

R E S O L U T I O N

WHEREAS, Laura Bealle is the owner of a 13.73-acre parcel of land known as part of Parcel 4, Tax Map 64, Grid A-4, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on January 3, 2001, Mill Branch Excavation filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01002, 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 April 5, 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 April 5, 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 Preliminary Plat of Subdivision 4-01002, Mill Branch Subdivision for Lots 1-4 and Outlots A and B with the following conditions:

1. Prior to application for grading permits, the applicant shall obtain a Letter of Exemption from the Woodland Conservation Ordinance from the Environmental Planning Section for submittal to the Department of Environmental Resources.
2. Prior to signature approval of the preliminary plat
 - a. The preliminary plat shall be revised to include the correct stormwater concept plan approval number and date.
 - b. The septic field area and its associated 10-foot-wide buffer area for proposed Lot 4 shall be revised so that it is at least 50 feet from the Mill Branch Road right-of-way.
 - c. The preliminary plan shall be revised to show a 35-foot-wide scenic easement on the southern property lines of Lots 2, 3 and 4, to the greatest extent possible.

- d. The septic field recovery areas and their associated 10-foot-wide buffers shall be revised on the preliminary plan to eliminate any encroachments into the 35-foot-wide scenic easement, to the greatest extent possible.

Items Ab,@ Ac@ and Ad@ are predicated upon Health Department approval of relocated septic systems. If the Health Department does not allow the relocation of these systems, the applicant, his heirs, successors and/or assigns shall provide a letter from the Health Department to that effect. Upon receipt of such a letter, the requirement for these items shall be waived.

3. Prior to the approval of any building or grading permits, the applicant, his heirs, successors and/or assigns, DPW&T, the Historic Preservation Section, the Urban Design Section, and the Transportation Section shall hold a conceptual pre-application meeting. This meeting shall take place prior to the applicant submitting a Paving and Stormdrain Plan to DPW&T. The decisions with regard to road design will represent a compromise agreement based on the *Design Guidelines and Standards for Scenic and Historic Roads*, as well as the minimum DPW&T safety and construction design standards in accordance with minimum AASHTO standards.
4. The existing vegetation within the 25-foot-wide scenic easement along the northern property line shall be preserved to provide a 25-foot-wide vegetated visual buffer from Mill Branch Road, a designated Scenic and Historic Road.
5. A 100-foot-deep scenic easement to provide natural regeneration shall be established along Mill Branch Road, except where the septic field for Lot 4 intrudes. To define this easement, a two-rail, split-rail fence shall be installed along the western edge of the scenic easement. The fence shall be installed prior to the issuance of the certificate of occupancy for Lot 4.
6. The scenic easements described in Condition 5 shall be allowed to revert to forest. Mowing of these areas shall be prohibited. The final plat shall contain the following note:

AScenic Easements described in Condition 5 of Preliminary Plat 4-01002 on this plat are areas where the installation of structures and roads and the removal of vegetation or mowing of grass 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.@

7. All sewage-disposal areas shall be a minimum of 10 feet from any easement on the property.
8. Wells shall be at least 50 feet from and at higher elevations than the highest elevation of the sewage-disposal areas. Wells unable to meet these criteria shall be grouted to the second confining aquifer and located 100 feet away and in a different drainage pattern

than the septic fields. A note shall be placed on the final plat that any well located down grade from an on-site sewage disposal system, or other means of pollution, must be grouted to the second confining layer.

9. The sewage disposal area for Lot 2 shall not be below the elevation of water table site 3-2.
10. Prior to final plat approval, the applicant, his heirs, successors and/or assigns shall submit to the Health Department a site plan at a scale of one inch equals 50 feet showing the following:
 - a. All easements, including PUEs and rights-of-way.
 - b. Proposed house locations.
 - c. Proposed driveways.
 - d. Sewage disposal areas of at least 10,000 square feet.
 - e. Proposed well sites.
 - f. Accurate topography at a two-foot contour interval and proposed grading of the site. One-foot contours shall be shown on Lot 1.
 - g. All percolation test sites and water table elevations.
 - h. Any well and sewage disposal system located within 100 feet of any property line.
 - i. The sewage disposal systems and recovery areas approved by the Health Department.
11. A raze permit shall be issued prior to the demolition of the existing house on Lot 1.
12. Prior to the issuance of a building permit for a dwelling on Lot 1:
 - a. On-site drainage will be reviewed and approved by DER and the Soil Conservation District.
 - b. The existing drive (in the easement) on Lot 1 shall be paved up to the driveway spur for the dwelling on Lot 1.
13. Prior to final plat approval, an outlot may be created on the west side of the easement on proposed Lot 1, for possible conveyance to the adjoining property owner.
14. The applicant, his heirs, successors and/or assigns, shall plant 18 shade trees, with a minimum 2.5 inch caliper, within the scenic easement along the southern property line of Lots 2, 3 and 4. The trees shall be evenly spaced in staggered rows. The applicant may choose one or more species from the *Landscape Manual*.

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 on the north side of Queen Anne Bridge Road and the west side of Mill Branch Road.
3. EnvironmentalCThe subject property is bordered by Mill Branch Road on the east and is north of Queen Anne Bridge Road; both roads are designated scenic and historic roads. A review of the information available indicates that streams, wetlands, and threatened or endangered species are not found to occur on this property; however, a 100-year floodplain runs through the middle of proposed Lot 1. The site is currently farmed. A strip of woodland exists along the northern property line. The site is otherwise devoid of trees. No adverse off-site noise impacts have been identified that would limit the development of this property for this use. This site is within the Patuxent River Watershed.

The soil on the site is in the Westphalia and Sandy Land soils series. Westphalia soils have a K factor of 0.43 and may present an erosion problem on steep slopes. For the most part, development seems to have been limited to the flatter areas of the site. Slopes of up to 20 percent are located on the site and erosion potential is a concern. Marlboro clay is known to exist on the subject property. A soils study may be required prior to the issuance of a building permit at the discretion of DER.

The site is in sewer and water categories W-6 and S-6. Private water and sewer systems are proposed. No proposed greenway systems are affected by this proposal. This site is located across the street (Mill Branch Road) from the Patuxent Rural Legacy Area.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size but contains less than 10,000 square feet of woodland. The site is not subject to a previously approved Tree Conservation Plan; a Tree Conservation Plan is not required. Woodland does exist on the subject property and it should be retained to the fullest extent possible. The strip of woodland along the proposed access drive provides visual screening of the property from Mill Branch Road.

According to the Prince George=s County Soil Survey, Marlboro clay, which can have significant limitations with respect to the construction of foundations, is present on the site. The Marlboro clay is known to exist in this area at the 130-foot elevation, with a typical depth of 15 feet. An evaluation zone is also considered to be between the 130-foot and the 140-foot elevations. The topography of the site does not indicate a need for a geotechnical study to be carried out prior to preliminary plat approval; however, Marlboro clay may limit the success of percolation sites for septic fields.

A 100-year floodplain bisects proposed Lot 1. It appears that Queen Anne Bridge Road east of the subject property floods occasionally. In order to preserve the 100-year floodplain and minimize further flooding of Queen Anne Bridge Road, the text of the

100-year floodplain easement agreement needs to contain the specific allowable uses within the easement.

Mill Branch Road has been designated a historic road in the *Historic Sites and District Plan*. Mill Branch Road and Queen Anne Bridge Road have been designated in the *Bowie-Collington-Mitchellville and Vicinity Master Plan* as scenic roads. The functional classification for both roads is Alocal collector. Any improvement within the right-of-way of scenic/historic roads is subject to approval by the Department of Public Works and Transportation (DPW&T), in coordination with an interagency review team and in conformance with *Design Guidelines and Standards for Scenic and Historic Roads*.

Although roadway design criteria will be determined by DPW&T with consideration for the scenic and historic features of the area, final design 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.

The design of proposed Lot 4 will result in significant visual impacts on Mill Branch Road. Although the plan shows a 100-foot-wide scenic easement parallel to Mill Branch Road, the septic field and its associated 10-foot-wide buffer encroach into this easement area significantly. The scenic easement area is essentially without trees at this time and may be subject to significant grading as a result of the construction of the proposed entrance onto Mill Branch Road.

There is a wooded buffer along the northern property line in the area of a proposed 25-foot-wide scenic easement. This buffer provides screening from Mill Branch Road and should be preserved to the maximum extent possible, however, it contains some dead trees and invasive vines.

The scenic easement along Mill Branch Road on the eastern edge of proposed Lot 4 is currently devoid of trees. The visual impacts of proposed Lot 4 on Mill Branch Road will be significant due to the exposed nature of the property and its elevation. The house, while nearly 170 feet from the road, will be visible from the road across the open septic field. It is essential that this home not interfere with the historic and scenic nature of the road. Staff does not believe that the intent of the historic and scenic road designation is to preclude homes from being seen from the road, but such homes must be carefully sited and designed to fit into the existing character of the road. A wide, undisturbed scenic easement will help maintain the character of Mill Branch Road.

The scenic easement along the southern property lines of all lots, and along the eastern property line of proposed Lot 1, is currently devoid of trees. The visual impacts of these lots from Queen Anne Bridge Road will be significant due to the exposed nature of the property and the elevations of the proposed lots.

When scenic easements are established on properties, they are often not maintained in the

condition that was intended. In lieu of planting the entire area of the easements with trees to provide an immediate visual screen, the proposed scenic easements should be allowed to revert to a forested condition over time. To ensure that this occurs, staff recommends a condition be attached to the approval that restricts impacts to the easement.

No other environmental issues have been identified at this time.

4. Community Planning - The *Bowie-Collington-Mitchellville and Vicinity Master Plan* (1991) recommends the property for large-lot, residential development. The *Bowie-Collington-Mitchellville and Vicinity Master Plan* (1991) rezoned this property from the O-S Zone to the R-A Zone. The proposed subdivision is in conformance with the master plan recommendations.
5. Parks and Recreation - The proposal is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because all proposed lots exceed one acre in size.
6. Trails - There are no master plan trails issues associated with this application.
7. Transportation - The Transportation Planning Section has reviewed the subdivision application referenced above. No traffic study was requested or received of the applicant. The findings and recommendations outlined below are based upon a review of relevant 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 (Guidelines)*.

Three of the four residences would receive access via an easement onto Mill Branch Road. The remaining residence would receive access via an easement onto Queen Anne Bridge Road. The staff's traffic impact analysis was limited to the intersection of US 301 and Mill Branch Road, which is a signalized intersection. The transportation staff identified limited background developments in the immediate area of the subject property. No area improvements are funded in the county's Capital Improvement Program or the state's Consolidated Transportation Program.

The subject property would be developed with four single-family detached residences. Under the trip generation rates listed in the *Guidelines*, the proposed subdivision would generate one inbound and two outbound trips during the AM peak hour, and three inbound and one outbound trips during the PM peak hour. A trip distribution of 70 percent northbound and 30 percent southbound was assumed.

An analysis of existing, background and total traffic for the US 301/Queen Anne Bridge Road intersection indicates that this intersection operates acceptably as a signalized intersection under each scenario in both AM and PM peak hours. However, the impact of the site on the critical intersection is of a *de minimus* nature.

The transportation staff had previously raised questions about the possibility of at least one of the proposed easements serving more than four residences. After a field investigation, the staff has determined that neither easement should need to serve more than four residences.

Mill Branch Road in front of the subject property has a substandard cross section. There is a sight-distance problem with the existing dirt road that is just north of the subject property. Because Mill Branch Road is a scenic/historic road, the transportation staff does not anticipate considerable grading along the property frontage that would further improve sight distance. However, once the access easement needed to serve Lots 2-4 is graded, the sight-distance problem should be resolved and acceptable. In accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*, improvements to the road will be determined at a permit pre-application meeting with DPW&T. In any regard, the septic field shown on the plan should be moved slightly further into the property in order to ensure that its placement does not interfere with the grading needed to provide safe access into the site.

There are no further transportation-related issues concerning the subject property.

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.

8. SchoolsCThe Growth Policy and Public Facilities Planning Section 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 January 2001) (CR-4-1998). The proposed subdivision is exempt from the Adequate Public Facilities test for schools because it is less than 36 dwelling units and is not served by public water and sewer.
9. Fire and RescueCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded that the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services. The site will be served by the Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive. The following 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*.
 - a. The existing fire engine service at Bowie Fire Station, Company 43, has a service response time of 4.28 minutes, which is within the 5.25-minute response-time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service response time of 4.28 minutes, which is within the 6.25-minute

response-time guideline.

- c. The existing paramedic service at Bowie Fire Station, Company 43, has a service response time of 4.28 minutes, which is within the 7.25-minute response-time guideline.
10. Police Facilities CThe proposed development is within the service area for Police District II- Bowie. In accordance with Section 24-122.1 (c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, staff concludes that the existing County police facilities will be adequate to serve the proposed Mill Branch Subdivision development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department CThe Health Department reviewed this application and offered several comments. The Health Department memorandum, dated January 19, 2001, includes information on the originally proposed outlots. The applicant has worked closely with the Health Department and staff to settle on a lot layout that will allow each lot to have an adequate sewage disposal area. The preliminary plat proposed now identifies an adequate sewage disposal area for each of the four lots. Water-table constraints and topography make the exact location of drainage fields and wells problematic. In 1995 percolation tests were performed, several of which failed. These sites have been added to the preliminary plat to help determine the most appropriate location for septic fields. Because the site has specific constraints, the Health Department recommends several conditions that staff has included in the staff recommendation.
12. Stormwater Management CThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 8315960-2000-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. An incorrect approval number is noted on the plan and must be corrected. The approval date is not. The approval date must be added to the preliminary plat and development must be in accordance with this approved plan.
13. Public Utility Easement CThe preliminary plat includes the required Public Utility Easements. These shall be included on the final plat.

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

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the motion of Commissioner Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 5, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of May 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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