

R E S O L U T I O N

WHEREAS, Richard O'Moore is the owner of a 45.5-acre parcel of land known as Parcel 165, Tax Map 108, Grid F-1, said property being in the 15thth Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 6, 2004, Marrick Properties filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 51 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04139 for Villages of Melwood 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 4, 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 November 4, 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/97/90-01), and further APPROVED Preliminary Plan of Subdivision 4-04139, Villages of Melwood for Lots 1-39, Block A; Lots 1-12, Block B and parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Re-label Parcel A to be conveyed to M-NCPPC as Parcel B.
  - b. Delineate as a cord the required lot width at the front building line where the front building setback is less.
  - c. Revise General Note 19 to clarify that only one dwelling unit is to remain on Lot 12.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, #7741-2004-00 and any subsequent revisions.

4. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

5. No building permits for the construction of a single-family dwelling unit on Lot 12 shall be located within the 65 dBA along MD 223 and the new dwelling shall maintain a minimum 100-foot building setback for dwellings. New dwelling unit permits for Lot 12 shall demonstrate driveways with turn-around capabilities.

6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Regulations, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the final plat of subdivision:

“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.”

7. 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/97/90-01), 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.”

8. Prior to the approval of building permits for Lots 1, 9, 10, 29, 30 and 39, 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.
9. Prior to signature of the Type I Tree Conservation Plan, it shall be revised to label the minimum 50-foot stream buffers on the plans and in the legends and correct the limit of the PMA.
10. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by DRD staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist 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.

11. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility, and all other trash and domestic debris has been removed and properly discarded from the entire property.
12. Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
13. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
14. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.77± acres of open space land (Parcel A). 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 an HOA 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 storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. 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.

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.

15. Prior to the issuance of permits a limited detailed site plan shall be approved by the Planning Board or its designee for construction of a trail connection from the end of Twayblade Court across Parcel B (M-NCPPC) to the recreation facilities in the Melwood Neighborhood Park to the south and shall also make improvement to the existing playground, to be determined by DPR.
16. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved in conjunction with the approval of the limited detailed site plan. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the county Land Records and noted on the LDSP prior to signature approval.
17. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
18. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcel B (11,813 square feet of land). Land to be conveyed shall be subject to 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, 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 that 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. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site prior to dedication and verify that land is in acceptable condition for conveyance.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of 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.
19. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall demonstrate that the 60-foot surface drainage easement along the southeast property line has been abandoned as indicated on the approved preliminary plan of subdivision.
20. MD 223 at Dower House Road: Prior to the issuance of any building permits within the subject property, 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: signalization, if warranted; and provision of an exclusive right-turn lane along the eastbound Dower House Road approach to MD 223.
21. The applicant shall provide a fee to Prince George's County, which shall serve as a fair-share contribution toward the construction of the Mellwood-Westphalia Station and acquisition of an ambulance unit. The fee shall be paid prior to the issuance of the each building permit. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$130,000) unit divided by the total amount of population and employees within the proposed service area at projected buildout in 2006 (16,270). The fair share fee is \$259 per dwelling, which equates to a total of \$13,209 for the 51-lot development.
22. The applicant, his heirs, successors and/or assignees shall:
- a. Provide an eight-foot-wide asphalt trail along the subject site's frontages of the east side

of Twayblade Court, Twinflower Place, and Antock Place, as marked on the attached plan. This trail will connect the proposed M-NCPPC or HOA land on Twayblade Court with the proposed HOA stormwater management parcel north of Arethus Lane. This trail should be separated from the curb by a grass or landscaped strip.

- b. Provide standard sidewalks along the internal roads, unless modified by DPW&T. Along roads including the master plan trail, the trail can be provided in place of the standard sidewalk.
  - c. Provide a public use trail easement through Parcel A (for stormwater management) from Arethus Lane to the north side of the existing sewer easement. The exact location of the trail easement is contingent upon the layout of the stormwater management facility and should be marked and labeled on the final plat.
23. Prior to approval of the final plat, the applicant shall submit a copy of the raze permit required for the removal of the second dwelling on Lot 12, as labeled on the preliminary plan "to be razed."

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 Woodyard Road approximately 1,000 feet past the intersection with Dower House Road.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-family dwelling	Single-family dwellings
Acreage	45.4	45.4
Lots	0	51
Parcels	1	2
Dwelling Units:		
Detached	2	51
		(Including 1 existing to remain and 1 existing to be razed)

- 4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision and the revised Type I Tree Conservation Plan, TCPI/97/90-01, stamped as accepted for processing on October 5, 2004. The Environmental Planning Section recommends approval of TCPI/97/90-01 subject to conditions.

The Environmental Planning Section previously reviewed applications 4-90083, TCPI/97/90 and 4-04020 for the subject property; however, all of these were withdrawn before being heard by the Planning Board. A Type II Tree Conservation Plan, TCPII/178/90, was approved by staff as part of a grading permit.

There are wetlands, streams and 100-year floodplain on the site. The site drains into Charles Branch in the Patuxent Watershed. Current air photos indicate that most of the site is open fields. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by Andrews Air Force Base, aircraft-generated noise is significant near the western boundary of the property. Woodyard Road is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. 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. According to the *Prince George's County Soils Survey* the predominant soil types on-site are in the Westphalia series.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Melwood-Westphalia Master Plan indicates that there is an area of Natural Reserve on the site. The Natural Reserve on the master plan represents the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Regulations.

The plans show all streams, wetlands, minimum 25-foot wetland buffers, the 100-year floodplain, and all areas with severe slopes and steep slopes containing highly erodible soils; however, the minimum 50-foot stream buffers are not labeled on the plan and in the legend. The PMA is slightly more extensive than shown on the plans because it should contain all of the 100-year floodplain. At time of final plat, a conservation easement should be established which would contain the Patuxent River PMA as defined in Section 24-101 of the Subdivision Regulations, except for areas of approved impacts.

A Letter of Justification has addressed one impact to the PMA. The single impact is to connect the proposed subdivision to an existing sanitary sewer line that is wholly within the PMA. This impact is the minimum necessary and sufficient for the development of the site as proposed. In addition to minimizing impacts, the Type I Tree Conservation Plan shows afforestation of areas within the PMA that are currently devoid of trees. The proposed tree plantings within the PMA will provide additional protection to the stream by filtering runoff and lowering the water temperature.

A Forest Stand Delineation (FSD) has been reviewed. The FSD identifies four forest stands totaling 5.85 acres and shows the species, size and condition of eight specimen trees. The plan shows the streams, wetlands, 100-year floodplain, soils boundaries, severe slopes, and steep slopes with highly erodible soils and conforms to the requirements of the Woodland Conservation Ordinance.

Forest Stand A covers an area of 1.87 acres in the southern portion of the site and is dominated by

sweetgum. No specimen trees are located in this stand.

Forest Stand B covers an area of 1.72 acres along the western property line and is dominated by sassafras and sweetgum. Six specimen trees occur in this stand.

Forest Stand C covers an area of 1.47 acres along the stream crossing the property and is dominated by red maple and sweetgum. Two specimen trees occur in this stand.

Forest Stand D covers 0.79 acre abutting Stand A and is dominated by very young sweetgum and black locust. No specimen trees occur in this stand.

Except for the woodland along the stream (Forest Stand C), the woodlands on the site are only forest fragments and are not priority areas for retention.

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 and has more than 10,000 square feet of woodland. A Tree Conservation Plan (TCP) is required. A Type II Tree Conservation Plan, TCPII/99/02, was previously approved for a grading permit. That plan proposed less clearing and more on-site preservation than the Type I TCP submitted with this application. If the Type I TCP is approved, the Type II plan will require revisions to conform to the approved Type I TCP.

The TCPI proposes clearing 2.66 acres of the existing 5.85 acres of upland woodland and no clearing of the 1.00 acre of woodland within the 100-year floodplain. Because the existing 5.85 acres of upland woodland is below the woodland conservation threshold of 8.54 acres, both afforestation and 1:1 replacement of woodland cleared yields a woodland conservation requirement of 9.11 acres. The plan proposes to meet this requirement by providing 1.52 acres of on-site preservation, 1.33 acres of on-site afforestation and 6.26 acres of off-site conservation.

Woodland Preservation Area 1, covering approximately 0.75 acre, is along the south boundary line that is shared with M-NCPPC parkland. The *Landscape Manual* requires a minimum 30-foot-wide landscape buffer between the parkland and residential uses. A minimum 35-foot width is required for woodland conservation areas. Woodland Preservation Areas 3-5 with the additional afforestation will create a wooded stream buffer in the highest priority area on the property. Additional on-site preservation or on-site afforestation would do little to further the intent of the Woodland Conservation Ordinance, because the additional areas would not create large contiguous forests, provide significant added protection to sensitive environmental features, or provide buffers required by the *Landscape Manual*.

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ) released to the public in August 1998 by the Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the noise threshold is above 65 dBA Ldn for most of the property. This noise level is above the state acceptable noise level for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of residential structures does not exceed 45 dBA (Ldn). Only proposed Lots 1, 9, 10, 29, 30 and 39 are affected by aircraft noise. Prior to the approval of



building permits for those lots a certification by a professional engineer with competency in acoustical analysis should 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.

Woodyard Road is the nearest source of traffic-generated noise and is designated as an arterial in the Melwood-Westphalia Master Plan. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures. No new dwellings should be located within the 65 dBA along Woodyard Road and a minimum 100-foot building setback should be maintained for dwellings.

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour is about 144 feet from the centerline of Woodyard Road. This contour is shown on the preliminary plan and TCPI. No new residential structures or their associated outdoor activity areas are proposed within the area significantly impacted by traffic-generated noise from Woodyard Road.

According to the *Prince George's County Soils Survey* the predominant soil types on site are in the Westphalia series. Westphalia soils are highly erodible; however, there are no steep or severe slopes on the property and should pose no special problems for development.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property is to be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI Study Area, Planning Area 82A in the Rosaryville Community. The 2002 General Plan locates the property in the Developing Tier. The land use recommendation of the master plan is low suburban residential with a density of 1.6 to 2.6 dwelling units per acre. One of the 2002 General Plan visions for the Developing Tier is to maintain a pattern of low to moderate suburban density neighborhoods. The proposed preliminary plan is consistent with these recommendations.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations the applicant proposes to fulfill the mandatory dedication of parkland requirement with a combination of land dedication and the construction of off-site recreational facilities. The preliminary plan proposes the conveyance of Parcel A (11,813 square feet) to M-NCPPC to provide a window from the cul-de-sac of Twayblade Court to the Melwood Hills Community Park to the south. The applicant will construct a pedestrian trail on M-NCPPC land (Parcel A and the abutting park property) to the facilities within the park to serve the residents of this community and improve the existing park playground.

A limited detailed site plan is recommended for the development of the recreational facilities.

Through the DSP process staff can approve the design and installation requirements for the trail and playground improvements on park property, determine appropriate bonding amounts, ensure buffering of the trail head abutting Lots 14 and 15, Block A, and establish a trigger for construction of the facility.

7. **Trails**—The Adopted and Approved Subregion VI Master Plan includes on master plan trail proposal that impacts the subject site. A trail is planned running the entire length of the subject site from MD 223 to the property’s southern boundary with the adjacent M-NCPPC parkland. The trail proposed on the master plan would provide a trail connection from the residential communities along MD 223 to the nearby Rosaryville State Park to the south. An extensive network of hiker, equestrian, and mountain bike trails exists in the state park. The trail would run through the subject property, through the adjacent Melwood Hills Community Park, and to the state park.

Discussions with the equestrian community have indicated that there is not a desire to have a natural surface, equestrian connection running directly through a suburban density, residential community. Too many conflicts could arise from having a trail easement on private lots, and there is no natural corridor or greenway on the site that could accommodate this type of trail.

However, a trail connection linking the residential community to the adjoining parkland is still desirable. Staff and the applicant have agreed that this connection can be provided via an asphalt trail along one side of the internal roads. This trail would run from Parcel A (to be conveyed to M-NCPPC or an HOA), along the east side of Twayblade Court, along the east side of Twinflower Place, and along the east side of Antock Place. The connection would then be continued as a public use trail easement through Parcel A (for stormwater management) to the north side of the existing sewer easement. The exact location of this easement is contingent upon the ultimate layout of the stormwater management facility.

#### SIDEWALK CONNECTIVITY:

The large-lot subdivisions in the vicinity of the subject site have open section roads with no sidewalks. Other subdivisions with smaller lots include a closed road cross section with sidewalks on both sides. On the subject site, staff recommends the provision of a standard sidewalk along all internal roads, unless modified by DPW&T. Where the master plan trail is recommended, this trail can be provided in place of the standard sidewalk.

8. **Transportation**—The subject property is located within the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

**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.

### Traffic Impact

Since the proposed development was projected to generate fewer than 50 trips in either peak hour, a traffic study was not required to assist staff in making a finding of adequacy. In the absence of a traffic study, staff would ordinarily require a peak-hour turning movement traffic count at the critical intersection(s). For the subject application however, staff will utilize the traffic data that was used for the Belmont Crest Subdivision (4-03060, PGCPB No. 03-217).

The subject property will impact the critical intersection of Dower House Road and Woodyard Road. Based on recent traffic analysis, the existing condition at the study intersection is summarized below:

EXISTING TRAFFIC CONDITION			
Intersection	Level-of-service [delay] (AM & PM)		Level of Service (LOS, AM & PM)
MD 223 and Dower House Road	33.9*	270.1*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.			

The area of background development includes 21 properties in the vicinity of the subject property. Background conditions also assume through traffic growth of 1.5 percent annually along MD 223 and 1.0 percent annually along other roadways. There is also a CIP improvement that is assumed in the traffic study. This improvement would include signalization and geometric improvements at the MD 223/Dower House Road intersection and the MD 223/Rosaryville Road intersection. It should be noted that this improvement is shown to be fully funded; however, that full funding is heavily contingent upon developer contributions. Of the \$2.75 million cost, developer contributions—either direct or via collections of smaller amounts by the county—make up \$2.25 million of the total. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS		
	Critical Lane Volume (AM & PM)	Level of Service

Intersection			(LOS, AM & PM)	
MD 223 and Dower House Road	1,297	1,385	C	D

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a 51-lot subdivision will generate 39 (8 in, 31 out) AM peak-hour trips and 46 (30 in, 16 out) PM peak-hour trips. With the inclusion of site-generated trips to the background developments, the following results were obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Dower House Road	1,305	1,405	D	D

On the basis of the previous analyses, staff concludes that the critical intersection of MD 223 and Dower House Road will operate acceptably if signalization and construction of an exclusive right-turn lane along eastbound Dower House Road occur.

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 if the application is approved with conditions.

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:

### **Finding**

#### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	50 sfd	50 sfd	50 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	12.00	3.00	6.00
Actual Enrollment	5334	5131	10098

Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	495.36	283.80	568.08
Total Enrollment	6193.20	5635.42	11071.05
State Rated Capacity	5384	4688	8770
Percent Capacity	115.03%	120.21%	126.24%

Source: Prince George's County Planning Department, M-NCPPC, December 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 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 on 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 staff 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 public facilities and concluded the following:

- a. The existing fire engine service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 7.39 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 7.39 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 6.88 minutes, which is within the 7.25-minute travel time guideline.

In order 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.

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

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of law no condition is necessary.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities which provide ambulance service. This finding is based on using the existing road system and existing stations.

The staff of the Historic Preservation and Public Facilities Planning Section found that the planned Mellwood-Westphalia Emergency Services Facility will be the first due station that will provide ambulance service to this development. The cost of the emergency services facility is \$1,405,000. In order 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 Mellwood-Westphalia Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000) and ambulance (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (16,270). The service area includes those areas that will be served by the planned facility. The fair share fee is \$259 per dwelling unit for this development.

2006 service area population/workers 16,270  
Station Cost 1,405,000/16,270= \$86.36 per person x 3.13 (household size)= \$259 per dwelling unit  
\$259 x 51 dwelling units = \$13,209

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 an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The property is currently improved with two existing single-family dwelling units; one of the dwellings is occupied and one is abandoned. Several existing outbuildings exist on the site. The preliminary plan provides the disposition of the existing structures and indicates that the abandoned dwelling unit is to be razed with several other outbuildings. Several structures are to remain. A raze permit is required for the removal of any structures.

A significant amount of trash and discarded debris was found along the stream bank. Prior to the approval of the final plat these materials, which include bottles, lawn mowers, bricks, and rusted empty barrels, should be removed and properly discarded or stored, including the debris on

proposed Lot 12. These materials are a cause of pollution within the stream and should be removed to assist in the stabilization of this important protected resource.

An existing abandoned shallow well was found in the northeast corner of the site and should be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department 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, #7741-2004-00, 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 approval requires landscape plans for the stormwater management pond, extended detention of runoff from the one-year storm event, groundwater recharge, and channel protection to avoid erosion from any increase in runoff volume. The final design plan may be modified if infiltration drywells are constructed on lots. The proposed stormwater management pond is shown on the TCPI.

14. **Cemeteries**<sup>3/4</sup> The Planning Board has determined 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. This property is close to and may be a part of the L. Osborne plantation, documented to have been in this area pre-Civil War.

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 approval of the final plat the applicant should submit a Phase I archeological investigation to the DRD staff for review and concurrence and a Phase II and Phase III investigation if determined appropriate. The final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources if necessary. All investigations must be conducted by a qualified archaeologist 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 subject property is located on Tax Map 108, Grid F-1, and is known as Parcel 165. At the time of the filing of the Preliminary Plan of Subdivision, the property is currently improved with two single-family dwelling units. One of the dwellings is occupied and one is abandoned; several accessory structures exist on site, including a garage and barn. The preliminary plan provides the disposition of the existing structures and indicates that the abandoned dwelling unit is to be razed with several other outbuildings. Originally, it appeared that the property owner, who currently

lives in the habitable dwelling and will remain on proposed Lot 12, wanted to retain the second dwelling. Staff advised the representative for the applicant that two dwellings on one lot are not permitted pursuant to Section 27-118.01 of the Zoning Ordinance. The representative for the applicant indicated that the second dwelling was not habitable. However, staff is concerned that an application for a rehab permit could be issued, resulting in two dwelling units on one lot. Staff suggested that an additional lot be created to contain the second dwelling with this process, but the representative for the applicant declined. Prior to final plat the applicant must demonstrate that the second dwelling on Lot 12 has been razed.

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, November 4, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of December 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk