

R E S O L U T I O N

WHEREAS, Drana L. Dougan and Jean Lynch are the owners of a 42-acre parcel of land known as Parcel 54, Tax Map 10, Grid B-2, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 14, 2002, Cherrywood Development filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 66 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02112 for Oaklands was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 24, 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 April 24, 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/66/02), and further APPROVED Preliminary Plan of Subdivision 4-02112, Oaklands for Lots 1-66 and Parcels A-C with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to:
 - a. Show all steep and severe slopes on the plan as well as in the legend.
 - b. Show the correct amounts of woodland preservation, afforestation and reforestation.
 - c. Show and illustrate the area of woodland retained but not part of any requirements on the plan.
 - d. Revise the Woodland Conservation Worksheet after the correct amounts of woodland preservation, afforestation and reforestation have been shown.

2. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be

revised to:

- a. Show the DER approved floodplain elevation and the 25-foot building setback shall be shown on the Preliminary Plan.
 - b. Show the PMA as it is defined in Section 24-101(10) of the Subdivision Regulations. If impacts to the Primary Management Area which are acceptable to the Planning Board or its designee can not be avoided for construction of Lot 17 and/or the trail connection, Lot 17 and/or the trail connection shall be eliminated.
3. Prior to signature approval of the preliminary plan, the preliminary plan shall be revised to:
 - a. Show the 65 dBA noise contour.
 - b. Eliminate Flag Lots 22 and 23. An additional standard cluster lot (10,000+ square feet) may be created fronting the internal roadway.
 - c. Show the building envelope on all remaining flag lots.
 - d. Show all required bufferyards associated with the remaining flag lots.
4. Prior to certification of the detailed site plan, written approval from DER must be submitted for the afforestation near the stormwater management pond adjacent to Contee Road.
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/66/02). 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 (TCP I/66/02), 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.”
6. At the time of Detailed Site Plan, a Type II Tree Conservation Plan shall be approved.
7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Primary Management Area and be reviewed by the Environmental Planning Section prior to 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 allowed.”

8. Prior to the issuance of any building permit on the subject property, the following improvements at the intersection of US 1 and Contee Road shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widen the eastbound Contee Road approach to provide four approach lanes: one left-turn lane, two through lanes, and one right-turn lane.
 - b. Construct an exclusive right-turn lane on the southbound US 1 approach.
 - c. Construct a second left-turn lane on the westbound Contee Road approach.
 - d. Modify the signal phasing from split phasing to concurrent phasing on the Contee Road approaches.
9. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters, is less than or equal to 105 percent or 6 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.
10. In addition to normal review, the Detailed Site Plan shall address:
 - a. The names of streets, upon consultation with the Historic Preservation Section to develop road names that are reflective of more significant aspects of the history of the Oaklands property.
 - b. Internal pedestrian circulation with special attention to providing a connection to the adjoining park and in maintaining privacy for the historic site.
11. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Contee Road, a designated trail/bike corridor. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
12. A detailed site plan shall be approved by the Planning Board prior to approval of the final plats.
13. Development shall be in conformance with the approved Stormwater Management Concept Plan, # 29745-2002-00, or any revisions thereto.

14. The applicant shall construct the recreational facilities on adjacent Briarwood-Oakland Neighborhood Park which may include the following:
- a. Tennis Court
 - b. Playground for age 5-12 (minimum 5000s.f.)
 - c. 8-foot wide asphalt trail connector from subject subdivision to proposed recreation facilities within parkland and to Briarcroft Lane on the east.

The specific recreation facilities, acceptable to the Planning Board, shall ultimately be determined at the detailed site plan stage, and shall be subject to the following:

- a. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- b. A site plan for the recreational facilities shall be submitted to DPR for review and approval prior to submission of the Detailed Site Plan. It shall include grading and landscaping plan, construction details and equipment schedule.
- c. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DPR for approval, three weeks prior to a submission of a final plat. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- d. Submission to the DPR of a performance bond, letter of credit or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by the DPR, within at least two weeks prior to applying for building permits.
- e. The construction of the recreational facilities shall be completed prior to the issuance of 50% of all building permits for this subdivision.
- f. The trail connection to the park shall be constructed prior to application for the building permits for Lots 11 and 12.

If determined by the Department of Parks and Recreation and the community that the recreation facilities on adjacent Briarwood-Oakland Neighborhood Park are not desirable, the applicant, his successors and/or assignees shall pay a fee to the Commission in amount equivalent to the value of proposed recreation facilities. The amount of fee shall be determined by the Planning Board as part of the Detailed Site Plan application. Payment shall be made to the Commission at the time of final plat approval.

15. Prior to the signature approval of the preliminary plan, the applicant shall undertake a survey to identify the significant historic features of Lot 66 and Parcel A. Significant features to be retained shall be identified on the preliminary plan.

16. The applicant shall provide for adequate landscape buffering within Parcel A of the Oaklands Historic Site (62-03) Environmental Setting in order to enhance the views to and from the Historic Site and to provide for its privacy with heterogeneous plantings to include existing trees and new evergreens for winter screening. This landscape buffering shall enhance any of the Environmental Setting's significant natural or man-made features such as garden terracing, mature shade trees and ornamental plantings, and permanent structures.
17. Through the detailed site plan process, the Historic Preservation Commission shall review the architectural character of the houses to be located on Lots 18-43 for their compatibility with the Oaklands Historic Site (62-03). Special attention shall be given to employing architectural styles for Lots 18-43 that are compatible with the symmetrical and balanced character of the Historic Site's late-Georgian character. Special attention shall be given to sheathing materials and decorative details of building elevations, roofs, chimneys, shutter and other exterior features, and the overall organization of the facades including the locations, sizes, and types of windows used.
18. Prior to the approval of a detailed site plan application, the applicant shall draft an agreement for review and approval by the Planning Board or its designee, codifying the transfer of the Oaklands Historic Site (62-03) and its 4.01±-acre Environmental Setting to parties agreed upon by the property owner, the applicant as contract purchaser and the Historic Preservation Commission. The applicant's agreement shall include the conditions and timing of the property transfer and the conditions and timing of the \$125,000 rehabilitation funds to be conveyed to the recipient of the property.
19. The Oaklands property (Lot 66) and its associated rehabilitation funds shall be transferred to an appropriately identified recipient at the time of the Record Plat for the development. The applicant shall submit evidence of the transfer of the Oaklands property and the associated rehabilitation funds to the Planning Department prior to the approval of the first building permit for the development.
20. The Oaklands Historic Site Environmental Setting (62-003), consisting of Lot 66 and Parcel A, shall be clearly labeled on all future submittals.
21. The applicant shall conduct an archeological survey of the Oaklands Historic Site Environmental Setting (Lot 66 and Parcel A) to determine the presence or absence of any cemeteries or burials. The survey shall consist of at least Phase I investigation, and additional phases as warranted. Should a cemetery be identified within the Oaklands Historic Site Environmental Setting, the cemetery shall be marked to preclude disturbance during the development process, but should otherwise remain undisturbed. In addition, the applicant shall retain the services of a contract archeologist to monitor the use of heavy equipment and grading outside of the Environmental Setting during construction. If a cemetery is found to be located outside of the Oaklands Historic Site Environmental Setting, it shall be marked to preclude further disturbance. Any identified cemetery shall be documented, and all county and state laws regarding the removal of cemeteries shall be followed, prior to any disturbance or removal.

Prior to signature approval, the preliminary plan shall be revised to expand the park access between Lots 11 and 12 from 25 feet in width to 30 feet in width; this parcel shall be conveyed to the HOA. The area shall be landscaped along the property lines to define the park access. The landscaping plan and planting list for this area shall be submitted to DPR for review and approval prior to submission of the Detailed Site Plan.

23. The applicant shall construct a second trail access to the parkland in HOA land in the vicinity of Lot 17. This condition shall be void if impacts to the Primary Management Area can not be avoided by trail construction.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the southeast side of the B&O Railroad tracks and US 1, north of Contee Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-family home	Single-family detached dwellings
Acreage	42 acres	42 acres
Lots	0	66
Parcels	1	3
Dwelling Units:		
Detached	1	66

4. **Cluster Development Data as Proposed by Applicant-**

Zone	R-R
Gross Tract Area	42.00± acres
Area with Slopes Greater than 25%	0.9± acres
Area within Preliminary 100-year Floodplain	3.19± acres
Cluster Net Tract Area	37.91± acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	75
Number of Lots Proposed	66
Flag lots proposed	5
Cluster Open Space Required	12.83± acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	8.55± acres
Cluster Open Space Provided Outside of the 100-Year Floodplain and Stormwater Management Facilities	15.55± acres
Mandatory Dedication Required	2.00± acres
Mandatory Dedication Proposed	0 acres
Total Open Space Required (Cluster plus Mandatory Dedication)	14.83± acres
Total Open Space Provided	15.55± acres
Open Space to be Conveyed to Homeowners' Association	15.55± acres
Open Space to be Conveyed to M-NCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	0.9± acres
25% of Steep Slopes	0.225± acres
Area of Steep Slopes to be Disturbed	0.135± acres
Area of Nontidal Wetlands and Waters of the U.S.	0 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification Allowed Proposed	
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

5. **Cluster Findings**^{3/4} The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The proposal, with modifications outlined in the Environmental Finding, provides for adequate woodland conservation and tree preservation. Oaklands, a historic site, is preserved with this proposal. The home will be central to the community, protected by nearly four acres of woodland.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The Oaklands historic home sits atop a knoll on the property. Approximately one acre of land is provided for the home itself, and three additional acres of wooded land will surround that acre. This is suitable for protection and privacy of the historic resource.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: Cluster open space includes not only protective woodland for the historic site, but also the floodplain and stream. While there are no significant rock outcroppings,

significant stands of trees are found in the floodplain area as well as around the historic home.

- d. Cluster open space intended for 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.**

Comment: Only a small strip of land, 25 feet wide by 130 feet deep, is intended for recreational purposes. This strip will provide pedestrian access to the adjoining Briarwood-Oakland Neighborhood Park. This land, across relatively flat land, will ensure that the parkland is accessible.

- e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: The open space is not intended for its scenic value. Its purpose is tree preservation and to provide privacy for the historic home.

- 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.**

Comment: The subdivision has been designed so that a large area of undeveloped, wooded land can remain around the historic home on the property. A large “horseshoe-shaped” cul-de-sac surrounds the historic site, with lots accessing this cul-de-sac. This creates a unique setting where the historic site, sitting atop a knoll, becomes the focal point of the community while still remaining private. However, staff is concerned that Lots 22 and 23 encroach upon the larger setting for the home. These flag lots do not satisfy the flag lot criteria and should be removed. A further discussion can be found in the flag lot finding of this report.

- g. Individual lots, buildings, parking areas, 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.**

Comment: The lots are arranged to harmoniously relate to the surrounding properties. The adjoining land to the west is parkland. Single-family homes on R-R cluster development are to the south. Large areas of open space buffer the property from both Contee Road to the south and the railroad right-of-way to the northwest.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: The lots are oriented to minimize effects of noise and traffic. Large areas will buffer the lots from adjacent noise generators, Contee Road and the railroad

right-of-way. With the exception of Flag Lots 22 and 23, privacy is afforded in all lots. Other flag lots meet the design standards set forth in Section 24-138 of the Subdivision Regulations.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes 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.**

Comment: With 0.9 acre of slopes, up to 0.225 acre could be disturbed. The applicant proposes disturbing 0.135 acre of steep slopes.

- 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 surrounding existing and planned residential development not approved for cluster development, 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.**

Comment: The adjoining Laurel Square Subdivision is developed under the cluster technique. Woodland conservation and open space provide sufficient area so that the lots adjacent to the streets will appear to be much larger than they are. Additional landscaping issues and entrance feature designs will be reviewed with the Detailed Site Plan.

6. **Environmental**—A review of the available information indicates that 100-year floodplain, streams, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. This site is adjacent to a railroad which is a significant noise generator. The soils found to occur according to the Prince George's County Soil Survey include soils in the Beltsville, Christiana and Sassafras series. The Beltsville and Christiana soils are considered highly erodible and have K Factors of 0.43 and 0.37, respectively. The Christiana soils also have limitations of high-shrink swell potential and instability for home foundations. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-4 and W-4 according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. This property is located in the upper Patuxent River watershed in the Developing Tier as reflected in the adopted General Plan.

Forest Stand Delineation

The Detailed Forest Stand Delineation (FSD) submitted with this application was reviewed and was found to generally address the requirements for an FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.

Tree Conservation Plan

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodlands on-site. This 42.12-acre property has a net tract of 38.93 acres, a Woodland Conservation Threshold (WCT) of 20 percent or 7.79 acres, replacement requirements totaling 4.37 acres, and a total requirement of 12.15 acres. This 12.15-acre requirement is proposed to be satisfied with 8.11 acres of on-site preservation in priority retention areas and 4.04 acres of on-site afforestation.

The submitted Type I Tree Conservation Plan requires additional revisions. The steep slopes on highly erodible soils and severe slopes are not shown as required. The TCPI needs to be revised to show these features on the plan as well as in the legend. Several areas of proposed woodland conservation are not as large as indicated on the plan. The TCPI must be revised to indicate the actual acreage of all areas of proposed woodland conservation. The Woodland Conservation Worksheet indicates that 0.78 acre of woodland is retained but not part of any requirements. This area of woodlands must be shown on the plan. Prior to signature approval of the preliminary plan, the following revisions to the Type I Tree Conservation Plan need to be made:

- a. Show all steep and severe slopes on the plan as well as in the legend.
- b. Show the correct amounts of woodland preservation, afforestation and reforestation.
- c. Show and illustrate the area of woodland retained but not part of any requirements on the plan.
- d. Revise the Woodland Conservation Worksheet after the correct amounts of woodland preservation, afforestation and reforestation have been shown.

Wetlands and Floodplain

This site contains natural features which are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands study was submitted with this application. This study indicates that several holes were bored throughout the site to test for hydric soil characteristics. Hydric soils are one of the three parameters needed in order for an area to be considered wetlands. The other two are identifiable wetlands hydrology and a dominance of hydrophytic vegetation.

The soil borings indicate that the site does not contain any areas with hydric soils, and as a result there are no wetlands on the site.

The Preliminary Plan indicates that the 100-year floodplain on this site was determined using 1987 FEMA maps. The FEMA maps should not be used for a site-specific development proposal. County floodplain studies should be used to delineate the 100-year floodplain. In addition, the Subdivision Regulations require that a 25-foot building setback be shown on the

preliminary plan. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI need to be revised to show the DER-approved floodplain elevation and the 25-foot building setback should be shown on the preliminary plan. This setback should not appear on the final plat.

Patuxent River Primary Management Area (PMA)

The PMA has not been delineated on the plan as required by the Subdivision Regulations; however, staff has identified the general location of the PMA. The PMA on this site includes:

- All perennial streams and a minimum 50 feet of preserved or established vegetation on the side of each bank.
- The 100-year floodplain (as approved by DER).
- All wetlands and wetland buffers adjacent to the perennial stream or 100-year floodplain
- All areas having slopes of 25 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain or stream side wetlands.
- All areas having highly erodible soils on slopes of fifteen percent (15%) or greater abutting the perennial stream, the 100-year floodplain or stream-side wetlands.
- Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.

This is a necessary impact to the PMA and staff can make the finding that the PMA has been preserved to the fullest extent possible on this site. No other impacts were requested or are recommended for approval. However, it appears that an area of PMA existing in the vicinity of proposed Lots 16 and 17 is proposed for clearing and grading. This area of impact was not requested and cannot be shown on the TCP as cleared. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan should be revised to show the PMA as it is defined in Section 24-101(10) of the Subdivision Regulations and to eliminate impacts associated with proposed Lots 16 and 17. Once those revisions are made, the PMA on this site has been preserved to the fullest extent possible.

Noise

This site is adjacent to a railroad that is a significant noise generator. A Phase I Noise Study has been submitted for review and staff has found that it meets the requirements. The noise study indicates that the location of the 65dBA noise contour is approximately 150 feet from the centerline of the railroad tracks. None of the proposed lots are within the 65 dBA noise contour. Outdoor recreation areas will not be impacted by noise on this site; however, the 65 dBA noise contour needs to be shown on the preliminary plan as required.

Section 24-121 of the Subdivision Regulations require a 300-foot lot depth for all lots adjacent to a railroad right-of-way. Seven of the proposed lots have a depth of less than 300 feet, the smallest with a depth of 290 feet. The applicant filed a variation request to allow these lots to

have smaller depth. Section 24-113 of the Subdivision Regulations requires the Planning Board to make the following findings in approving a variation request:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- 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.**

In this case, constraints on the property impact development from all sides. The railroad tracks push development toward the historic home on the property and the historic home pushes development toward the railroad tracks. This unique relationship causes a particular hardship for the property owner. The developer in this case has gone to some lengths to increase the size of the Environmental Setting for the historic home. This creates the need to locate the street as it is shown on the preliminary plan. Having lots with 290 feet of depth rather than 300 will in no way be detrimental to public health, safety and welfare; the 65dBA noise contour will not impact any structure or rear yard of these lots.

Stormwater Management

Afforestation is proposed near the stormwater management pond adjacent to Contee Road. At the time of Detailed Site Plan, written approval from the Department of Environmental Resources should be submitted obtained and submitted to the Environmental Planning Section prior to approval of the detailed site plan.

7. **Community Planning**— The property is in Planning Area 62, South Laurel-Montpelier. The 2002 *General Plan for Prince George's County* places the property in the Developing Tier. Oaklands, Historic Site 62-3, is recognized in the master plan. This residential structure, ca.1798, is a 2-1/2-story brick mansion (altered) with elegant Georgian ornamentation. The Historic Preservation Element in the General Plan includes a goal, policies and strategies to preserve and protect the county's historic resources. The plan states:

Historic buildings, structures, and sites can provide the architectural and cultural context for new development and for the preservation of a sense of place. Their protection provides a link to the county's past while recognizing their role in the county's present and future.

Policy 1 in the Historic Preservation Element of the General Plan recommends that the county

should “Integrate historic sites and districts into the county’s development pattern.”

The 1990 *Master Plan for Subregion I* recommends the property for parkland acquisition. In lieu of acquisition, the plan recommends the property be developed in the R-S Comprehensive Design Zone. The attendant 1990 *Sectional Map Amendment for Subregion I* retained the R-R Zone for this property.

The master plan highlighted the need to preserve and protect the significant historic site on this property. The plan specifically stated, “Development of the land surrounding the designated Historic Site will require careful planning.” The plan included an illustrative concept plan for a possible subdivision of the site. A focal point of this layout was a central preserved parcel for the historic site.

A number of guidelines in the Historic Preservation Element of the master plan are pertinent to the design of this subdivision to ensure that the environmental setting is appropriate and that the overall subdivision compliments and builds on the Historic Site.

Guideline 6. Where appropriate, historic resources should be linked with the countywide trail system. Interpretation markers and signage may be appropriate in some locations.

Guideline 8. Proposals for new construction should be designed to complement the architectural characteristics of adjacent historic resources.

The revised plans better integrate the historic site into the subdivision than did previous renditions of the plan. While the home is still “tucked away” in the middle of the subdivision, it is more visible from various points along the street than it once was. Renovations to create a stately driveway are possible given the configuration of Lot 66, the lot created for the home. The architectural features of the homes surrounding the historic site will be reviewed at the time of detailed site plan.

8. **Historic Preservation**^{3/4} The subject Preliminary Plan application (4-02112) involves Oaklands, a designated Historic Site (62-03), located at 8314 Contee Road, Laurel, Maryland. The Historic Site, a brick plantation house associated with the Snowden family, was constructed in the 1790s and altered in the late nineteenth century and early twentieth century. The large house (approximately 5,000 square feet), several small outbuildings and landscape features within a 39 ±-acre parcel are all that remain of a once substantial farm. The design of the house is a formal and high-style example of the architectural preferences of an important Maryland family of the late eighteenth century. The balanced and symmetrical facades of both the front and rear of the house are excellent examples of late Georgian or early Federal design; each elevation is a five-bay composition with a centered, pedimented entry. The interior of the house retains important late eighteenth century woodwork in almost every room.

Oaklands has been the subject of considerable attention from both the Historic Preservation Commission and staff of late. Although the house was inhabited, its condition had steadily declined in recent years. Most recently, staff and the Historic Preservation Commission have worked closely with the applicant to market the house to individuals or organizations interested in

ensuring the preservation of Oaklands within the context of a modern residential community. Toward that end, the applicant initiated a marketing plan developed with staff and approved by the Historic Preservation Commission. In addition to the potential transfer of the property and a small amount of land, the applicant's marketing plan included the provision of seed money to help initiate a rehabilitation of the property. Through the marketing plan, the availability of the property was brought to a national audience. More than 100 inquiries were received and numerous interested parties visited the property.

Three detailed proposals were received outlining potential rehabilitation approaches for the property. One of the three proposals received was from a relative of the property owners (with no ownership interest). Both the property's owners and the applicant, as contract purchaser, determined that this proposal represented a well conceived rehabilitation plan that would ensure the rehabilitation of the property and allow it to remain within the family of its longtime owners. The property owners and the applicant selected Mr. Donald Lady as the individual to whom Oaklands, along with approximately one acre of land, and \$125,000 for rehabilitation, would be transferred at an appropriate time in the development process. With the permission of the property owners and the contract purchasers, in the fall of 2002, Mr. Lady began to work on the house. The focus of Mr. Lady's work has been the removal of trash, debris and the effects of the previous occupants, and the weatherproofing of selected deteriorating features including portions of the roof, the built-in gutters, selected windows and a portion of the main façade recently open to the elements. Some of this work was carried out with emergency grant funds from Preservation Maryland, the statewide nonprofit preservation organization.

Findings

- The proposed Preliminary Plan for cluster development is based on the proposed revision of the Historic Site's current Environmental Setting that includes the entire 39±-acre property. The Oaklands house and its remaining historic outbuildings and related landscape features are located at the approximate center of the subject parcel. A cemetery associated with the Snowden family is related to this site. The existence of the cemetery within the subject property, and its possible location, are unknown at this time. The archeologist for the Prince George's County Department of Parks and Recreation will provide the Historic Preservation Commission with a memorandum at the April 15, 2003, meeting.
- The applicant's proposed cluster plan surrounds the Oaklands house with approximately 65 single-family lots, all of which are at least 10,000 square feet, as required. The lots are arranged along two cul-de-sac streets that substantially encircle the property's historic features. The open space requirements of the cluster plan are addressed in part by Parcel A, a 2.96±-acre parcel that encircles Oaklands itself along with a number of its significant historic landscape features which are included within Lot 66 (approximately 1.05± acres).
- Proposed access to Oaklands (Lot 66) will be from the westernmost street within the subdivision and from there to Contee Road. This represents a change from the traditional access point south of the house from Contee Road.
- The applicant's plan orients all of the dwellings encircling the Historic Site to face away

from it. As a result, the character of the rear yards of these properties and the rear elevations of these houses will impact the views to and from the Historic Site.

- The applicants propose to use two road names, Roan Horse Drive and Chestnut Mare Terrace, apparently related to recent equine activities associated with subject property.
- The applicant proposes to convey the Oaklands Historic Site, along with approximately 1.05 acres and \$125,00 for rehabilitation expenses, to Mr. Donald Lady at an appropriate point in the development process.

Conclusions

- The Historic Site should be considered as an amenity within the development and be considered its most prominent feature. As such, the provisions made for the preservation of the Historic Site should accommodate both the unique character of this property and its current circumstances. Further, in exchange for increased density provided by a cluster plan, the architectural character and site planning features of the development should enhance the character of the Historic Site and represent a higher standard of quality over a conventional subdivision. The entrance to the Historic Site should be designed to establish the presence of Oaklands and its role within the community as an amenity. The entry to and the environs of the Historic Site should be landscaped to enhance views of the property and to provide reasonable privacy to the Historic Site and adjacent new construction.
- In the context of the development proposal, a revised Environmental Setting for the Historic Site should, to the greatest extent possible, include the property's remaining significant features. It should also provide for adequate buffering of the Historic Site from the adjacent new construction. In order to confirm that the applicant's proposed revised Environmental Setting for the Historic Site includes as many remaining significant features as possible, a survey should be undertaken to determine the precise location and character of the property's historic outbuildings, mature trees and shrubs, landforms and other man-made features in the immediate vicinity of the Oaklands house. These features should then be included on the cluster subdivision plan.
- As required for a cluster subdivision, the proposed plan provides for dedicated open space. A significant portion of the dedicated open space has been located around the Historic Site as Parcel A. If properly addressed from a site planning and landscaping perspective, this open space will provide some buffering of the Historic Site from the adjacent new construction and will enable the house to serve as a focal point of the open space and the community while ensuring the Historic Site owner reasonable privacy. Significant man-made or natural features outside of the Lot 66 and within the Environmental Setting such as historic outbuildings, structures, garden terracing, and specimen trees and ornamental plantings should be retained and enhanced for the benefit of the community.
- If it appears likely that a cemetery is located within the subject property, a survey should be made to determine its specific location. If the cemetery is found to be within the

Environmental Setting of the Historic Site (Lot 66 and Parcel A), it should remain undisturbed. In order to avoid the inappropriate disturbance of a cemetery on the subject property, the applicant should retain an archeologist to supervise any grading of the property. If a cemetery is found within the remainder of the proposed development located in an area to be disturbed, the applicants should comply with all relevant county and state regulations regarding cemeteries prior to any disturbance or removal.

- The Oaklands house is located at the highest point within the subject property. Even with the buffer provided by the dedicated open space separating the Historic Site from the nearby new construction, the topography and vegetation of the subject property will render the rear elevations and rear yards of Lots 18-43 substantially visible from the Historic Site. The architectural character and materials and details of all improvements on Lots 18-43 visible from the Historic Site should be carefully reviewed for compatibility with the Historic Site as part of the detailed site plan review process required for cluster subdivisions.
- The applicant should consult with the staff of the Historic Preservation Commission to develop road names that are reflective of more significant aspects of the history of the Oaklands property.

In the interest of ensuring the long-term preservation of the house, it should be transferred, along with the proffered rehabilitation funds, in a timely manner so that immediate stabilization work can begin. The applicant should work with the Historic Preservation Commission to develop appropriate safeguards to ensure the proper use of the rehabilitation funds. Further, the applicant should draft an agreement codifying the details of the property and the funds to be conveyed. The agreement should specify the obligations of all parties; and the timing and methods by which the property and the rehabilitation funds will be transferred.

9. **Flag Lots**^{3/4} The applicant proposes five flag lots in the subdivision. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Flag lots are permitted in the R-R Zone, but they are not permitted in higher density zones, including the R-80 Zone. The reason for this is clear: flag lots need more land so that house locations and orientations will ensure privacy of not only the residents of the homes on the flag lots, but also privacy of owners of adjacent lots. Typically, flag lots are not appropriate where less than 20,000 square feet, excluding the flag stem, is available on the lot. However, in this case, two flag lots with less land are appropriate, given other constraints on the property and their proposed location. Three of the proposed flag lots are inappropriate and cannot satisfy the requirements for approval.

Flag Lots 6 And 7

Staff supports these two flag lots. Flag Lots 6 and 7 meet the design criteria spelled out in Section 24-138.01. A “court-like” setting can be created using the flag lots and the two front lots, Lots 4 and 8. They satisfy the remaining criteria as follows.

- a. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.

- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. At 10,709- and 11,731-square feet, the net lot area for proposed Lots 6 and 7 (exclusive of the flag stem) exceed the minimum lot size of 10,000 square feet in the R-R Zone Cluster.
- d. A building envelope must be established at the time of preliminary plan. The applicant has not included a building envelope on the preliminary plan. This envelope must be included on the preliminary plan prior to signature approval.
- e. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
- f. Where rear yards are oriented toward driveways, an “A” bufferyard is required. The preliminary plan needs to be revised to show adequate required bufferyards.
- g. Where front yards are oriented toward rear yards, a “C” bufferyard is required. In this case, the front yards are oriented toward rear yards; a “C” bufferyard can be accommodated on these lots, but the preliminary plan needs to be revised to show the bufferyard.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f). With regard to proposed Flag Lots 6 and 7:

- A. **The design is clearly superior to what would have been achieved under conventional subdivision techniques.** The proposed flag lots yield a superior design to that which would be allowed conventionally. The property is oddly shaped, enhanced with environmental features and improved with a historic structure. Moving available density away from these features is appropriate. Therefore, a superior design allows for flag lots in locations away from these features.
- B. **The transportation system will function safely and efficiently.** The flag lots add two driveways to a relatively short cul-de-sac. No significant impact on the transportation system is expected.
- C. **The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.** The flag lots will blend harmoniously with the rest of the development. The Subdivision Regulations call for flag lots to be created in a “court-like” setting. These types of arrangements can be both functional and aesthetically pleasing. Staff notes that while the Subdivision Regulations do not *mandate* such a setting for flag lots, this type of setting begins to address the “superior” design requirement. The proposed flag lots will create a court-like setting and are superior.
- D. **The privacy of property owners has been assured in accordance with the evaluation**

criteria. Although the lots are just over 10,000 and 11,000 square feet, there is room to provide adequate, required bufferyards. The flag-style development of the lots will not impair the privacy of either the homeowner of this lot or the homeowners of other lots.

Given these findings, staff recommends approval of Flag Lots 6 and 7.

Flag Lots 17, 22 And 23

Proposed Flag Lots 17, 22 and 23 are not similarly appropriate. Flag Lots 22 and 23 encroach upon the setting of the historic site, Oaklands. Staff has informed the developer from the beginning that lots in this location are problematic because, with one exception, they do not meet any of the criteria for approval. In fact, Lot 22 represents a third tier of development when Section 24-138.01 sets two tiers as the limit. Flag Lot 17 is adjacent to the environmental feature on the property and may encroach on the Patuxent River Primary Management Area (PMA). As noted in the Environmental Finding, the applicant has yet to correctly identify the PMA on the plan.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f). With regard to proposed Flag Lots 17, 22 and 23:

- A. The design is clearly superior to what would have been achieved under conventional subdivision techniques.** This finding cannot be made. The property is oddly shaped, enhanced with environmental features and improved with a historic structure. Moving available density away from these features is appropriate; crowding lots near the features is not. These lots encroach both the environmental and historic features of the property and should be eliminated.
- B. The transportation system will function safely and efficiently. The flag lots add three more driveways to a relatively short cul-de-sac.** While no significant impact on the transportation system is expected, eliminating them will reduce access to this secondary residential street and improve safety.
- C. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.** This finding cannot be made. These flag lots do not blend harmoniously with the rest of the development. They can not be created in a “court-like” setting. Staff notes that while the Subdivision Regulations do not *mandate* such a setting for flag lots, the court-like setting begins to address the “superior” design requirement. Since these lots can not achieve a superior design, they should be eliminated.
- D. The privacy of property owners has been assured in accordance with the evaluation criteria.** These lots are larger than Lots 6 and 7. There is room to provide adequate,

required bufferyards. The flag-style development of the lots will not impair the privacy of either the homeowner of this lot or the homeowners of other lots.

10. **Parks and Recreation**— In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division recommends that the applicant dedicate 2.0± acres to M-NCPPC to satisfy mandatory park dedication requirements. The property abuts Briarwood-Oakland Neighborhood Park. The area of dedication is shown on Staff Exhibit “A,” dated April 14, 2003. It is generally the area of proposed Lots 10 through 17 and a small portion of the proposed open space northeast of Lot 17. Dedication should be subject to normal requirements for the conveyance of land.

11. **Trails**—The Living Areas Element contains the following guideline:

Guideline 12. Wherever possible, living areas should be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space and conservation network.

The *Adopted and Approved Subregion I Master Plan* designates Contee Road as a master plan trail/bike corridor. There is a sidewalk and wide curb lane on the portion of Contee Road in front of the subject site. These will serve to accommodate pedestrians and bicyclists along Contee Road and meets the intent of the master plan. The placement of bikeway signage is recommended to alert motorists to the possibility of in-road bicycle traffic. At the time of resurfacing, it is encouraged that DPW&T consider designated bike lanes and bicycle safe storm drains along the entire length of Contee Road. At the time of detailed site plan, internal pedestrian circulation will be addressed, including trail connections to the adjoining park site. Because Contee Road is a county right-of-way, the applicant should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of a sign. The payment should be made prior to the issuance of the first building permit.

12. **Transportation**—Because the proposed development could potentially generate more than 50 trips, a traffic study was required of the applicant. The applicant presented staff with a traffic study that was prepared in March 2003. The subject property is located within the Developing Tier, as defined in the *General Plan for Prince George’s County*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. The study identified the following intersections as the ones on which the proposed development would have the most impactt

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Contee Road/ US 1	D/1,415	E/1,573
Contee Road/ Larchdale Road ("T" intersection)	A/551	A/586
Contee Road/ MD 197	D/1,389	D/1,325

Only one background development (The Pines of Laurel, Preliminary Plan 4-02018, PGCPB 01-187) was found to be in the immediate vicinity of the subject property that would have an impact on these intersections. An analysis of the impact of this background development was done and the following results were determined:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Contee Road/ US 1	E/1,526	F/1,652
Contee Road/ Lanchdale Road ("T" intersection)	A/557	A/597
Contee Road/ MD 197	D/1,426	D/1,357

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 70 single-family units will be adding 53 (11 in; 42 out) AM peak hour trips and 63 (41 in; 22 out) PM peak hour trips at the time of full build-out. Applying a growth rate of 3 percent per year for through traffic along US 1, 2 percent per year for MD 197, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Contee Road/ US 1	E/1,538	F/1,667
Contee Road/ Lanchdale Road (4-way intersection)	A/607	A/619
Contee Road/ MD 197	D/1,438	D/1,366

None of these intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program. However, the Prince George's County Capital Improvement Program (CIP) proposes funding for improvements (CIP# FD665241) along Contee Road between US 1 and Van Dusen Road. While those improvements along Contee Road are on schedule to be completed by fall 2003, it does not appear that those improvements will be sufficient to provide adequate levels of service at the US 1/Contee Road intersection. Consequently additional improvements at the intersection will be required. Those improvements are as follows:

- Widen the eastbound Contee Road approach to provide four approach lanes; left turn, two through lanes and one right turn lane.
- Add an exclusive tight turn lane on the southbound US 1 approach.
- Add a second left turn lane on the westbound Contee Road approach.
- Modify the signal phasing from a split phasing to concurrent phasing on Contee Road approaches.

All of these improvements were identified as conditions of approval for the Pines of Laurel Preliminary Plan of Subdivision. With all of these improvements in place, the intersection of US 1 and Contee Road would operate with a LOS/CLV of C/1,276 during the AM peak hour, and D/1,386 during the PM peak hour. The traffic study was sent on referral to the Department of Public Works and Transportation (DPW&T) as well as the Maryland State Highway Administration (SHA). In a March 28, 2003, memorandum from DPW&T to staff (Issayans to Burton), DPW&T staff concurred with the study's findings. A written response from SHA is pending.

Given these findings, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved subject to the mentioned road improvements.

13. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002)

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	65 sfd	65 sfd	65 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	15.60	3.90	7.80
Actual Enrollment	5680	1740	4224
Completion Enrollment	102	26	53
Wait Enrollment	1	0	1
Cumulative Enrollment	1.08	0.54	2.16
Total Enrollment	5799.68	1770.44	4280.16
State Rated Capacity	5279	1759	4123
Percent Capacity	109.86%	100.65%	103.81%
Funded School	N/a	N/a	N/a

Source: Prince George's County Planning Department, M-NCPPC, January 2003

The affected elementary school cluster percent capacity is greater than 105 percent. There are no Funded Schools in the affected elementary, and high school clusters. Therefore, in accordance with Section 24-122.02 of the Subdivision Regulations, this subdivision can be approved with a six-year waiting period.

14. **Fire and Rescue**—The Growth Policy and Public Facilities Planning Section reviewed the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 5.01 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 4.36 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service travel time of 4.36 minutes, which is within the 7.25-minute travel time guideline.

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*.

The proposed subdivision will be within the adequate coverage area of the nearest existing

fire/rescue facilities for fire engine, ambulance and paramedic services.

15. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing police facilities will be adequate to serve the proposed Oaklands subdivision. This police facility will adequately serve the population generated by the proposed subdivision.
16. **Health Department**—The Health Department reviewed the application and performed a site inspection. An abandoned well and septic system was found on the property. These must be backfilled and/or pumped and sealed in accordance with COMAR 26.04.04. Raze permits will be required for demolition of any structures and hazardous waste must be disposed of in a manner consistent with state law.
17. **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, # 29745-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through November 20, 2005. Development must be in accordance with this approved plan, or any revisions thereto.
18. **Cemeteries**^{3/4} As discussed in the Historic Preservation Finding of this report, there may be a cemetery on the property. Additional information should be required prior to approval of the detailed site plan.

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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, April 24, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk