

ADQ-2022-104

Project Name: The Pinnacle

Resolution Number: 04-236

Associated Preliminary Plan of Subdivision or Final Plat: 4-04097

Use Type: Residential

Dwelling Unit Type and Number: 11 Single-Family Detached Gross Floor Area (nonresidential): N/A

Project Location: In the northeast quadrant of the intersection of North Keys Road and Cross Trail Road	
Lot/Parcel: Lots 1 through 10	Tax Account: 3676491, 3676509, 3676517, 3676525, 3676533, 3676541
Property Zone: AG (Prior Zone: O-S)	Council District: 09
Planning Area: 86A	Municipality: N/A
Election District: 11	Transportation Service Area: 3
Police District: 04-236	School Cluster Area: 2, 4

Resolution No. 04-236 **:**

1. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the proposed Croom-Naylor Fire Station, and acquisition of an ambulance. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$1,190 per lot.

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

114741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TEL: (301) 952-3798

PGCPB No. 04-236

File No. 4-04097

RESOLUTION

WHEREAS, Mark R. Cascia is the owner of a 59.34-acre parcel of land known as Parcel 66, Tax Map 146 and Grid F-1, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on May 5, 2004, Henry C. Turner, Jr. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 11 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04097 for The Pinnacle 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 October 7, 2004, 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 October 7, 2004, 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/38/04), and further APPROVED Preliminary Plan of Subdivision 4-04097, The Pinnacle for Lots 1-11 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To revise the 40-foot scenic easement to allow for driveway crossings for Lots 9, 10 and 11.
 - b. To provide a note that a shared access egress shall be constructed for Lots 10 and 11.
 - c. To provide a note that access is denied to North Keys Road and Cross Road Trail for Lots 1 thru 4 and Lot 8. Access to these lots will be via the internal dedicated public street.
 - d. To provide the conceptual stormwater management approval number and date.
 - e. To indicate that the site is to be developed utilizing low-impact development techniques for the required stormwater management.

- f. To provide a note that a shared access apron shall be constructed within the public right-of-way for Lots 9 and 10:
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along North Keys Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
4. A shared access apron will be constructed within the public right-of-way for Lots 9 and 10 with the concurrence of the Department of Public Works and Transportation.
5. Prior to the approval of grading or building permits, the applicant shall determine the extent of the land that shall be the subject of a Phase I archaeological investigation with the concurrence of DRD. If any portion of the property is determined to be subject, the applicant shall complete a Phase I investigation that may include research into the property history and archaeological literature. At that time staff will determine if archaeological resources exist in the project area, and if so the applicant shall be advised of the requirement of a Phase II or Phase III archaeological investigation.
6. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Identify all woodland conservation by the methodology (preservation, afforestation, or reforestation); and
 - b. Have the TCPI signed and dated by the qualified professional who prepared it.
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/38/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
8. At time of final plat, the area that includes the delineated Patuxent River Primary Management Area, except for approved impacts, shall be described by bearings and distances and shall be placed in a conservation easement. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written

consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

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 associated mitigation plans.
10. Prior to signature approval of the preliminary plan, an approved Stormwater Management Concept Approval Letter and associated plans shall be submitted.
11. Roadway improvements on North Keys Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine required roadway improvements prior to paving and stormdrain plan submittal, whichever precedes.
12. At time of final plat, a 40-foot-wide scenic easement shall be established behind the public utility easement adjacent to North Keys Road and a note shall be placed on the final plat as follows:

"North Keys Road is a designated historic road. The scenic easement described on this plat is an area in which 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."
13. Prior to signature approval of the preliminary plan, a copy of the surface mining permit and any approved reclamation plans shall be submitted.
14. At the time of final plat approval, the applicant shall dedicate a right-of-way along North Keys Road and Cross Road Trail of 40 feet from centerline, with additional dedication at the junction of the two roadways, as shown on the submitted plan.
15. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the proposed Croom-Naylor Fire Station, and acquisition of an ambulance. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$1,190 per lot.

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 in the northeast quadrant of the intersection of North Keys Road and Cross Trail Road.

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

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Vacant	Residential
Acreage	59.64	59.64
Lots	0	11
Parcels	1	0
Dwelling Units:		
Detached	0	11

4. **Environmental**—The Environmental Planning Section previously reviewed the subject property as Special Exception SE-3807 for sand and gravel mining, which was approved subject to conditions; and Preliminary Plan 4-92003 and TCPI/02/92, which were withdrawn prior to approval. The current application requests the subdivision of 59.64 acres in the O-S zone into 11 lots using the varying lot size option.

Streams, nontidal wetlands, wetland buffers, areas of severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is partially wooded. North Keys Road and Cross Road Trail are classified as collectors, which are not generally regulated for transportation noise impacts. The soils series found to occur on this property according to the Prince George's County Soil Survey include Elkton, Matapeake, Mattapex, Rumsford, Sassafra, Westphalia and Woodstown. Some of these soils generally have limitations with respect to impeded drainage, seasonally high water tables, and erodibility on steep slopes that could affect development. Marlboro clays are not found in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, no rare, threatened or endangered species are found to occur in the vicinity. North Keys Road, a designated historic road, runs adjacent to this property. The property is located in the Mataponi Creek watershed of the Patuxent River basin, the Rural Tier as reflected in the approved General Plan, and the designated Patuxent Rural Legacy Area. A portion of the site has been subject to sand and gravel mining under previous local approval processes, and required state permits.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/38/04) was submitted with the preliminary plan application. The minimum requirement for this site is 29.82 acres (50 percent of the Net Tract) plus additional acres due to removal, totaling 11.41 acres of woodland, for a total minimum requirement of 32.84 acres. The TCPI has proposed to meet the requirement with 29.62 acres of on-site preservation and 3.22 acres of on-site afforestation for a total of 32.84 acres of woodland conservation to be provided on-site.

Nontidal wetlands, and streams are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, and slopes from 15 percent to 25 percent on highly erodible soils, comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The elements that comprise the Patuxent Primary Management Area (PMA) have been fully and correctly identified on the TCPI/Preliminary Plan.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. The preliminary plan and TCPI show a possible impact to the PMA if replacement of the existing 24-inch culvert under Cross Road Trail with a larger capacity pipe is determined necessary by the Prince George's County Department of Environmental Resources. The Letter of Justification requests permission to allow minor grading and repaving, which may include 300 to 400 square feet of disturbance to the PMA.

The Environmental Planning Section has determined that the impacts proposed have been minimized to the greatest extent possible, are necessary to ensure adequate storm drainage under Cross Road Trail, and will result in improved public safety.

The soil series found on this property include Elkton, Matapeake, Mattapex, Rumsford, Sassafras, Westphalia and Woodstown. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables while others have limitations with respect to erodibility on steep slopes. These issues may affect the proposed lot layout through the location of acceptable percolation sites and the location of septic recovery areas for each lot during the construction phase of this project. The Environmental Planning Section and the Health Department have worked together to determine the optimum location for septic recovery areas while protecting the integrity of scenic buffers and priority woodland conservation areas.

The application does not include a stormwater management concept approval letter or a conceptual stormwater management plan. The plan is needed to ensure that the woodland conservation and scenic easements will not be impacted by future stormwater management facilities.

North Keys Road was designated as a historic road in the Historic Sites and District Plan, and has the functional classification of a collector. Any improvements within the right-of-way of a historic road are subject to approval by the DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads*. Before engineering design of roadway improvements has begun, a conceptual preapplication meeting with the applicant, DPW&T and the M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*.

At the conceptual preapplication meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards.

An inventory of significant visual features for the right-of-way and site dated June 4, 2004, was submitted, which provides a baseline for the review of the scenic/historic road viewshed. A 40-foot-wide scenic easement, set behind the public utility easement, has been delineated along the frontage of the historic road. Within the scenic easement the preservation of existing trees or planting of a landscape buffer equivalent to the "D" bufferyard are recommended.

A portion of the site has previously been subject to sand and gravel mining approved under SE-3807 (Hunt Pit), under Surface Mining Permit 89-SP-0308. State records indicate that the site is currently reclaimed. The adjacent Butler Tract (SE-3436 and 84-SP-0192-A) located to the north and west of this site was also the subject of a prior sand and gravel operation and is now reclaimed. Prior to signature approval of the preliminary plan, a copy of the surface mining permit and any approved reclamation plans should be submitted.

Water and Sewer Categories

The water and sewer service categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The development will be served by private well and septic systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI Study Area master plan, Planning Area 86A, in the Baden Community. The recommended land use for the site is low-rural residential land use. The 2002 General Plan locates the property in the Rural Tier. A vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat and the preservation of the rural character and vistas that now exist. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The master plan contains guidelines to further the objective of preserving rural character in this area. The plan provides the following pertinent guidelines:

- "1) The retention of woodlands for recreation and conservation should be encouraged. Any vacant, undeveloped land not wooded should be adequately stabilized by vegetative coverage.
- "2) Large-scale clearing and grading of land should be carefully controlled to prevent the unnecessary destruction of woodlands.
- "3) ...Every effort should be made in order to preserve scenic roads during road improvements.
- "4) The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- "5) Land developers should be encouraged to capitalize on natural assets by the retention and

protection of trees, streams, and other ecological features. All development should be sensitive to the topography and should minimize the damage to natural vegetation cover.

- "6) Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.
- "7) The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the County and the gravel streets will be in concert with the rural landscape. Streets should follow the natural contours to the extent possible, and homes should be sited as close to existing grade as possible.
- "8) Homes should be sufficiently set back from roads in order to preserve scenic view sheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
- "9) A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions."

This subdivision proposal is designed according to the varying lot size regulations in Subtitle 27, resulting in a limited number of lots smaller than the standard five-acre lot size minimum for the O-S Zone. The proposal for this property has taken into consideration the recommendations of the master plan in the layout and design.

- 6. **Parks and Recreation**—The proposed subdivision is exempt from the requirements of the mandatory dedication of parkland because all of the lots proposed are greater than one-acre.
- 7. **Trails**—One master plan trail impacts the subject property. The adopted and approved Subregion VI master plan recommends a bikeway facility along North Keys Road. Placement of bikeway signage is recommended, and, if road frontage improvements are required, the provision of wide asphalt shoulders is recommended, per the concurrence of DPW&T.

The roads in the vicinity of the subject site, including North Keys Road and Cross Road Trail are open sections. No sidewalks are present in the immediate vicinity of the subject site. Due to the lack of existing sidewalks to connect to and the rural, large lot nature of the proposed subdivision, no sidewalks are recommended.

- 8. **Transportation**—Due to the size of the subdivision, staff has not required a traffic study. The staff did request traffic counts of the applicant, and turning movement counts at the critical intersection dated June 2004 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of

the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is in the rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better is required in the developing tier.

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 intersection of US 301 and Cross Road Trail is determined to be the critical intersection for the subject property. This intersection would serve a majority of the site-generated traffic. The critical intersection is unsignalized.

The transportation staff has available counts taken by the applicant in 2004. These counts indicate that the critical intersection operates with a maximum delay in any movement of 39.4 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 42.6 seconds.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There is one approved but unbuilt development—Southridge (4-04017)—that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—46.1 seconds of delay; PM peak hour—49.0 seconds of delay.

With the development of 11 single-family detached residences, the site would generate 8 AM (2 in and 6 out) and 10 PM (7 in and 3 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 55 percent—northeast along US 301; 15 percent—southwest along US 301; 20 percent—west along North Keys Road; and 10 percent—east along North Keys Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—46.8 seconds of delay; PM peak hour—49.7 seconds of delay. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections; it is

determined that this intersection operates acceptably as an unsignalized intersection under existing, background, and total traffic.

Both North Keys Road and Cross Road Trail are shown on the Subregion VI Master Plan as rural collector facilities. Dedication of 40 feet from centerline along both facilities, with additional dedication at the junction of the two roadways to provide a 90-degree angle at the intersection, is modified from the original submittal and is acceptable as shown on the current plan.

Based on the preceding findings, 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.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	11 sfd	11 sfd	11 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.64	0.66	1.32
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	219.60	137.28	275.04
Total Enrollment	5908.08	5486.56	10773.33
State Rated Capacity	5384	4688	8770
Percent Capacity	109.73%	117.03%	122.84%

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

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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.97 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.97 minutes, which is beyond the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.97 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of existing law, no condition is necessary.

In order to mitigate the ambulance response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the planned Croom-Naylor services facility.

The fee amount is based upon the total cost of the facility (\$1,275,000) plus an ambulance unit (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$1,190 per dwelling unit, for ambulance service.

2006 Service Area Population/Workers is 3,541
 $\$1,405,000 / 3,541 = \396.78 per resident/employee
3.0 Planning area household size x $\$396.78 = \$1,190$ per dwelling
No. of Dwellings (11) x $\$1,190 = \$13,090$

These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has stated that the development of the project is to utilize individual sewerage disposal systems and individual water supply systems. Each of the 11 have approved percolation test to accommodate development of the lots.
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 utilizing low-impact development techniques to accommodate on-site stormwater management has been submitted, but is not yet approved. DER has indicated its concurrence with the applicant's proposal and indicated that an approval is forthcoming. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.
14. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the O-S Zone does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into eleven lots for the construction of single-family dwellings. Section 27-442(b)(Table 1) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the O-S Zone as follows:

- a. **The minimum lot size for 60% of the lots is 5 acres,**
Comment: Of the 11 lots proposed, 7 (or 63.64 percent) meet or exceed five acres.
- b. **One (1) two acre lot is permitted for each 50 acres of tract area,**
Comment: The site is 56 acres, one 2-acre lot is permitted, none are proposed.
- c. **All remaining lots must be 3 acres,**
Comment: The remaining four lots exceed three acres.
- d. **All lots created shall be restricted to single-family dwellings or agricultural uses, and**

Comment: The lots are proposed for the construction of single-family dwelling units.

9. **No portion of the subdivided tract shall be resubdivided unless under certain circumstance.**

Comment: A new preliminary plan of subdivision would be required to divide the property further ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards.

15. **Cemeteries**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archaeological resources of the antebellum period in the area of the subject site.

The Waring family is documented to have been living in the area pre-civil war. What is not known at this time is if these families were slave owners. It is possible the site was actively farmed and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archaeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to the submittal or approval of any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archaeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archaeological literature. At that time, staff will determine if archaeological resources exist in the project area, and if so the applicant will be advised of the requirement of a Phase II or Phase III archaeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archaeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 7, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of November 2004.

Trudye Morgan Johnson
Executive Director

By *Frances J. Guertin*
Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk

APPROVED AS TO LEGAL SUFFICIENCY

MAC
M-NPPC Legal Department
10-29-04