestation along the northeastern boundary in the area that is currently unwooded. The worksheet shall be revised to reflect the afforestation and 0.11 acre of woodland connected to this area.

The acreages of the single-lot worksheets for Lots 1A through 3 were compared to the overall worksheet and one discrepancy was found. The total amount of the fee-in-lieu on the overall worksheet is incorrect because it is less than the combined fee of the single-lot fees. The correct fee should be 1.59 acres, not 0.90 acre. The overall worksheet shall be revised to show the correct total of the fee-in-lieu acreages for Lots 1A through 3.

In order to ensure that the proposed planting will successfully be established in this area, details with regard to how the road will be removed and prepared for planting shall be provided. The details, at a minimum, shall include the excavation of the road and the necessary amendments to the soil that will make it suitable for planting. This information shall be provided at the time of review of the Type II tree conservation plan for Lot 1A. Prior to issuance of the building permit for Lot 1A, all afforestation should be installed.

Church Road is a designated scenic and historic road. Because of this designation, a 40-foot-wide scenic easement is required along Church Road, behind the ten-foot-wide public utility easement (PUE).

5. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 920-2010-00, was approved on January 28, 2010 and is valid until May 4, 2012. The approved stormwater management concept plan has conditions to ensure that the development of this site does not result in on-site or downstream flooding. The

approval letter states that drywells are required for water quality control. Development must be in accordance with this approved plan and any subsequent revisions.

As a note, any projects that have not obtained stormwater management concept plan approval and final soil erosion and sediment control approval on or prior to May 4, 2010 must comply with the provisions of the Maryland Stormwater Management Act of 2007. For those projects that have approval on or before May 4, 2010, an administrative waiver from DPW&T must be obtained.

6. **The Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, all of the lots are exempt from the mandatory dedication of parkland requirements because the net lot area is greater than one acre.
7. **Trails**—The proposed preliminary plan was reviewed for conformance with the Approved Countywide Master Plan of Transportation (MPOT). There is a master plan bicycle facility that impacts the subject property. Church Road is recommended for a paved shoulder in the approved master plan and sectional map amendment for Bowie and vicinity. The bicycle facility is being constructed by Prince George's County. Church Road will contain paved shoulders for bicycle use, bicycle safety signage, and sidepaths at intersections.

Church Road is a master-planned roadway with a 90-foot-wide right-of-way. The revised preliminary plans submitted by the applicant shows that dedication of 90 feet of right-of-way along the subject property frontage of Church Road has occurred, and this amount of dedication for right-of-way is sufficient to implement the master-planned bikeway.

8. **Transportation Planning**—The application is a preliminary plan of subdivision for a residential resubdivision consisting of three lots. An existing historic house will remain on Lot 3. Therefore, it is determined that the proposed subdivision would generate 2 AM and 2 PM weekday peak-hour vehicle trips based on the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the intersection of Woodmore Road and Westbrook Lane.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- a. Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.
- b. Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) 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.

The critical intersection of Woodmore Road and Westbrook Lane is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

No recent turning movement counts are available at the critical intersection of Woodmore Road and Westbrook Lane. Due to the limited trip generation of this site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus in accordance with the guidelines. It is therefore recommended that the Planning Board find that 2 AM and 2 PM peak-hour vehicle trips will have a de minimus impact upon delay in the critical movements at the Woodmore Road and Westbrook Lane intersection.

Existing Lots 2 and 3 have frontage on Westbrook Lane and Lot 1 has frontage on Church Road. This preliminary plan proposes to re-subdivide Lots 1 through 3 into Lots 1A, 2A, and 3 with frontage and access on a new 25-foot-wide private right-of-way, extending south from Westbrook Lane, pursuant to Section 24-128(b)(1) of the Subdivision Regulations. Direct access to Westbrook Lane from Lot 3 and 2A should be denied once the proposed 25-foot-wide private right-of-way is constructed to be in keeping with access arrangement created by this preliminary plan. The site is adjacent to Church Road, a master plan roadway facility with 90 feet of right-of-way. DPW&T recommends that the existing access to the property from Church Road be removed after the private right-of-way from Westbrook Lane is constructed. The access consolidation proposed for these lots is supported and will result in a safer and more efficient vehicular circulation by removing direct access to Church Road.

9. **Schools**—The preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-23-2003, and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	0.32	0.26	0.28
Actual Enrollment	4,572	5,564	12,737
Total Enrollment	4,572.32	5,564.26	12,737.28
State Rated Capacity	4,836	5,430	13,026
Percent Capacity	94%	102%	98%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between 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. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,120 and \$ 13,921 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.

10. **Fire and Rescue**—The preliminary plan has been reviewed 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.

This preliminary plan is within the seven-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
43	Bowie	16408 Pointer Ridge Drive

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/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Capital Improvement Program (CIP)

The Capital Budget and Program Fiscal Years 2010–2015 proposes building a Fire/EMS station at 14901 Health Center Drive. Northview, Company 16, is open and can provide additional fire and rescue service to the subject property.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

11. **Police Facilities**—The subject property is located in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 9, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	3/2009-2/2010	9 Minutes	9 Minutes
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met March 15, 2010. The Police Chief has reported that the Police 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 temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

12. **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 sewage for preliminary or final plat approval."

The 2008 Water and Sewer Plan designates Lots 1A, 2B, and 3 in water and sewer Category 5, located inside the Sewer Envelope, and within the Developing Tier. The existing dwelling on Lot 3 has a well and septic system, which was already in use when the owner purchased the house in 1997. A category change will not be required because the Water and Sewer Plan allows for

minor residential developments of four residential lots or less to apply for a waiver for the use of interim well and septic systems when public lines are inaccessible or cost prohibitive.

The applicant submitted a waiver application to the Prince George's County Department of Environmental Resources (DER). DER waived the public water and sewer requirements and approved the use of individual interim well and septic systems on Lots 1A, 2B, and 3 on June 17, 2010. However, in the event of a future well or septic system failure, and the system cannot be repaired or remediated, it will be the property owner's responsibility to incur the cost of serving the property with public water and/or sewer service.

13. **The Prince George's County Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision. The development of the subdivision is projected to utilize individual sewage disposal systems and individual water supply systems. The Health Department offered the following comments:
 - a. **Proposed Lot 1A:** The sewage recovery area (SRA), as depicted on the preliminary plan, shows the edge of the SRA at 30 feet from the property line, between proposed Lots 1A and 3, with five feet of grass and then 25 feet of woodland to the property line. A retaining wall is required to be installed along the driveway on the side adjacent to the SRA and should be a minimum of five feet from the SRA. The wall and driveway should be designed to divert water away from the SRA. If drainage cannot be diverted away from the SRA, then the retaining wall should be designed a minimum of ten feet from the SRA. The public utility easement should maintain a ten-foot serration from the SRA as well. The applicant will need to plan for the design parameters of the retaining wall at the time of permit.
 - b. **Proposed Lot 2A:** A minimum of a 10,000-square-foot sewage recovery area (SRA) around the 2009 water table/percolation test holes is preferred by the Health Department. Poor soils in the 1983 water table limit the lower boundary of the proposed SRA at Contour 180. The results in an approximate area of 8,450 square feet may only permit one system to be installed. The 1983 results require a minimum total length of 130 feet per system with a 20-foot minimum separation between systems. The septic tank must be a minimum of 15 feet from the house. The preliminary plan should show all prior water table and percolation test holes conducted in 2009 and the proposed well location.
 - c. **Proposed Lot 3:** The lot has an existing single-family dwelling with an individual sewer and water system. The preliminary plan should show all prior water table and percolation test holes conducted in 1983, including the SRA boundaries and label the existing deep well.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot PUE along the Westbrook Lane right-of-way and the 25-foot-wide private-right-of-way as requested by the utility companies. The site also has frontage on Church Road, which is a historic road and requires a 40-foot scenic easement. The 40-foot scenic easement should be outside and behind the 10-foot public utility easement.

15. **Archeology**—A Phase I archeology survey is not recommended on the subject property. The subject application includes the Mount Oak Historic Site (74A-008) on Lot 3. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. Historical photographs indicate that most of the supporting outbuildings for the Mount Oak historic site were located to the north and west of the house. Proposed Lots 1A and 2A are located in an area of uneven terrain that would have been the front of the house, along the approach from Church Road, and are unlikely to have contained slave quarters or other outbuildings. There is no proposed construction on Lot 3 where the Mount Oak historic site is located. Therefore, no archeological investigations are recommended.
16. **Historic Preservation**—The subject preliminary plan includes the Mount Oak Historic Site (74A-008), 3005 Westbrook Lane, Bowie, on Lot 3. The environmental setting of the historic site is Lot 3, Plat 1, Mount Oak Estates, and encompasses six acres. Mount Oak, built circa 1901, is a two-story, hip-and-gable-roof frame farmhouse, with an octagonal corner tower and wraparound porch. The Mount Oak historic site (Lot 3) includes a slight rise on which the house and its yard are located. South of the house, Lot 3 slopes away and is wooded; this area may include remnants of historic landscape terraces entirely located within Lot 3. The house was built for John Mullikin Bowie on the site of an earlier Mullikin family dwelling. A surviving frame meat house represents the property's earlier period.

When the property around Mount Oak was subdivided and the historic site's environmental setting was established in the early 1980s, the property was accessed from Church Road to the east and, at the time, there was an open view to the house, which is located on a rise from Church Road. Since that time, the property has not been farmed and the areas east and south of the house are now grown over with trees and other vegetation. Recently renovated, the Mount Oak historic site was sold to its current owner in 1997.

The subject application proposes the resubdivision of Lot 3 and adjacent Lots 1 and 2 in order to provide access to all three lots as a result of the abandonment of the former access from Church Road. This abandonment was required by DPW&T and the previous preliminary plan approval, and associated with improvements to Church Road. The preliminary plan proposes to provide access to proposed Lots 1A, 2A, and 3 through a 25-foot-wide private right-of-way, extending south from Westbrook Lane. The private right-of-way will be within the confines of proposed Lots 1A and 2A.

Since the subject preliminary plan includes the Mount Oak historic site, the preliminary plan was referred to the Historic Preservation Commission (HPC). The Historic Preservation Commission reviewed Preliminary Plan 4-09040 at its June 15, 2010 meeting. In its discussion, HPC was concerned with the buffering between the historic site and the adjacent lots and the potential of street lighting features within the proposed 25-foot-wide private right-of-way.

The application proposes a 25-foot-wide private right-of-way within the confines of proposed Lots 1A and 2A, no buffering between the adjacent uses on Lots 3, the historic site, and 2A will be required. However, for proposed Lot 1A, the applicant is required to provide a "D" bufferyard adjacent to Lot 3 for that area not included in the private street. A total of 40 feet of landscaping and an additional 10-foot building setback, pursuant to Section 4.7 of the *Prince George's County Landscape Manual*, is required for a "D" bufferyard. The area of the required buffer within Lot 1A is currently wooded and of the same character as adjacent woodland within Lot 3. However, the development of proposed Lot 1A with a single-family residence will require the installation of a septic field west of the house site. Based on the analysis provided by the applicant and reviewed by the Health Department, the size and location of the required septic field are fixed. As a result, this feature will represent an intrusion into the required "D" bufferyard that will reduce the width of the bufferyard in this location to no more than 30 feet. This incursion into the required "D" bufferyard may necessitate an alternative compliance application for Lot 1A, to provide buffering that is equal or better than the requirements of Section 4.7 of the Landscape Manual. The applicant has submitted an alternative compliance pre-application for review and the Alternative Compliance Committee found the proposed landscape buffer of 30 feet acceptable with some revisions. The HPC was in favor of having the bufferyard requirement for Lot 1A be handled through the alternative compliance process prior to the issuance of building permits. Alternative compliance is not the subject of review with this application.

The Mount Oak historic site (Lot 3) includes a slight rise on which the house and its yard are located. South of the house, Lot 3 slopes away and is wooded; this area may include remnants of historic landscape terraces entirely located within Lot 3. Adjacent Lots 1A and 2A are characterized by uneven terrain that generally slopes away from Mount Oak toward Church Road. Based on the topography of the site and the clearing and grading that will be associated with the proposed development, the houses on proposed Lots 1A and 2A will be visible from the historic site. At a minimum, the front and one side elevation of the houses on proposed Lots 1A and 2A will be visible from the Mount Oak historic environmental setting throughout much of the year. The applicant has provided architectural elevations for the proposed dwelling within Lot 1A to the HPC for review. Proposed development on Lot 1A includes a house with a roof ridge approximately 41 feet above the finished grade, tennis courts to the east, and a swimming pool to the south of the house. The architectural elevations did not have illustrations of lighting features on the private right-of-way. Since the 25-foot-wide private right-of-way will be directly adjacent to the historic site, the HPC was in favor of requiring a limited detailed site plan to address the lighting features on the private right-of-way that could have an impact on the environmental setting of the Mount Oak Historic Site (74A-008).

After the HPC meeting on June 15, 2010, to address the HPC concern regarding lighting features on the private right-of-way, the applicant submitted a letter stating that there is no intent to provide any lighting along the proposed private right-of-way. However, if the developer or future property owners propose street lighting, a detailed site plan is recommended to ensure that there are no adverse impacts to the historic site on Lot 3.

17. **The Maryland Aviation Administration (MAA)**—The subject property is located under the traffic pattern for a small general aviation airport (Freeway Airport). The development is subject to Aviation Policy Area (APA) Regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA-6. In APA-6, property sellers are required to disclose to prospective purchasers information on the location of the general aviation airport (Section 27-548.43). In addition, any structure exceeding 50 feet in height is required to demonstrate compliance with FAA, FAR Part 77, Obstructions to Air Navigation, prior to the issuance of building permits (Section 27-548.42).

MAA has studied the proposal from FAA Form 7460-1 near Freeway Airport, a Maryland licensed public-use facility located in Mitchellville, Maryland. Under Code of Maryland Regulations (COMAR) 11.03.05, Obstructions to Air Navigation, a proponent must notify the MAA and MAA has the authority to perform an air space analysis of tall structure proposals.

Based on the information received, MAA determined that the proposed structures known as 2906 and 2912 Westbrook Lane create no impact to the approach and transitional surfaces at Freeway Airport. In accordance with COMAR 11.03.05, the proposal is considered not to be an obstruction or hazard to air navigation. MAA reserves the right to review this determination if additional or alternative information becomes available.

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.

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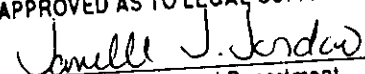
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 15, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of September 2010.

Patricia Colihan Barney
Executive Director

By 
Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 8/11/10