

R E S O L U T I O N

WHEREAS, a 4.94.3-acre parcel of land known as Parcel 249, Tax Map 151 in Grid C-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 29, 2007, Landesign, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06130 for Accokeek Point 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 March 29, 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 March 29, 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/57/06), and further APPROVED Preliminary Plan of Subdivision 4-06130, Accokeek Point, for Lots 1 and 2 with the following conditions:

1. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
 - a. remove the symbol for "proposed tree line" from the plan and the legend.
 - b. add a symbol that does not look like a tree line to the plan and the legend for the "limit of disturbance."
 - c. clear additional woodland on Lot 2 to provide at least a 40 foot-wide useable rear yard area behind the proposed structure.
 - d. revise the worksheet as needed.
 - e. have the revised plan signed and dated by the qualified professional who prepared the plan.

2. 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/057/06), 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.”

3. Prior to signature approval of the preliminary plan the applicant shall show the correct BRL for Lot 2.
4. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a wide asphalt shoulder is encouraged to accommodate bicycle traffic.
5. Access to each lot shall be directed onto the proposed easement via Livingston Road. The design of the driveways to each shall be verified at the time of building permit. Lot 1 is denied direct access to Livingston Road.
6. At the time of final plat approval, the applicant shall dedicate right-of-way along Livingston Road of 40 feet from centerline, as shown on the submitted plan.
7. Development shall be in conformance with the approved Stormwater Concept Plan and any subsequent revisions.
8. Any existing well within the confines 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.
9. A raze permit is required prior to the removal of any existing structures.
10. 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 the structures to be razed and the well properly abandoned before the release of the grading permit.
11. Two unlabeled plastic drums containing an unidentified liquid were found on the property. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to the Prince George's County Health Department Division of Environmental Health prior to preliminary plan approval.
12. Prior to signature approval of this preliminary plan, the subject property, shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the

possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. The study should be completed as detailed in the Archeology Finding of this staff report.

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 subject property is located on Tax Map 151, Grid C-4, and is known as Parcel 249. The property is approximately 4.94 acres in area and is zoned R-R. The subject property is located on the south side of Livingston Road at the southern terminus of Farmington Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING	PROPOSED
	R-R	R-R
Use(s)	Single-family Residences	Single-family Residences
Acreage	4.94	4.94
Lots	0	2
Outparcels	0	0
Parcels	1	0
Dwelling Units:	0	2 new
Public Safety Mitigation Fee		No

4. **Subdivision**—Subdivision Regulation 24-128 b(1) permits a private right-of-way easement with a minimum width of 22 feet for up to four lots. The applicant is proposing a two –lot subdivision, which meets the basic criteria for development design. The proposed easement limits direct vehicular access to Livingston Road, which is a collector facility, via one access point. The applicant should revise the preliminary plan and correct the building restriction line (brl) for lot 2.
5. **Environmental**—The Environmental Planning Section previously approved a numbered Letter of Exemption, E/45/03 for the razing and reconstruction of an existing structure on the site with no removal of woodland. This new application proposes two lots in the R-R zone.

Site Description

The 4.94-acre property in the R-R zone is located on the south side of Livingston Road approximately 200 feet east of its intersection with Manning Road East. The site was cleared and was formerly developed a single-family detached residential structure and accessory structures. It is no cleared and is mostly forested. There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Mattawoman Creek in the Potomac River watershed. There are no areas of steep slopes with highly erodible soils or areas with severe slopes on the

property. According to the Countywide Green Infrastructure Plan, there are no network features on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Leonardtown series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads will be impacted by the proposed development. The site is in the Developing Tier according to the adopted General Plan.

A signed Natural Resources Inventory, NRI/142/065, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. A Forest Stand Delineation (FSD) based upon three sample points indicates one forest stand with a total of 3.28 acres and ten specimen trees. There are no priority woodlands, as defined by the "Prince George's County Woodland Conservation and Tree Preservation Policy Document", on the site. According to the Green Infrastructure Plan, the property is not located within the green infrastructure network.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required. The revised Type I Tree Conservation Plan, TCPI/57/06, has been reviewed and was found to require some minor revisions. The plan proposes clearing 0.46 acres of the existing 3.28 acres of woodland. The woodland conservation threshold is 0.99 acres. Based upon the proposed clearing, the woodland conservation requirement is 1.10 acres. The plan proposes to meet the requirement by providing 1.13 acres of on-site preservation. An additional 1.69 acres of woodland will be preserved on-site that are not part of any requirement.

The plan improperly uses a symbol for a "proposed tree line". This symbol should not be used because it can be confused with the proposed limit of disturbance. The plan does not clearly indicate the proposed limit of disturbance. Additional clearing behind the proposed structure on Lot 2 is required to provide at least a 40 foot-wide useable rear yard area behind the structure. The additional clearing can be accomplished without requiring the use of off-site mitigation. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan should be revised. A note should be placed on the Final Plat of Subdivision detailing the restrictions of the Tree Conservations Plan.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Mattapex series. Beltsville soils are in hydrologic soils group C, highly erodible and impeded drainage. Leonardtown soils are in hydrologic soils group D, are highly erodible, have poor drainage and have perched water tables. A soils report in conformance with CB-94-2004 will be required during the permit process review.

The Prince George's County Department of Public Works and Transportation approved Stormwater Management Concept, CSD #45922-2006-00, on November 17, 2006, and the

approval remains valid through November 17, 2008. The plan shows the use of individual drywells for each proposed structure.

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. The property will be served by public systems. Water and sewer lines abut the property.

6. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This subject property is located in the Developing Tier south of the intersection of Livingston Road and Farmington Road. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 1993 Subregion V Sectional Map Amendment retained this property in the R-R Zone. The proposal is for two single-family residential lots, which conforms to the recommendations of the master plan for Low-Suburban residential land use at up to 2.6 dwelling units per acre, as well as the Developing Tier’s goal of low-to-moderate density residences. This application is located in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission should be listed as a party of record.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the above referenced subdivision is exempt from mandatory dedication of parkland requirements because both of the lots are more than one acre in size.
8. **Trails**—The Adopted and Approved Subregion V Master Plan designates Livingston Road as a master plan bikeway. Livingston Road is open section with no sidewalks in the vicinity of the subject property. The majority of the roads in the Accokeek area utilizes an open section, rural cross section and do not include sidewalks. Staff recommends the provision of one “Share the Road with a Bike” sign to designate this bikeway. If road frontage improvements are required, the provision of a wide asphalt shoulder is encouraged to safely accommodate bicycle movement. The subject site has approximately 120 feet of road frontage along Livingston Road.
9. **Transportation**—The subject application involves two proposed lots, of which one of the proposed lots contained a residential unit that appears to have been razed. The proposed subdivision would involve two residential lots, which would have a minimal impact on adjacent roadways.

Livingston Road is a collector facility in the master plan. The subdivision plan has proposed Lot 1 with frontage on Livingston Road. In consideration of current operating speeds and volumes, the driveway onto this lot should be directed onto the proposed easement in order to minimize the need for vehicles accessing this lot to back onto Livingston Road. Access to proposed Lot 2 would be via an easement in accordance with Section 24-128(b)(1). The proposed easement limits

vehicular access to Livingston Road by providing one access for the two proposed lots. The transportation staff has no particular objection to this easement. Sufficient right-of-way dedication of 40 feet from centerline is reflected correctly on the plan.

The proposed development of two residences would generate 2 AM and 2 PM peak-hour vehicle trips as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The site is within the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is 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 traffic generated by the proposed preliminary plan would impact the intersection of Farmington Road and Livingston Road.

Staff has no recent traffic counts or analyses that have been done at the critical intersection. Due to the limited trip generation of the site, however, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Farmington Road and Livingston Road intersection.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 7-minute response time for the first due fire station Seat Pleasant, Company 8 using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, 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 preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on December 4, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	11/4/05-11/4/06	10.00	20.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on December 4, 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, 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. **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 3	High School Cluster 3
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	5,137	5,489	9,164
Completion Enrollment	178	64	127
Cumulative Enrollment	32.40	110.76	220.68
Total Enrollment	5,347.88	5,663.12	9,511.92
State Rated Capacity	4,838	6,114	7,792
Percent Capacity	110.54%	92.62%	122.07%

Source: Prince George's County Planning Department, M-NCPPC, December 2006

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 on 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 a 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 staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Accokeek Point and reminds the applicant that the abandoned shallow well found within the confines 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. A raze permit is also required prior to the removal of any existing

structures. 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 the structures to be razed and the well properly abandoned before the release of the grading permit. Two unlabeled plastic drums containing an unidentified liquid were found on the property. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to the Prince George's County Health Department Division of Environmental Health prior to preliminary plan approval.

14. **Stormwater Management**— The Department of Public Works and Transportation, Office of Engineering, has determined that Stormwater requirements for this site include water quality to be handled by drywells. A surface drainage easement is required. Stormwater Management Concept Plan 45922-2006-00 has been approved with conditions. Development of the site must be in accordance with this approved plan.
15. **Archeology**—Several tributaries of Mattawoman Creek, the Potomac River, and Piscataway Creek are located in the vicinity of the subject property.

Thirteen prehistoric archeological sites (18PR98, 18PR146, 18PR147, 18PR218, 18PR219, 18PR286, 18PR287, 18PR288, 18PR441, 18PR442, 18PR540, 18PR541, 18PR18PR732, and 18PR795) are located within a one-mile vicinity of the subject property.

Christ Church, Accokeek and Cemetery (PG:83-008), built in 1748, is located within a one-mile radius of the subject property. The subject property is located near the intersection of two historic roads, Farmington Road and Livingston Road.

The northern portion of the property has been impacted by modern construction. However, the southern portion of the property appears to have remained undeveloped throughout most of the 20th century. The potential that the subject property may contain prehistoric archeological resources is moderate.

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Prior to signature approval of this preliminary plan, Phase I Identification archeological investigations are recommended on the above-referenced property. The potential for significant prehistoric archeological resources is moderate.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland

(Shaffer and Cole 1994), and the Prince George's County Planning Board Guidelines for Archeological Review (May 2005), and report preparation should follow MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Probate, tax, deed, and census records should be examined as part of the Phase I archival research process, to determine whether historic landowners of a subject property were slave owners and a chain of title presented. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. All artifacts recovered and documents relating to the Phase I investigation should be curated to MHT standards. As noted in the Guidelines, it is expected that these artifacts will be donated to the Maryland Archaeological Conservation Laboratory.

In accordance with the approved Planning Board Guidelines for Archeological Review (May 2005), a qualified archaeologist must conduct all investigations and follow The Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994) and the Prince George's County Planning Board Guidelines for Archeological Review (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

The design of a Phase I archaeological methodology should be appropriate to identify slave dwellings and burials, because documentary research should include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the Phase I report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to approval of final plat, the applicant shall provide a plan for evaluating the resource at the Phase II level. In accordance with the Guidelines for Archeological Review, if a Phase II archeological evaluation is necessary, the applicant shall submit a research design for approval by Historic Preservation staff. After the work is completed, the applicant shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated to MHT Standards, prior to approval of any grading permits.

If a site has been identified as significant and potentially eligible to be listed as a historic site or determined eligible for the National Register of Historic Places, the applicant shall provide a plan for avoiding and preserving the resource in place, or for Phase III data recovery investigations and interpretation.

Phase III Data Recovery investigations may not begin until Historic Preservation staff has given written approval of the research design. The Phase III (Treatment/Data Recovery) final report must be reviewed and be determined to have complied with the Guidelines for Archeological Review prior to approval of any grading permits.

16. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark and Eley voting in favor of the motion, and with Commissioners Squire and Parker absent at its regular meeting held on Thursday, March 29, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of April 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs