

PGCPB No. 01-19

File No. 4-00044

R E S O L U T I O N

WHEREAS, Ellerslie, LLC is the owner of a 184.58-acre parcel of land known as Parcel 65, Tax Map 110, F-1, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on August 14, 2000, Ellerslie, LLC filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 35 lots and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00044, 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 January 25, 2001, 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, with conditions of the application; and;

WHEREAS, on January 25, 2001, 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/40/99), and further APPROVED Preliminary Plat of Subdivision , 4-00044 for 35 lots and 1 outparcel, with the following conditions;

1. The following notes shall be placed on the final plat:
 - a. AConservation Easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.@
 - b. AAny well located down gradient to on-site sewage disposal systems or other means of pollution must be grouted to the second confining layer.@
 - c. APrior to issuance of any permits for houses on lots abutting US 301, within the 65 dBA Ldn contour, the building materials to be used shall be specified on the plan to ensure the reduction of interior noise levels below 45 dBA Ldn. Building materials could include double window systems, solid core type doors with good quality edge seals or other relevant building materials (STC) that are capable of

transmission losses of 20-40 dBA or greater.@

2. Prior to issuance of building permits, the applicant shall submit traffic signal warrant studies at the US 301 and Chew Road intersection and install or fund installation of signals if deemed necessary by DPW&T and/or the State Highway Administration.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/40/99). The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/40/99), 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 and Subtitle 25.@

4. Prior to signature approval the preliminary plat shall be revised:
 - a. To remove that portion of Outparcel A that would provide access to the Historic Chew bridge and incorporate it into Lot 19.
 - b. To remove that portion of the trail easement from the cul-de-sac of Van Wagner Road south east to the Historic Chew Bridge.
 - c. To enlarge the areas of the entrance feature signage easement to provide frontage for access purposes.
 - d. To provide a note that indicates that Outparcel A is to be retained by the property owner.
 - e. To revise the title block to include reference to Outparcel A.
 - f. To locate the 65 dBA Ldn contour on the plan 470 feet from the future centerline of US 301.
 - g. To label the disposition of all existing structures and whether they are to remain or be razed.
 - h. To provide the net lot area of Lot 26 exclusive of the ingress and egress easement.
 - i. To revise the A Lot Line Layout Plan,@ to indicate denied access for Lots 1 and 35 onto Chew Road.

5. Prior to signature approval the preliminary plat shall be revised to delete Lots 10, 13, 34, 28, 35 and Lot 8 by combining them with adjoining lots, unless sewage disposal areas are approved for these lots by the Health Department prior to signature approval.
6. The existing septic tank serving the historic Ellerslie House on Lot 26 must be evaluated prior to occupancy to determine if it is adequate to serve the residence. If the tank is found inadequate, both septic tank and drain fields will be required to be upgraded to meet minimum standards. If the existing disposal system is not to be used, it must be backfilled and sealed in accordance with COMAR 26.04.04.
7. Prior to signature approval of preliminary plat the 3.5-acre Environmental Setting of Ellerslie, Historic Site 82A-34.8 shall be clearly delineated and reviewed and approved by the Historic Preservation Section.
8. Prior to signature approval of the preliminary plan a preservation easement shall be provided on that part of the Ellerslie gardens included on proposed Lot 27. The easement shall be shown on the final plat of subdivision.
9. A Limited Detailed Site Plan shall be approved by the Planning Board or its designee prior to approval of permits for Lot 27. The LDSP shall include the review of the house materials, rooflines, garage location and siting of the house in relation to the historic gardens and the impact on the Ellerslie Historic Site.
10. Prior to approval of the final plat the SHA shall determine if additional dedication is required on Lot 1.
11. Prior to final plat the Stormwater Management Concept Plan, #008003690 must be approved by the Department of Environmental Resources. Development of this site must be in accordance with the approved plan.
12. The final plat shall provide Adenied access@ notes in accordance with the ALot Line Layout Plan,@ dated July 2000, Sheet 1 of 1, drawn by RDA Engineers.

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 north east quadrant of the intersection of US 301 and Chew Road.
3. Environmental Planning - This site is subject to the provisions of the Woodland Conservation Ordinances because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinances. Tree Conservation

Plan, TCP I/40/99 has been reviewed. The plan proposes on-site woodland preservation to meet the development needs for this project and an additional 17.98 acres to serve as an off-site location for Beacon Hill Estates.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. At time of final plat, conservation easements will be utilized to preserve these features and should be described by bearings and distances on the final plat. The conservation easement should contain all 100-year floodplain and stream buffers.

The soils on the site are from the Westphalia and Sandy Land series. These are not considered hydric. However, the Westphalia soil is highly erodible and should be avoided on slopes greater than 15 percent. The slopes present appear to be erosional slopes, however, there was no clear evidence of any slope failures. The streams on site have flow, but at such slow velocity that there is no bank cutting. Because of the streams and the topography it is presumed that there will be slope failure but it does not appear that it will become a regular event. If the steep and severe slopes remain wooded and there is no major stormwater runoff directed into the smaller stream valleys, slope failure will be a rare event. Based upon a field visit and the proposed layout, there is no need for a detailed slope stability analysis. The applicant has submitted a geotechnical study which supports this conclusion.

There are no issues with scenic/historic roads.

The proposed subdivision in Water and Sewer Category 6 and will be served by private systems.

4. Noise Issues - The Environmental Planning Section has reviewed a noise study, stamped as received by Development Review Division on January 10, 2001, for the subject site. The Environmental Planning Section requested a noise study for review due to the subdivisions close proximity to US 301. The noise study as submitted addresses all applicable environmental requirements.

The noise study states that the traffic volumes in 2005, will be 49,000 vehicles per day. This information is correct with respect to information provided by the State Highway Administration. However, this results in only a five-year projection of traffic in this corridor. US 301 is planned for substantial growth in the next 20 years. State Highway Administration projections for this roadway for the year 2020, are in the range of 80,000 vehicles per day. This results in noise levels of 65 dBA Ldn, 470 feet from the future centerline of US 301. This is measured from the midpoint of the parcel to be dedicated to the State Highway Administration. The 65 dBA contour has been calculated using the 2020, projected traffic. This is the appropriate calculation for the subject property based on its proximity to US 301. No noise contours are currently shown on the preliminary plan. The proposed houses on lots 4 and 5 are located within the 65 dBA Ldn contour measured from the future centerline of US 301.

Further evaluation of the proposed house locations for lots which abut US 301, should occur prior to building permits, for compliance with the recommendations contained in the January 2000, noise study.

5. Community Planning - The property is located with the *1993 Subregion VI Study Area Master Plan*. The land use recommendation for this property is a rural residential use at a density consistent with the R-A zoning. There are no master plan issues associated with this application.
6. Parks and Recreation - In accordance with Section 24-134 of the Subdivision Regulations the proposed subdivision is exempt from Mandatory Dedication requirements because the proposed lots are greater than one acre in size.
7. Trails - There are no master plan trail issues associated with this application. However, originally the applicant had delineated a master plan trail on the subject property running east/west from Chew Road to the historic Chew Bridge, Inventory of Historic Sites 82A-35, which crosses the CXS Railroad bed. It was determined by the Trails Coordinator that there is no master plan trail on the subject property. The master plan trail in this vicinity is located north east of the subject property.

Originally Outparcel A provided access to the master plan trail in the vicinity of the Chew Bridge. The delineation of Outparcel A should be revised to remove that portion of Outparcel A that would provide access to the historic Chew Bridge, and incorporated onto Lot 19. In addition the preliminary plat should be revised to remove that portion of the trail easement from the cul-de-sac of Van Wagner Road south east to the Historic Chew Bridge.

The applicant has proposed a trail easement internal to the subject property to be utilized by the residents of this subdivision. The trail easement will provide internal circulation from Chew Road to the historic Aellerslie House, Inventory of Historic Sites 82A-34.

8. Transportation - The application is a preliminary plat of subdivision for a residential development consisting of 35 single family dwelling units. The proposed development would generate 27 AM and 32 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989)

The traffic generated by the proposed preliminary plan would impact the intersection of US 301 and Chew Road. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.

On April 27, 2000, staff received traffic data for the subject intersection and a level-of-service analysis was done. The results of the analysis show that the intersection

of US 301 and Chew Road is currently operating at a failing level-of-service during both peak hours. Specifically, the existing level-of-service was computed as F with a delay of 130 seconds during the AM peak period, and F with a delay of 148 seconds during the PM peak hour. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system for signalized intersections and level-of-service E with delays of 45 seconds or less for unsignalized intersections. With the addition of total traffic conditions, the intersection will continue to operate at failing levels-of-service. The applicant should submit traffic signal warrant studies at the US 301 and Chew Road intersection prior to permits. A determination by DPW&T and the SHA will then determine if the installation or funding for the installation of signals is deemed necessary.

The *Subregion VI master plan*, as well as the State Highway Administration's (SHA) *US 301 Access Control Study From MD 5 at TB to US 50* shows the existing US 301/Chew Road at-grade intersection being replaced with an overpass. Specifically, Chew Road is proposed to be the overpass. The approximate touchdown point of the proposed overpass approaches the proposed right-of-way line at a distance of 200 feet from the existing US 301 centerline. The touchdown point is within the dedicated 300-foot right-of-way. The approximate touchdown point measured at 450 feet from the proposed subdivision entrance/exist drive, would provide adequate stopping sight distance. This assumes the proposed bridge would tie into the existing roadway at the same grade at this location, and accommodates a design speed up to 45-50-mph. Modifications to the existing roadway grade in the design phase may affect the desirable sight distance. More detailed engineering would be required in the design phase to better evaluate the vertical profile. The proposed preliminary plat illustrates an acceptable sight distance.

The preliminary plan shows dedication for both Chew Road and US 301 to be consistent with the recommendations in the Subregion VI master plan. However the State Highway Administration previously indicated that addition dedication may be required on Lot 1 along the north west property line. Recent verbal discussions have indicated that this additional dedication is not necessary for the implementation of the overpass. Prior to final plat a written recommendation should be provided addressing this specific issue. If dedication was required in accordance with SHA's original recommendation for this portion of the roadway, Lot 1 would not be compromised in its conformance to the minimum lot size.

9. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July, 2000) (CR-4-1998). The subdivision is exempt from APF test for schools because it is less than the 36 dwelling units and not severed by public water and sewer.
10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the

subdivision plans for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.37 minutes, which is within the 5.25 minutes response time guideline.
- b. The existing ambulance service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.37 minutes, which is within the 6.25 minutes response time guideline.
- c. The existing paramedic service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.37 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance and paramedic service.

11. Police Facilities - The proposed development is within the service area of the District V-Clinton. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations, the existing County's police facilities will be adequate to serve the proposed development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department - The proposed subdivision is being developed on individual sewage disposal systems and individual water supply systems. All the proposed lots with the exception of Lot 8 passed percolation tests. However, a more thorough evaluation of the percolation tests and disposal areas revealed several lots to be deficient in sewage disposal areas due to slow percolation test rates. Therefore, further evaluation and testing of Lots 10, 13, 34, 28, and 35 in addition to Lot 8 must be completed prior to signature approval of the preliminary plat.

A revised preliminary plat that shows all percolation tests including the additional tests for Lots 10, 13, 34, 28, 35, and Lot 8, and the supporting sewage disposal areas should be submitted prior to signature approval of the preliminary plat or the preliminary plat should be revised to delete Lots 10, 13, 34, 28, 35 and Lot 8.

13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #008003690 has been submitted but not yet approved. 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 final plat. Development must be in accordance with this approved plan.

14. Public Utility Easement - Due to steep and sever slopes where the property abuts the existing and proposed public rights-of-way a 20-foot public utility easement is being required and provided. In addition the ingress and egress easements shall include a public utility easements to serve those lots being served by the same.
15. Historic - The proposed subdivision extends from the intersection of US 301 and Chew Road eastward to the Pope=s Creek line of the CSX Railroad. It is a revision of Preliminary Plan of Subdivision 4-00003, Ellerslie, reviewed in February 2000. The parcel is zoned R-A, and 35 residential building lots are proposed, the smallest of which is 2.0 acres.

The developing property includes Ellerslie (Historic Site #82A-34), which was proposed for Site designation by the Historic Preservation Commission (HPC) in 1988, and confirmed as a historic site by the amendment of the *Historic Sites and Districts Plan* in 1992. At the time of designation, the HPC determined a 3.5-acre Environmental Setting for the Historic Site, delineated to include the 1895 frame house, the mid-nineteenth-century formal gardens to the north of the house, the windmill to the northeast, and the old circular drive to the southeast.

The Historic Preservation Commission (HPC) at it=s April 18, 2000, meeting agreed to revise the original Environmental Setting of the Ellerslie Historic Site to be equal to the 3.5 acre area included in Lot 26 in the proposed development. The revision of the Environmental Setting excludes some of the nineteenth-century garden to the rear (west) of the house. The applicant agreed to ensure preservation of the entire garden area by placing a conservation easement, prior to signature approval of the preliminary plan, on that part of the garden that will be included on the adjoining Lot 27. The preservation easement should be donated to the appropriate entity. It was also agreed that the garage of the house to be built on Lot 27 would be on the opposite side of the new house from the Historic Site, and therefore not visible from the Historic Site.

In addition, the HPC discussed security and protective measures for the historic house with a representative of the applicant. The house has been unoccupied for approximately 20 years, and is in a deteriorating condition. It was agreed that the applicant should install *No Trespassing* signs, and a high chain-link fence around the house and windmill, that the openings should be boarded up, and the roof and cornice at the southeast corner of the house should be repaired.

The applicant has followed the recommendations of the HPC for security measures. Staff of the Historic Preservation Section have verified that *No Trespassing* signs have been erected, a chain-link fence has been installed around the house (but not around the windmill, which the applicant has indicated he will soon request permission to demolish) and in attempting to address immediate repairs the applicant has contracted a structural engineer, and has followed the recommendations of this engineer for protection of the basement, roof, and damaged openings of the house.

The revised preliminary plan shows Historic Site #82A-34, Ellerslie, and its 3.5-acre Environmental Setting located on Lot 26. However, Lot 26 is indicated as 4.23 acres, including the 32-foot utility-and-trail easement in addition to the Environmental Setting. The preliminary plan should clarify the location and extent of the Environmental Setting. The preliminary plan correctly indicates a 40-foot buffer along the west boundary of the Environmental Setting as required by the Prince George=s County *Landscape Manual* straddling the lot line between Lot 26 and Lot 27.

Historic Site #82A-34, Ellerslie, and its 3.5-acre Environmental Setting should be clarified on the preliminary plan. The historic gardens associated with the Ellerslie house are included both in the southwestern part of Lot 26 and also on the adjoining Lot 27. In order to preserve these gardens, the applicant should place a conservation easement on that part of the gardens included in proposed Lot 27 and this should be shown on the revised plan. In addition, a Limited Detailed Site Plan review for Lot 27 is recommended, to include review of the house materials, rooflines, garage location and siting of the house in relation to the historic gardens.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 25, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk