

R E S O L U T I O N

WHEREAS, Anchovy Hill Limited Partnership is the owner of a 111.75 acre parcel of land known as Parcels 62, 63, 65, 12 and 16, Tax Map 168 Grid A-3 and B-3, said property being in the 8th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on October 3, 2000, Bumpy Oak Corporation filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 22 lots and 1 Outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00053, Croom Reserve, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 15, 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, of the application with conditions; and

WHEREAS, on February 15, 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/28/00), and further APPROVED Preliminary Plat of Subdivision 4-00053, Croom Reserve for Lots 1-22 and Outlot A , including a Variation to Section 24-130 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/28/00). The following note shall be placed on the Final Plat of Subdivision:

ADevelopment is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/28/00), 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.@

2. Prior to the issuance of the first building permit, the applicant his heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage along Baden Westwood Road.

3. Prior to signature approval of TCPI/28/00 the applicant shall revise the worksheet on the plans to reflect the correct acreage of 100-year floodplain and dedicated land. The plans shall also be revised to clearly identify the limits of all woodland conservation areas on the plan view with a shading pattern or other means that identifies the exact limits of the woodland conservation areas.
4. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #83206050-2000.
5. Prior to signature approval the preliminary plat shall be revised:
  - a. To provide the accurate contiguous net lot area for Lot 19.
  - b. To label and show abutting driveways for Lots 2 and 3, Lots 4 and 5, Lots 6 and 7, Lots 12 and 16, and Lots 18 and 19.
6. The final plat shall provide a note that any well located down gradient to on-site sewage disposal systems or other means of pollution must be grouted to the second confining layer.
7. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain all 100-year floodplain and stream buffers, except for approved variation requests, and be reviewed and approved by the Environmental Planning Section. 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 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."
8. Prior to signature approval of the preliminary plat the applicant shall provide documentation that the property owner of Parcel 97 to the southwest agrees to the relocation of the access easement currently serving that property and agrees to become a party to a maintenance agreement with the owners of Lots 20, 21, and 22. If not, the preliminary plat shall be revised to relocate and separate the access for Lots 13, 14, 15, and 17, from the access for Parcel 97, described in deed referenced Liber 10905 Folio 573. Any reduction necessary in the number of lots proposed to make this revision shall be made ensuring conformance to the varying lot size standards provided for in Section 27-442(b) of the Zoning Ordinance.
9. Prior to approval of the final plat the applicant shall submit a copy of the recorded access easement between the property owner and PEPCO for the crossing of the 250-foot PEPCO right-of-way for access to serve Lots 20, 21 and 22.

10. PEPCO shall, at their request, be a party to the access easement and maintenance agreement serving lots 20, 21, 22, and possibly Parcel 97, to assert their interests and liability insofar as the entire access easement.

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.
1. The property is located on the south west side of Baden Westwood Road across from its intersection with Bald Eagle School Road, one mile west of the intersection of Croom Road and Baden Westwood Road.
3. Environmental - A review of the information available indicates that there are streams, wetlands, 100-year floodplains, severe slopes or steep slopes found to occur on this property. No adverse noise impacts have been identified which would limit the development of this property. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. The soils found on this property include soils in the Sassafras, Westphalia and Beltsville series some of which exhibit development limitations with respect to impeded drainage, seasonally high water tables and steep or severe slopes. The applicant is advised to recognize this if houses with basements are being considered for this site.

The Preliminary Plat of Subdivision and Type I Tree Conservation Plan as revised on November 22, 2000, has been reviewed and found to address the required findings with respect to the review by the Environmental Planning Section.

The Forest Stand Delineation (FSD) submitted with this application has been reviewed and found to be satisfy the requirements for a FSD as provided for in the A Woodland Conservation and Tree Preservation Technical Manual for Prince George=s County, Maryland.@

The Type I Tree Conservation Plan (TCPI/28/00) was reviewed and found to satisfy the requirements of the Prince George=s County Woodland Conservation Ordinance. The plan as revised has addressed the comments found in the October 24, 2000, memorandum from the Environmental Planning Section.

This 111.75 acre property has a Woodland Conservation Threshold (WCT) of 50% or 55.87 acres and a woodland replacement requirement of 5.00 acres for a total requirement

of 60.87 acres. That requirement is being satisfied by 63.2 acres of on-site preservation. TCPI/28/00 is recommended for approval.

4. Variation - The applicant submitted a variation request that addresses the proposed impacts to the environmental features protected by Section 24-130 of the Subdivision Regulations. The variation request prepared by Real Estate Development Technology Associates addresses the findings required by Section 24-113 of the Subdivision Ordinance. The applicant is proposing 2,220 square feet of disturbance to the wetlands and 8,863 square feet of disturbance to the wetlands buffer. Staff supports the variation request to allow disturbance to the wetlands and wetlands buffer based on the following findings as required by Section 24-113 of the Subdivision Regulations:

- a. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.**

The granting of the requested variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. The stream and wetland crossing for the construction of a single driveway will not adversely impact the safety of the public in general nor will it result in health or welfare issues, or result in damage to other properties.

- b. **The conditions on which the variation is based are unique to the property for which the variation is sought are not applicable generally to other properties.**

The conditions on which the variation are based are unique to the subject property. This property is unusual since the applicant must conform with

PEPCO requirements limiting the number of access points to those lots located on the south side of a 500KV transmission line that bisects the subject property. The only other alternative for access to proposed Lot 20 would require the construction on approximately 1,000 linear feet of driveway within the PEPCO right-of-way. PEPCO typically does not object to a limited number of driveway and/or road crossings but these crossings should be perpendicular to the transmission lines and not parallel as would be the case if this variation were not approved.

- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

The limited disturbances proposed herein, for which the variations are requested, will not result in a violation of other applicable laws, ordinances or regulations.

- d. **Because of the particular physical surroundings, shape, topographical**

**conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The foregoing discussion demonstrates that a particular combination of factors, including the minimal magnitude of the environmental impact and the benefits of the plan as proposed, contribute to creating a particular hardship to the owner, rather than a mere inconvenience, if the strict letter of the regulations is carried out, and the crossing is denied. Because the applicant is proposing to develop this property using the varying lot size provisions each lot is integral to fulfilling the requirements of Section 27-442(b) of the Zoning Ordinance. Lot 20, for which the variation is sought, is one of the required minimum 5 acre lots. Without the variation Lot 20 would not be accessible and could therefore jeopardize the entire developments conformance to the varying lot size standards.

5. Community Planning - The subject property is located within the 1993 *Subregion VI Study Area Master Plan*, which identifies a residential recommended land use. The 1994 *Subregion VI Study Area SMA* retained this property in the O-S Zone. There are no master plan issues associated with the proposed subdivision.
6. Parks and Recreation - In accordance with Section 24-134(a)(3) of the Subdivision Regulations the proposed subdivision is exempt from mandatory dedication of parkland because the proposed lots are over one acre in size.
7. Trails - The Adopted and Approved Subregion VI Master Plan recommends that Baden-Westwood Road be designated as a Class III bikeway with appropriate signage. Because Baden-Westwood Road is County right-of-way, the applicant should 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.
8. Transportation - The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 112 acres of land in the O-S zone. The property is located on the south side of Baden-Westwood Road at its intersection with Bald Eagle School Road. The applicant proposes a residential subdivision of 22 single family detached lots.

The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The applicant did conduct peak hour traffic counts at the nearest major intersection, however. 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*.

The applicant proposes to subdivide the subject property into 22 lots. The subdivision would generate 17 AM (4 in, 13 out) and 20 PM (13 in, 7 out) peak hour vehicle trips, using the trip rates provided in the *Guidelines*. The trips generated by the new residences would be distributed to the local roadway network as follows:

- 70% - northbound along MD 381
- 20% - northbound along MD 382
- 10% - southbound toward the MD 381/MD 382 intersection

The great majority of the vehicle trips generated by the subject property would utilize the intersection of MD 381 and Baden-Westwood Road. This is an unsignalized intersection. Using counts provided by the applicant, this intersection operates at a maximum vehicle delay of 12 seconds during the AM peak hour, and a delay of 10 seconds during the PM peak hour. These maximum delays increase to 15 seconds and 11 seconds respectively under background traffic. These delays would remain unchanged between background and total traffic.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined a maximum vehicle delay exceeding 45.0 seconds in any movement as an unacceptable operating condition for unsignalized intersections on the transportation system. Based on the counts that the transportation staff has received and the analyses documented above, the critical intersection of MD 381 and Baden-Westwood Road will operate well within acceptable limits if the Preliminary Plat of Subdivision is approved.

On-site access and circulation is proposed via easements and driveways connecting directly to Baden-Westwood Road. This plan is acceptable. The site is not affected by any planned Master Plan transportation facilities and the right-of-way as shown along Baden-Westwood Road is acceptable.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

9. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact of Public School Facilities* (revised July 2000) (CR-4-1998). The subdivision is exempt from the APF for schools because it is less than 36 dwelling units and not served by public water and sewer.
10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following.
  - a. The existing fire engine service at Baden Fire Station, Company 36 located at

16608 Brandywine Road has a service response time of 4.87 minutes, which is within the 5.25 minutes response time guideline.

- b. The existing ambulance service at Baden Fire Station, Company 36 located at 16608 Brandywine Road has a service response time of 4.87 minutes, which is within the 6.25 minutes response time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service response time of 11.26 minutes, which is beyond the 7.25 minutes response time guideline.
- d. The existing paramedic service located at Brandywine, Company 40, is beyond the recommended response time guideline. The nearest fire station Baden, Company 36 is located at 16608 Brandywine Road, which is 4.87 minutes from the development. This facility would be within the recommended response time for paramedic service.

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*.

- 11. Police Facilities - The proposed development is within the service area for Police District V- Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the existing County's police facilities will be adequate to serve the proposed Croom Reserve development and will adequately serve the population generated by the proposed subdivision.
- 12. Health Department - The proposed development will utilize individual sewage disposal systems and individual water supply systems. With the exception of proposed Lot 13 and Lot 8 which need further testing, the remaining lots have passed percolation tests and have established suitable areas for on-site disposal systems. Evaluation and testing of Lots 8 and 13 should be completed prior to approval of the preliminary plat. However, owners of lots with percolation test rates in excess of 20 min/inch may be required to divert their sewage between two disposal systems.

Due to the close proximity of the proposed sewage disposal areas to the proposed ingress and egress easements a grading/site plan should be reviewed by the Health Department prior to approval of the final plat. In addition a Water Appropriation Permit will be required to be obtained by the Health Department prior to final plat approval.

- 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, # 83206050-2000 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.

1. At the February 15, 2001, Planning Board hearing, citizens raised concerns regarding the name of the proposed subdivision being ACroom Reserve.@ The citizens noted that the proposed subdivision is located in Westwood and not Croom. The applicant proffered to rename the subdivision AWestwood Reserve.@ Any future plans of development, to include the final plat(s) of subdivision will reflect this proffer.

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 Eley, with Commissioners Brown, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 15, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of March 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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