

R E S O L U T I O N

WHEREAS, George Family Partnership of the George Property is the owner of a 232.35-acre parcel of land known as Parcel 11, Tax Map 148, Grid B-2, said property being in the 4<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on October 22, 2002, Nottingham Reserve, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 45 lots, 1 outlot and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02094 for George Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 9, 2003, 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 January 9, 2003, 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/22/02), and further APPROVED Preliminary Plan of Subdivision 4-02094, George Property for Lots 1-45, Outlot A and Parcels A, B and C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To delineate a 20-foot-wide hiker/equestrian trail easement along the property's entire north property line abutting Hotchkins Branch. The location of the easement shall be approved by the senior trails planner of the Transportation Planning Division.
  - b. To indicate that the applicant shall install stop signs at the approach to the "T" intersection on the site.
  - c. To revise Outlot A to provide a 15-foot-wide perimeter around the existing fence and provide the accurate square footage of Outlot A.
  - d. To label the width of the pedestrian access to Outlot A.
  - e. To revise the general notes to indicate that the site is being developed utilizing varying lot

- size and make reference to the table below, and remove General Note 9 indicating that the minimum lot size is two acres.
- f. To provide reference that the private roads are provided pursuant to Section 24-128(b)(11) of the Subdivision Regulations and are to be conveyed to the HOA.
  - g. To provide a note that the 30-foot private roads are reduced standard roads pursuant to Section 24-128(b)(11) and that maintenance is to be the responsibility of the lots being served by them.
  - h. To delineate the average 50-foot scenic and historic road easement along Tanyard Road and indicate that it shall only be reduced for purposes of locating septic recovery fields.
  - i. To remove the net lot area from Lot 9, 12, 24.
  - j. To label the structure on Lot 18 and indicate the disposition of the structure.
  - k. To label no direct access to reduced standard private roads or access easements for those lots not utilizing those facilities.
  - l. To label the lot width at the front street line for Lot 29, 30, and 31.
  - m. To demonstrate that adequate usable lot area exists on Lot 44 to provide the required front building setback of 50 feet without encroachment into the PMA.
  - n. To provide the access easement serving Lots 39, 40 and 41 over the stem of Lot 41, which shall be revised to extend to Tanyard Road. Revise lot areas appropriately.
  - o. To locate the access easement serving Lots 1, 2 and 3 to be located on one lot that will extend to the street. Revise lot areas appropriately.
  - p. To indicate no direct access to Croom Road from Lots 1, 3, 4, 37, 39 and 40.
  - q. To revise the appropriate General Note 13 to correctly state, "The Skinner Family Cemetery, Historic Site #86B-4, is located on Outlot A."
  - r. To revise the varying lot size table to accurately reflect the lots shown on the plan. To provide the number of five-acre lots permitted and provided. To provide the number of two-acre lots permitted and provided. To provide the number of three-acre lots permitted and provided.
  - s. To provide a lot size table.
  - t. To provide a note that the stop signs provided along the internal spine road at the sites entrance as located on the preliminary plan are at the direction of the DPW&T.

- u. To locate the required 20-foot-wide equestrian easement along the Hotchkins Branch as directed by Public Facilities Planning Section.
  - v. To revise the General Notes to include reference to Section 24-135.02(a)(1) of the Subdivision Regulations and reiterate that the corners of the cemetery located on Outlot A have been staked in the field and that the stakes shall be maintained by the applicant, his heirs, successors and/or assignees throughout the development process to ensure protection of the site.
  - w. To provide a General Note that pursuant to Section 24-135.02(d) of the Subdivision Regulations, the cemetery located on Outlot A is a certified nonconforming use.
  - x. To provide the conceptual stormwater management approval number and date.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
  3. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association. The homeowner documents shall provide for the establishment of a fund sufficient to provide income for the perpetual maintenance of the cemetery.
  4. All land to be dedicated to a homeowners association shall be subject to the following conditions:
    - a. Conveyance shall take place prior to the issuance of building permits.
    - b. All manmade debris shall be removed from the land to be conveyed.
    - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
    - d. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of the Development Review Division. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement, and stormdrain 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.
  5. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements and upon state approval, along Croom Road. If the state declines the signage, this condition shall be void.
  6. The final plat shall locate the 20-foot-wide equestrian easement along the Hotchkins Branch in accordance with the approved preliminary plan.

7. Prior to final plat approval, the applicant, the applicant's heirs, successors, and/or assignees shall submit evidence from the Health Department that the location and extent of recovery fields and wells serving each lot is adequate. Failure to have such approval shall result in the loss of the lot proposed. Recovery fields shall not be permitted within the limits of the PMA.
8. In accordance with Section 24-135.02(a)(1), prior to signature approval of the preliminary plan, the applicant, the applicant's heirs, successors, and/or assignees shall provide evidence that the corners of the cemetery located on Outlot A have been staked in the field.
9. Prior to the issuance of grading permits that include Lots 16, 17, 18 and 19, the applicant shall provide evidence from the Historic Preservation Section that the cemetery located on Outlot A is properly staked and protected from disturbance.
10. In accordance with Section 24-135.02(a)(4) of the Subdivision Regulations, prior to the issuance of building permits for Lots 17 and 18, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee to evaluate preservation of the cemetery located on Outlot A. The LDSP shall evaluate appropriate screening, planting, views, access material, and the repair or replacement of the existing fence surrounding the cemetery. The review may include, but is not limited to, the sitting and architecture of the dwellings located on Lots 17 and 18 and the possible provision of an appropriate marker for the Skinner Family Cemetery, Historic Site #86B-4. Necessary bonding by the applicant of improvements required on Outlot A shall be determined at the time of review of the LDSP.
11. No building permits shall be issued for lots beyond the 35<sup>th</sup> in this subdivision until the percent capacity, as adjusted pursuant to the school regulations, at all the affected school clusters are less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
12. Prior to signature approval of the preliminary plan, the slope stability analysis shall be revised to include additional borings on lots 30, 35, 37, 38, 39, 41, 44 and 45 and to include the 1.5 safety factor line for these lots, as well as the lots that were included in the initial analysis. The slope stability analysis shall include a plan view of the lots and where the 1.5 safety factor line exists for these lots. The preliminary plan shall be revised to show the 1.5 safety factor line for all critical slopes under existing conditions and the 1.5 safety factor line for all critical slopes under proposed conditions.
13. Prior to signature approval of the preliminary plan, it shall be revised to remove any house pads or septic fields that are shown to be located within the 1.5 safety factor line.
14. The following note shall be added to the final plat:

“No houses or septic fields will be placed within the 1.5 safety factor line as shown on

the preliminary plan.”

15. At time of building permit submittal, all building permits will show a 1.5 safety factor line and will not show houses or septic fields within this line.
16. Prior to signature approval of the preliminary plan, the centerlines of all streams and all steep and severe slopes shall be shown on the TCPI.
17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the entirety of the PMA except for approved impacts and shall be reviewed by the Environmental Planning Section prior to certificate approval.

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 permitted.”

18. Prior to signature approval of the preliminary plan, the TCPI shall be revised to:
  - a. Provide a separate TCPI at the same scale as the preliminary plan.
  - b. Eliminate areas of natural regeneration that are not directly abutting woodland to be preserved.
  - c. Add a table that provides the following information for each lot and parcel:
    - Gross tract area
    - Net tract area if different than gross tract area
    - Acreage of existing woodland
    - Acreage of woodland to be cleared
    - Acreage of woodland preservation or natural regeneration proposed

The revised plan shall be signed and dated by a qualified professional.

19. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/22/02). The following note shall be placed on the final plat of subdivision:

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/22/02), 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.

20. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of

the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.

21. Prior to signature approval of the preliminary plan, a 50-foot-wide scenic easement shall be added to the preliminary plan and tree conservation plan along Croom and Tanyard Roads. The TCPII shall show the preservation of the existing vegetation within the scenic easement to the fullest extent possible. The areas within the scenic easement that must be cleared shall be landscaped in conformance with the bufferyard D requirements of the *Landscape Manual*, with the exception of driveway openings and perpendicular utility easements. The scenic easement shall be exclusive of the 10-foot-wide public utility easement.
22. Development of the subdivision shall be in conformance with the approved Stormwater Management Concept Plan # 4343-2002-00.
23. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Croom-Naylor Station and acquisition of an ambulance and paramedic unit. The fee shall be paid prior to the issuance of the first building permit. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$129,000) and paramedic unit (\$129,000) divided by the total amount of population and employees within the proposed service area at projected buildout in 2006 (3,541). The fair share fee is \$1,294 per dwelling unit.

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 subject property is located in the northwest quadrant of the intersection of Tanyard Road and Croom Road in Baden.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Residential SFD/Cemetery	Residential/SFD
Acreage	232.35	232.35
Lots	0	45
Parcel(s)	1	3
Outlot	0	1
Dwelling Units:		
Detached	0	45

4. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The TCPI, submitted with the revised preliminary plan, is in need of the following revisions, which were requested in a previous memo from the Environmental Planning Section dated June 11, 2002. The Environmental Planning Section recommends approval of TCPI/22/02 subject to the conditions. The subject property has a numbered exemption from the Woodland Conservation Ordinance for a previously completed timber harvest. The Environmental Planning Section also reviewed a pre-preliminary plan of subdivision and a previous preliminary plan application, 4-02039. That preliminary plan was identical to the current application and was withdrawn.

A review of the information available indicates that the site is wooded and contains significant areas of steep and severe slopes, streams, wetlands and 100-year floodplain. The site is located in the mid-Patuxent River watershed in the Patuxent River basin. The predominant soils found to occur on this property, according to the Prince George's County Soil Survey, are in the Westphalia, Bibb and Sandy Land series. The Westphalia soils have a K factor of 0.43 and are considered highly erodible. The Bibb soils are in Hydrologic Group D and the Sandy Land series has limitations for home foundations on steep slopes. No Marlboro clay has been identified on this site. A soils study may be required by the Department of Environmental Resources prior to the issuance of permits.

Significant areas of severe and steep slopes exist on this site. Section 24-131 of the Subdivision Regulations specifically permits the Planning Board to restrict or prohibit the subdivision of land found to be unsafe for development. A field visit conducted by Environmental Planning Section staff on November 5, 2002, discovered significant erosion along the stream in the eastern portion of the site and topography typically created by slope failure. The combined effect makes this portion of the site unsafe due to unstable soils, severe slopes, and erosive stream action. These conditions meet the criteria of Section 24-131(a) of the Subdivision Ordinance dealing with unsafe lands.

A slope stability analysis, dated November 22, 2002, has been submitted and reviewed. Additional information must be provided in order to ensure that all lots within this subdivision are buildable. Several lots adjacent to areas of steep and severe slopes were not included in the slope stability analysis. A plan view that includes the location of the 1.5 safety factor line was not included in the slope stability analysis and several lots were not evaluated for the entire 1.5 factor

of safety. Without this information, staff cannot yet determine if several proposed lots will meet the criteria of Section 24-131(a) of the Subdivision Ordinance dealing with unsafe lands.

The slope stability analysis must be revised to include additional borings on lots 30, 35, 37, 38, 39, 41, 44 and 45 and to include the 1.5 safety factor line for these lots, as well as the lots that were included in the initial analysis. The slope stability analysis must also be revised to include a plan view of the lots and where the 1.5 safety factor line exists for these lots. The preliminary plan must then be revised to show the 1.5 safety factor line for all critical slopes under existing conditions, and the 1.5 safety factor line for all critical slopes under proposed conditions. If house pads fall within the 1.5 safety factor line of any of the lots tested in the slope stability analysis, the house location shall be relocated outside of this limit or the lot shall be removed and the lot area combined with another lot.

The sewer and water service categories are S-6 and W-6. The placement of septic systems within areas of steep slopes is a concern because of the potential for surficial slides from soil saturation sometimes associated with septic systems. The slope stability analysis states:

“Our analysis has shown that the construction of septic systems within the slope may adversely impact the existing slope stability by as much as 40 percent if saturation occurs. This condition will primarily result in sloughing of the surficial soils. Location of these septic systems as far away from steep slopes as possible would be prudent.”

Staff therefore recommends that no septic systems or residential structures be located within the 1.5 safety factor line to avoid any potential slope failures.

Not all of the environmental features comprising the primary management area (PMA) have been shown on the plans as required by the Subdivision Regulations. Specifically, all of the streams, and slopes of 15 percent or greater, have not been shown on the TCPI and preliminary plan. The streams are within the delineated PMA but must be shown on the plans.

Previous versions of the plans did not show slopes identified by staff as being either steep or severe. The revised plans currently show some of the areas previously identified, but other areas previously identified have been removed.

Staff believes that the information provided was sufficient to determine that the PMA location shown is correct; however, in light of the comments provided in the slope stability analysis concerning septic field locations and steep slopes, it is important to show all areas of steep and severe slopes accurately to enable the Health Department to make appropriate decisions concerning the location of septic fields.

The Patuxent River Primary Management Area (PMA) has been correctly delineated on the plan. A justification statement for PMA impacts has been submitted for previously proposed impacts; however, the plans have been revised to avoid these impacts.

The preliminary plan shows existing overhead power lines on the western part of the property.



The disposition of these lines is not noted on the plan, but it appears from clearing shown on the TCP that the plan is to either remove or bury the lines. This is a PMA impact that is not addressed in the letter of justification submitted with the application. The impacts proposed are minimal and are delineated on the tree conservation plan. Staff recommends that the Planning Board find that with this minimal area of disturbance, the PMA has been preserved to the fullest extent possible if disturbance is necessary to bury the lines at a future date.

A state-designated rare plant species, single-headed pussytoes (*Antennaria solitaria*) is known to occur on the site. Habitats of rare/threatened/endangered species are required to be shown on the forest stand delineation (FSD). 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.

The FSD has been revised, as previously requested, to show the location of the rare plant's habitat, which is on severe slopes containing little vegetative cover within the PMA on the eastern portion of the site. There are no impacts proposed within the habitat area designated. Locating house pads and septic systems outside of the 1.5 safety factor line will also ensure the plant's habitat is protected by minimizing the chance for slope failures.

This site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands study has been submitted with the preliminary plan application. Staff has field checked the wetlands delineation and found it to be correct.

The subdivision is located at the intersection of Croom and Tanyard Roads within the Rural Tier as defined in the General Plan. Although the section of Croom Road directly abutting the subject property is not designated by the county as a scenic road, the majority of Croom Road is designated by the county as a historic road and the State of Maryland has designated all of Croom Road (MD 382) as a Scenic Route. Tanyard Road is a designated historic road. Baden-Naylor Road, a designated scenic road, branches off Croom Road just south of the subdivision.

The preliminary plan should attempt to mimic the scenic characteristics that currently exist on the property and surrounding properties, particularly along Tanyard Road, through the maintenance of the wood edge. On some of the proposed lots a preserved buffer of 50 feet has been maintained on the TCPI; however, there are significant areas of clear-cutting along the proposed new house frontages. A scenic easement along Croom and Tanyard Road frontages should be added to the plan, along with the preservation of the buffer area to the fullest extent possible.

5. **Community Planning**—The subject property is located within the limit of the *Subregion VI Area Master Plan* (1993), Planning Area 86B in the Baden Community. The subject property was retained in the O-S (Open Space) Zone in the *Sectional Map Amendment for the Subregion VI Study Area*, approved May 1994. The 2002 General Plan locates the property in the Rural Tier. There are no proposed or existing public facilities on or adjacent to the subject property. The proposed subdivision is consistent with the recommended land use in the approved 1993

*Subregion VI Study Area Master Plan.*

The master plan land use recommendation for the property is for a low rural land use. The general land use policy for this area is stated as follows:

“Recognizing the special environmental, historic and cultural character of land between US 301 and the Patuxent River and the state’s goals for preservation of the Chesapeake Bay, it is recommended that the Rural Planning Areas be retained to the maximum degree possible in their existing Low Rural and Rural character....”

The development should be designed to have the least negative impact on the surrounding rural landscape. Agriculture should be considered the primary land use in those areas that are to remain rural. As such, agricultural uses should, wherever possible, be protected from adjoining incompatible land uses by the provision of buffers.

The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design. Homes should be located to minimize site disturbance. Dwellings should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.

Existing rural features such as fence rows, tree lines, and agricultural structures such as barns and silos should be preserved where feasible in order to retain the rural character. The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs.

Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.

6. **Parks and Recreation**—In accordance with Section 24-133(a)(3)(B) of the Subdivision Regulations, the proposed subdivision is exempt from the requirements of the mandatory dedication of parkland because all of the lots proposed in the subdivision have a net lot area greater than one acre.
7. **Trails**—The Adopted and Approved Subregion VI Master Plan includes two master plan trails impacting the subject site. A master plan bicycle facility is recommended along Croom Road (MD 382) and a hiker/equestrian trail is recommended along Hotchins Branch. This trail will ultimately provide equestrian access to the existing and planned trail network along the Patuxent River.

The Adopted and Approved Subregion VI Master Plan recommends that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage. Because Croom Road is a state right-of-way, the applicant should provide the installation of one “Share the Road with a Bike” sign in accordance with state requirements. However, prior to the Planning Board conditioning

the placement of the sign, SHA should have the opportunity to review the proposed location to ensure it is acceptable. The developer would purchase the sign from the state and install it in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. If road frontage improvements are required by SHA for Croom Road, wide asphalt shoulders are encouraged to accommodate bicycle traffic.

The applicant should establish a 20-foot-wide equestrian easement along Hotchins Branch. This easement should be shown and labeled on the final plat. Construction of the trail by the applicant is not required. Implementation of the trail is not planned at this time

8. **Transportation**—The property is located on the east side of Croom Road (MD 382), between Candy Hill Road and Tanyard Roads. The applicant proposes a residential subdivision consisting of 45 single-family detached residences.

Given the size of the proposed development, and the fact that it would generate fewer than 50 peak-hour trips, the transportation staff did not require a traffic impact study. Staff did, however, receive a peak-hour turning movement traffic count taken at the Croom Road-Candy Hill Road intersection. The findings and recommendations outlined below are based upon analyses of these counts by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is proposed to be developed with 45 single-family detached residences. Based on the *Guidelines*, the site trip generation would be 34 AM peak-hour trips (7 in, 27 out) and 41 PM peak-hour trips (27 in, 14 out). Staff assumed that 75 percent of the site-generated trips will be oriented toward points north of the site, while 25 percent will be oriented to points east of the site.

Using the *Highway Capacity Manual's* (HCM) procedure for annualizing unsignalized intersections, staff found that the existing delays at the intersection were 9.7 seconds during the AM peak hour and 10.2 seconds during the PM peak hour. In reviewing the Planning Department's database for background development, staff could not identify any approved development in the pipeline that would significantly impact this intersection. Consequently, no background trips were included in the analyses. When the site-generated trips were incorporated in the analyses, the delays at the intersection were computed as 9.8 seconds during the AM peak hour and 10.3 seconds during the PM peak hour.

The HCM's procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted if vehicle delays approach 50.0 seconds. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

Regarding on-site circulation of traffic, staff had previously suggested that the site entrance off Croom Road and the "T" intersection on site were too close to each other and warranted a redesign. However, after a meeting involving staff, the applicant, and the Department of Public Works and

Transportation (DPW&T), the applicant made the necessary modifications to the satisfaction of staff. At the request of DPW&T, the applicant has agreed to install a stop sign at each of the two approaches to the “T” intersection on the proposed site. With this operation modification, staff believes that on-site circulation will operate safely.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001) and concluded the following. The first 35 lots are exempt from the APF test for schools under Section 24-122.02(b)(5) of the Subdivision Regulations but will be counted in the background impact. The remaining ten lots are not exempt. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

#### Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	10 sfd	10 sfd	10 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.40	0.60	1.20
Actual Enrollment	5416	4598	8393
Completion Enrollment	281	66	132
Wait Enrollment	604	15	29
Cumulative Enrollment	0	0	0
Total Enrollment	6303.40	4679.60	8555.20
State Rated Capacity	5364	5114	7752
Percent Capacity	117.51	91.51	110.36
Funded School	N/A	N/A	Surrattsville

Source: Prince George’s County Planning Department, M-NCPPC, July 2002

The affected elementary, and high school clusters percent capacities are greater than 105 percent. Rosaryville is the funded school in the affected elementary school cluster. The Surrattsville addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a three-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02 of the Subdivision Regulations.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed

the subdivision plans for adequacy of public 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 travel time of 7.81 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 7.81 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 12.88 minutes, which is beyond the 7.25-minute travel time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department 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. Since this is a matter of existing law, no condition is necessary.

The entire development is beyond the recommended response times from existing facilities that provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations.

The planned Croom-Naylor Emergency Services Facility will be the first new station that will provide ambulance and paramedic service to this development. The cost of this emergency services facility is \$1,535,000.

In order to mitigate the ambulance and paramedic service response time, the applicant should participate in providing a fair share contribution toward the construction of the Croom-Naylor Emergency Services Facility. The fee amount is based on the construction cost of the facility, (\$1,275,000,) ambulance (\$129,000) and paramedic vehicle (\$129,000), divided by the total amount of residential and employment population within the entire service area in 2006 (3,541). The service area includes those areas that will be served by the planned facility. The fair share fee is \$433 per person for this development.

2006 service area population/workers  
Station Cost of 1,533,000/3,541=\$433 per person  
\$433 x 2.99 planning area household size=\$1,294.67 per dwelling  
\$1,294 x 45 dwellings proposed=\$58,230

The Historic Preservation and Public Facilities Planning Section recommends that the applicant

provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Croom-Naylor Station and acquisition of an ambulance and paramedic unit. The fee should be paid prior to the issuance of the first building permit. The fair share fee is \$1,294 per dwelling unit.

11. **Police Facilities**—The proposed development is within the service area for District V—Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed George property development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has evaluated the proposed preliminary plan and generally approves of the extent and location of recovery field and well locations as proposed, with the exception of several lots fronting Tanyard Road.

Specifically, the water table test for Lots 42 and 43 are within the PMA and must be tested outside of the PMA. The recovery field on Lot 44 must be relocated and redefined to the west due to the location of percolation test PT2A1-2 abutting Tanyard Road. On Lot 45, the Health Department notes that all of the perk percolation tests taken have been either slow or have failed and indicate that the minimum 10,000-square-foot recovery field requirement will most likely be inadequate and must be increased.

Additional testing will be required by the Health Department to determine the feasibility of the lots fronting Tanyard Road. These lots are restricted due to the 50-foot scenic and historic road easement required along Tanyard Road and the PMA location. The dwelling units or recovery fields cannot encroach into the PMA and the dwellings cannot encroach into the scenic historic road easement. Staff would note that recovery fields will be permitted to be located within the scenic historic road easement.

At the time of submittal of the final plat of subdivision, the applicant will be required to show evidence from the Health Department that the location and extent of recovery fields serving each lot is adequate. Inability to do so for any lot would result in a loss of that lot for record plat purposes.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 4343-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic Preservation**<sup>3/4</sup> The subdivision involves a 232.35-acre parcel of land that includes the Skinner Cemetery at Mansfield, Historic Site #86B-4. The property is zoned O-S, and 45 residential building lots are proposed.

Mansfield was the 350-acre farm property of several generations of the Skinner family. The property was inherited by Dr. John Henry Skinner in 1846, and his wood frame, cross-gabled

house was built late in the nineteenth century, replacing the older residence of his father. Today the property comprises the ruins of Dr. Skinner's late nineteenth-century house, the family cemetery, and at least four agricultural outbuildings. The property, now comprising 232.35 acres, was listed as a Historic Resource in the 1992 *Historic Sites and Districts Plan*. Because of the proposed development of this land and at the request of the landowners, the Historic Preservation Commission (HPC), as required by Subtitle 29-118(a)(2), scheduled a public hearing for September 17, 2002, to evaluate the property according to the criteria for designation as a Historic Site.

At the September 17, 2002 public hearing, HPC found that the Mansfield farmhouse was ruinous and beyond salvage, but that one of the outbuildings, the nineteenth-century barn or granary, was of architectural interest. The Commissioners considered the structural report that had been prepared at their request on this outbuilding, and recommended that the applicant make a good-faith attempt to salvage some of the interior wood. The HPC then found that the Skinner Family Cemetery at Mansfield met two criteria for designation as a Historic Site: it is identified with a group of persons who influenced society, and it exemplifies the cultural, social, religious and historical heritage of the county and its rural communities. On the basis of these two criteria, the HPC voted unanimously to classify the Skinner Family Cemetery at Mansfield as a Historic Site. The HPC agreed unanimously that the environmental setting should comprise the cemetery as presently bounded by its iron fence (approximately 38 by 58 feet), plus adequate access, plus an additional surrounding buffer to be determined as part of the development review process.

The applicants proposed that the Skinner Family Cemetery be preserved as Outlot A, to be conveyed to the homeowners association. Outlot A should be made up of the cemetery, which is defined by the grave sites, the existing fence surrounding the graves, and a 15-foot perimeter around the fence. In addition, a 15-foot-wide access stem should be included that would extend from the cemetery to the private access road internal to the subdivision.

As required by Section 24-135.02(a)(2) of the Subdivision Regulations, the applicant submitted an analysis on the Skinner Family Cemetery. The report shows the 15-foot perimeter around all sides of the 38- by 58-foot cemetery and should indicate accurately the size of Outlot A as 9,743 square feet. The report shows the locational relationship of the cemetery with the adjoining lots, and includes improved photographs of the individual gravestones and fence. It does not, however, show evidence that the corners of the cemetery have been staked, although the applicant has clearly stated that the corners are marked by the remnants of the existing historic iron fence.

In accordance with Section 24-135.02(a)(4) of the Subdivision Regulations, prior to the issuance of building permits for Lots 17 and 18 a limited detailed site plan (LDSP) should be approved by the Planning Board or its designee to evaluate preservation of the cemetery located on Outlot A. The LDSP should evaluate appropriate screening, planting, views, access material, and the repair or replacement of the existing fence surrounding the cemetery. The review may include, but is not limited to, the sitting and architecture of the dwellings located on Lots 17 and 18 and the possible provision of an appropriate marker for the Skinner Family Cemetery, Historic Site #86B-4. Necessary bonding by the applicant of improvements required on Outlot A should be determined at the time of review of the LDSP.

15. **Varying Lot Size**¾ Section 27-442(a)(1)(b) of the Zoning Ordinance provides for varying lot size in the O-S Zone for the subdivision of 50 acres or more. The option does not provide for an increase in the maximum density of the property. The minimum lot size of at least 60 percent of the lots is five acres. The applicant is allowed one 2-acre lot for every 50 acres of gross tract acres in the subdivision, with the minimum lot size of the remaining lots being three acres.

In the subject case, the applicant is proposing 45 lots and of those, 60 percent or 27 lots are required to have a minimum of 5 acres; the applicant is proposing 27. The applicant is allowed four 2-acre lots based on the tract area of 232.35 acres; the applicant is proposing two. The remaining 16 lots, which are allowed at a minimum of three acres, are proposed with lot areas ranging from 3.01 to 3.98 acres. The density allowed for this property using conventional O-S zoning standards is 45 lots; the applicant is proposing 45 lots.

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 and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 9, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of January 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk