

Case No.: S.E. 4462

Applicant: Bardon Group, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 12 - 2005

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 277.603 acres of land, in the O-S Zone, located on the northeast side of Aquasco Road, approximately 150 feet north of Ormer Road, Brandywine, Maryland, for approval of a special exception for Surface Mining (Sand and Gravel); and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff, and the Planning Board whom have filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the decision and recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for Surface Mining (Sand and Gravel) on the property which is the subject of Application No. S.E. 4462. All development and use of the subject property under this special exception shall conform to the site plan to be filed in accordance with this decision.

Section 2. The special exception approval herein is subject to the following conditions:

1. This Special Exception shall be valid for a period not to exceed five (5) years from the date of the approval.
2. Truck speed on interior haul roads shall be controlled to 15 MPH or less.
3. Only the equipment listed on the approved plan and/or in this report shall be used on the site and shall be equipped with a Donaldson TCU05 muffler or one that provides at least 30 dBA in sound reduction. Similar

heavy equipment may be substituted as replacements are required.

4. All equipment used on the subject property including trucks, shall be fitted with working mufflers at all times.
5. Stockpiled overburden material shall be seeded with quick-growing grasses to minimize the wash-off of silt into streams within the subject property.
6. Reclamation and stabilization efforts shall be staged as diligently as possible and the direction of mining shall be closely followed. The disturbed area shall not exceed 25 acres at any one time.
7. Application of sludge during reclamation, when used under this Special Exception, shall be performed in accordance with criteria and standards of the Maryland Department of Environment (MDE) and other best-management practices and in compliance with the Prince George's County Code, Subtitle 21, Section 21-108. Use of sludge shall be limited and controlled to prevent any surface or subsurface contamination of water entering Black Swamp Creek and its tributaries.
8. All sediment/erosion control traps and basins shall be enclosed with a minimum 42-inch-high safety fence. Safety signs, described in the official *Surface Mining Workbook* (April 1990) of the State Safety Committee, and safety benches and protective berming shall be used in order to increase the level of safety at the site.
9. Mining, general earth disturbance restriction lines, and vegetative buffers shown on the Site Plan, Reclamation Plan, and Sediment and Erosion Control Plan shall be maintained.
10. Close monitoring of these measures shall be done by the Department of Natural Resources to assure that they continue to perform satisfactorily. The sediment control measures shall be approved by the Soil Conservation District.

11. The following note shall be added to the Special Exception Site Plan and the Type II Tree Conservation Plan:

"The expanded stream buffer shown on this plan describes an area where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

12. Interior roads are to be watered or otherwise treated as necessary to minimize dust. Chemical treatment may be necessary. A water truck shall be available during all hours of mining operation.
13. Street sweepers or water trucks shall be available during all hours of mining operation. These should be used as needed to keep Aquasco Road in the vicinity of entrances clear of loose extracted materials from the proposed mining operation.
14. Truck traffic associated with the proposed mining activity shall be concentrated between 8:00 a.m. and 4:15 p.m., Monday through Friday. There shall be no mining activity before 7:00 a.m. or after 5:30 p.m. There shall be no operations on Saturday, Sunday or Federal holidays.
15. Trucks shall enter and leave the site by way of MD Route 381 north.
16. Mining activity shall be restricted to 300 truckloads of material daily.
17. The tree preservation lines shall be staked on the ground and reviewed by the M-NCPPC Environmental Planning Section, prior to the installation of sediment/erosion control measures and tree protective devices.

18. A reforestation bond shall be posted with the Prince George's County Department of Environmental Resources prior to the issuance of any permits for this mining operation. All reforestation shown on TCPII/109/94 shall be completed during the first spring planting season following completion of the mining operation or upon final stabilization of the mining site. Prior to the approval of Special Exception 4462, the Applicant shall provide evidence that the reforestation bond has been posted with the Prince George's County Department of Environmental Resources.
19. Topsoil shall be stockpiled within the area for use during the reclamation period.
20. The gate at the Aquasco Road entrance shall be locked when the subject property is not in operation.
21. The mining at this Site (SE-4462) will not commence until the mining approved by Special Exception SE-4163 is completed.
22. All of the above conditions shall be listed on the Site Plan prior to the approval of this Special Exception (SE-4462).
23. All trucks shall have a readily identifiable marking indicating ownership or control by Aggregate Industries, to enable the local residents to identify the Applicant's trucks.
24. The owner of the subject property shall record a binding covenant with the Office of Land Records in Prince George's County, Maryland which states that the property which was the subject of Special Exception 3859, 4163 and 4462 shall never be utilized as a sanitary landfill, as a rubble fill or as a Class III fill. This covenant shall be recorded prior to any operations pursuant to Special Exception 4462 on the subject property.
25. 145.1 acres of the subject property shall be dedicated as parkland to the Maryland National Capital Park and Planning Commission for permanent conservation in accordance with Exhibit 29.

26. Aggregate Industries will donate upland acreage to a governmental agency or other designated entity such as the William S. Schmidt Environmental Education Center to be used to promote environmental education. The Applicant in conjunction with the Greater Baden Aquasco Citizens Association and the Black Swamp Creek Land Trust Group shall develop plans to provide a facility to be used to promote environmental education in conjunction with the lands to be dedicated to the Maryland National Capital Park and Planning Commission. The donated acreage shall not exceed eight (8) acres in size and access to the donated acreage may not be provided or guaranteed by the Applicant.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 14th day of November, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council