

R E S O L U T I O N

WHEREAS, Osborne Road Limited Partnership is the owner of a 73.70-acre parcel of land known as Parcels 135 and 142, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on February 12, 2004, Marrick Properties filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 14 lots, 1 outlot and 8 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04005 for Hollowtree 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 June 17, 2004, 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 June 17, 2004, 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/70/02), and further APPROVED Preliminary Plan of Subdivision 4-04005, Hollowtree Farms for Lots 1-14, Parcels A-H and Outlot A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To relabel Lots 6 through 19 as Lots 1-14.
 - b. To reflect that the proposed right-of-way is 60 feet wide, not 50 feet wide as labeled on the plan.
 - c. To provide a note that the spine road is a proposed 60-foot-wide public right-of-way to be constructed with an open section.
 - d. To provide a note that driveways shall be constructed by the applicant to the abutting properties to the north (Lots 1, 2, 4, and 5 in the existing Hollowtree Farm Subdivision).
 - e. To correct the title block to provide for Parcel A -H.

- f. To provide a table with the outlots and parcels and to whom they are to be dedicated.
 - g. To delineate the existing access easement to the park property more clearly.
 - h. To create an additional outlot of the portion of Lot 6 extending to the east that could be conveyed to the abutting property owner to the east if desired.
 - i. To label the proposed 25-foot-wide access stem to the park property (M-NCPPC) as Parcel A.
 - j. To provide a general note regarding the removal of all existing structures.
 - k. To label Outlots A-F as Parcels C-H.
 - l. To revise the PMA delineation on Lots 8, 12, and 13 to include the additional priority woodlands that can be preserved.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to approval of the final plat, the applicant shall provide evidence from the Department of Environmental Resources that the bio-retention facility on proposed Parcel B is necessary to serve the development. If the bio-retention facility is not necessary, the area proposed as Parcel B shall be divided and incorporated into Lots 9 and 10. If the bio-retention facility is required, the applicant shall provide evidence that a separate parcel is required or if the area of bio-retention can be accommodated within an easement only.
4. Prior to the approval of grading or building permits, the applicant shall determine the extent of the land that shall be the subject of a Phase I archeological investigation with the concurrence of DRD. If any portion of the property is determined to be subject, the applicant shall complete a Phase I investigation that may include research into the property history and archeological literature. At that time staff will determine if archeological resources exist in the project area, and if so, the applicant shall be advised of the requirement of a Phase II or Phase III archeological investigation.
5. Prior to approval of the final plat the applicant shall demonstrate percolation tests have been approved by the Health Department for Lots 6 and 19. If tests have not been approved, the area of Lot 6 shall be incorporated into Lot 7 and the area of Lot 19 shall be incorporated into Lot 18.
6. At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 382 (Croom Road) of 40 feet from the center-line of the existing pavement, as shown on the submitted plan.
7. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association, if necessary.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the

homeowners association (HOA) .92± acres of open space land (Parcel B) if required. Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcel A (.832± acres of land) to provide access to the abutting parkland. Land to be conveyed shall be subject the following:
- a. At the time of final plat 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, 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. Stormdrain 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. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land 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.
10. Prior to the approval of the final plat of subdivision, the applicant shall submit executed deeds of conveyance of Parcels C-H to the abutting properties for which the parcels will serve. The final plat shall carry a note that the outlots are to support sole vehicular access driveways to the dedicated public street, providing each existing abutting parcel with frontage on and direct vehicular access to a dedicated public street.
11. Prior to the approval of the final plat of subdivision, the applicant shall submit an executed deed of conveyance of Outlot A to one of the abutting properties to the east. If the abutting property owner of Lot 2 or Parcel 35 declines the conveyance of Outlot A, the final plat shall incorporate

that area of Outlot A into Lot 6, as originally proposed by the applicant.

12. Prior to the approval of grading or building permits, the applicant shall submit the recorded deeds of conveyance of Outlots C-H to the abutting property owners for which the parcels will serve as access and frontage on a dedicated public right-of-way. The applicant shall ensure uninterrupted access to the abutting properties that have right-of-access across the subject property during all phases of development.
13. Prior to the approval of grading or building permits, the applicant shall submit the recorded deed of conveyance of Outlot A to the abutting property owner, if applicable, and as was determined at the time of approval of the final plat.
14. Concurrent with the approval of the final plat the two easements encumbering the subject property shall be abandoned.
15. The adopted and approved Subregion VI Master Plan recommends that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage. Because Croom Road is a state right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's manual on uniform traffic control devices dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit. If road improvements are required by SHA, a seven- to ten-foot-wide asphalt shoulder is recommended along the subject property's entire frontage of Croom Road.
16. The subdivider, his successors, heirs and/or assignees shall submit a letter to the Development Review Division indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.
17. The final plat shall carry a plat note that lot line adjustments involving Parcels C-H abutting the existing Hollowtree Subdivision to the southeast shall not result in additional buildable lots without a new preliminary plan of subdivision.
18. Prior to signature approval of the FSD shall be revised as follows:
 - a. Delineate the FIDS habitat;
 - b. Delineate the location of the mesic forest community identified by the Natural Heritage Program during the field visit; and
 - c. Have the plan signed and dated by the qualified professional who prepared it.

19. Prior to signature approval of the TCPI the plan shall be revised as follows:
 - a. Correct labels in the legend to include the method of woodland conservation proposed;
 - b. Correct the quantities for existing woodlands and right-of-way in the woodland table to match the woodland conservation worksheet and/or notes;
 - c. Correct the delineated limit of disturbance and ensure that it includes all required disturbance; and
 - d. Have the plan signed and dated by the qualified professional who prepared it.
20. Prior to signature approval of the TCPI, the plan shall be revised to maximize the amount of priority woodlands and FIDS habitat retained on the site and to meet the woodland conservation requirement through preservation to the greatest extent possible as follows:
 - a. On Lot 13, evaluate an alternative septic system location that will minimize intrusion into the FIDS buffer and uncommon forest community. If the system cannot be relocated, then the width of the connection to the recovery field should be reduced;
 - b. On Lot 12, relocate the dwelling and active rear yard to the south and west and provide only a narrow connection to the recovery field;
 - c. On Lot 8, relocate the dwelling and active rear yard to the south and west and provide only a narrow connection to the recovery field;
 - d. Design all septic systems so that the primary recovery field, if located within priority woodlands, minimizes the amount of edge effect, limits clearing and grading;
 - e. Revise the woodland conservation worksheet, woodland table, and general notes to reflect the additional woodland preservation provided; and
 - f. Have the revised plan signed and dated by the qualified professional who prepared it.
21. 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/70/02), 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.”
22. At time of final plat, the area that includes the delineated Patuxent Primary Management Area, except for approved impacts, 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. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

23. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
24. At time of final plat, a 40-foot-wide scenic easement shall be established behind the public utility easement adjacent to Croom Road and a note shall be placed on the final plat as follows:

“Croom Road (MD 382) is a county-designated Historic Road and a state- designated Scenic Byway. The scenic easement described on this plat is an area in which the installation of structures and roads and/or 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.”

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on the northeast side of Croom Road, approximately 1,600 feet northwest of its intersection with Mount Calvert Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Vacant	Residential
Acreage	73.70	73.70
Lots	0	14
Outlots	0	1
Parcels	2	8
Dwelling Units:		
Detached	0	14

4. **Environmental**— The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision and revised Type I Tree Conservation Plan, stamped as accepted on May 17, 2004. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/70/02 subject to conditions.

There are numerous streams, wetlands, and 100-year floodplains found on this property. The site is approximately two-thirds wooded and contains areas of agricultural fields on the other one-third. The soils found on this property include Bibb silt loam, Matapeake silt loam, Sandy land steep, Sassafras gravelly sandy loam, and Westphalia-Evesboro complex. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes. Marlboro clays are found to occur in the vicinity of this property. Although these limitations may ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

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, an endangered species is found to occur in the vicinity. The portion of Croom Road that fronts on the subject property is a designated historic road. The property is located in the Charles Branch watershed of the Patuxent River. The property is located within the designated Patuxent Rural Legacy Area.

A revised detailed forest stand delineation (FSD) plan and text was submitted to include areas that were evaluated for the presence of rare, threatened or endangered species. It has been delineated on the TCPI and preliminary plan. The woodland on the northern boundary of the subject property is part of a large, contiguous block of forest interior dwelling species (FIDS) habitat that connects to the Patuxent River Park on the east side of this property. More than 435 acres of interior woodlands are located within a 1,017-acre block of contiguous woodlands, of which a portion is located on this site.

A letter dated May 19, 2004 was received from Katharine McCarthy of the Natural Heritage Program, Maryland Department of Natural Resources, includes the following comments:

"On May 12, 2004, I accompanied the consultants for the developer in a survey of the property for rare plant species. While we observed no rare species, we did encounter an excellent example of an uncommon forest community. An extremely rich, mesic forest community was observed on the northern and western border of the fields on the parcel, in the vicinity of lots 12 and 13 to the west and water test WT-8-1 to the north. No clearing of mature examples of this community appears to be proposed to the north. The wetlands of special state concern along the northern border appear to have a 100-foot upland buffer that will remain undisturbed. However, to the west, lots 12 and 13 show proposed septic systems that intrude a significant distance into the forest, thus introducing edge effects to the forest interior and degrading the forest community. An ovenbird nest was observed on Lot 13, highlighting the value of this area as habitat for forest interior breeding birds."

Forest interior dwelling species habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffer is necessary for an accurate evaluation of priority woodlands.

The uncommon forest community identified during the site visit should be delineated on the FSD plan as a priority area for woodland preservation based on the recommendations of the Natural Heritage Program.

FIDS habitat is a high priority area for preservation. The recently identified forest community is also a priority for preservation. A letter dated May 19, 2004, was received from Katharine McCarthy of the Natural Heritage Program, Maryland Department of Natural Resources, includes the following comments:

“The uncommon forest community on site includes a suite of herbaceous species and wildflowers that are typical of the Piedmont geologic province, but uncommon on the Coastal Plain: Putty-root orchid (*Aplectrum hyemale*), Maidenhair fern (*Adiantum pedatum*), Pennywort (*Obolaria virginica*), Black snakeroot (*Cimicifuga racemosa*), Horse-balm (*Collinsonia canadensis*), Bloodroot (*Sanguinaria canadensis*) and Showy Orchid (*Galearis spectabilis*), among others. In order to conserve this unusual forest community, I encourage the county to pursue minimizing the clearing of forest in the vicinity of lots 12 and 13, and focusing any necessary forest clearing along existing forest edges.”

The TCPI proposes intrusions into the delineated FIDS habitat for placement of a house or septic system on three lots: Lot 8, 12, and 16. The Natural Heritage Program recommends the minimization of clearing on Lots 8, 12, and 13 as well, to protect the forest community. In addition, in the O-S Zone the Woodland Conservation Ordinance requirements should be met on site whenever possible, with preservation of on-site woodland as a priority.

In general, the location of the septic system is soil-dependent and can be difficult to move if the proposed lots do not have workable alternative sites for recovery fields. A review of the Health Department percolation site tests, submitted with this application, does not indicate that passing percolation tests for the lots of concern were difficult to achieve, but the location of considerable PMA on these four lots make it difficult to re-site the septic systems. The recovery fields located in the FIDS habitat is less problematic, since usually only a third of the total area is used, and typically the field tiles are shallower and laid among existing trees. Disturbance to reach the recovery area can also be minimized, as it has been on Lot 16, and the systems can also be designed so the primary septic system is located closest to the outside edge of the FIDS habitat to the greatest extent possible.

Of greater concern is the placement of dwellings and active yard areas within the delineated FIDS habitat. On Lot 8, the dwelling and 40-foot-deep active rear yard should be moved outside the delineated FIDS habitat, and only a narrow connection should be provided to the recovery field so that additional FIDS habitat is preserved. On lot 12, the house should be moved forward on the lot and toward the MNCPPC right-of-way, so that all active rear yard area is located outside of the FIDS habitat and grading is reduced. On Lot 13, an alternative location for the recovery system should be explored outside of the PMA so intrusions into the priority woodlands identified can be minimized. These house location issues can be more carefully evaluated at the time of review of the Type II Tree Conservation Plan and subsequent building permit applications where staff and the applicant can work to accommodate the FIDS habitat.

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 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. The minimum requirement for this site is 36.06 acres (50 percent of the net tract) plus additional acres due to removal totaling 7.13 acres of woodland, for a total minimum requirement of 37.84 acres. The TCPI has proposed to meet the requirement with 35.72 acres of on-site preservation and 2.14 acres of on-site afforestation, for a total of 37.86 acres of woodland conservation provided.

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, slopes from 15 percent to 25 percent on highly erodible soils, and portions of the identified FIDS habitat compose the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. In areas that were previously identified as 15 to 25 percent slopes on highly erodible soils, detailed soils reports were submitted, and the PMA was revised to include only those 15 to 25 percent slopes on erodible soils. The elements that compose the Patuxent Primary Management Area (PMA) have been fully and correctly identified on the TCPI/Preliminary Plan. The applicant proposes no impacts to the PMA. The site contains streams or wetland areas that are regulated by federal and state requirements. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should be required to submit copies of all federal and state wetland permits, to provide evidence that approval conditions have been complied with, and associated mitigation plans. However, the plan as proposed does not impact these areas.

This property is located in an area with extensive amounts of Marlboro clay that is known as an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on information available, the Environmental Planning Section projects that the top elevation of the Marlboro clay will occur at an elevation of between 45 and 60 feet. The applicant has submitted a geotechnical report prepared by Geotech Engineers, Inc, dated May 6, 2004, which indicates that no Marlboro clay was found to occur at elevations that were of concern. The Environmental Planning Section has also reviewed the individual percolation test reports and soil profiles for all proposed lots and has found no indication of Marlboro clay outcroppings.

Croom Road (MD 382) was identified as a designated historic road in the *Historic Sites and District Plan* and is a state-designed "Scenic Byway." Any improvements within the right-of-way of the road are subject to approval by the State Highway Administration (SHA). The applicant has proposed the retention of existing woodlands along the entranceway to the site; the existing viewshed is of an open field with hedgerows. The closest proposed dwelling on Lot 19 is set back more than 550 feet from the right-of-way, which enhances the rural viewshed from the roadway. The applicant has submitted an inventory of significant visual features for the frontage of the subject property on Croom Road (MD 382). At time of final plat, a 40-foot-wide scenic easement should be established behind the public utility easement adjacent to Croom Road and a

note placed on the final plat.

Water and Sewer Categories

The water and sewer service categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This site will utilize private systems.

5. **Community Planning**—The property is located within the limits of the 1993 Subregion VI Study Area Master Plan, Planning Area 82B in the Mount Calvert-Nottingham Community. The master plan land use recommendation is for low rural residential, with a density of up to 0.2 dwelling units per acre. The proposed plan is consistent with the land use recommendations of the master plan.

The 2002 General Plan locates this property in the Rural Tier. One of the visions for the Rural Tier is the protection of large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits. Preservation of the rural character and vistas that now exists are also important visions of the plan. The applicant has proposed large lot development and proposed to provide all of the required woodland conservation on site. Staff is also recommending the creation of a 40-foot scenic easement along Croom Road to protect the scenic character of the road. The proposed preliminary plan is consistent with the recommendations of the 2002 General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the subject subdivision is exempt from mandatory parkland dedication requirements because the lots are greater than one acre in size.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has an existing 25-foot-wide ingress and egress easement across the subject property from Croom Road to existing parkland adjacent to the subject property on the north. It was purchased along with the adjoining parcel to the north from the previous landowner, Thomas F. Duley, to provide maintenance and security access to the purchased parcel. The easement is recorded in the Land Records of Prince George's County, Maryland, in a deed at Liber14545, Folio180. The subdivision of the subject property requires relocation of a portion of the existing M-NCPPC access easement. The applicant proposes to relocate most of the easement within the proposed public right-of-way and conveyance to M-NCPPC of a 25-foot-wide right-of-way along the western property line of the proposed Lots 12,13 and 14. DPR staff concurs with the applicant that this relocation, as shown on the preliminary plan, provides an adequate access to the adjacent park property.

7. **Trails**—Two master plan trails/bikeways impact the subject site. The master plan designates MD 382 as an on-road bikeway (Class III trail). The master plan also shows a hiker/equestrian trail across the subject site. In addition, an existing 25-foot-wide right-of-way easement to the benefit of M-NCPPC will be relocated and conveyed fee-simple to M-NCPPC, west of Hollowtree Lane. The applicant and staff explored the possibility of extending this trail east of Hollowtree Lane, however, areas of steep slopes and wetlands appear to make this not feasible on

the subject property. The entire eastern edge of the subject site along the creek is lined by steep to severe slopes. No existing trail or path was located on the site. Opportunities may exist to provide trail access from the east to Hollowtree Lane off of the subject site closer to MD 382.

The applicant is proposing a open section roadway due to the rural nature of the subject site. Therefore, no sidewalks are recommended. The area in the vicinity of the subject site includes no sidewalks.

8. **Transportation**—The proposed development would generate 11 AM (2 in, 9 out) and 13 PM (9 in, 4 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. 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 traffic generated by the proposed preliminary plan would impact the intersection of US 301 and Croom Station Road, which is unsignalized. The site was analyzed using the following trip distribution:

Osborne Road from the west:	15%
US 301 from the south:	20%
US 301 from the north:	20%
Croom Station Road from the west:	45%

The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in either the current Prince George's County Capital Improvement Program or the state's Consolidated Transportation Program.

The staff has recent counts available at the critical intersection. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 42.5 seconds; PM peak hour, maximum average delay of 45.1 seconds.

Four nearby developments were included in background traffic. An annual rate of through traffic growth of 2.0 percent over three years was assumed along US 301. The following background traffic conditions were determined: AM peak hour, maximum average delay of 47.9 seconds; PM

peak hour, maximum average delay of 48.7 seconds.

With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 48.4 seconds; PM peak hour, maximum average delay of 48.9 seconds.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	14 sfd	14 sfd	14 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.36	0.84	1.68
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	186.48	125.16	250.32
Total Enrollment	5875.68	5474.62	10748.97
State Rated Capacity	5384	4688	8770
Percent Capacity	109.13%	116.78%	122.57%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-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 an 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 or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
- a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 4.13 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 4.13 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 10.28 minutes, which is beyond the 7.25-minute travel time guideline.
 - d. The existing paramedic service located at Marlboro Station, Company 20, is beyond the recommended travel time guideline. However, Marlboro Fire Station, Company 45, is located at 7710 Croom Road, which is 4.13 minutes from the development. This facility would be within the recommended travel time for paramedic service, if this service were implemented at that facility.

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

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The property is located in water and sewer service category 6, which requires that the development be served by private water and sewer service. The applicant has been working with the Health Department and to date percolation tests have been performed but not yet approved for Lots 6 and 19. The Health Department has indicated that additional testing is required to ensure that Lots 6 and 19 can support development. Alterations to the lotting pattern could occur as a result of further testing, as well as the possibility of failed percolation tests. Prior to final plat the applicant should demonstrate approval of the percolation tests for Lots 6 and 19, or the area of the lots should be incorporated into the abutting lots, resulting in a 12-lot subdivision. The Health Department has approved percolation tests on all of the other lots proposed in this subdivision.
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, # 33260-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

The applicant has proposed to utilize low impact development techniques to manage stormwater on this site. These techniques will include the construction of an open section street, rooftop disconnects, dry wells and bio-retention facilities.

The applicant has proposed two bio-retention facilities. One small one is proposed on Lot 19 that will serve the area south of Lot 16. This facility is not to be located on a separate homeowner's parcel, but is located on Lot 19 and will be protected by an easement. The easement will be to the benefit of the Department of Environmental Resources (DER) and provide access to DER for monitoring and maintenance. The second facility is located north of the end of the proposed cul-de-sac and is proposed on Parcel B to be conveyed to a homeowners association. An easement will be placed over the facility as in the case on Lot 19, to provide access to DER for monitoring and maintenance. The Planning Board has recently voiced concerns with the creation of homeowner's parcels for the sole purposes of containing stormwater management.

Staff is recommending that the applicant work with the Department of Environmental Resources to determine if the separate homeowner's parcel is necessary, or if an easement in lieu of a separate parcel can provide the appropriate protections, as in the case of the facility on Lot 19. In addition, the applicant may be able to increase other stormwater facilities on site that would allow for a reduction in the size of the facility on Parcel B. To address this, the applicant should obtain approval of the technical stormwater management plan prior to final plat to determine if a separate parcel and the creation of a homeowners association is necessary for stormwater. If not a homeowners association would not be required.

14. **Historic**^{3/4} The Planning Board has identified that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The Sasscer and Duley families are documented to have been living in the area pre-Civil War; what is not known at this time is if these families were slave owners.

It is possible the site was actively farmed and it is also possible that there were slave dwellings and slave burials on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to the submittal or approval of any grading plat or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature. At that time staff will determine if archeological resources exist in the

project area, and if so, the applicant will be advised of the requirement of a Phase II or Phase III archeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

15. The applicant is proposing to subdivide the property into 14 lots for the construction of single-family dwelling units. The applicant is proposing to utilize the varying lot size provision of Subtitle 27, Section 27-442(b), Table I, Footnote 5. This section of the Zoning Ordinance requires that at least 60 percent of the proposed lots meet or exceed 5 acres, provides that one 2-acre lot is permitted for every 50 acres of tract area, and that the remaining lots must meet or exceed 3 acres. For this 14-lot subdivision, 9 of the lots are required to meet the 5-acre requirement; the applicant has proposed 9. The applicant is allowed one 2-acre lot, the applicant has proposed one, and the remaining 4 lots meet or exceed 3 acres. The applicant's proposal conforms to the requirements for varying lot size.

Access to the subdivision is proposed via Croom Road. The applicant is proposing to dedicate to public use and construct a 60-foot-wide open section roadway. Lots 7, 8 and 9 are proposed with access to this public street via a private right-of-way pursuant to Section 24-128(b)(1) of the Subdivision Regulations. These lots are at the end of the proposed cul-de-sac; the easement is proposed over Lot 8.

The two existing access easements serve as sole access to six abutting properties. One of the existing easements (Liber 14545, Folio 180) crosses the property from Croom Road to Parcel 62 to the northwest. This existing 25-foot-wide access easement is to the benefit of M-NCPPC. Parcel 62 is owned by M-NCPPC and is currently undeveloped parkland as part of the Charles Branch Stream Valley Park. The applicant's proposal would require the abandonment of the existing access easement. In lieu of the access easement the applicant has proposed to dedicate Parcel A (.8 acre) to M-NCPPC. Parcel A is consistent with a portion of the alignment of the existing 25-foot access easement along the property line with Parcel 66. The dedicated public street serving the proposed development would substitute for the remaining portion of the easement providing access to Croom Road. The Department of Parks and Recreation has agreed with the abandonment of the existing access easement and agreed with the applicant's proposal to provide alternative access to Parcel 62.

The second access easement (Liber 5169, Folio 798) crosses Parcel 135. The 50-foot-wide access easement was created across the subject property to serve the subdivision of properties to the southwest. Specifically, Lot 1 (CEC 92@51); Lots 2 and 3 (NLP 105@4); and Lots 4 and 5 (NLP 144@23). These properties were subdivided predicated on access pursuant to Section 24-128(b)(3) of the Subdivision Regulations. The applicant's proposal would require the abandonment of the existing access easement. In order to abandon the easement the applicant must provide alternative legal access to serve the existing dwellings. The applicant has contacted the abutting property owners and has stated that the property owners of Lots 1-5 to the southeast

have agreed to the abandonment of the existing 50-foot easement serving as sole vehicular access to their properties and agreed with the applicant's proposal to provide alternative access.

In order to accommodate alternative access to Lots 1-5 and serve the development of the property, the applicant has proposed a 60-foot-wide open section dedicated public street along the property line abutting Lots 1-5. The alignment of the proposed street is offset 20-50 feet from that common property line with Lots 1-5. In order to provide frontage on the public street for Lots 1-5, the applicant has proposed to create parcels consistent with the property lines of Lots 1-5 and convey those parcels to the property owners of Lots 1-5. The parcels will be conveyed to those abutting property owners and will provide frontage on and the ability for direct vehicular access to a dedicated public street. The applicant has proffered to construct access aprons in accordance with the Department of Public Works and Transportation (DPW&T) regulations for Lots 1-5 at the time of construction of the internal public street serving the proposed development.

The proposed parcels are to be included in the "lot" for each of the lots that they serve. The building sites will then be made up of one or more record lots (Section 27-107.01(129)). The only concern that accompanies this course of action is the ability of an applicant to utilize Section 24-107 of the Subdivision Regulations and create two buildable lots where only one is intended. Section 24-107 provides for the adjustment of a common boundary line between two lots or parcels without the requirement for a new preliminary plan of subdivision. For example, the owner of Lot 1 will take conveyance of Parcel B. The "lot" is then made up of Lot 1 (13 acres) and Parcel B (.51 acre). Pursuant to Section 24-108 of the Subdivision Regulations, that applicant could adjust the boundary line between Lot 1 and Parcel B and create a new lot, which conforms with the requirements of the O-S Zone. The creation of a new buildable lot should be the subject of a new preliminary plan of subdivision. To ensure that a lot line adjustment in this case does not result in additional buildable lots without the review of a preliminary plan, the record plat should carry a plat note that lot line adjustments involving Parcels A-F shall not result in additional buildable lots without a new preliminary plan of subdivision.

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, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 17, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

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File No. 4-04005
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Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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