

R E S O L U T I O N

WHEREAS, Konterra Ltd. Partnership is the owner of a 78.44-acre parcel of land known as Tax Map P10, P61, P202 and Grid 5A-2 and 4F-4, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 5, 2001, Artery/Ryland Fairland, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 120 lots and 12 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01070 for Fairland Golf Community 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 November 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 November 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/10/01), and further APPROVED Preliminary Plan of Subdivision 4-01070, Fairland Golf Community with a variation request to Section 24-130 for Lots 1-7, Block A; Lots 1-32, Block B; Lots 1-16, Block C; Lots 1-11, Block D; Lots 1-24; Block E; Lots 1-15, Block F; Lots 1-15, Block G with the following conditions:

1. Prior to signature approval, the preliminary plan shall be revised to:
 - a. Remove reference to the City of Laurel Police Station on the vicinity map, and replace it with a distance to the county=s District VI station in Beltsville.
 - b. Update the revision boxes. All previous revision dates shall also be shown with notations regarding the changes made during each revision.
 - c. Indicate the location of all proposed noise barriers or provide a note that indicates where noise barriers will be provided.
 - d. Include the stormwater management concept plan approval number and date.
 - e. Graphically depict the 10-foot-wide public utility easement.

- f. The Cluster Development Data table shall be corrected to include the Lot Frontage Along a Cul-de-sac and the number of lots permitted shall be changed from 152 lots to 151 lots.
 - g. Documentation shall be provided from the Department of Public Works and Transportation (DPW&T) stating that they approve of the applicant utilizing 14 feet of public right-of-way for the proposed 49-foot-wide landscaped pedestrian, hiker/biker path system adjacent to Old Gunpowder Road. Should permission not be granted by DPW&T, the 49-foot-wide landscaped pedestrian, hiker/biker path shall be in its entirety on the subject property.
 - h. The golf cart path corridor shall be widened by five (5) feet on Lots 4 and 5 of Block D for a total width of 55 feet at that location only.
 - i. The two-acre industrial site, Parcel 127, to the south of Lots 1, 2, 3, 4, and 5 and east of Lots 7, 8, and 9 shall be labeled as storage for waste materials contained in roll-off dumpsters and dumpsters.
- 2. Prior to signature approval of the preliminary plan, the TCPI/10/01 shall be revised to:
 - a. Remove the designation of Ashortage@ from the woodland conservation worksheet and indicate how the project will meet the requirements of the Woodland Conservation Ordinance. Every attempt shall be made to meet the woodland conservation requirements on-site. If this is not possible, off-site mitigation shall be provided within the Anacostia River watershed.
 - b. Show the area along Old Gunpowder Road as cleared.
 - c. Show a wider area of clearing than is currently shown for the proposed sewer line on the northern parcel.
 - d. Differentiate between areas of afforestation and reforestation. Reforestation and afforestation areas cannot be permitted where trees currently exist.
 - e. Revise the woodland conservation worksheet to indicate where the APreviously Dedicated Land@ deduction exists on-site.
 - f. Correct the woodland conservation worksheet so that it reflects the correct total for on-site woodland preservation.
 - g. Graphically depict the 10-foot-wide public utility easement.
 - h. Revise the Tree Conservation Plan to reflect all revisions and adjustments made to the Preliminary Plan.

3. Prior to signature approval of the preliminary plan, the applicant, his heirs, successors and/or assignees shall obtain a definitive response from the Department of Environmental Resources regarding the presence of 100-year floodplain on-site. If none exists, provide a note on the TCP that states this, along with the date of the correspondence from DER. If a 100-year floodplain does exist, revise the TCP to show its full extent and revise all calculations accordingly. The floodplain shall be placed in a floodplain easement per section 24-129(b) of the Subdivision Regulations.
4. Prior to approval of the Detailed Site Plan, conservation easements where applicable shall be shown on all parcels to be dedicated to the homeowners association.
5. All required conservation easements shall be shown on the final plat.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/10/01). The following note shall be placed on the Final Plat of Subdivision:

A development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/01/01), 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. @

7. At the time of Detailed Site Plan, a Type II Tree Conservation Plan shall be approved.
8. Prior to the issuance of any building permits, the applicant, his heirs, successors and/or assignees shall pay an Adequate Public Facilities fee of \$4,080.00 per dwelling unit for schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Bond Mill Elementary, Martin Luther King Jr. Middle, and Laurel High Schools.
9. Prior to the approval of the Detailed Site Plan on the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T and, if necessary, SHA for the intersection of Old Gunpowder Road and Van Dusen Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If the signal or other needed improvements at that intersection are deemed warranted by DPW&T at that time, the applicant shall bond the signal or other improvements prior to the release of any building permits within the subject property, and install the warranted improvements at a time when directed by the appropriate permitting agency.
10. At the time of final plat approval, the applicant shall dedicate right-of-way along Old

Gunpowder Road as shown on the submitted plan. Improvements within the dedicated rights-of-way shall be determined by DPW&T.

11. Development of this site shall be in conformance with the approved Stormwater Concept Plan, 4261-2001-00, or any revisions thereto.
12. The applicant, the third party responsible for the construction and operation of the redeveloped golf course and the M-NCPPC shall agree on the terms of a written agreement regarding the design, construction and operation of a new golf course in Fairland Regional Park. The agreement shall address the designs, operation and maintenance of the facility, the relocation of trails, applicable lease-back provisions and the review of green fees and any other associated fees charged to the public. Said agreement shall be signed by the applicant prior to the submission of Detailed Site Plan or Final Plats of Subdivision. Prior to action on the Detailed Site Plan by the Prince George=s County Planning Board, said agreement shall be executed by all parties thereto.
13. Grading permits shall not be issued prior to final plat approval.
14. At the time of final plat, the applicant, his heirs, successors and/or assignees, shall convey to M-NCPPC 20.7 acres of cluster open space as shown on the Department of Parks and Recreation (DPR) Exhibit AA. @ Land to be conveyed to M-NCPPC shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel=s Office, M-NCPPC) shall be submitted to DPR within two weeks prior to the approval of the final plat of subdivision. This bond may be replaced with a bond posted for the subject property for a rough grading permit which lists M-NCPPC as the obligee.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
15. The conveyance to the homeowners association (HOA) of 17.0 acres of cluster open space as shown on DPR Exhibit AA@. Land to be conveyed to HOA shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
16. At the time of Detailed Site Plan, the following information shall be supplied or the following accomplished:
- a. The applicant shall apply for Alternative Compliance for the reduction in the required bufferyard from Section 4.7 for any lots adjacent to the PEPCO easement that do not meet the required setbacks.
 - b. Special attention shall be paid to the landscaping and entrance signage for both entrances into the site.
 - c. The applicant shall submit details and section views where necessary on lots to demonstrate that the rears of single-family homes will be screened from public roads as required by the *Landscape Manual*.
 - d. Special attention shall be paid to the views of the golf cart path from the rears of Lots 1, 2, 3, and 4, Block D, the sides of Lots 5 and 6, Block D, and Lots 26 and 27, Block B. A combination of a masonry wall with fencing and landscaping with access to the cart path shall be addressed. An increase in plant material size shall be considered.
 - e. The architecture of homes that back to golf holes/and or greens shall have the same attention to detail paid to the rears as to the front facades.

- f. Section views including the extent of the Limit of Disturbance (LOD) shall be submitted for Lots 9 and 10, Block E, to determine if the proposed 50-foot-wide landscaped yard is adequate. The section shall include at least 100 feet of the adjoining industrial property. Should it be determined that an appropriate landscaped yard can not be provided within the 50-foot-wide landscaped buffer, a buffer up to 100 feet in width may be required. As a result, Lots 9 and 10 may either be removed or relocated on the Detailed Site Plan. In either case every effort shall be made to retain existing trees.
 - g. The appropriate bufferyards shall be provided for Lots 1, 2, 3, 4, 5, 7, 8, and 9, Block E, for lots adjacent to the industrial site to the south and east.
 - a. For all the lots along both sides of Street H, and especially for Lots 2 through 6: Block A, the applicant shall submit information concerning house siting, architecture, landscaping, street treatments and any other appropriate information in order to create the proper appearance for the entry into both the golf course and the subdivision. If the proper appearance of creating sufficiently wide lots can not be achieved, then one of the lots among Lots 2 to through 6: Block A shall be eliminated and the area will be reconfigured as four lots.
- 17. The Colonial Gas line on the southern portion of the subject site shall be relocated off the proposed lots except for Lot 16: Block C and Lot 1: Block D where the extent of the gas line easement on these two lots shall be reduced to the extent possible. Should it be determined that the gas line can not be relocated, the lots shall be reconfigured so the gas line does not create an encumbrance on the lots with the exception of the above.
- 18. A Detailed Site Plan shall be required prior to final plat approval.

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 between Old Gunpowder Road and the Montgomery County line to the north of Van Dusen Road and south of MD 198. It is bordered by Montgomery county to the west and Old Gunpowder Road to the east.
3. Required Cluster Findings CSection 24-137(g) of the Subdivision Regulations sets forth a number of required findings for cluster subdivisions concerning the criteria for approval as they relate to open space. Based on the analysis of the applicant=s revised Preliminary Plan and, per the conditions in this resolution:
 - a. Individual lots, buildings, streets and parking areas have been designed and situated so as to minimize alteration of the natural site features to be preserved, such as the 100-year floodplain, nontidal wetlands, and areas containing steep slopes.
 - b. Cluster open space intended for a recreational or public use, or for conservation purposes, is appropriate, given its size, shape, topography, and location, and is suitable for the particular purpose it is to serve on the site.
 - c. Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, streambeds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).
 - d. Cluster open space intended for a recreational or public use will be easily accessible to pedestrians and the means of access will meet the needs of the physically handicapped and elderly.
 - e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features such as trees, streambeds, and slopes.
 - f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.
 - g. Individual lots, buildings, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings and to lessen the area devoted to motor vehicle access and circulation.
 - h. Individual lots, buildings, and streets are situated and oriented so as to avoid the

adverse effects of shadows, noise and traffic on, and afford privacy to, the residents of this site.

- i. Not more than one-fourth of any land having slopes greater than 25 percent will be removed or altered, and then only such slopes as are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.
- j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of the adjacent regional park, industrial site, and planned residential development (located in Montgomery County), which is currently under review, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.
- k. The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitle 27-Zoning and 24-Subdivision of the Prince George=s County Code.

Cluster Development Data as proposed by the Applicant

Zone	R-R Zone
Gross Tract Area	79.0 acres
Area with Slopes Greater than 25%	3.3 acres
Area within Preliminary 100-year Floodplain	0.0 acres
Cluster Net Tract Area	75.7 acres
*Number of Lots Permitted (2 dwelling units per acre [2 x 75.7 = 151.4])	152 lots
Number of Lots Proposed	120 lots
Flag Lots Proposed	0 lots
Minimum Lot Size Permitted	10,000 sq. ft.
Minimum Lot Size Proposed	10,000 sq. ft.
Maximum Lot Coverage	30%
Cluster Open Space Proposed Outside of the 100-year Floodplain and Stormwater Management Facilities	37.0 acres
Cluster Open Space Provided	37.7 acres
Mandatory Dedication Required	0 acres
Mandatory Dedication Proposed	0 acres
Total Open Space Required	23.5 acres

2/3 of the Required Open Space to Be Outside of the 100-year Floodplain and Stormwater Management Facilities	15.6 acres
(Cluster plus Mandatory Dedication)	0 acres
Total Open Space Provided	37.7 acres
Cluster Open Space within the 100-year Floodplain	0.7 acres
Cluster Open Space Provided	37.0 acres
Open Space to be Conveyed to Homeowners Association	17.7 acres
Open Space to be Conveyed to M-NCPPC	20.0 acres
Open Space to be Conveyed to Prince George=s County	0 acres
Slopes Exceeding 25% in grade	3.3 acres
25% of Steep Slopes	0.8 acres
Area of Steep Slopes to be disturbed	0.8 acres
Area of Nontidal Wetlands	3.7 acres
Maximum Building Height	35 feet
Parking Required (2 spaces per lot)	240 spaces
Yard Required	
Front	25 feet
Side - Total / Minimum	17 feet/8feet
Rear	20 feet

Modification in Dimensional Standards Permitted in Cluster	Standard in Zone	Modification	
		Allowed	Proposed
27-442(c) Net Lot Coverage	25%	30%	30%
27-442(d) Lot Width at Bldg. Line	80'	75'	75'
Lot Frontage Along Street Line	70'	50'	50'
*Lot Frontage Along Cul-de-sac	60'	50'	50'

*This information is either not included or is incorrect on the Cluster Development Data table on the Preliminary Plan. This information should be added or corrected on the Cluster Development Data table.

4. Urban Design Issues - The subject property is irregular in shape. The plan proposes 120 single-family lots. The site is accessed by three entrances. Two of these entrances are in

Prince George=s County and are accessed off of Old Gunpowder Road. The road on the southern portion of the subject site also allows access to the townhouse development, the clubhouse and the private recreation facilities, as well as the single-family development in Montgomery County. The northern portion of the subject site does not allow access to Montgomery County. The third entrance is located in Montgomery County, which will allow traffic originating in that county to Acut through@ Prince George=s County to access Old Gunpowder Road. See Finding 7 for further discussion.

Three dominant features affect this site. The southern part of the property is bisected by a Washington Suburban Sanitary Commission (WSSC) water line, which has a 65-foot-wide easement for approximately 660 linear feet, which gradually widens to a 75-foot-wide easement for the remaining 520 linear feet, for a total of 1,180 linear feet, that is to be dedicated to the homeowners association. In addition to the WSSC easement, a Colonial Gas Pipe Line is located adjacent to the Montgomery County line. This is a six (6)-inch line in a 30-foot-wide easement, which nips the corner of Lot 6, Block C. Approximately 60 percent of the 30-foot-wide easement is located on Lot 7 and the entire 30-foot-wide easement is located on Lots 8, 9, 10, 11, 12, and 16 of Block C and Lot 1, Block D. Lots 6, 7, 8, 9, and 10, Block C, are less than 10,700 square feet; Lot 11, Block C is less than 12,300 square feet; Lots 12 and 16, Block C, are less than 21,000 square feet; and Lot 1, Block D, is less than 14,700 square feet in size. This easement reduces the usable lot area for Lots 8 through 12 and Lot 16, Block C, by at least 25 percent and Lot 1, Block D, by 20 percent. Staff is of the opinion that to encumber the proposed lots of a new subdivision with an existing gas line would be inappropriate. Therefore, staff believes that this gas line should be removed from the above-referenced lots and/or be relocated.

The northern portion of the Fairland cluster is bisected with a 250-foot-wide Potomac Electric Power Company (PEPCO) easement, that is not to be dedicated to the homeowners association. The *Landscape Manual* deems a PEPCO line, a public utility, a medium-intensity use that requires a AC@ bufferyard adjacent to a residential use, which includes a 30-foot-wide landscaped yard and a 40-foot building setback. The Preliminary Plan indicates that the applicant will not be able to provide the entire 30-foot-wide landscaped yard off the lots. Therefore, Alternative Compliance may be required at the time of Detailed Site Plan review for any proposed lots adjacent to the PEPCO easement that do not meet the required setbacks. The southern portion of the site is separated from the northern portion by an industrial site. Therefore, there is no proposed vehicular connection north to south on the site.

No Private Recreation Facilities are proposed with the subject application. However, the site is incorporating a public golf course and is located adjacent to the Fairland Regional Park system.

The only entrance to the clubhouse, private and public recreation facilities, and the townhouse development located in Montgomery County is on the southern portion of the site off of Old Gunpowder Road in Prince George=s County. The entrance to the site should provide the residents and the public with the ambiance of an upscale golf community. At the

time of detailed site plan, special attention should be given to the landscaping and signage of the entrance road. Staff believes that Lots 1 and 7, Block A, should retain the configuration and size proposed and one (1) of the following lots should be eliminated from Block A: either Lot 2, 3, 4, 5, or 6. The area of the lot eliminated should be divided among the remaining lots, creating wider lots. This will create the same number of lots and at the same time give the appearance that these lots are the same width at the street-line as the lots across the street.

The plans propose an undulating sidewalk/trail system along Old Gunpowder Road, which is 49 feet wide. This should be shown at 49 feet wide; 35 feet are on the subject property and the remaining 14 feet are in the public right-of-way. The applicant should provide documentation from the Department of Public Works and Transportation (DPW&T) stating that they approve of the applicant utilizing 14 feet of public right-of-way for the provision of the 49-foot-wide landscaped pedestrian, hiker/biker path adjacent to Old Gunpowder Road. Should DPW&T not grant permission to include 14 feet of right-of-way in the pedestrian system, the applicant should provide the entire 49 feet on the subject property. Also to ensure that the rears of single-family homes are not visible from Old Gunpowder Road, at the time of detailed site plan, the applicant should include details of the proposed mitigation for views and noise adjacent to Old Gunpowder Road (See Finding 3 for further discussion).

A 50-foot-wide golf cart path corridor is proposed between Lots 26 and 27, Block B; between Lots 4 and 5 and Lot 6, Block D; and adjacent to the rears of Lots 1, 2, and 3, Block D. The golf cart path corridor should be widened by five (5) feet (removed from Lots 4 and 5 of Block D) for a total width of 55 feet at that location only. At the time of detailed site plan, special attention should be paid to the views of the golf cart path from Lots 1, 2, 3 and 4, Block D; the sides of Lots 5 and 6, Block D; and Lots 26 and 27, Block B. A combination of a masonry wall with fencing and landscaping with access to the cart path should be addressed at the time of detailed site plan. It should be noted that an increase in plant materials should be considered.

Special attention should be paid to the architecture where the rears of homes back up to golf holes and/or greens. The same attention to detail should be paid to the rears as to the front facades. Where sides are visible from the golf course or from a road (especially Lot 1, Block A; Lots 1 and 32, Block B; Lot 11, Block D; Lot 1, Block E; Lot 15, Block F; and Lots 7, 8, and 15, Block G), the same attention to detail shall be paid to the rears as to the front facades. On lots where the rears back onto a public road, the view of the rear of the house should be screened as completely as possible. At the time of detailed site plan the applicant should demonstrate with section view at appropriate locations how they intend to meet this objective.

Staff has concerns about the views from Lots 9 and 10, Block E, into the industrial site to the south. Environmental Planning Staff also has concerns relating to noise and dust (see Finding 3 for further discussion). The Environmental Planning Section and Urban Design staff believe that it would be premature to propose grading out to the edge of the property at this location, given that the existing trees have been determined to possibly help mitigate

noise and views. Therefore, the proposed Limit of Disturbance (LOD) should be removed from its current location and relocated on the lot lines for Lots 9 and 10, Block E. Also, at the time of detailed site plan the applicant should provide sections that address the viewshed from these two (2) lots. At that time it will be determined if the proposed 50-foot-wide landscaped yard is sufficient. If it is deemed inadequate, supplemental planting may be required to mitigate views and noise. If it is determined that the existing trees are unable to provide a reasonable buffer, other measures should be taken into consideration, such as berming, masonry wall, masonry wall and fence combination, and/or an increase in the size of plant materials to be utilized. Should the 50-foot-wide landscaped yard be deemed inadequate, Lots 9 and 10, Block E, should be removed from the detailed site plan and a 100-foot-wide buffer should be required, possibly in combination with some of the above-referenced mitigation measures.

The industrial site to the south of Lots 1, 2, 3, 4, and 5 and the east of Lots 7, 8, and 9, Block E, is not vacant. Staff has visited the site numerous times and has observed from two (2) to four (4) roll-off dumpsters on this adjacent property. The plans should be revised to indicate that this parcel is not vacant. The appropriate bufferyards should be required at the time of detailed site plan.

5. Environmental Issues and Variation Request CA review of the information available indicates that streams, wetlands, and steep and severe slopes are found to occur on this property. According to FEMA maps, no 100-year floodplain exists on this site. The site is located in the Paint Branch watershed, which is a tributary of the Anacostia River. The soils found to occur on this property, according to the Prince George's County Soil Survey, include the Beltsville, Bibb, Croom, Galestown, Leonardtown, Ochlockonee and Sandy Land series. The Beltsville and Leonardtown series have a K factor of 0.43 and limitations with respect to perched water tables and impeded drainage. The Bibb series is in hydrologic group D and has limitations related to high water tables, flood hazard, and poor drainage. The Croom and Sandy Land series have K factors of 0.43 and 0.17 respectively, with limitations of hard stratum and slope. The Galestown and Ochlockonee series have no significant limitations. Information provided by the Maryland Department of Natural Resources-Wildlife and Heritage Division indicates the presence of a species listed by the State of Maryland as threatened in the general region. Staff has determined that the population is within the powerline easement as well as an area within the 25-foot-wide wetland buffer. There are no scenic or historic roads in the vicinity. The property is in sewer and water service categories S-3 and W-3 and will be served by public systems.

The revision boxes for the preliminary plan and TCPI/10/01 indicate the most recent revision date as 7/29/01. This is not the most recent revision date. The revision boxes for the preliminary plan and the TCPI/10/01 must be revised to indicate the most recent revision date. Prior to signature approval of the preliminary plan and TCP I/10/01, the revision boxes should be updated to indicate the most recent revision date. All previous revision dates should also be shown with notations regarding the changes made during each revision.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is

more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan (TCP) and Forest Stand Delineation (FSD) are required. The FSD has been revised (revision dated September 28, 2001) to accurately reflect the amount of existing woodlands on the property and has been found to address the requirements for an FSD. No further information is required concerning the FSD.

The Type I Tree Conservation Plan, TCPI/10/01, as submitted, is in need of further revisions in order to meet the requirements of the Woodland Conservation Ordinance. The woodland conservation worksheet for TCPI/10/01 lists 4.24 acres for Phases I and II of the project under a line entitled AShortage.@ How this AShortage@ will be met is not stated on the plans. TCPI/10/01 must be revised to remove the designation of AShortage@ and indicate how the project will meet the requirements of the Woodland Conservation Ordinance.

Because this is a cluster development, every attempt should be made to satisfy the woodland conservation requirements on-site. If this is not possible, off-site mitigation should be provided within the Anacostia watershed. It appears that there are several areas where the proposed clearing has been overestimated and opportunities for reforestation/afforestation have been underestimated. Every effort shall be made on the revised plans to meet the Woodland Conservation Ordinance requirements on-site.

TCPI/10/01 designates areas of woodland preservation on the northern parcel along Old Gunpowder Road. However, the conceptual site plan indicates that this area will be cleared. The TCPI and conceptual site plan need to be consistent with each other.

TCPI/10/01 indicates a 20-foot-wide swath of clearing within the proposed sewer line connection on the northern parcel. Based on the steepness of the slopes in the vicinity of this sewer line, staff estimates that the area of clearing will be at least 40 feet wide. TCPI/10/01 must be revised to show a wider area of clearing than is currently shown, a minimum of 40 feet wide. The woodland conservation worksheet shall be revised accordingly.

TCPI/10/01 indicates areas of afforestation where trees currently exist and does not differentiate between afforestation and reforestation on the TCP legend. The woodland conservation worksheet also lists an incorrect total for on-site woodland preservation. TCPI/10/01 must be revised to differentiate between areas of afforestation and reforestation. Reforestation and afforestation areas cannot be permitted where trees currently exist. TCPI/10/01 must reflect the correct total for on-site woodland preservation.

An area of 100-year floodplain has been identified on an up-stream property, but has not been identified on-site. Attempts to receive clarification on this issues with the Department of Environmental Resources have not resolved the issue with respect to the subject property. Designation of a 100-year floodplain on-site could have minor impacts on the TCP calculations.

Given this discussion, several changes are necessary prior to signature approval of the preliminary plan and tree conservation plan. These changes are included as conditions in the

staff recommendation.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. A Jurisdictional Delineation (JD) from the Army Corps of Engineers has been provided and the location of the stream and wetlands has been determined to be correct.

The open space parcels designated as ACluster Open Space to be Dedicated to the HOA@ generally contain the most environmentally sensitive areas of the subject property, especially those proposed on the northern portion of the site. A conservation easement is needed to ensure the proper preservation of these areas in perpetuity. Prior to approval of the detailed site plan, conservation easements shall be shown on all parcels to be dedicated to the homeowners association. All required conservation easements shall be shown on the final platt

A 20-foot sewer easement is proposed through the area of stream and wetland buffers and severe slopes behind Lots 10-14. The disturbance of the stream and wetland buffers requires a variation. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation request. Staff supports the proposed impact and makes the following findings:

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The activities proposed will not result in adverse impacts to other properties or individuals because the disturbances are associated with required infrastructure designed to connect to sewer lines at the bottom of the slope. This is a typical location for a sewer.
- b. **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** These impacts are unique given the topography of the site. The only area to take advantage of gravity is the location proposed by the applicant. The sewer must be located in this area.
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations subject to the applicant receiving authorization for the disturbances from the Corps of Engineers and/or Maryland Department of Environment prior to the issuance of any grading permits impacting these areas.
- d. **Because of the particular physical surroundings, shape, or 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 applicant would suffer a hardship if the strict letter of the regulations is followed because without sewer, the property would be undevelopable.

A state-designated rare wetland species, Halbert-Leaved Greenbriar (*Smilax Psuedo-China*), is known to occur within this site. Habitats of rare/threatened/endangered species are required to be shown on the TCPI. In addition, the Maryland Endangered Species Act requires review of all state permits by the Maryland Department of Natural Resources (MDNR). MDNR must issue a finding of no significant impact before the permit may be released by any state agency. As in prior cases, the Environmental Planning Section will coordinate with the applicant and MDNR during the state permit review process if a state permit is required for this project. A site survey has been completed and submitted to the Environmental Planning Section and the TCPI has been revised to show the location of the state rare wetland species and been found to be correct. The species will not be impacted by the current project. No further information is required concerning the delineation of this species.

Through field visits and analysis of 1972 aerial photographs, staff has determined that the area of proposed Lots 1-15 on the northern parcel, north of the powerline, may contain unstable fill from previous industrial activity. A soils study may be required by the Department of Environmental Resources as part of their building permit review. The applicant has recently provided a soils study for the area of concern. The soils study, dated October 11, 2001, has identified areas of unstable fill on proposed Lots 2-10. This fill consists of silty sand with variable organic content (wood and topsoil) and construction debris to depths ranging from two to six feet. According to the soils study this fill should be over-excavated and removed from all structural areas. A copy of this soils study has been forwarded to DER who will provide future comments and guidance at time of building permit review.

The parcel bisected by the powerline has an adjacent industrial facility that is a noise generator that may affect the future houses on this property. In addition, both the northern and southern parcels are adjacent to Gunpowder Road, a road that receives heavy truck traffic from nearby industrial facilities.

With regard to the off-site noise issues associated with the abutting industrial use, an addendum to the transportation-generated Phase I Noise Study was submitted for review, dated October 8, 2001. The information provided addresses previous concerns raised by the Environmental Planning Section. This additional information demonstrates that with the insertion of a noise wall and/or earthen berms the on-site levels will be below 65dBA in proposed rear yards. This memo stated that the noise wall and /or earthen berm will be used for the lots adjacent to the industrial facility as well as the lots along Old Gunpowder Road, however, the conceptual site plan does not show the location of this noise barrier. The conceptual site plan must be revised to indicate the location of the proposed noise barrier or provide a note that noise barriers will be provided. Prior to signature approval the preliminary plan should be revised to indicate the location of all proposed noise barriers or provide a note that indicates where noise barriers will be provided.

The existing industrial use produces a significant amount of airborne pollutants, in particular

small diameter dust particles. The proposed lots on the southern end of the northern parcel are so close to the existing industrial use that the impact from airborne pollutants will be significant without a substantial buffer of existing trees or other barrier. The *Landscape Manual* was designed to produce such a buffer and its requirements will be imposed at the time of detailed site plan and building permit review.

6. Community Planning CThe 1990 *Master Plan for Subregion I* recommends the portion of the property between Fairland Regional Park and the Minnick Industrial Park as an A M-NCPPC Park@; the remainder of the property is recommended for residential development at low-Suburban density. Portions of the site are indicated as being within a Conditional Reserve Area and other portions are indicated as being within a Perceptually Sensitive Area. The 1990 *Sectional Map Amendment for Subregion I* retained the R-R Zone for this property.

This preliminary plan implements the *Master Plan for Subregion I*. There is considerable population density further to the west in Montgomery County. Proposed Saddle Creek Road connects the Prince George=s County portion of the property with the Montgomery County portion. It continues to MD 198. Staff has been concerned that this may provide a conduit for traffic to gain access to I-95 via Old Gunpowder Road in lieu of using MD 198. Prince George=s County staff believe this cut-through traffic should be discouraged. The applicant and staff have met several times over this issue, and the applicant has revised the proposed road layout to satisfy staff concerns. Staff believes now that the proposed road configuration, with a roundabout near the golf course, is designed to be much more discouraging of this practice than the configuration shown in the previous application (4-01030). Cut-through traffic is inevitable; however, the proposed layout will dissuade many from doing so.

The vicinity map would lead one to believe that the City of Laurel police station is relevant to this application. The closest relevant police station is the county=s District VI station in Beltsville. The preliminary plan should be revised to remove reference to the City of Laurel police station

7. Parks and Recreation CThe proposed subdivision is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. The proposed subdivision was presented to the staff as part of a larger golf course community. The larger community is planned to include sections in Montgomery and Prince George=s County. It also includes a proposal to reconstruct Old Gunpowder Golf Course. This proposal includes detailed negotiations among the Montgomery County and Prince George=s County sides of M-NCPPC and the applicant. Because only preliminary discussions have occurred related to the design and operation of the course, staff believes that it is premature to grant final approval to a subdivision layout, which conveys parcels of land for the golf course to M-NCPPC.

There are additional issues associated with the proposed development, such as the displacement of the existing hiker-biker and equestrian trails by the golf course and the need

to relocate the trail, the location of the club house so that it welcomes the public to the course, and the need to either relocate the park maintenance facility or provide a new facility for the golf course. Staff recommends that these issues be considered in the context of the agreement between the developer and M-NCPPC.

8. Trails The applicant should construct a hiker-biker-equestrian trail along the subject property=s entire road frontage of Old Gunpowder Road. This trail will tie into the existing trails network at Fairland Regional Park, supplement the planned trail along Old Gunpowder Road at Cross Creek, and provide for safe multimodal transportation along Old Gunpowder Road. The master plan proposes a hiker-equestrian trail within the Pepco right-of-way. However, due to liability concerns, there are no recommendations regarding this proposal. A portion of the existing Little Paint Branch Stream Valley Trail will have to be relocated to accommodate golf hole numbers one (1) and two (2). This trail connection shall be maintained as this existing trail provides a connection between Fairland Regional Park and the communities to the west. Trail continuity should be ensured and appropriate signage, pavement markings, and other safety measures should be provided as necessary where the trail intersects with roads. A network of sidewalks and internal HOA trails is also recommended. Sidewalks should be constructed along both sides of all roads. Internal HOA trails should connect all sections of the development. All HOA trails shall be a minimum of six feet wide and asphalt. Where feasible, connections to Fairland Regional Park should be provided.

In addition, based upon discussions with the Trail Riders of Today (TROT) equestrian group, Montgomery County, and the applicant, a 10- to 20-foot-wide, hiker-equestrian easement should be considered within the proposed M-NCPPC open space Parcels F and K, HOA open space Parcel J, and within the buffer area on the northern edge of the subject site connecting to the planned trail along Old Gunpowder Road. This location is within the area identified on the Potential Equestrian Trails/Areas map (May 29, 2001) as being suitable for possible future equestrian trails. Additional hiker/equestrian easements are also encouraged throughout the site.

The trails component of the subject site should be part of the agreement negotiated with the Department of Parks and Recreation, Prince George=s County, and with Montgomery County to ensure connections and compatibility pertaining to surface materials and widths. See Finding 5 for further discussion.

9. Transportation The applicant prepared a traffic impact study, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, in support of the application, dated March 2001. The counts contained in the study were taken in December 2000. 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*. The traffic study was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). It has also been discussed at length with planning staff in Montgomery County, and staff on both sides of the county line are in agreement with

the major assumptions and findings.

Staff Analysis of Traffic Impacts

The traffic study examined the site impact at five intersections in the area:

- MD 198/Old Gunpowder Road/Bond Mill Road (signalized)
- Old Gunpowder Road/north site entrance (future)
- Old Gunpowder Road/south site entrance (future)
- Old Gunpowder Road/Van Dusen Road (unsignalized)
- MD 198/Sweitzer Lane (signalized)

The fifth intersection in this study, MD 198/Sweitzer Lane, is presented for informational purposes only. It has not been considered as a critical intersection by staff, and approval of the development should not, in the staff's opinion, be contingent upon the observed operating conditions at this location. It was not included in the original traffic study; the applicant submitted counts at this location under separate cover on September 5, 2001.

The transportation staff has fully reviewed the traffic study as submitted by the applicant. The existing conditions at the study intersections are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 198 and Old Gunpowder Road/Bond Mill Road	1,192	1,160	C	C
Old Gunpowder Road and north site entrance	future			
Old Gunpowder Road and south site entrance	future			
Old Gunpowder Road and Van Dusen Road	24.1*	38.3*	--	--
MD 198 and Sweitzer Lane	1,255	1,213	C	C
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

Under existing traffic, all three existing intersections under study operate acceptably during both peak hours. The *Guidelines* identify signalized intersections operating at LOS E or F during any peak hour as unacceptable. Also, the *Guidelines* identify unsignalized intersections having delays exceeding 45.0 seconds in any movement as unacceptable. All three existing intersections are shown to have acceptable operations.

The traffic study shows approved development in the area. It should be observed that the portion of the subject development to be located within Montgomery County is included as a background, or approved, development even though it currently has no formal level of approval. Since the development is considered by the applicant to be a single project even though it is on both sides of the county line, this treatment is appropriate, as staff would have needed to consider the impact of the Montgomery County portion as though it were approved in any event. The Montgomery County portion of the Fairland development has the same trip distribution as that used for the subject property. Background conditions are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 198 and Old Gunpowder Road/Bond Mill Road	1,278	1,276	C	C
Old Gunpowder Road and north site entrance	future			
Old Gunpowder Road and south site entrance	future			
Old Gunpowder Road and Van Dusen Road	51.4*	144.9*	--	--
MD 198 and Sweitzer Lane	1,287	1,267	C	C
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures and should be interpreted as excessive.</p>				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 120 single-family detached residences, with 54 having exclusive access via the northern site entrance and 66 having access via the southern site entrance. The southern site entrance will provide access to the redeveloped golf course, and will extend into Montgomery County to serve the remainder of the planned development. The site trip generation would be 90 AM peak hour trips (18 in, 72 out) and 108 PM peak hour trips (72 in, 36 out).

The site trip distribution has been discussed at length. An initial concern was raised with the traffic consultant when the traffic study was scoped in late 2000 and the traffic consultant proposed a trip distribution of 10 percent east and 82 percent south. This initial distribution was based on Montgomery County planning staff's regional trip distribution report. Staff suggested changes based on the information presented in the trip distribution report; the information in the report was clearly subject to some level of interpretation. In the end, both county planning staffs agreed that the following trip distribution was acceptable:

7 percent	Westbound on MD 198
19 percent	Eastbound on MD 198
74 percent	Southbound on Old Gunpowder Road

As noted earlier, the Fairland proposal in each county utilizes the identical trip distribution. The actual assignments differ, however. All Prince George's County trips are assigned onto Old Gunpowder Road, where they go north or south, and those that go north continue either

east or west onto MD 198. The Montgomery County trips are assigned differently; the southbound trips are assigned through the south site entrance onto Old Gunpowder Road, while the eastbound and westbound trips are assigned within Montgomery County where they continue onto MD 198 either eastbound or westbound.

Using the trip distribution and assignment described above, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 198 and Old Gunpowder Road/Bond Mill Road	1,282	1,286	C	C
Old Gunpowder Road and north site entrance	13.2*	12.4*	--	--
Old Gunpowder Road and south site entrance	14.8*	12.7*	--	--
Old Gunpowder Road and Van Dusen Road	67.8*	209.9*	--	--
MD 198 and Sweitzer Lane	1,292	1,270	C	C
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures and should be interpreted as excessive.				

Under the analysis done, no inadequacy has been identified at either signalized intersection within the study area. However, in the process of scoping this study, Prince George's planning staff suggested that the trip distribution for this property could be as high as 28 percent eastbound and as low as 66 percent westbound, based on trip distribution data that was subject to some interpretation. If the site had a trip distribution as high as 28 percent eastbound along MD 198, both signalized intersections along MD 198 would continue to operate acceptably in both peak hours.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined vehicle delay in any movement exceeding 50.0 seconds as an unacceptable operating condition at unsignalized intersections. Both of the site access points along Old Gunpowder Road operate acceptably as unsignalized intersections. However, the Old Gunpowder Road/Van Dusen Road intersection, which is unsignalized, operates unacceptably during both peak hours with the development of the subject property, with vehicle delay exceeding 50.0 seconds for minor street left-turn

movements.

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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. A study has been prepared during the course of this review by the applicant, and it has been forwarded to DPW&T. The study concludes that a signal is not warranted, but gives evidence that at least one warrant may be met. DPW&T must make the final decision regarding any warrants, however, and that decision should be made prior to Detailed Site Plan approval. As long as the applicant is responsible for any improvements identified as necessary by the warrant study, the staff believes that the critical intersection will operate acceptably in both peak hours.

The comments from the operating agencies are attached. The only recommendation made by either agency concerned a signal warrant study at Old Gunpowder Road and Van Dusen Road. This study has been submitted. Otherwise, both agencies concurred with the analyses and recommendations in the study.

The scope of the study has not included the MD 198/Riding Stable Road intersection in Montgomery County. The development plan for the Montgomery County portion of the development initially proposed an access roadway at that location. This intersection has been excluded from the Prince George's transportation staff's analysis for three reasons:

- a. The Prince George's County Planning Board has no authority to impose conditions at this location.
- b. The intersection is not a critical intersection for the development of the Prince George's County portion of the site. This intersection would serve no more than 7 percent of site traffic, even at such time as a street connection might exist.
- c. While the Montgomery County Planning Board may have the authority to impose whatever conditions are needed to achieve adequacy at this location, SHA has the final authority to permit a street connection at this location.

While questions of safety at the MD 198/Riding Stable Road should be addressed, SHA and the Montgomery County Planning Board provide the appropriate forums to obtain answers. The Prince George's County Planning Board has no role associated with the subject application to address such questions at this location.

Plan Comments

Old Gunpowder Road is a master plan collector facility. Areas of dedication shown on the current plan are acceptable as shown. Staff would note that, notwithstanding the typical standard for collector roadway construction, Council Resolution CR-19-1990 approving the

Subregion I Master Plan includes revision 6, which indicates that Old Gunpowder Road is to be a four-lane limited access collector road with an 80-foot right-of-way and a 20-foot landscaped median. The plan shows a minimum dedication of 40 feet from center line along Old Gunpowder Road. This is acceptable.

There are generally no problems with the circulation system shown on the plan, including access to the golf course facilities by means of the south site access point. However, this access point connects to an internal street which continues into the larger Montgomery County portion of the development. Given the site trip distributions and assignments shown in the traffic study, the Montgomery and Prince George's County portions of this development would send 266 AM and 308 PM peak hour vehicle trips down these streets and through this site access point. This does not even consider that a few trips generated within the existing Saddle Creek development in Montgomery County (to which the Montgomery County portion of the subject development is proposed to connect) would also use this route. Based on 25 percent of daily traffic occurring in the peak hours, it is likely that 2,500 to 3,000 vehicles per day, and maybe more, will use Saddle Creek Road, Street G, and Street H. These streets were shown on the plan as 26-foot paved streets within a 50-foot right-of-way. At staff's recommendation, the applicant revised the plan to show a 36-foot pavement within a 60-foot right-of-way for these streets.

SHA has indicated that the proposed subdivision affects the northern alternative of the proposed Intercounty Connector. However, transportation planning staff and DPW&T have indicated that the county is interested only in protecting the Master Plan alignment of this facility. Since the northern alternative is not on the Master Plan, we do not intend to raise this issue further.

Based on these 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 the transportation-related conditions included in the Recommendation section of this report.

10. Schools The 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).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
Bond Mill Elementary School	120 SFD	0.24	28.8	535	0	563.80	519	108.63%
Martin Luther King Jr. Middle School	120 SFD	0.06	7.20	969	0	976.20	842	115.94%
Laurel High School	120 SFD	0.12	14.40	2098	2098.12	2112.52	1980	106.69%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Bond Mill Elementary, Martin Luther King Jr. Middle, and Laurel High Schools projected percentage of capacities is greater than 105 percent, the Adequate Public Facilities fee is \$4,080.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

11. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 5.25 minutes, which is within the 5.25-minute response time guideline for Block E, Lots 1-5; Block F, Lots 1, 10-13, and 15. All other lots are beyond.
 - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service response time of 6.25 minutes, which is within the 6.25-minute response time guideline for Block E, Lots 1- 4; Block F, Lots 11, 12, and 15. All other lots are beyond.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service response time of 7.25 minutes, which is within the 7.25-minute response time guideline for Block A, Lots 1-7; Block B, Lots 1-13; Block E, Lots 1-24; Block F, Lots 1-15; and Block G, Lots 1-15. All other lots are beyond.

These 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*. County law requires that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. No condition is necessary.

12. Police Facilities CThe proposed development is within the service area for Police District

VI-Beltsville. In accordance with Section 24-122.01(c) of the Prince George's County Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Fairland Golf Community Cluster development. This police facility will adequately serve the population generated by the proposed subdivision.

13. Health Department C There are several industrial businesses operating immediately off-site. These businesses, by their nature, create noise, dust, odors and are generally unsightly. Dust is regulated as particulate matter, but the allowable dust permitted may ultimately create a nuisance to residences in close proximity to these heavy industrial sites. Since these industrial businesses commence early in the morning and work during portions of the weekend, there is the potential that they will detrimentally impact the quality of life for residents of Section F and residences located adjacent to the Old Gunpowder Road and the industrial businesses. However, the berms may not be sufficient to entirely mitigate these adverse conditions. The Health Department recommended that a 100-foot buffer be maintained between the house locations within Section E and the industrial property and Old Gunpowder Road. Staff recommends that the width and make-up of the buffer area between the lots and the industrial uses be determined at the time of detailed site plan review.

Sections H and I are separated by PEPCO power lines. Be advised that the impact from electromagnetic fields (EMS) on human health from power lines is still controversial. Both power companies and government recommend that developers use prudent precautions in siting lots adjacent to power lines. The best way for developers to avoid potential impacts from electromagnetic fields is to increase the distance between power lines and the potential lots. In several jurisdictions around the country a 250-foot distance between power lines and residences has been suggested as being prudently cautious, although impacts from (EMF) even at this distance are still uncertain.

It is the Health Department's understanding that a portion of the site has been filled. It is important to characterize these fill locations on a site plan and to conduct sufficient soil borings into virgin soil in order to characterize the waste material. The soil samples removed from the drilling hole should be evaluated with a PID to help characterize the site. Anything suspicious or materials that provide a sense of concern will require further evaluation from a licensed laboratory.

The *Landscape Manual* addresses the issues of required landscaped yards when adjacent to power lines. In this instance, the *Landscape Manual* deems a public utility a medium-intensity use and the single-family homes as a low intensity use. Therefore, a AC@ landscaped yard is required, which includes a 40-foot building setback and a 30-foot-wide landscaped yard. The Environmental Planning Section addresses the issue of fill and the need for soil borings in Finding 3.

14. Stormwater Management C The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 4261-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or

downstream flooding. The approval number and date must appear on the preliminary plan prior to signature approval. Development must be in accordance with this approved plan.

15. Public Utility Easement The preliminary plan does not show the required 10-foot-wide public utility easement. Prior to signature approval of the preliminary plan, the preliminary plan and the tree conservation plan must be revised to include this required easement. No tree conservation or required landscaping may occur within this easement. This easement will be shown 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.

* * * * *

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

Adopted by the Prince George's County Planning Board this 17th day of January 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:JD:rmk