

C O R R E C T E D R E S O L U T I O N

WHEREAS, Andrew F. and Patricial Metroka, et al is the owners of a 112.89-acre parcel of land known as Parcels 44 and 45, Tax Map 180 in Grids B-4 and C-4 said property being in the 8th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on August 6, 2004, Doug Hodges filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots, 1 outlot and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04141 for Garrett's Chance 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 January 13, 2005, 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 January 13, 2005, 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/76/04), and further APPROVED Preliminary Plan of Subdivision 4-04141, Garrett's Chance for Lots 1-20, Outlot A and Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Reflect the paving section width within the 50-foot rights-of-way, as approved by DPW&T.
 - b. Label the private streets as Parcels A-D.
 - c. Label Outlot E as Outlot A.
- *2. A Type II tree conservation plan shall be approved [with the LDSP].

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #24231-2004-00, and any subsequent revisions.
4. The applicant, his heirs, successors and/or assignees shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the proposed Aquasco station and acquisition of an ambulance and a paramedic vehicle. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$2,266.37 per lot for each of the 20 lots proposed.
5. Prior to the approval of building permits for Lot 1, 2 and Lot 20, a Limited Detailed Site Plan (LDSP) shall be approved by the Planning Board or its designee and shall include:
 - a. Architectural elevation drawings showing dimensions and roof lines of the proposed house on Lot 1 and Lot 20 to include siting, massing, architecture, rooflines, and landscaping.
 - b. A description of materials and color of the roof.
 - c. A landscape plan showing the number and type of plant materials being planted in the *Landscape Manual* required D bufferyard.
 - d. The goal of the LDSP for Lot 20 shall be to ensure that no more than the roofline of the new house be visible from the house located on the P.A. Bowen Farmstead Historic Site #87B-036-20. This goal may be accomplished by the use of grading landscaping and/or house siting.
 - e. Evaluate house sitings on Lots 1 and 2; with the goal of preserving and enhancing the rural character of the viewshed from Dr. Bowen Road through preservation of existing woodlands, landscaping and /or the placement of houses.
6. The final plat shall provide reference to the Liber and Folio of the covenants recorded in the Land Records of Prince George's County stating that a homeowners association is responsible for the maintenance of the private roads and for accessibility of the private road to emergency equipment
7. The final plat shall carry a note acknowledging the existing right-of-access across this property serving Parcel 78.
8. 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.
9. Prior to signature approval, the Forest Stand Delineation plan and text shall be revised as follows:
 - a. The disposition of specimen trees shall be removed from the specimen tree table, and any

notes related to the disposition of specimen trees shall be removed from the plan

- b. Include ratings in the Forest Stand Delineation text for conservation priority
 - c. Have the revised plan signed and dated by the qualified professional who prepared it.
10. Prior to signature approval of the TCPI, the plan shall be revised as follows:
- a. Maximize preservation within priority woodland areas
 - b. Maximize afforestation and reforestation areas in the delineated PMA or contiguous locations
 - c. Revise the lot-by lot table and woodland conservation worksheet so that the amount of afforestation provided on-site is consistent
 - d. Identify the Patuxent River Primary Management Area as a single line
 - e. Have the plan signed and dated by the qualified professional who prepared it.
11. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/76/04) approved as part of this application.
12. 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/76/04), 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.”
13. The TCPII shall maximize the preservation of specimen trees on the subject property through a careful evaluation of the location of building footprints, driveways and septic recovery areas.
14. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.
15. For each lot for which afforestation is proposed, the afforestation and associated fencing shall be installed prior to the issuance of the building permit for that lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

16. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all the delineated Patuxent River Primary Management Area except for areas of approved impacts and the approved afforestation areas as shown on the TCPII, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”

17. The site contains streams or wetland areas that may be impacted, and may be regulated by federal and state requirements.

18. 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.

- *19. [At time of final plat,] B[b]uilding restriction lines shall be [delineated] established on Lots 1 and 2[,] consistent with the approved LDSP.

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 is located on the west side of Dr. Bowen Drive, approximately 1,500 feet west of its intersection with Aquasco Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	SFD & 4 barns	Single-family dwellings
Acreage	112.89	112.89
Lots	0	20
Outlots	0	1
Parcels	2	4
Dwelling Units:		
Detached	0	20

4. **Environmental**—The subject property is partially wooded with areas interspersed with agricultural fields. There are streams, wetlands, 100-year floodplains and their associated buffers on the property. The soils found on this property according to the revised soils study include Croom, Marr, and Mixed Alluvial land. Some of these soils have limitations with respect to impeded drainage, erodibility or seasonally high water tables. 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 lot. No adverse noise impacts from transportation are anticipated related to this proposal. The property is located in the Swanson Creek subwatershed, the Patuxent River basin watershed.

A revised Forest Stand Delineation (FSD) plan was submitted, with the required sampling sheets and forest stand summary sheets. The FSD plan and text have been revised to include new soils mapping identified by the “Detailed Soil Mapping and Erosion Study for the Garrett’s Chance Subdivision” prepared by Laurel Oak Land Consulting LLC, dated December 1, 2004.

The FSD text does not include a rating of woodlands for priority for preservation. A specimen tree table has been provided, as well as a proposed disposition for individual trees. No disposition should be determined for specimen trees on the FSD, and any notes related to disposition should be removed.

The delineation of the 100-year floodplain is based on information from Charles County according to notes provided on the Stormwater Management Concept Approval Letter #24231-2004-00. This information has been added to the plan by note.

There is Forest Interior Dwelling Species (FIDS) habitat located on the subject property that connects to the Patuxent River Park to the east of the subject property. The preservation of FIDS habitat is addressed by the Patuxent River Primary Management Area Preservation Area is defined in Section 24-101(b)(10) of the Subdivision Ordinance. The edge and interior Forest Interior Dwelling Species (FIDS) habitat has been correctly delineated on the FSD plan.

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation, while the FIDS habitat is considered high priority for woodland conservation. Within the 300-foot buffer, clearing should

be minimized and fragmentation of the existing forest should be avoided. The FIDS habitat should be retained and preserved to the greatest extent possible.

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. A Type I Tree Conservation Plan (TCPI/76/04) was submitted with the preliminary plan application and has been reviewed.

The minimum requirement for this site is 48.99 acres plus additional acres due to clearing totaling 10.83 acres of woodland, for a total minimum requirement of 54.37 acres. The TCPI has proposed to meet the requirement with 45.41 acres of on-site preservation and 10.77 acres of on-site afforestation, which totals 56.18 acres, exceeding the requirements of the Woodland Conservation Ordinance.

A lot-by-lot table of on-site woodland conservation has been provided but has not been appropriately labeled. This table is required because in the O-S Zone, individual lots are typically developed on a lot-by-lot, custom basis. The table conforms to the quantities proposed in the woodland conservation worksheet, except in one element. The quantity of afforestation proposed on the woodland conservation worksheet is 10.77 acres. The quantity of afforestation proposed in the lot-by-lot table is only 9.15 acres. The TCPI must be revised so that the lot-by-lot table is consistent with the woodland conservation worksheet.

A single consistent line should identify the Patuxent River Primary Management Area, which is inclusive of all sensitive environment features. The TCPI should be simplified to clearly identify the PMA delineation.

To enhance the scenic and rural viewshed along Dr. Bowen Road, the proposed dwellings on Lots 1 and 2 should be moved further back on the lot, to take advantage of already cleared areas of the site and to preserve more existing vegetation.

Forty-two specimen trees were identified on the subject property. The TCPI proposes to remove eight specimen trees. The TCPII should further address the location of building footprints, driveways and septic recovery fields on-site in order to preserve specimen trees to the greatest extent possible.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits; and all afforestation must be placed in conservation easements.

Nontidal 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 identified FIDS habitat comprise the

Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The Patuxent Primary Management Area (PMA) should be clearly identified by a single line-type on the TCPI and Preliminary Plan.

A wetlands study prepared by McCarthy & Associates, Inc. and dated September 2004 was submitted and found to be sufficient. All identified wetlands areas, including areas of seeps and springs identified in the wetland text, are located within the PMA.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for the installation of public roads and utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts.

One impact is proposed to the PMA for the construction of Garrett's Chance Court, a private right-of-way, necessary to access the western portion of the property from the frontage on Dr. Bowen Road. The proposed private road crosses the furthest extent of a small tributary at the headwaters in the same location as an existing farm road. The private right-of-way has been designed and graded to minimize impacts to the PMA to the greatest extent possible

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Ordinance and the Environmental Planning Section recommends that all afforestation areas be protected with conservation easements.

The site contains streams or wetland areas that may be impacted, and may be regulated by federal and state requirements. Therefore, prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

The revised soils study has identified the following soils on the subject property: Marr, Mixed Alluvial land, and Croom gravelly sandy loam. Some of these soils have limitations with respect to impeded drainage, erodibility or seasonally high water table. Although these limitations may 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.

The subject property is located in the Rural Tier, where the General Plan encourages the preservation of rural character. The property has a narrow frontage on Dr. Bowen Road, and only Lot 1 fronts on Dr. Bowen Road. Access to Lot 1 has been provided off of the proposed internal right-of-way, rather than Dr. Bowen Road, and a 100-foot-wide building restriction line has been delineated adjacent to Dr. Bowen Road to enhance the rural character. It is strongly recommended

that the dwelling unit be moved further back on the lot, possibly into the cleared area of the lot, in order to enhance the viewshed from Dr. Bowen Road.

Although Lot 2 does not have frontage on Dr. Bowen Road, the proposed dwelling location would fall within the viewshed. The proposed dwelling is set back 50 feet from Garrett's Chance Court and requires the clearing of existing woodlands. On Lot 2 there is an existing clearing approximately 200 feet from the private access way where a structure could be placed, and tree removal limited to that necessary for the driveway. Location of the proposed building footprint in this area would allow for the retention of additional existing trees, and preservation of the existing viewshed within the rural tier.

The Environmental Planning Section recommends approval of TCPI/76/04 subject to conditions.

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, and will, therefore, be served by private systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI Study Area Master Plan, Planning Area 87B in the Aquasco Community. The land use recommendation for the property is for low rural residential. The preliminary plan is consistent with this recommendation.

The property is located in the Rural Tier as defined by the 2002 General Plan. The General Plan acknowledges that large-lot estate development is anticipated and emphasizes that it needs to be “carefully balanced with agricultural pursuits and preservation to maintain a rural character.... The preservation of environmentally sensitive features in this Tier is a priority for any future development” (2002 General Plan, p. 33). The vision for the Rural Tier is the “protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist.” The goals of the Rural Tier include:

- “Preserve environmentally sensitive features.
- “Retain sustainable agricultural land.
 - “Maintain rural character.
 - “Allow large-lot residences.
 - “Limit nonagricultural land uses.
 - “Maintain the integrity of a rural transportation system.”

Development Patterns policies and strategies for the Rural Tier that are relevant to the residential development proposed by this application include:

- “Policy 1: Retain or enhance environmentally sensitive features and agricultural resources.
- “Policy 2: Design future development to retain and enhance rural character.
 - o “Strategy I: Adopt design guidelines and standards to ensure that public and private development projects are designed and constructed consistent with the prevailing character of rural areas including roadway design, setbacks, buffering, tree retention, fencing, screening, and building bulk standards.”

The 2002 General Plan goals, policies and strategies reinforce recommendations and guidelines contained in the 1993 Subregion VI Study Area Master Plan. A goal of the 1993 master plan is “to protect the physical environment and enhance the character, quality and livability of the Subregion VI Study Area by preserving natural environmental assets as an integral part of the development process.” (Plan, p. 19). The master plan outlines four geographic areas within the Subregion VI Study Area as designated areas of critical county concern; one is located on the site and is further evaluated in Finding 2 of this report (Plan, p. 23)

A portion of the site is in the Patuxent Primary Management Area (PMA). This environment has been designated an area of critical county concern within the Subregion VI Study Area. The Patuxent PMA consists of a preservation area and an evaluation area.

- The preservation area requires a minimum 50-foot buffer adjacent to all streams feeding the Patuxent River and is expanded to include the 100-year floodplain, stream side wetlands, and slopes in excess of 15 percent with highly erodible soils adjacent to the stream, floodplain or wetlands. The Subregion VI Study Area Master Plan states, “the preservation area shall be conserved in its natural state to the fullest extent possible and shall be enforced at the level of development review.” (Plan, p. 24)
- A 300-foot-wide evaluation area immediately abutts the preservation area. The master plan states “the Evaluation Area may accommodate some development so as not to unreasonably interfere with the purposes of the Primary Management Area, with a goal of limiting impervious surface coverage to ten percent or less. Under the Subregion VI Area Plan proposal the impervious surface coverage of the Evaluation Area is expected to be 9.1 percent.”

The proposed subdivision site is heavily wooded in and adjacent to the 100-year floodplain. The Master Plan (p.23) states that “the County Woodland Conservation and Tree Preservation Program places a priority on the preservation of woodland in conjunction with the 100-year floodplain, non-tidal wetlands, stream corridors, and steep slopes.”

Applying the concepts, outlined in the Rural Conservation Chapter of the 1993 Subregion VI Study Area Master Plan (Plan, pp. 61-82), will aid in the protection of designated areas of critical county concern. To date, regulations that would allow rural conservation subdivisions have not been enacted. Lot size variations permitted in the O-S Zone per Section 27-442 of the Zoning Regulations allow some flexibility in subdivision design, although not to the degree recommended by the master plan to achieve rural conservation design concepts (Plan, pp. 78-80).

The following master plan guidelines (pp. 80-82) further the objective of preserving the natural environmental assets of the study area:

- “2) The retention of woodlands for recreation and conservation should be encouraged. Any vacant undeveloped land not wooded should be adequately stabilized by vegetative coverage.
- “3) Large scale clearing and grading of land should be carefully controlled to prevent unnecessary destruction of woodlands.
- “5) The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- “6) Land developers should be encouraged to capitalize on natural assets by the retention and protection of trees, streams and other ecological features. All development should be sensitive to the topography and should be designated and conserved as natural open space.
- “7) Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between home and street should be retained. The creation of extension lawn area should be discouraged.
- “9) The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the county and the gravel streets will be in concert with the rural landscape. Streets should follow natural contours to the extent possible, and homes should be sited as close to existing grade as possible.
- “10) Homes should be sufficiently set back from roads in order to preserve scenic view sheds and to maintain the rural character. The views from the road should be protected through

provision of landscaping where necessary.

- “11) A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions”

The subject property is located adjacent to a National Register property and historic site, which is further discussed below and in Finding 14 of this report. There are also four barns located on the site. “The 1993 Subregion VI Study Area Master Plan is consistent with the purposes of the *Historic Sites and Districts Plan* as related to the study Area: to safeguard the historical and cultural heritage of the county; to encourage continued private ownership of historic resources; to use historic preservation to promote the continued viability of rural villages and the conservation of the countryside by preserving historic properties, roads and landscapes; and to educate the public about the county’s rich heritage of historic resources.” (Plan, p.57)

The master plan (p. 59) recommends the following guidelines to protect historic resources in the Subregion VI study area:

- “4) Proposals for development of properties abutting historic resources shall be reviewed by the Planning Board (or its designee) to ensure that the land use or new construction does not detract from the architectural characteristics and environmental setting of the historic resource. Views from the historic resource should be considered in establishing the configuration and size of open space buffer in new developments. Sensitive and innovative site design techniques, such as careful siting, variation in orientation, roof shape, building materials, screening, landscaping, berming, and open space shall be incorporated into the proposal to minimize any adverse impacts to the resource.
- “5) As properties are developed scenic easements should be developed to protect the settings of historic resources.
- “7) The relocation of historic resources should be considered only as a last resort to avoid negative impacts such as imminent demolition.
- “9) Wherever possible archeological sites should remain undisturbed. When development is planned archeological investigation should be undertaken in accordance with the National Parks Service’s Standards for Archeological Survey and Mitigation.
- “10) Tobacco barns, other agricultural buildings, the farming landscape and historic roads are fast vanishing resources in Subregion VI. The agricultural buildings are important physical reminders of the county’s agricultural heritage and handsome landscape features. Those remaining should be further examined to determine whether they should receive special incentives to be retained, and whether certain farmsteads or landscapes should be acquired by the heritage land trust. Programs such as the Trust for Public Land, the Maryland Environmental Trust, and the Prince George’s County Wildlife Land Trust should be promoted.

- “14) To promote awareness of local historic heritage, consideration should be given to the use of historic names in the naming of future subdivision streets.”
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations the proposed preliminary plan is exempt from the requirements of the mandatory dedication of parkland because all of the lots proposed exceed one acre in size.
 7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion VI Master Plan. Roads are open section with no sidewalks in the vicinity of the subject site. Large lot development is proposed on the property, in keeping with the master plan. Staff does not recommend sidewalk construction on the subject site.
 8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 20 dwelling units. The proposed development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Aquasco Road (MD 381) and Dr. Bowen Road, an unsignalized intersection. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*:

The subject property is located within the Rural Tier as defined in the 2002 General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

The Aquasco Road-Dr. Bowen Road intersection, when analyzed with existing traffic was found to be operating with a delay of 12.6 sec/car during the AM peak hour, and 16.4 sec/car during the PM peak hour. Both delays are well below the 50-second threshold. When the subject intersection was analyzed under total traffic conditions, the delays were computed as 12.7 sec/car and 16.8 sec/car during the AM and PM peak hours respectively. Staff found no circulation issues with this application. The applicant is required to dedicate 40 feet from the centerline of Dr. Bowen Road, and such dedication is accurately shown on the preliminary plan.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

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 3	High School Cluster 3
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	4395	4688	8866
Completion Enrollment	317.28	69.06	136.68
Cumulative Enrollment	5.28	23.82	47.64
Total Enrollment	4722.36	4782.08	9052.72
State Rated Capacity	5384	5114	7752
Percent Capacity	87.71%	93.51%	116.77%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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 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.

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 Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 12.46 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 12.46 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 19.00 minutes, which is beyond 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. Since this is a matter of existing 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 that provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations. The staff also found that the planned Aquasco emergency services facility, which is shown in the General Plan, will be the first due station that will provide ambulance and paramedic service to this development.

In order to mitigate the ambulance and paramedic response time deficiencies the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Aquasco emergency services facility.

The fee amount is based upon the total cost of the facility (\$1,275,000) plus ambulance (\$131,000) and paramedic unit (\$131,000), divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$809.37 per dwelling unit, for paramedic and ambulance service

2006 Service Area Population/Workers=1,899
Station/Ambulance & Paramedic Cost \$1,537,000/1,899=\$809.37 per person
2.8 Planning Area Dwelling Unit Size x \$809.37=\$2,266.24 per dwelling
No. of Dwellings (20) x \$2,266.37=\$27,194.94

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 an 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. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to ensure that adequate water and sewer facilities are available to serve the residents of the community.

The Health Department recommends approval of all of the 20 lots proposed and has advised staff that all of the lots have displayed a proven minimum 10,000-square-foot recovery area (RA) for septic system use.

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, # 24231-2004-00, 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.

14. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 20 lots for the construction of single-family dwellings. Section 27-442(b) (Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the O-S Zone as follows:

- a. **The minimum lot size for 60% of the lots is 5 acres,**

Comment: Of the 20 lots proposed, 13 meet or exceed five acres, or 65 percent.

- b. **One (1) two acre lot is permitted for each 50 acres of tract area,**

Comment: The site is 112.89 acres, one 2.41-acre lot is proposed.

- c. **All remaining lots must be 3 acres,**

Comment: The remaining six lots range in size from 3.1 to 3.7 acres.

d. All lots created shall be restricted to single-family dwellings or agricultural uses, and

Comment: The lots are proposed for the construction of single-family dwelling units.

e. No portion of the subdivided tract shall be resubdivided unless under certain circumstance.

Comment: A new preliminary plan of subdivision would be required to divide the property further, ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards.

15. **Archeological Evaluation**—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. A Phase I, Phase II and Phase III archeological investigation has been evaluated by Planning Department staff for this site, as discussed further in Finding 14 of this report, and no additional work is recommended.

16. **Historic**—The proposed subdivision is adjacent to the Sunnyside (Stone House) Historic Site #87B-036-21, listed in the National Register of Historic Places, and to the P.A. Bowen Farmstead Historic Site #87B-036-20. The proposed subdivision is also located across Dr. Bowen Drive from the Adams-Bowen House Historic Site #87B-036-19. Sunnyside (Stone House), a two-story, side-gabled frame house built in 1844, is a fine example of a mid-nineteenth century southern Prince George's County farmhouse. On the immediate grounds stand a nineteenth-century meat house and a corncrib. The house was built for Dr. Michael J. Stone, a prominent local physician and public schools examiner.

The P.A. Bowen Farmstead Historic Site #87B-036-20, which is adjacent to the proposed subdivision on the northern property line, was built circa 1870 and is one of the county's best examples of the Italianate style. Together with its outbuildings, which include a tobacco barn, smokehouse, corncrib, and dairy, the property is an excellent representation of a nineteenth-century farmstead. The Adams-Bowen House Historic Site #87B-036-19, which is located across Dr. Bowen Drive from the proposed subdivision, was built in 1890 and is an important feature of the Woodville/Aquasco community.

The Adams-Bowen House is a two-story, hip roof frame house, with many fine features of the Queen Anne style. The three historic sites are correctly identified on the revised plans submitted on November 4, 2004.

These historic sites are part of the landscape setting of a significant rural village known as Woodville/Aquasco. The Woodville/Aquasco village is a historic survey area noted in the *Historic*

Sites and Districts Plan. This survey area is probably eligible for the National Register of Historic Places, and is a significant example of a tobacco farming community in Prince George's County. One house and four existing barns are located on the subject property. Three of the barns are marked for retention while one is proposed to be razed.

A Phase I, II, and III archeological investigation was performed on the subject property by Andrew Gart and Associates (Dr. Jim Gibbs). The investigation was performed before the subdivision plan was submitted to M-NCPPC. Two sites of interest were found during the Phase III investigation and were labeled as "ARCH DIG" grids on Lots 7 and 20. Historic preservation staff reviewed the report on the work and Dana Kollmann, M-NCPPC staff archeologist, wrote the following analysis:

"Background research consisted of the examination of sources including (but not limited to) chain of title, archeological site files, historic structures files, pertinent texts, and historic period maps. Phase I investigations of the property were conducted through the controlled surface collection of exposed and cultivated lands and the excavation of a series of shovel test pits. These field investigations identified four archeological sites: *Garrett's Chance #1*—A probable Late Archaic site (18PR702); *Garrett's Chance #2*—an early 18th century house lot (18PR703); *Garrett's Chance #3*—a Paleoindian site (18PR704); and *Garrett's Chance #4*—a late 19th/early 20th century refuse scatter (18PR709).

"*Garrett's Chance #1* was identified through a controlled surface collection and is represented by fire-cracked rock, quartz and quartzite debitage, and Bare Island and Piscataway projectile points. This Late Archaic period camp will not be impacted by proposed construction activities and no additional testing was conducted.

"*Garrett's Chance #2* was identified through a controlled surface collection. Rhenish blue/gray stoneware, British brown stoneware, tin-glazed earthenware, salt-glazed stoneware, and hand wrought nails were among the artifacts initially recovered. Three-dozen shovel test pits were subsequently excavated and yielded 51 artifacts, including daub from a wattle and daub chimney. A four by three-foot excavation unit suggested that the site was severely eroded; however, the identification of a posthole indicated that subsurface features were present. Phase III studies commenced with the mechanical removal of the plow zone and 12 post molds representing an earthfast structure, a root cellar, and eight borrow pits were later identified. It was determined that Bernard Johnson built this structure in the last decade of the 17th century; a date supported by the temporal placement of pipe stems and ceramics. Excavations also indicated that the structure was rehabilitated by the insertion of replacement posts and reconstruction of the wattle and daub chimney, but subsequently burned.

Garrett's Chance #3 was identified through a controlled surface collection and was initially represented by two-dozen artifacts including a Clovis projectile point, fire cracked rock, flakes, and a scraper. Shovel testing was subsequently performed to determine the site's horizontal and vertical limits, and twelve 2¹/₂ x 2¹/₂-foot units were excavated to

examine artifact densities and locate subsurface features. These excavations identified no features and revealed a severely eroded landform. No additional work was recommended.

Garrett's Chance #4 was identified through a controlled surface collection and is represented by nearly 200 domestic artifacts including white ware, red ware, Chinese porcelain, stoneware, and bottle glass. The few architectural items recovered include window glass and early handmade and machine made brick. No additional testing of this site was conducted due to its severe erosion, the lack of subsurface integrity, and the mixing of artifacts dating from the 18th to the 20th centuries.

Archeological investigations of this property have adequately addressed staff's concerns regarding prehistoric and historic resources on the property. This developing land has been intensively investigated at the Phase I, II, and III levels of analysis and no additional work is recommended.

Staff comments, in a memo dated August 26, 2004, noted that many of the proposed lots may be visible from the three historic sites that are adjacent to the proposed subdivision. After reviewing the plan, staff recommended that the applicant provide a viewshed study including photographs and sight line drawings from the three identified historic sites to Lots 1, 6, 18, 19 and 20. The applicant submitted this study to staff on October 12, 2004. As a result, staff is recommending that a limited detailed site plan be approved for Lot 1 and Lot 2. The viewshed studies show that the existing woodlands and topography between the P.A. Bowen House Historic Site and Lots 6, 18, 19, and 20 will mitigate any visual impacts of the new development.

Tobacco barns, other agricultural buildings, and the farming landscape are fast-vanishing resources in Subregion VI. The agricultural buildings are important physical reminders of the county's agricultural heritage. Those remaining should be further examined to determine whether they should be evaluated for possible adaptive reuse within the proposed subdivision. Five existing outbuildings, three tobacco barns, and two sheds are located on the subject property. The two sheds and one tobacco barn will be razed; one tobacco barn on Lot 10 and one tobacco barn on Outlot E will remain.

The proposal to retain one of the tobacco barns in Outlot E, which is proposed to be deeded to the applicant and would be incorporated as part of the Sunnyside property, is appropriate and would help ensure that the structure is maintained. The tobacco barn on Lot 10 is in good repair and is proposed to be retained as an accessory building for that lot. The applicant is to be commended for undertaking the stewardship of this heritage resource.

17. **Historic Preservation Commission**—The following guidelines were established in the adopted and approved Master Plan for Subregion VI (page 59, Historic Preservation Guidelines):

“Proposals for development of properties abutting historic resources must be reviewed by the Planning Board (or its designee) to ensure that the land use or new construction does not detract from the architectural characteristics and environmental setting of the historic resource. Views from the historic resource should be considered in establishing the

configuration and size of open space buffer in new developments. Sensitive and innovative site design techniques, such as careful siting, variation in orientation, roof shape, building materials, screening, landscaping, berming, and open space shall be incorporated into the proposal to minimize any adverse impacts to the resource.”

At its meeting on December 21, 2004, the Historic Preservation Commission held a public hearing on the proposed preliminary plan of subdivision and recommends that the limited detailed site plan (LDSP) also include the review of Lot 20. One of the additional goals of the LDSP review for Lot 20 will be to ensure that no more than the roofline of the new house be visible from the P.A. Bowen Farmstead Historic Site #87B-036-20.

The HPC also recommends that prior to the issuance of any building permits for Lots 1 and 20 the applicant should demonstrate that the historic site D bufferyard, as required by the *Landscape Manual*, be placed in a scenic easement. However, the *Landscape Manual* does not require that the bufferyard be placed in an easement. In addition, if an easement were to be required, staff would recommend that it be placed on the final plat to ensure the individual property owners would have a greater opportunity to be notified. Notwithstanding this, staff would not recommend the additional encumbrance in perpetuity on the individual homeowners lots in the form of an easement. At the time of building permit the applicant will be required to demonstrate the required bufferyards on all plans of development.

18. **Parcel 78 Access** - The subject site is currently encumbered by an easement that does not appear to have been created by deed, but instead is an expressed easement from the owners of the subject property to the owners of Parcel 78 to the north. Parcel 78 has frontage on Dr. Bowen Drive and the proposed internal primary private street. The driveway serving Parcel 78 currently crosses the subject property for approximately 60 feet, and if it remains, will coincide with the proposed internal primary private street. The existing frontage of Parcel 78 along Dr. Bowen Drive is marked with steep slopes. Based on statements by the applicant, the driveway is located on the subject property out of necessity. The current property owner and the owners of Parcel 78 agree and intend to retain the existing access driveway location serving Parcel 78. The property owners of Parcel 78 have submitted a letter indicating their agreement with the improvement to the existing driveway and the conversion to a private street. It is not the intent of this preliminary plan of subdivision to authorize the use of an easement to serve Parcel 78, only to acknowledge that it exists. Based on the applicant’s testimony and the desires of the owners of Parcel 78, they will not be included in the homeowners association or required to contribute to maintenance and repair of the internal private streets and will continue to utilize the access. It is the responsibility of the property owner of Parcel 78 to ensure any private agreement with the applicant, and not the responsibility of the Planning Board.
19. **Planning Board Hearing**- At the Planning Board hearing on January 13, 2005 the applicant proffered to include notice that certain lots are encumbered by Woodland Conservation, as required by TCPI/76/04, in the homeowner’s documents. The applicant also agreed to work with citizens to reduce night sky affects. The property owner of the P.A. Bowen Farmstead Historic Site #87B-036-20, abutting to the north voiced concerns that the future property owners of Lot 20

should be made aware of the requirements of the Limited Detailed Site Plan to evaluate views of the Historic Site, and that any requirement of the LDSP can not be altered without a formal revision to the LDSP, to ensure that all interested parties are properly notified.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioners Eley and Squire absent at its regular meeting held on Thursday, January 13, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk