

R E S O L U T I O N

WHEREAS, Margaret Thompson is the owner of a 19.64-acre parcel of land known as Parcel 167 and Tax Map 108, Grid E-3, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 6, 2003, Mastercraft, c/o Gary Berman filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 32 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03012 for Estates at Woodyard Farms 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 July 3, 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 July 3, 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/20/03), and further APPROVED Preliminary Plan of Subdivision 4-03012, Estates at Woodyard Farms for Lots 1-32 and Parcels A & B, and REVISED Variations to Section 24-130 of the Subdivision Regulations with the following conditions:

1. Prior to signature approval of the preliminary plan,
 - a. Remove the use of fee-in-lieu from the worksheet and substitute the use of off-site conservation.
 - b. Add the following note:

“The Type II TCP may provide for additional clearing of nonpriority woodland areas to allow for larger usable yard areas.”
 - c. Revise the worksheet to account for additional woodland clearing and off-site conservation, if necessary.

- d. Be signed and dated by the qualified professional who prepared the plan.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification.
3. Prior to the issuance of any permits which impact wetlands or wetland buffers, the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. The following notes shall be placed on the Final Plat:
 - a. “Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.”
 - b. “Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights.”
 - c. “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/20/03). 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/20/03), 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. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits on the site.
7. Dedication of approximately 1.00 acre of land for public park use to The Maryland-National Capital Park and Planning Commission (M-NCPPC), as shown on Parks Exhibit “A” and the preliminary plan as Parcel “B.” This dedication shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the **prior written consent** of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the **prior written consent** of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
8. At the time of final plat approval, the applicant shall dedicate a right-of-way along Rosaryville Road of 40 feet from the centerline of pavement. At that time, staff will ensure that the centerline shown on the submitted plan is consistent with the existing centerline of pavement as well as the centerline shown on applicable county right-of-way plats.
 9. The final plat shall include a note that driveways to proposed Lots 1 and 32 shall be built with a

turnaround capability in order to minimize the need for vehicles accessing each lot to back onto Rosaryville Road.

10. The final plat shall include notation that proposed lots 2 and 31 shall be denied direct vehicular access onto Rosaryville Road.
11. Based on the applicant's proffer at the Planning Board hearing, prior to the issuance of building permits, the applicant, its successors and/or assignees, shall pay a pro rata share of the cost of the road improvements along MD 223 at Rosaryville and Dower House Roads, as described in the Prince George's County Capital Improvement Program for FY 2003-2008 under CIP ID No. FD669451 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,062 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter 2001).
12. Prior to approval of the final plat, the applicant shall submit to the Health Department evidence that the discarded tires on the site have been removed in accordance with Health Department requirements.
13. Development of this site shall be in accordance with the approved Stormwater Concept Plan, Concept 4669-2003-00.
14. The applicant shall be alert to the possibility that there may be burials in the 19.64-acre subject property. If during any stage of grading or construction, evidence of burials is found, work shall stop, and developers must contact the Historic Preservation and Public Facilities Planning Section of the Countywide Planning Division, and further operations must proceed in accordance with Maryland State Law (Article 27, #267 of the Annotated Code of Maryland), and/or the Prince George's County Subdivision Regulations (Section 24-135.2).
15. The applicant shall show the location of the Woodyard Site (Historic Site 82A-41) on Parcel C, north of the developing property.

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 east side of Rosaryville Road, approximately 850 feet south of its intersection with Woodyard 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)	Undeveloped	Single-family detached dwellings
Acreage	19.64	19.64
Lots	0	32
Parcels	1	2
Detached Dwelling Units	0	32

4. **Environmental**—There are no streams, wetlands, or floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. Current air photos indicate that the entire site is forested. The *Subregion VI Master Plan* does not indicate any sensitive environmental features on the site. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise; however, based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-related noise is significant. The proposed use is not expected to be a noise generator. 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. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Galestown and Westphalia soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted *General Plan*.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved Tree Conservation Plan for a portion of the total area.

A revised Forest Stand Delineation (FSD), accepted for processing on May 16, 2003, based upon nine sample points describes three forest stands and states that there are no specimen trees on the site. The FSD meets the requirements of the Woodland Conservation Ordinance. No further action regarding the Forest Stand Delineation at this stage.

A Type I Tree Conservation Plan, TCPI/20/03, has been reviewed and was found to require revisions. The only priority woodland conservation areas as described in the *Prince George’s County Woodland Conservation and Tree Preservation Policy Document* are associated with the isolated wetlands. The design correctly avoids creating woodland conservation areas on lands proposed to be dedicated to the Department of Parks and Recreation and provides clear areas on all

lots greater than 10,000 square feet in area 40-feet from the rear of proposed houses and 20-feet from the sides in accordance with the *Prince George's County Woodland Conservation and Tree Preservation Technical Manual*.

The design of the woodland conservation areas could be improved. Some lots are encumbered with more area of woodland conservation than remains as useable lot area. While there appears that there will be no problem in having 20-foot separation between proposed woodland conservation areas and the sides of structures, some lots may have problematic building envelopes constrained by front yard setbacks and 40-foot useable rear yard areas. The use of off-site woodland conservation should be considered to allow for additional clearing to create larger useable yard areas and less encumbrance on these R-R lots.

Additionally, the worksheet proposes to use fee-in-lieu to accommodate more than one acre of required requirements of the Woodland Conservation Ordinance. Staff also believes that the applicant may be able to obtain an off-site easement for the required area at a lower cost.

Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan, TCPI/20/03, needs to be revised.

Wetlands, Streams and Buffers

Two wetlands are shown on the revised Forest Stand Delineation, the revised Type I Tree Conservation Plan and the revised Preliminary Plan of Subdivision. These areas were not shown on any previous submission. These areas are not shown as a wetlands on National Wetland Inventory Maps, Maryland DNR Wetland Maps, and the soil types are in the B-hydric and D-hydric series. These isolated wetlands may not be jurisdictional under federal regulations; however, this area is clearly jurisdictional under state regulations and under Section 24-130 of the Subdivision Regulations. A conservation easement, described by bearings and distances, should be included on the final plat.

The plan proposes impacts to wetlands and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Variation requests for two impacts were submitted with this application. The justification statement describes the three individual impacts shown on the exhibits in the variation request.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. While they must be accompanied by specific findings, variations are less strictly enforced than are variances. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve

variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- 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.**

All of these findings are made for each variation as follows:

Variation request “A”: for the construction of one of the main access streets for the property.

There is no alternative alignment to construct this street, and the street is necessary to provide adequate access for fire, ambulance and police vehicles. Impacts to 964 square feet of wetlands and 1,685 square feet of wetland buffer are indicated in the justification statement. This small isolated wetland is almost certainly the result of prior grading for the Rosary Woods Subdivision to the east. Staff is concerned that the retention of this area on a lot will become a nuisance to the eventual homeowner and has no objections if a permit is obtained to fill this area. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.

Variation Request “B”: for two impacts, B1 for the connection of the proposed development to an existing sewer line and B2 for the construction of a stormwater management pond inlet, with total proposed disturbance to 735 square feet of wetlands and 5,218 square feet of wetland buffer.

Part of variation request “B1” is for the connection of the proposed development to an existing sewer line and will impact wetlands and wetland buffers. The Washington Suburban Sanitary Commission has determined that this connection is required in this

specific location to properly connect to the existing sewer line. There is no practicable alternative for these alignments because of the location of the existing sewer line, the topography of the site for the proposed development, and the location of the wetland. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.

Part of variation request “B2” is for the construction of a stormwater management pond inlet that will impact wetlands and wetland buffers. This pond is necessary to control stormwater on the development. This request is intended to fulfill existing regulations regarding stormwater management. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Stormwater Management Design Plan will be reviewed to further minimize impact.

To ensure that all other applicable laws are complied with, the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans prior to the issuance of any permits which impact wetlands or wetland buffers.

Noise

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ) released to the public in August 1994 by the Andrews Air Force Base, aircraft-related noise is significant. The entire site is within the AICUZ 65 dBA noise contour. This noise level is above State Acceptable Noise Levels for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA. The final plat should include a note requiring certification on the building permits by a professional engineer with competency in acoustical analysis stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less. A note indicating the noise impacts of Andrews Air Force Base should also appear on the plat.

Soils

The Prince George’s County Soils Survey indicates that the principal soils on the site are in the Galestown and Westphalia soils series. Galestown soils are in the A-hydric series and pose no special problems for development. Westphalia soils are in the B-hydric series and are highly erodible. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

5. **Community Planning**—The property is in Planning Area 82A/Rosaryville. The 2002 General Plan places the property in the Developing Tier. The 1993 Subregion VI Study Area Master Plan recommends residential land use at the Low-Suburban density of 1.6–2.6 dwelling units per acre. The

1994 Sectional Map Amendment retained the subject property in the R-R Zone. Prospective home-buyers should be aware of the noise generated by military aircraft at this location. The Maryland standard for exterior noise is a maximum of 65 Ldn. The proposed development is located within the 65–70 Ldn (DNL) moderate noise contour of Andrews Air Force Base (AAFB), based on the most recent (1998) Air Installation Compatible Use Zone (AICUZ) study, page 4-4. In its discussion of “Noise Exposure for Existing Aircraft Operations,” the study states: “The DNL 65 DB contour extends about one mile east of the eastern boundary of the AFB and is not symmetrical to the west side.” These issues were raised also by the Environmental Planning Section. Conditions of approval are recommended.

6. **Parks and Recreation**—The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Because the property abuts parkland and can be used to provide access to that parkland, staff recommends the applicant dedicate approximately 1.00 acre for park use. The applicant has revised the preliminary plan as recommended to meet the mandatory dedication requirement. The property to be dedicated is shown on the plan as Parcel “B.” Dedication of this land should be subject to standard conditions relating to the state of the land to be dedicated.
7. **Trails**—There are no master plan trails issues associated with this application.
8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. In response to staff’s request for a current traffic count, the applicant provided a traffic count at the critical intersection of MD 223 and Rosaryville Road dated April 2003. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is in 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 is required in the developing tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

Staff has determined that the intersection of MD 223 and Rosaryville Road should be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the applicant in April 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,295, during the AM peak hour. During the PM peak hour, the intersection operates at LOS F with a CLV of 2,014.

Staff has assumed four years of growth at 1.0 percent per year along all legs of the intersection. Staff has also assumed 17 approved but unbuilt developments nearby that would affect turning movements at the intersection (including a pending development, Isabelle's Estate, preliminary plan 4-03008). There is a funded capital project in the county Capital Improvement Program, which would provide widening at the intersections of MD 223 with Rosaryville and Dower House Roads. This project is funded with 100 percent funding within six years. Full funding in this circumstance includes an assumption that the majority of funding would come from developer contributions. Therefore, the improvements to the MD 223/Rosaryville Road intersection can be assumed to be a part of background traffic. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,280; PM peak hour—LOS D, with a CLV of 1,301.

With the development of 32 residences, the site would generate 24 AM (5 in and 19 out) and 29 PM (19 in and 10 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 40 percent—north along MD 223, 35 percent—west along MD 223, and 25 percent—south along Rosaryville Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,288; PM peak hour—LOS D with a CLV of 1,309.

At the hearing, the staff recommended the following additional condition:

Prior to the issuance of any building permits, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- A. Provision of a second southbound through lane along Rosaryville Road through the intersection, with appropriate widening along Rosaryville Road south of the intersection to Gambier Drive.

- B. Widen the eastbound approach along MD 223 so that it can function with exclusive right-turn and left-turn lanes; this would require widening the MD 223 bridge over Piscataway Creek.

These improvements are funded in the County's CIP, but with "developer contributions." Through his attorney, the applicant proffered to pay the applicant's fair share of these required improvements. The Planning Board accepted this proffer. The applicant proffered to pay a fee equal to \$1,062 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter, 2001). Given this and other developer contributions, these improvements are fully funded and the applicant can proceed once this fee is paid.

Plan Comments

An early comment on the plan concerned the right-of-way along Rosaryville Road, which is a master plan collector with a proposed right-of-way of 80 feet, or 40 feet from centerline. In response, the applicant provided copies of county right-of-way plats 1189 and 1190, with a date of March 29, 1973, which cover the adjacent section of Rosaryville Road. The plats clearly show that the future right-of-way is to follow the centerline of the pavement (this is apparent when examining the line of dedication for Estonian Estates, Record Plat 63-020). Some confusion remains in that Rosary Woods, Record Plat 166-013, appears to have dedicated nine feet of additional right-of-way, which would be consistent with the county right-of-way plats.

The confusion appears to have resulted from the property maps, which suggest the line of dedication for Rosary Woods was about 35 feet back from the existing right-of-way. However, an examination of the property maps imposed on an aerial photograph clearly show that shoulders and sidewalks for Rosaryville Road extend well outside of the property maps' right-of-way for Rosaryville Road. This suggests that the right-of-way plats are the correct source to evaluate the needed right-of-way, and that the dedication of 40 feet from centerline, or nine additional feet, along the frontage of Rosaryville Road is correct as shown on the plan. Nonetheless, the applicant should prepare to demonstrate that the centerline shown on the subject plan is consistent with the centerline of pavement, as shown on the county right-of-way plats and as currently exists, at the time of final plat.

Given the amount of traffic using Rosaryville Road at this location, there are issues with platting additional lots with individual driveway access points to this roadway. It does not appear, however, that other configurations can fully eliminate the need for individual driveways to access Rosaryville Road. Therefore, Lots 1 and 32 should provide driveways with a turnaround capability to reduce the need for vehicles accessing these lots to back onto Rosaryville Road. Lots 2 and 31 should not have driveways onto Rosaryville Road, but should have access directed onto the internal street.

Based on these findings, adequate transportation facilities would exist to serve the proposed

subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

9. **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 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	32 sfd	32 sfd	32 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.68	1.92	3.84
Actual Enrollment	5416	4598	8393
Completion Enrollment	281	66	132
Wait Enrollment	604	15	29
Cumulative Enrollment	23.28	148.62	297.24
Total Enrollment	6331.96	4829.54	8855.08
State Rated Capacity	5364	5114	7752
Percent Capacity	118.05%	94.44%	114.23%
Funded School	N/a	N/a	N/a

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

These figures are correct on the day the referral memorandum was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution are the ones that will apply to this project.

The affected elementary and high school clusters percent capacities are greater than 105 percent. There are no Funded Schools 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 conditions, including a six-year waiting period, in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Lots 1-7, Lots 29-32. All other lots are beyond.
 - b. The existing ambulance at Clinton Fire Station, Company 25, has a service travel time of 5.50 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic at Clinton Fire Station, Company 25, has a service travel time of 5.50 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*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of county law for residential structures, no condition is required.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed The Estates at Woodyard Farms development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes that there are several discarded tires on the property. These tires must be hauled away by a licensed scrap tire hauler, and the receipt for tire disposal should be submitted to the Health Department. Evidence of this shall be submitted to the Subdivision Section prior to final plat approval.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #4669-2003-00, 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 January 24, 2006. Development must be in accordance with this approved plan, or any revisions thereto.

14. **Cemeteries**—The applicant’s engineer has indicated on the plan that there are no cemeteries on or contiguous to the property. However, there is some evidence that one may be on or near the property. See discussion below.
15. **Historic Site**— The developing parcel (#167) is adjoined on the north by Parcel C, a 3.21-acre parcel that is Prince George’s County Historic Site 82A-41, the Woodyard (Archaeological) Site, also listed in the National Register of Historic Places.

The Woodyard is one of the most significant archaeological sites in the State of Maryland. The Woodyard is the site of a brick plantation house, built by Colonel Henry Darnall in the early part of the eighteenth century. The Woodyard passed in 1756 to Stephen West, who built a massive 116- by 34-foot structure at the Woodyard, which served as part of his industrial complex in the 1770s and 1780s; West produced arms and uniforms for the American troops during the Revolutionary war. Also during West’s ownership, the Woodyard was the site of the encampment of American troops during hostilities with British troops in 1814. The Woodyard acreage was partitioned during the nineteenth century, and the plantation house and manufactory burned to the ground in 1867, just before the property passed to the Hereford family, direct descendants of Stephen West. Some of the materials from the destroyed structure were used in the building, circa 1870, of a large brick farmhouse, which remained the Hereford family home through the remainder of the nineteenth century, and stood until recent years on part of the foundations of the early Darnall-West structure(s). The 1870 farmhouse was demolished and the site minimally graded circa 1980.

Descendants of the West-Hereford family believe that there was a private family burial ground on the property. This belief is reinforced not only by recollections of long-time tenant farmers, but also by an item in the 1790 will of Stephen West (Prince George’s County Will T#1:289). Family graveyards were traditionally located approximately one-quarter mile (or less) from the residence. The West-Hereford family cemetery has not been located, but care must be taken to ensure its protection.

The Prince George’s County *Landscape Manual* requires that, where a developing property adjoins a Historic Site, a D bufferyard (40 feet) be planted on the developing property to screen the view of new buildings from the Historic Site. An additional 10-foot setback is required for new buildings on the developing property. The required 40-foot landscape bufferyard must be provided on building lots adjoining the historic site.

Although Note #24 indicates that “There is an archeological site located off-site to the northeast of the property,” the Historic Site is not indicated on the preliminary plan.

During previous review of other sections of the Woodyard development, Historic Preservation staff recommended that the Woodyard Archaeological Site be protected by conveyance to a public agency capable of maintenance and stewardship of the site. Accordingly, in April 1997, the 3.21-

acre archaeological site was deeded to The Maryland-National Capital Park and Planning Commission, and is maintained and monitored by the Department of Parks and Recreation.

16. **Lot Size Averaging**—Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of Lot Size Averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** *Comment:* The design of this subdivision respects the natural features on this property and the adjoining historic site. It is separated from the adjoining historic site by land to be dedicated to M-NCPPC. Use of Lot Size Averaging allows the applicant to provide the necessary land for dedication and create lots that have adequate size and frontage.
- B. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** *Comment:* The property abuts townhomes to the west and single-family homes in the R-R Zone developed under the cluster provisions. Lot sizes in the proposed subdivision range from just over 15,000 square feet to more than 30,000 square feet. This provides a good transition from townhomes to the single-family lots to the east.
- C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** *Comment:* There are few environmental features on the site. Tree preservation is proposed in rear yards where the site abuts adjoining property.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).** *Comment:* In this case, with 19.64 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 42. The applicant proposes 32 lots.
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).** *Comment:* As proposed, 16 of the proposed 32 lots (or 50 percent) exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

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BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott and Eley voting in favor of the motion, Commissioner Vaughns opposing the motion and with Chairman Hewlett absent at its regular meeting held on Thursday, July 3, 2003 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk