

R E S O L U T I O N

WHEREAS, Brandywine Estates Joint Venture is the owner of a 18.04-acre parcel of land known as Parcel 42, Tax Map 165, Grid C-2, said property being in the 8th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on June 18, 2003, Brandywine Estates Joint Venture filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03055 for Brandywine Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 13, 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 November 13, 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/25/94-01), and further APPROVED Preliminary Plan of Subdivision 4-03055, Brandywine Estates for Lots 1-7 and Parcel A with the following conditions:

1. Prior to signature approval of the Preliminary Plan, the Forest Stand Delineation shall be revised as follows:
  - a. Add a note indicating the source of the 100-year floodplain delineation.
  - b. Revise the nontidal wetland delineation to reflect the extent of nontidal wetlands shown on the Preliminary Plan and TCPI.
  - c. Add a note stating that the nontidal wetlands delineation is preliminary and subject to a jurisdictional determination; or revise the nontidal wetlands delineation in accordance with an approved jurisdictional determination.
  - d. Revise the FSD to show the location of RTE sites on the property, if any are identified by the Wildlife and Heritage Service, or add a note stating that none are present.
  - e. Revise the title on the FSD plan sheet.

- f. Have the revised plan signed and dated by the qualified professional who prepared it.
2. Prior to signature approval of the Preliminary Plan:
  - a. The applicant, his heirs, successors and/or assignees shall revise the wetland study to delineate the full extent of nontidal wetlands present based on additional sampling points submitted.
  - b. A stormwater management plan shall be approved by the Department of Environmental Resources and the approval number and date shall be added to the preliminary plan.
  - c. The plan will be revised to identify both private right-of-way easements as "Private Right-of-Way and Public Utility Easement."
  - d. The plan shall be revised to include only six lots unless evidence is provided that the Health Department has approved capacity in the community septic system for seven homes.
3. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant, his heirs, successors and/or assignees shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans
4. Prior to signature approval, the TCP I shall be revised to provide a table of woodland conservation on a lot-by-lot basis. Include all lots and parcels that are part of the TCP II
5. Prior to the issuance of permits, the TCP II (TCP II/56/95-01) for the subject property shall be revised and address the following conditions:
  - a. All afforestation areas proposed shall be planting stock with a minimum size of one-inch in caliper.
  - b. Tree species proposed in nontidal wetlands and wetland buffer areas shall be those known to tolerate and thrive in wet site conditions.
  - c. A permanent tree protection device, such as a split rail fence, shall delineate all afforestation areas on private lots. Details for the location and appearance of the permanent tree protection device shall be approved at the time of TCP II approval.
  - d. All approved afforestation areas shown on the TCP II shall be delineated on the final plat of subdivision as conservation easements and protected in perpetuity.
  - e. Have the revised plan signed and dated by the qualified professional who prepared it.

6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/25/94-01). The following notes shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/25/94-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

7. Prior to the issuance of any permits, a Type II Tree Conservation Plan shall be approved.
8. At time of TCPII review, the location of the proposed off-site mitigation shall be identified.
9. Prior to the issuance of any permits for the subject property, a recorded easement for the required off-site woodland mitigation must be submitted to the Environmental Planning Section.
10. Prior to signature approval of the Preliminary Plan, revise the Preliminary Plan and TCPI to provide an accurate delineation of the expanded stream buffer, label the expanded stream buffer, and include any graphic symbol used to identify the expanded stream buffer in the legend.
11. Prior to signature approval of the Preliminary Plan and TCPI, the plans shall be revised if necessary to show no impacts to the expanded stream buffer, nontidal wetlands or wetland buffers, because no variations were requested as part of this preliminary plan application.
12. At time of final plat, the areas that are delineated as the expanded stream buffer and wetland buffers in combination with specific rare, threatened or endangered species habitats and/or populations, if identified, and afforestation areas proposed on Lots 5, 6 and 7 shall be described by bearings and distances and shall be placed in a conservation easement. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. Disturbance of woodland conservation areas may also require a revision to the TCPII. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

13. Prior to signature approval of the Preliminary Plan, a soils study shall be submitted and reviewed by the Environmental Planning Section. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings and test pits and logs of the materials found. Borings and test pits in areas of fill shall be deep enough to reach undisturbed ground. The soils study shall also include recommendations related to construction of foundations, structures and roads on the previously disturbed and possibly filled area of the site. This condition may be waived if additional information is

submitted that demonstrates that no fill was placed on the site under the sand and gravel reclamation plan approved by the state.

14. If a soils study is required, it shall be referenced by note on the final plat of subdivision as follows:

“Prior to the issuance of permits for this property, the Environmental Planning Section shall review all permits for compliance with the recommendations of the approved soils study for the construction of foundations, structures and roads on fill area.”

15. Roadway improvements on Cedarville Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual pre-application meeting between the Department of Public Works and Transportation and M-NCPPC prior to the paving and stormdrain plan submittal.

16. Prior to signature approval of the Preliminary Plan, the plan shall be revised to show a 35-foot-wide scenic easement along the road frontage of Lot 1 measured from the outside of the delineated public utility easement. At time of final plat, the scenic easement shall be described by bearings and distances, and the following note shall be placed on the final plat of subdivision:

“Cedarville Road is a designated historic road. The scenic easement described on this plat is an area 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.”

17. At time of permit application for construction of a dwelling unit on Lot 7, the site plan shall provide the equivalent of an “A” bufferyard along the unwooded portion of the northern boundary in order to buffer views of the side and rear yards of the lot from Cedarville Road. Landscaping shall not be shown in the force main easement.
18. At the time of final plat approval, the applicant shall dedicate a right-of-way along Cedarville Road of 40 feet from the existing center line, as shown on the submitted plan.
19. Proposed Lots 1, 2, and 7 shall have driveways to each lot with a turnaround capability in order to minimize the need for vehicles accessing each lot to back onto Cedarville Road.
20. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a fee to Prince George’s County of \$479 per dwelling unit (for a total of \$3,355), which shall serve as a fair share contribution toward the construction of the Brandywine Special Study Area Station and acquisition of an ambulance and paramedic vehicle.
21. A note shall be included on the final plat that indicates that access to all lots is provided pursuant to Section 24-128(b)(1) of the Subdivision Regulations.

22. Prior to final plat, the site shall be surveyed for all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered. The site shall be surveyed according to DNR protocol, and any population identified shall be accurately located accordingly.
23. If rare, threatened or endangered species are found on the site, the Forest Stand Delineation, preliminary plan and TCPI shall be revised prior to final plat to show the location of the specific habitats and/or populations and to eliminate any impacts to specific habitats and/or populations.

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 south side of Cedarville Road, 1,500 feet west of Country Lane in Cedarville.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use	Vacant	Single-family homes
Acreage	18.04	18.04
Lots	0	7
Parcels	1	1
Detached Dwelling Units	0	7

4. **Environmental**—A review of the available information indicates that intermittent streams, wetlands, and 100-year floodplain are found to occur on the property. Mattawoman Creek runs outside the eastern and southern borders of this site, with stream buffers and floodplain extending onto the subject property. The adjacent properties to the southeast, south and southwest are in M-NCPPC ownership and are part of the land designated as a stream valley park. Transportation-related noise does not impact this property. The soils found to occur, according to the Prince George's County Soil Survey, include Beltsville, Croom, Fallsington and Rumford. Beltsville and Fallsington are hydric soils, which may exhibit high water table and poor drainage. Croom soils are hydric, but exhibit few development difficulties where slopes are not a problem. Rumford soils pose few difficulties to development. According to available information, no Marlboro clay is expected to underlay or outcrop on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property, specifically on the "Globecom" property, upstream and to the north of this site. Cedarville Road is a designated historic road adjacent to this property. This property is

located in the Potomac River basin and the Rural Tier as reflected in the adopted General Plan.

### **Woodland Conservation**

A Detailed Forest Stand Delineation (FSD) submitted with the revised TCPI identifies three stands on the subject property and generally meets the requirements with only a few minor deficiencies. The FSD plan should be correctly labeled. The source of the 100-year floodplain line should be added as a note to the plan. An approved floodplain study will be required prior to preliminary approval to confirm that the net lot area requirement has been met and to determine an accurate woodland conservation requirement for this site.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet in gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/25/94) was previously approved for a 39.43-acre site, of which the subject property is a part.

The revised Tree Conservation Plan (TCPI/25/94-01) has been reviewed. The TCPI covers an 18.04-acre parcel, which includes 3.09 acres of 100-year floodplain according to the woodland conservation worksheet. The remainder of the 39.43-acre site, which was not included on the revised TCPI submitted, is entirely within the 100-year floodplain, and has no effect on the woodland conservation requirement for the overall site. The woodland conservation threshold based on the area of the current application's 7.48 acres (50 percent of the net tract) plus additional acres due to removal, totaling 6.41 acres of woodland, establishes a total minimum requirement of 12.13 acres. An accurate 100-year floodplain study is necessary to determine the net tract area of the preliminary plan and to calculate the woodland conservation requirement for the subject property.

The revised TCPI has proposed to meet the woodland conservation requirement with 3.41 acres of on-site preservation, 3.19 acres of on-site afforestation, and 5.53 acres of off-site mitigation. In general, the Environmental Planning Section recommends that at a minimum the woodland conservation threshold be met on site, and preferably all woodland conservation should be provided on site in the Rural Tier. The woodland conservation proposed on this site falls below the threshold due to circumstances unique to the site, because a community septic field, over 2.2 acres in size, will need to be cleared to accommodate on-site infrastructure necessary to development.

Afforestation is proposed on private lots, which the Environmental Planning Section does not generally support. But because the areas proposed for afforestation are nontidal wetlands, revegetation of these areas is a priority and will provide a large contiguous block of woodland preservation and wooded areas. The clearing proposed appears to be the minimum necessary to provide reasonable active yards and achieve positive grading. On proposed Lot 1 the grading has been designed to work with contours of the site, resulting in the preservation of woodlands adjacent to the designated historic road, which will be discussed later in this memorandum. A table of woodland conservation on a lot-by-lot basis has not been provided. This table is required

because the lots will likely be constructed separately and the table is the tracking mechanism for the TCPIIs.

The Environmental Planning Section does not generally support approval of afforestation on private lots due to its vulnerability to removal after occupancy of the dwelling has occurred. Due to the priority of nontidal wetlands for afforestation, afforestation on these private lots is acceptable subject to conditions.

The TCPI proposes that the woodland conservation requirement for this site will be partially met off-site. The location of the proposed off-site mitigation is required to be identified at the time of TCPII review and approval. Prior to the issuance of grading permits, a recorded easement for the required off-site woodland mitigation must be submitted to the Environmental Planning Section.

The Preliminary Plan and TCPI submitted may not include the location of all of the significant environmental features that occur on this site, because a 100-year floodplain study has not been approved and a jurisdiction determination of nontidal wetlands has not been received.

#### **Rare, Threatened or Endangered Species**

The subject property is located downstream from a known rare, threatened or endangered (RTE) habitat site and also contains an area of historic site disturbance due to gravel mining, which is often associated with RTE sites. RTE survey work has been carried out on the Globecom site, a secured federal site located to the north, by a private contractor working for the Maryland Department of Natural Resources (MDNR) to determine the extent of RTEs present in the headwaters of the Mattawoman Creek. A letter was sent to the Wildlife and Heritage Service, Maryland Department of Natural Resources, by McCarthy & Associates, requesting information on rare, threatened or endangered species that may occur on this property, but no reply was received.

To address concerns related to the possible presence of two state-listed rare, threatened or endangered species, staff recommends that the applicant survey the site for all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered. The site should be surveyed according to DNR protocol, and any population identified should be accurately located accordingly. If rare, threatened or endangered species are found on the site, the Forest Stand Delineation, preliminary plan and TCPI should be revised prior to final plat to show the location of the specific habitats and/or populations and to eliminate any impacts to specific habitats and/or populations.

#### **Wetlands, Streams and Buffers**

The nontidal wetlands delineated have not received a jurisdictional determination. The revised Preliminary Plan and revised TCPI now show a more extensive area of nontidal wetlands, but the FSD has not been revised to reflect the additional wetlands. A note should be added to the plan indicating that the nontidal wetlands delineated are based on a preliminary wetlands study, and

have not yet received a jurisdictional determination.

A wetland report (McCarthy & Associates, Inc., June 2003) was submitted with this application. Although the information appears complete, a jurisdictional determination has not been made by the U.S. Army Corps of Engineers and the nontidal wetlands shown are less extensive than those now shown on the Preliminary Plan and TCPI. The previous preliminary plan approved TCPI for this site shows a more extensive area of nontidal wetlands, more closely following the extent of previous mining on the site. Additionally, staff of EPS visited the property in conjunction with the preparation of the TCPII for this site in 1995, and found the more extensive wetlands delineated on that plan to be accurate. A previous memorandum from the Environmental Planning Section dated July 7, 2003, requested additional sampling in the more extensive area where wetlands were previously delineated.

The June 2003 wetlands report was resubmitted, but no revisions to the report, map or additional sampling points were submitted. Although no additional information was provided, the delineation of nontidal wetlands on the revised Preliminary Plan and revised TCPI was enlarged.

Wetlands, streams, and 100-year floodplains and associated buffers compose the “expanded stream buffer” in accordance with Section 24-130 of the Subdivision Regulations. The “expanded stream buffer” is required to be delineated on the Preliminary Plan of Subdivision and the Type I Tree Conservation Plan.

The Subdivision Regulations mandate that the wetlands, their buffers, and the expanded stream buffer be preserved. After the expanded stream buffer for Mattawoman Creek and the Waters of the U.S. associated with the nontidal wetlands has been delineated according to the Subdivision Regulations, the applicant should revise the lot layout, if needed, to meet the requirement for preservation of the expanded stream buffer deemed necessary to protect the stream or 100-year floodplain.

If impacts to the expanded stream buffer are proposed for the installation of necessary public utilities and roadway connections, a new preliminary plan will be required because no variation requests for the impacts in accordance with Section 24-113 of the Subdivision Regulations were submitted.

To protect streams, nontidal wetlands and 100-year floodplain, the area of the expanded stream buffer and wetlands and their buffers are required to be placed in a protective conservation easement at time of final plat.

## **Soils**

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Beltsville, Croom, Fallsington and Rumford soils series. A reclaimed gravel pit is located on this site.



The gravel pit area is of concern. Due to the unknown nature of the soils used for reclamation and the limitations associated with other soils found on this property, a soils report addressing the soil structure, soil characteristics, and foundation stability was requested in a memorandum dated July 7, 2003. The soils report was required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations. The study must, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings and test pits and logs of the materials found. Borings and test pit areas of fill shall be deep enough to reach undisturbed ground.

### **Cedarville Road**

Cedarville Road is a designated historic road in the *Historic Sites and District Plan*. This should be indicated by a note on the preliminary plan. The functional classification for Cedarville Road from Betty Boulevard to the Chalk Point Railroad is a collector road.

Any improvements within the right-of-way of a historic road are subject to approval by the Department of Public Works & Transportation under the *Design Guidelines and Standards for Scenic and Historic Roads*. Before a paving and stormdrain plan is submitted to DPW&T, and preferably before engineering design of roadway improvements has begun, a conceptual pre-application meeting with the applicant, DPW&T and M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*. A photographic survey of the viewshed along Cedarville Road has been submitted and was found to meet the requirements. The existing character of the viewshed is mature woodlands.

The preliminary plan proposes to preserve existing woodlands along the frontage of Lot 1 and the proposed dwelling is placed over 200 feet from the right-of-way. The Environmental Planning Section recommends that a 35-foot-wide scenic easement, measured from the inside of the public utility easement, be placed along the Cedarville Road frontage of Lot 1 to preserve qualities of the existing viewshed.

The community septic field area is required to be cleared. This will expose the dwelling proposed on Lot 7, although it is placed almost 300 feet from the right-of-way. The Environmental Planning Section recommends that landscaping be placed along the northeast boundary line of Lot 7 where no vegetation is proposed to remain in order to buffer the proposed structure from the viewshed of Cedarville Road.

### **Water and Sewer Categories**

The property is in water category W-6 and sewer category S-3. It will be served by private wells and a community septic system

5. **Community Planning**—The property is in Planning Area 85B/Cedarville. The 2002 General Plan places the property in the Rural Tier. Protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and

vistas that now exist is the vision for the Rural Tier. The 1993 Subregion V master plan shows a stream valley park over the majority of the property. Large-Lot/Alternative Low Density Development at 0.5 to 0.9 dwelling units per acre is recommended for the remainder. The 1993 Subregion V sectional map amendment classified this property in the R-A Zone.

The Natural Features and Environmental Facilities Map indicates the northern, eastern, and southern portions of the site are Natural Reserve Areas along Mattawoman Creek. The map also indicates that in 1990 all but the west central part of the site was wooded. A segment of the Mattawoman Creek Stream Valley Park is proposed on this property. A hiker/biker/equestrian trail is proposed along the creek within the stream valley park.

The extent of the proposed stream valley park and trail are the only master plan issues pertaining to this proposed preliminary subdivision for residential development; the Department of Parks and Recreation has determined that the property cannot be acquired at this time. The surrounding neighborhood is recommended for Large-Lot/Alternative Low Density Residential Development in the R-A Zone or, upon approval of an application, in the R-L Comprehensive Design Zone. The large lot residential development proposed in this application conforms to master plan land use recommendations for the surrounding neighborhood.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because all lots are greater than one acre in size.
7. **Trails**—There are no master plan trails issues associated with this proposal. The Mattawoman Creek Trail identified in the Subregion V master plan can be accommodated on the adjacent parkland.
8. **Transportation**—The proposed development of seven single-family detached homes would generate five AM and five PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989). The traffic generated by the proposed preliminary plan would impact the intersection of US 301 and McKendree/Cedarville Roads.

The site is within the Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

**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.

The US 301 and McKendree/Cedarville Road intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The staff has reviewed traffic counts at that location in connection with preliminary plan application 4-02069 for Rosewood. In this case, staff notes that the critical intersection is operating unacceptably during at least one peak hour under existing traffic, and would operate unacceptably under background and total future traffic. Nonetheless, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would recommend that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the US 301 and McKendree/Cedarville Roads intersection.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the transportation-related conditions included in this report.

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 <b>5</b>	Middle School Cluster <b>3</b>	High School Cluster <b>3</b>
Dwelling Units	7 sfd	7 sfd	7 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.68	0.42	0.84

Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	274.56	163.92	327.84
Total Enrollment	4928.24	4843.34	8882.68
State Rated Capacity	4175	5114	7752
Percent Capacity	118.04%	94.71%	114.59%
Funded School	N/a	N/a	N/a

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which will accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service Baden Fire Station, Company 36, located at 16608 Brandywine Road, has a service travel time of 8.81 minutes, which is beyond the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Baden Fire Station, Company 36, has a service travel time of 8.81 minutes, which is beyond the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 7.45 minutes, which is beyond the 7.25-minute travel time guideline.

These findings are based on using the existing road system and existing stations in accordance 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 is required 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 law for residential structures in Prince George's County, no

condition is required.

The planned Brandywine Special Study Area Emergency Services Facility will be the first due station that will provide ambulance and paramedic service to this development. The projected cost of this emergency services facility is \$1,535,000.

To mitigate the ambulance response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$130,000) and paramedic unit (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (10,024). The service area includes those areas that will be served by the planned facility. The fair share fee is \$479 per dwelling unit for this development, calculated as follows.

2006 service area population/workers=10,024

Station Cost \$1,535,000/10,024=\$153.13 per person x 3.13 (household size)=\$479 per dwelling unit

\$479 x 7 dwelling units=\$3,355

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, existing county police facilities will be adequate to serve the proposed Brandywine Estates development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes that the property is to be served by a shared private septic system. There are specific regulations outlined in COMAR 26.04.05 to which the applicant must adhere regarding this type of system. The Health Department memorandum is included in the file. A governmental agency must be designated as the controlling authority to manage, operate and provide continuous preventative and corrective maintenance to the system. This arrangement must be determined prior to the approval of the final plat.

At this time, the Health Department has only approved enough capacity for six lots in the septic system. Therefore, one lot must be removed from the preliminary plan unless the Health Department approves additional capacity prior to signature approval of the plan.

The Health Department will not sign the final plat or approve any building permits until a contract between the developer and the controlling authority has been approved by the Health Department.

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 has been submitted but has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**<sup>3/4</sup> There are no known cemeteries on or adjoining the property.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement along Cedarville Road. However, it does not include the easement within the access easements. Provision of services to lots only served by the access easement will be hampered unless the access easement includes a public utility easement as well. The general practice is to name the access easement an “access and public utility easement” so that utility service may be provided to all homes in the subdivision. Staff recommends the plan be revised to reflect this.

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 Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 13, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11<sup>th</sup> day of December 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:rmk