

R E S O L U T I O N

WHEREAS, a 77.37-acre parcel of land known as Parcel 4, Tax Map 76 in Grid B-2, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on September 12, 2006, Enterprise Office Park filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 54 lots, 2 parcels and 3 outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06080 for Willow Pond Estates 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 February 1, 2007, 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 February 1, 2007, 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/45/06), and further APPROVED Preliminary Plan of Subdivision 4-06080, Willow Pond Estates, for Lots 1-54, Parcels A and B, and Outparcels C,D, and E with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Provide a minimum 25-foot window to access Parcel A and the private recreational facility. This can be accomplished without reducing the net lot area of any lots by shifting the lots along the eastern property line (Lots 33 -44) southward to further close the window provided for Outparcel C, located along the southern cul-de-sac of Robin's Way.
 - b. Provide plat references for the adjacent Perrywood Manor Subdivision to the south.
 - c. Revise site Data Note 9 to demonstrate that the mandatory dedication of parkland requirements are being fulfilled by providing an on-site private recreational facility.
 - d. Delineate the limits of any existing septic system found on the property.

- e. Clarify the distance along the rear lot line of Lot 48.
 - f. Provide the entire distance at the front street line for Lot 1.
 - g. Delineate the 80-foot lot width at the front building line for Lots 20, 32, 33, and 34.
 - h. Redesignate Outparcel D as a lot or parcel.
 - i. Redesignate Outparcel E as right-of-way dedication.
2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 42335-2006-00 and any subsequent revisions.
 4. Prior to signature approval of the preliminary plan of subdivision, the TCPI shall be revised as follows:
 - a. The woodland conservation threshold shall be met on site by the provision of additional afforestation within the scenic easement, reforestation of Outparcel C, and afforestation on Outparcel A.
 - b. The woodland conservation worksheet shall be revised as necessary to reflect the above revisions.
 - c. The plan shall be signed and dated by the qualified professional who prepared it.
 5. Afforestation and the associated permanent protection fencing shall be installed prior to the issuance of building permits for adjacent lots, and in the case of Lot 45, prior to the issuance of the building permit for that lot. A certification prepared by a qualified professional shall 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.
 6. At time of TCPII submittal, the bioretention facilities proposed within the scenic easement shall be designed to have a natural appearance and shall be landscaped with native plant materials to enhance the scenic qualities of the existing roadway. The design and planting schedule for these ponds shall be reviewed with the TCPII. Prior to the issuance of a grading permit for this site, a copy of the approved technical stormwater management plans shall be submitted to show conformance with the approved TCPII.

7. 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/45/06), 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.”

8. 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, reforestation and preservation areas, except for areas where impacts have been approved. The conservation easement shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the final plat of subdivision:

“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.”

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

10. At time of final plat, a scenic easement shall be established adjacent to Oak Grove Road and Watkins Park Drive as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

“Oak Grove Road and Watkins Park Drive are county-designated Historic Roads. The scenic easement described on this plat is an area the installation of structures and roads and/or 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.”

11. Any future development on Outparcel D, (as redesignated by Condition 1h) other than the existing single-family detached dwelling, will require the approval of a new preliminary plan of subdivision and landscape plan that addresses the planting within the scenic easement. The owner is encouraged to allow natural regeneration to occur within the designated scenic area.

12. Prior to the approval of a final plat, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance, and CB-88-2005.
13. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
14. The applicant, his heirs, successors and or assignees shall provide an eight-foot-wide master plan trail along the subject property's entire street frontage of Oak Grove Road. The trail shall be constructed with asphalt or concrete, which will be determined by the Department of Public Works and Transportation at the time of issuance of street construction permits.
15. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency

At MD 193 and MD 202 intersection

- Provide two left turn lanes on the southbound (on MD 202 toward Upper Marlboro) approach.
 - Provide a left turn lane, a shared through-left turn lane, and a right turn lane on the westbound approach (on MD 193 toward the school).
 - Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from southbound MD 202.
16. Prior to the issuance of any building permits, the applicant shall dedicate to DPW&T 50 feet from the ultimate centerline of the master-planned Oak Grove Road (MC-600) between the property's easternmost property line to Rosey Bill Drive. The applicant shall dedicate 50 feet on both sides of the ultimate centerline of the master-planned Oak Grove Road between Rosey Bill Drive and the property's westernmost property line. If DPW&T is willing to accept less than 50 feet of dedication on either side of the future centerline, then the applicant must provide written evidence of DPW&T's decision to the Transportation Planning Section to accept anything less than 50 feet from centerline
 17. At the time of final plat, the applicant, his heirs, successors and or assignees shall convey to the homeowners association (HOA) 19.08± acres of open space land (Parcels A and B). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of DRD or be in accordance with an approved detailed site plan if one is required. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
18. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

19. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFAs shall be recorded among the County Land Records.
20. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
21. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, at the time of detailed site plan approval by the Planning Board.
22. At the time of final plat, the applicant, his heirs, successors and or assignees shall convey Outparcel E to the Prince George's County, Department of Public Works and Transportation, should the operating agency choose to accept the additional land as right-of-way dedication.
23. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archeological literature) for those lands determined to be subject. Prior to approval of the detailed site plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall 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.
24. Prior to the issuance of grading permits the applicant, his heirs, successors, and or assignees shall demonstrate that any abandoned well(s) or septic system(s) have been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
25. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
26. Roadway improvements along Oak Grove Road and Watkins Park Drive shall be carried out in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*, as prepared by the Department of Public Works and Transportation. Prior to the submission of a grading permit or a stormdrain and paving plan, whichever comes first, the applicant, his heirs,

successors, and or assignees shall coordinate a conceptual preapplication meeting with the Department of Public Works and Transportation and the M-NCPPC to determine the applicable guidelines and standards for the scenic and historic roadway improvements.

27. Prior to signature approval of the preliminary plan of subdivision, a Phase I environmental site assessment shall be submitted to the Health Department’s Environmental Engineering Program. The report shall be generated from a reputable environmental engineering firm with prior experience in environmental contamination and performing environmental assessments. The assessment shall be concentrated in and around areas associated with the nursery (fertilizer, pesticides storage areas) and areas of the site that contain stockpiled asphalt pilings. The report shall include evidence that these areas have been sufficiently cleaned and that contamination to groundwater has not occurred.

Based on the analysis of this report, a determination will be made by the Health Department as to whether a Phase II environmental assessment will be required. If a Phase II environmental assessment is required, a copy of the assessment plan and an acceptable remediation plan shall be submitted to the Health Department’s Environmental Engineering Program prior to the approval of the final plat. Remediation of the site shall be completed and validation samples taken and approved prior to the issuance of building permits within the vicinity of remediation efforts.

28. At the time of final plat, the applicant, his heirs, successors and or assignees shall designate Outparcel C (3.15 acres) as a parcel to be conveyed to the homeowners association.

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 along the northeast corner of the intersection of Watkins Park Drive (MD 193) and Oak Grove Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING		PROPOSED	
		R-E		R-E
Use(s)		Nursery and Garden Center		Detached Single-Family Dwellings
Acreage		77.37		77.37
Lots		0		54
Outparcels		0		3
Parcels		1		2
Dwelling Units:		(To Remain)		(New)
Detached		1		54

Public Safety Mitigation Fee

No

4. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision and Type I tree conservation plan for Willow Pond Estates, stamped as received by the Countywide Planning Section on January 2, 2007. The Environmental Planning Section recommends approval of Preliminary Plan 4-06080 and Type I Tree Conservation Plan TCPI/45/06 subject to conditions.

Background

The property was previously reviewed as Special Exception SE-3412 for Behnke Nurseries.

Site Description

The property is located in the northeast quadrant of the intersection of Watson Park Drive (MD 193) and Oak Grove Road. There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately ten percent wooded and contains areas of agricultural fields associated with the previous nursery use on the other 90 percent. The soil series found on this property include Adelpia, Collington, Mixed Alluvial land, Monmouth and Shrewsbury. Adelpia and Shrewsbury may experience limitations with respect to impeded drainage or seasonally high water. Collington soils pose few problems for development and have a K factor of 0.28. Mixed alluvial land and Monmouth may experience a high water table and flood hazard in certain circumstances. Based on available information, Marlboro clay is found to occur within 500 horizontal feet from the site, at an approximate elevation of 130 feet to 140 feet, which is above the elevation of the subject property. According to the sensitive species protection review area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources, Natural Heritage Program, no endangered species are found to occur within the vicinity. Oak Grove Road and Watkins Park Drive, which front on the subject property, are designated historic roads. The site is not adjacent to roads above the classification of primary collector, so noise impacts are not anticipated. The property is located in the Collington Branch watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the General Plan. According to the *Countywide Green Infrastructure Plan*, the site does not include regulated areas, evaluation areas, or network gaps.

Environmental Review

The preliminary plan application has a revised signed natural resources inventory (NRI/074/06-01) that was included with the application package. The TCPI and the preliminary plan show all the required information in conformance with the signed NRI. No further information concerning the revised NRI is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet, 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/45/06) was submitted with the preliminary plan application and has been reviewed. The woodland conservation threshold for this site is 15.20 acres, based on a 20 percent afforestation threshold. Because there are only 7.41 acres of existing woodlands on the net tract, which falls below the woodland conservation threshold and below the afforestation threshold of 20 percent, the site must be afforested to a minimum of 20 percent of the net tract area. The total amount of required woodland conservation based on the afforestation threshold and the amount of clearing currently proposed is 16.11 acres.

The TCPI as currently designed proposes to meet the requirement with 6.50 acres of on-site preservation, 6.87 acres of afforestation/reforestation, and 2.74 acres of off-site mitigation. The 13.37 acres of woodland conservation proposed on site falls 1.83 acres short of the woodland conservation threshold. Additional afforestation within the 40-foot-wide scenic easement, adjacent to the designated historic roads, is strongly recommended to increase the on-site conservation. Afforestation on Outparcel "A" is also recommended.

Extensive areas of afforestation are proposed in order to fulfill the woodland conservation requirements on this site. In order to protect the afforestation areas after planting so that they may mature into perpetual woodlands, afforestation areas should be protected by permanent tree protection devices, such as two-rail split vinyl fences or equivalent. All afforestation areas should be placed in conservation easements at time of final plat. Afforestation areas must also be planted prior to the issuance of building permits to ensure the longevity of the planted areas. The plat note for conservation easements has been revised accordingly, and a condition has been established to ensure the timely installation of the afforestation.

The location and type of proposed stormwater management facilities has been shown on the TCPI plan, and a copy of the stormwater management concept approval letter (42335-2006) was submitted. However, no copies of the approved stormwater concept plan have been submitted. The revised plan shows the location of an existing farm pond that will be converted for stormwater management purposes, and three bioretention facilities are also proposed. Two of the bioretention facilities are located within the scenic easement delineated along Oak Grove Road.

The proposed locations of the bioretention facilities within the scenic easement were carefully reviewed. Because they back up to existing woodlands that have a depth of more than 100 feet and by a large contiguous block of woodlands, which will be augmented by additional afforestation, the Environmental Planning Section is recommending that the Planning Board approve the locations of the bioretention facilities. Although the location of the bioretention facilities is appropriate on this site, the proposed design lacks a natural appearance and appears to be highly engineered. The bioretention facilities should be engineered to be more naturalistic in appearance, so that they complement the appearance of the scenic easement.

Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/45/06) approved as part of this application.

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features

and the associated buffers 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 elements that compose the Patuxent River PMA have been fully and correctly identified on the TCPI and preliminary plan in accordance with the revised signed NRI.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of unavoidable PMA impacts, such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. 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.

A letter of justification and exhibit for impacts to the PMA was stamped as received on January 2, 2007. Three impacts have been identified.

Impact A requests disturbance of 780 square feet of the PMA for the construction of a stormdrain outfall. This impact is required to capture drainage from the road system and carry the runoff to an existing stream.

Impact B requests the disturbance of 4,445 square feet of PMA for the construction of the outfall for the stormwater management (SWM) facility. An existing pond on -site is being converted to a SWM facility. The majority of the disturbance to the PMA is due to the reconstruction of the pond dam to meet current state regulations for pond construction.

Impact C requests 20,091 square feet of PMA disturbance required for the improvement of Oak Grove Road and for the construction of the sanitary sewer connection to serve the site.

The requested impacts are necessary for the development of this site. The impacts have been minimized and the PMA has been preserved to the fullest extent possible.

The site contains significant natural features that are required to be protected under Section 24-129 and/or 130 of the Subdivision Regulations.

The site contains streams or wetland areas that may be impacted and may be regulated by federal and state requirements.

The soils found on this property include soils that may have limitations with respect to 100-year floodplain or seasonally high water tables. The Marlboro clay map delineated within GIS indicates that it may exist at elevations between 130 and 140 feet. These elevations are above those that exist on-site.

Although these limitations may affect the construction phase of this development, there are no limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

Oak Grove Road and Watkins Park Drive were designated as historic roads within the *Historic Sites and District Plan* and are subject to the *Guidelines for the Design of Scenic and Historic Roadways within Prince George's County*. Both streets are designated as collector roadways. Any improvements within the right-of-way are subject to approval by the Department of Public Works and Transportation.

On this site, the existing viewshed mostly comprises open, agricultural fields. An inventory of significant visual features for both streets that have frontage on the subject property has been submitted and reviewed.

To preserve the scenic viewshed along the historic road, a scenic easement with a minimum width of 40 feet located outside of the ultimate right-of-way and exclusive of public utility easements is required. The scenic easement has been delineated on the preliminary plan and the TCPI. Within the scenic easement, the protection of significant visual elements, the preservation of existing woodlands, afforestation and supplemental landscaping, and the limiting of access points, may be appropriate to conserve and enhance the viewshed of the historic road and compliment the desired character.

A landscape plan for the scenic easement will be required for Outparcel D when development of that site is proposed. Delineating the scenic easement on site with a tree protection device and allowing this area to begin the process of natural regeneration is encouraged. This will result in a hedgerow treatment that is based on native species and achieved at considerable cost savings.

One access point onto Oak Grove Road is proposed to create access to an interior circulation system. No lots are proposed to have direct, individual access to Oak Grove Road or Watkins Park Drive. Along designated scenic and historic roads the limiting of access points is desirable and recommended to maintain the character of the roadway.

The Environmental Planning Section recommends approval of Preliminary Plan 4-6080 and Type I Tree Conservation Plan TCPI/45/06 subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems.

5. **Community Planning**—The property is located in Planning Area 71B and is within the limits of the 2006 Bowie and Vicinity Master Plan. The master plan recommends low-density residential land use for the subject property. This application proposes a low-density residential land use and is, therefore, consistent with land use recommendation within the 2006 Bowie and Vicinity Master Plan

The 2002 General Plan locates 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 proposes a low- to moderate-density suburban residential community and is, therefore, consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Bowie and Vicinity Sectional Map Amendment retained the property within the R-E (Residential-Estate) Zone.

6. **Parks and Recreation**— In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that adequate private recreational facilities be provided in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

A private recreational facility is demonstrated on the preliminary plan, adjacent to the northern cul-de-sac of Robin's Way, and located on Parcel A. The window provided to access this HOA Parcel and the private recreational facility is only 10.07 feet in width. A minimum window of 25 feet must be provided for adequate access to the private recreational facility and to the HOA Parcel for maintenance and recreational purposes.

7. **Trails**—The adopted and approved Bowie and Vicinity Master Plan identifies two master plan trails issues that impact the subject property. The master plan recommends trails along both MD 193 and Oak Grove Road. The master plan trail has been implemented by SHA through a recent road improvement project. This trail was constructed along the west side of MD 193 from Watkins Park to MD 202. SHA has also provided wide outside curb lanes to accommodate on-road bicycle traffic.

The trail along Oak Grove Road has been approved for construction as part of the Oak Creek Club subdivision (approved Preliminary Plan 4-01032, Condition 15b). This trail will provide bicycle and pedestrian access along the numerous developing residential communities along Oak Grove Road such as Oak Creek Club, Willowbrook, Locust Hill, and the subject property. The Transportation Planning Section recommends the construction of the master plan trail along the property's entire street frontage of Oak Grove Road. Standard sidewalks are reflected along both sides of all internal roads.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for Willow Pond Estates. The property is located in the northeast quadrant of the Oak Grove Road/Watkins Park Drive (MD 193) intersection.

The application proposes the construction of 54 single-family homes. Because the proposed development could potentially generate more than 50 trips, a traffic study was required. The applicant presented the Transportation Planning Section with a traffic study that was prepared in

October 2006.

Traffic Study Analyses:

The study identified the following intersections as the ones on which the proposed development would have the most impact:

Existing Conditions		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Watkins Park Drive (MD 193) @ Largo Road (MD 202)	E/1480	B/1043
Watkins Park Drive (MD 193) @ Oak Grove Road (roundabout)	A/9.2 secs.	A/8.1 secs.
Oak Grove Road @ Church Road **	C/16.2 secs.	B/13.5 secs.
Oak Grove Road @ Manor House Drive-Site Access **	B/13.8 secs.	B/11.5 secs.
** 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 traffic study identified eight background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of one percent was applied to the existing traffic counts at the subject intersections. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Watkins Park Drive (MD 193) @ Largo Road (MD 202)	F/1677	C/1179
Watkins Park Drive (MD 193) @ Oak Grove Road (roundabout)	B/14.9 secs.	B/10.0 secs.
Oak Grove Road @ Church Road **	E/46.1 secs.	E/35.4 secs.
Oak Grove Road @ Manor House Drive-Site Access **	C/19.5 secs.	C/16.3 secs.

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the

study has indicated that the proposed development of 54 single-family will be adding 41 (8 in; 33 out) AM peak-hour trips and 49 (32 in; 17 out) PM peak-hour trips at the time of full build out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Watkins Park Drive (MD 193) @ Largo Road (MD 202)	F/1687	C/1293
Watkins Park Drive (MD 193) @ Oak Grove Road (roundabout)	B/16.2 secs.	B/10.6 secs.
Oak Grove Road @ Church Road **	E/47.5 secs.	E/36.8 secs.
Oak Grove Road @ Manor House Drive-Site Access **	D/25.7 secs.	C/20.4 secs.

The traffic study concluded that all of the intersections will operate at acceptable levels-of-service except the MD 202/MD 193 signalized intersection. The traffic study in its conclusion stated that the reason for the failing level-of-service was attributed to growth in traffic and background developments.

On November 16, 2006, the Transportation Planning Section received additional information from the applicant in which geometric improvements were being considered for the failing intersection. Specifically, the applicant proposed the following improvements for the MD 202/MD 193 intersection:

- Provide two left turn lanes on the southbound (on MD 202 toward Upper Marlboro) approach.
- Provide a left turn lane, a shared through-left turn lane and a right turn lane on the westbound approach (on MD 193 towards the school).
- Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from southbound MD 202.

Based on these proffered improvements, the intersection is projected to operate with a LOS/CLV of D/1,392 during the AM peak hour, and A/956 during the PM peak hour.

Staff review and comments:

The Transportation Planning Section concurs with the applicant's traffic study, and its findings and conclusions.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of 54 single-family houses. The proposed development would generate 41 (8 in; 33 out) AM peak-hour trips and 49 (32 in; 17 out) PM peak hour trips at the time of full build-out as determined using the *Guidelines*. The traffic generated by the proposed preliminary plan would impact the following intersections:

- Watkins Park Drive (MD 193) at Largo Road (MD 202)
- Watkins Park Drive (MD 193) at Oak Grove Road (roundabout)
- Oak Grove Road at Church Road
- Oak Grove Road at Manor House drive-site access

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:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

As indicated in the traffic study, all of the intersections within the study area will operate adequately, based on the policy LOS threshold, provided that the applicant's proffered improvements at the MD 193/MD 202 intersection are implemented.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation and Public Facilities Planning Division concludes that the development will not be an unreasonable burden on available public facilities as required by Section 24-124 of the Prince George's County Code.

9. **Schools** - The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the

Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	55 sfd	55 sfd	55 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	13.20	3.30	6.60
Actual Enrollment	5137	7218	10839
Completion Enrollment	178	112	223
Cumulative Enrollment	32.41	301.8	664.68
Total Enrollment	5360.6	76665.1	11733.280
State Rated Capacity	4838	6569	8920
Percent Capacity	110.80%	116.686%	131.539%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision 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 Kentland, Company

46, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 12, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	08/05/05-08/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on August 5, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Willow Pond Estates and has the following comments to offer:

Any abandoned septic tank(s) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system(s) should be located on the preliminary plan. The two “3-inch diameter wells” shown on proposed Lot 15, behind the block shed, appear to be clean outs to a septic tank.

Any abandoned well(s) found within the limits of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the well(s) should be located on the preliminary plan. One abandoned shallow well was found adjacent to the house on proposed Lot 2.

A raze permit is required prior to the removal of any existing structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires that the structures are to be razed and the well(s) and septic system(s) properly abandoned prior to the release of a grading permit.

All abandoned dump trucks, trailers, and other heavy equipment and debris associated with the former nursery and current construction company found on the property must be removed and properly disposed. Any hazardous materials located on the site must be removed and properly stored or discarded.

The locations of the stockpiles of petroleum-contaminated soils/asphalt pilings should be located on the preliminary plan.

Prior to signature approval of the preliminary plan of subdivision, a Phase I environmental site assessment should be submitted to the Health Department's Environmental Engineering Program. The report should be generated from a reputable environmental engineering firm with prior experience in environmental contamination and performing environmental assessments. The assessment should be concentrated in and around areas associated with the nursery (fertilizer, pesticides storage areas); and areas of the site that contain stockpiled asphalt pilings. The report should include evidence that these areas have been sufficiently cleaned and that contamination to groundwater has not occurred.

Based on the analysis of this report, a determination will be made by the Health Department as to whether a Phase II environmental assessment will be required. If a Phase II environmental assessment is required, a copy of the assessment plan and an acceptable remediation plan should be submitted to the Health Department's Environmental Engineering Program prior to approval of the final plat. Remediation of the site must be completed and validation samples taken and approved prior to the issuance of building permits within the vicinity of remediation efforts.

A note should be affixed to the final plat that prohibits construction in areas that are, or could be, impacted by the contamination until it has been determined that the contamination has been remediated. The Environmental Engineering Program will inform the applicant of the need for an Phase II environmental assessment and the parameters that are needed to complete that assessment. Prior to initiating a Phase II assessment, a plan of that assessment should be presented to the Environmental Engineering Program. The plan should denote proposed or actual locations of soil borings, hydro punch locations, and monitoring wells, as applicable.

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, 42335-2006-00, 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. One of the stormwater management concept approval conditions states that no building permits are to be issued until the Oak Grove Road connection is permitted.

14. **Historic**—This preliminary plan application includes 77.37 acres on the northeast corner of the intersection of Watkins Parke Drive and Oak Grove Road. The property does not include and is not adjacent to any historic site or historic resource included in the inventory associated with the 1992 *Historic Sites and Districts Plan*.

The 1861 Martinet Map of Prince George's County indicates a building belonging to Washington Beall adjacent to the easterly property line. Washington J. Beall is listed in the 1850 Census of Prince George's County as a 30-year old planter with substantial real estate holdings. Beall's primary residence is the 1858 Woodlawn house, (HS-79-057) located north on Largo Road. Although Woodlawn is not adjacent to the subdivision site, the prominence of Washington J. Beall as a planter and the extent of his holdings indicate the potential for archeological resources in this area. The applicant is requested to conduct a Phase I archeological investigation of the property.

Prince George's County Subdivision regulations require that all developing property is investigated to determine the likely presence of archeologically significant features, including but not limited to cemeteries, burial grounds, or other evidence of habitation by enslaved African Americans, or the likely presence of prehistoric archeological features. Therefore, prior to signature approval of the preliminary plan of subdivision, the applicant should provide evidence that the archeological potential of the developing property has been the subject of at least a Phase I archeological investigation.

The applicant shall submit a report on Phase I archeological investigations to the Planning Department's staff archeologist. Archeological excavations should be placed along a grid and excavations should be placed no greater than 20 feet or 50 meters apart. The Phase I archeological investigation should follow *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the draft and final reports should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final report on the cover page of the document, along with the relevant documentation.

If it is determined that potentially significant archaeological resources exist within the developing property, prior to approval of the detailed site plan, the applicant shall provide a plan for:

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

15. **At the public hearing--** At the public hearing for this application on February 1, 2007, the

Planning Board did not agree that Outparcel "C" should be retained by the developer, as proposed by the applicant, and shown on the submitted preliminary plan of subdivision. Because Outparcel "C" will contain portions of the proposed subdivision's required tree conservation and required storm drain facilities, the Planning Board requested that a condition of approval be established that requires Outparcel "C" to be designated as a parcel, and further conveyed to the homeowners association at the time of final plat. A condition has been added accordingly.

At the public hearing for this application on February 1, 2007, Mr. Tom Kieffer with Ben Dyer Associates, Inc. addressed the Planning Board on behalf of the property owner, the First Baptist Church of Glenarden. Mr. Kieffer requested that the Planning Board allow the church to move forward with the recording of a final plat of subdivision for Outparcel D, which is the only land within the proposed subdivision, which will be retained by the First Baptist Church of Glenarden. No development is proposed on Outparcel D at this time, and any future development proposed on this outparcel, other than one single-family dwelling, will require the approval of a new preliminary plan of subdivision. Approval of a detailed site plan is required for the site in accordance with CB-88-2005. The sequential platting would allow the church to separate from the developer within a quicker time period, so that they may move forward with a settlement. After discussing Mr. Kieffer's request in detail, the Planning Board agreed to allow the church to move forward with the recording of a final plat of subdivision for Outparcel D.

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.

* * * * *

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 Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, February 1, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of March 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator