

A M E N D E D R E S O L U T I O N

WHEREAS, Michael T. Boone is the owner of a 4.54-acre parcel of land known as Parcel 12, Tax Map 12 in Grid C-2, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 19, 2005, K Hovnanian Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05043 for Boone Property 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 March 16, 2006, 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 March 16, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, by letter dated October 9, 2006, the applicant requested a reconsideration of Condition 7 associated with the original approval; and

\*WHEREAS, on November 2, 2006, the Planning Board approved the request for reconsideration based on the on the limited scope of adjusting the timing of the raze permit and the abandonment of the well and septic system; and

\*WHEREAS, on November 30, 2006, the Planning Board heard testimony regarding the reconsideration.

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/72/04), and further APPROVED Preliminary Plan of Subdivision 4-05043, Boone Property for Lots 1-9 with the following conditions:

\*Denotes Amendment

Underlining indicates new language

[Brackets and ~~strikethrough~~] indicate deleted language

1. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) .55 acres of open space land (Parcel J). Land to be conveyed shall be subject to the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
2. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Show the location of all specimen trees as described in the forest stand delineation and as shown on the NRI;
  - b. Show the specimen tree table with the following columns: tree number, size, species, condition, proposed disposition, comments and/or special preservation treatments recommended;

- c. Add the acreage of off-site clearing to the TCPI worksheet;
- d. Show the acreage or square footage of each proposed lot;
- e. Remove the proposed tree line;
- f. Revise the standard notes section as follows:
  - (1) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for Boone Property. The TCPI will be modified by a Type II tree conservation plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.
  - (2) The Type II tree conservation plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
  - (3) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I tree conservation plan by the Prince George's County Planning Board.
  - (4) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent of the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ( $\frac{1}{4}$ :1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
  - (5) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property the owner / developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas;
- g. Reference the associated Stormwater Management Concept Plan in the general notes section; and
- h. Show a section of fencing from the south corner of the structure on Lot 1 to the southern property line. The fence shall be a solid fence at least six feet in height. A detail for the fencing shall be shown on the TCPII.

- i. After all revisions have been completed, have the plans signed and dated by the qualified professional who prepared the plans.
3. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
4. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan and approval letter shall be submitted and the appropriate parcel designation (Parcel J) added to the preliminary plan. The TCPI shall be revised to be consistent with the approved concept plan.
5. Once the existing house at 2210 Old Largo Road is vacated, the shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The location of the shallow well is to be located on the preliminary plan.
6. The septic system must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system is to be located on the preliminary plan.
7. A raze permit is required prior to the removal of any of the existing structures (house, garage, two foundations, shed) on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that \*prior to the approval of any building permits a raze permit shall be approved for the removal of all the \*existing structures on site. ~~\*[are to be razed prior to the approval of the final plat and the]~~ \*The existing well and septic systems \*shall be properly abandoned before the release of ~~\*[the grading]~~ \*any building permit\*s. The locations of the shed and two foundations are to be located on the preliminary plan.
8. Prior to the signature approval of the preliminary plan, the plan shall be revised to add the parcel to be conveyed to M-NCPPC of approximately 9,888± square feet as shown on DPR Exhibit "A."

\*Denotes Amendment

Underlining indicates new language

[Brackets and ~~striketrough~~] indicate deleted language

9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey approximately 9,888± square feet of land to M-NCPPC, as delineated on DPR Exhibit A. 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 by the applicant to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written

consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

10. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of MD 202 and Town Farm Road. If a traffic signal is deemed warranted by SHA, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersection.
11. The final plat shall reflect a note restricting vehicular access to Lot 1 solely to Wood Ember Drive.
12. The applicant, his heirs, successors and/or assignees shall submit to DPR, Park Planning and Development Division (PP&D), three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by PP&D, the RFA shall be recorded among the county land records and noted on the final plat of subdivision. The 6-foot trail on dedicated parkland shall be constructed prior to issuance of building permits on Lots 7 and 8.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
14. Stormwater management facilities shall be designed to avoid adverse impact to adjacent and surrounding existing and proposed lots.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located in the Developing Tier at the southeast corner of the intersection of Wood Ember Drive and Old Largo Road. Norwich Place stubs to the property from the south. To the north and east is the currently developing Rustic Ridge subdivision in the R-R Zone and the Brock Hall Gardens Neighborhood Park owned by M-NCPPC. To the south are lots (some with dwellings) in Section One of Brock Hall Manor. This older subdivision was developed under and is in the R-E Zone. To the west across Old Largo Road and Largo Road (MD 202) is the University of Maryland Experimental Farm.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-R Single-family Residential	R-R Single-family Residential
Acreage	4.54	4.54
Lots	0	9
Parcels	0	0
Dwelling Units:		
Detached	1	9
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision 4-05043, and Type I Tree Conservation Plan, TCPI/72/04, date stamped as received by the Environmental Planning Section on February 15, 2006. The Environmental Planning Section recommends the approval of Preliminary Plan 4-05043 and TCPI/72/04 subject to the recommendations at the end of the memorandum. As revisions are made to the plans and submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

### Background

The Environmental Planning Section previously reviewed a zoning application, A-9957, which was later approved without conditions, and a Preliminary Plan of Subdivision 4-04123, that was withdrawn.

### Site Description

This 4.54-acre site in the R-R Zone is located on the east side of Old Largo Road (old MD 202) at its intersection with Wood Ember Drive. A review of the available information indicates that streams, wetlands and 100-year floodplain are not found to occur within the limits of this application. A transportation-related noise generator, MD 202, has been identified to the west of the property. The soils found to occur according to the Prince George's County Soil Survey include Adelpia fine sandy loam, Collington fine sandy loam and Donlonton fine sandy loam. The soils in the Donlonton soil series have limitations with respect to the high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 General Plan.

## **Environmental Review**

The preliminary plan application has a staff signed natural resources inventory (NRI/074/05) that was included with the application package. The NRI contains all of the required information.

The forest stand delineation (FSD) text identifies one 3.86-acre stand dominated by white oak, sweetgum, yellow poplar and American beech. The shrub layer within this stand consists of shadbush, red maple, and white oak. The herbaceous layer contains Japanese honeysuckle, Virginia creeper, greenbriar, and blueberry species. A total of 10 specimen trees were identified on this site. The NRI correctly reflects the information described in the FSD text. The location of the specimen trees are shown on the NRI, but not shown on the TCPI.

According to the Countywide Green Infrastructure Plan, the entire site is located within a gap area of the network. The M-NCPPC property flanking the east side of this site contains an evaluation area. Old Largo Road and MD 202 flank the west side of the site. Because MD 202, creates a break in the gap, it would not be practicable to implement the Green Infrastructure Plan at this location. Given the lack of sensitive environmental features, the woodland on this site is not a priority area for preservation. No further action is required regarding this site with respect to the Countywide Green Infrastructure Plan.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there are no previously approved tree conservation plans for this site.

A Type I Tree Conservation Plan (TCPI/72/04) was submitted with the Preliminary Plan application and has been reviewed. The woodland conservation threshold for this site has been correctly calculated as 1.12 acres (20 percent of the net tract). The submitted TCPI proposes to clear the entire site in order to provide positive drainage and meet the woodland conservation requirements by providing 2.89 acres of off-site mitigation. Because the site is very flat, it is important that positive drainage be obtained. Staff supports the proposal to meet the woodland conservation requirements off-site.

The acreage of off-site clearing is not provided in the worksheet. The worksheet must be revised to calculate the acreage of off-site clearing. The TCPI does not show the acreage for each lot. A proposed tree line is shown on the TCPI; however, this symbol must not be used on any tree conservation plan because it is confusing, especially on sites such as this one where there are breaks in the tree line. A limit of disturbance should be provided instead. The general notes on the plan are not consistent with the TCPI standard notes. The Stormwater Management Concept Plan number is not referenced on the plan.

This property is located on the east side of Old Largo Road, which is adjacent to MD 202, a master plan expressway. A traffic noise impact analysis dated January 22, 1996, was included in the application. The study is too old and does not apply to the subject property. The Environmental



Planning Section noise model predicts the location of the 65 dBA Ldn noise contour to be 228 feet from the centerline of MD 202. The noise contour is correctly shown on the TCPI and preliminary plan.

The TCPI shows that the proposed structure on Lot 1 will be within the 65 dBA Ldn noise contour. In conformance with state standards, noise must be mitigated to 65 dBA Ldn in the outdoor activity area of this lot and to 45 dBA Ldn or less in the interior. Outdoor mitigation can be achieved by constructing a 20-foot-long section of solid wood fencing parallel to MD 202 from the south corner of the structure to the property line. Proper construction materials must be used to reduce interior noise levels to 45 dBA Ldn or less.

A copy of the stormwater management concept plan was submitted for review with this application; however, it is not signed and an approval letter was not included.

The revised TCPI proposes a stormwater management pond on a separate parcel. No impacts to regulated environmental features are associated with this design. The TCPI does not show easements for the stormdrain or outfall.

Some of the soils found on this property have seasonally high water tables and impeded drainage, which may contribute to wet or damp basements if adequate drainage is not addressed. At the time of building permit the Department of Environmental Resources may require subsurface drainage issues to be addressed.

### **Water and Sewer**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 4. Water and Sewer Category 3 must be obtained before approval of final plat. A water line and a 1 ¼ inch grinder system in Wood Ember Drive abut the property. Water and sewer line extensions to serve the proposed subdivision must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat. A recommendation to design the sewer line in a manner such that the six existing lots along Norwich Place and the two adjoining lots along Old Largo Road could be served by the extension was suggested in the approval for Category 4 designation.

5. **Community Planning**—This application is located in the Developed Tier. The Community Planning Division has reviewed the project, and staff determined that the application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier. The application is in conformance with the land use recommendations of the Subregion VI Study Area Master Plan (1993) because of the residential land use proposed.
6. **Parks and Recreation**—Staff of the Department of Parks and Recreation (DPR) has reviewed the subject preliminary plan for compliance with the mandatory dedication, fee-in-lieu and recreational facilities provisions of the Subdivision Regulations as well as the *Parks*

*and Recreation Facilities Guidelines* and the master plan recommendations. The subject property is adjacent to the 20-acre Brock Hall Gardens Neighborhood Park. The park is currently undeveloped, but it is expected to be developed in the future. At the current time, the residential community on the south of the park has no pedestrian access to the park. To address this issue, the DPR staff recommends the mandatory dedication of parkland and the implementation of a trail on the southeast corner of the subdivision to provide a pedestrian access to the park.

7. **Trails**—The Adopted and Approved Subregion VI Master Plan designates MD 202 (Largo Road) as a master plan bicycle facility. The master plan map seems to indicate that this facility moves off onto Old Largo Road in some places. However, staff is of the opinion that the intent of the master plan is to have MD 202 as a continuous bicycle facility. This is clear on page 204 of the master plan where recommendation number six recommends that MD 202 be a bike route from White House Road to Upper Marlboro. Old Largo Road is parallel to MD 202, but is not continuous and therefore is not suitable as a bike route. SHA has implemented bikeway signage, shoulders, and pavement markings along MD 202. The subject site is adjacent to M-NCPPC parkland (Brock Hall Gardens Park). The area around the subject site consists of large lots with open section roads and no sidewalks. There are no master plan trails issues.
8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 4.54 acres of land in the R-R Zone. The property is located on the east side of MD 202 (Largo Road) and approximately 500 feet north of Town Farm Road. The applicant proposes a residential development consisting of 9 single-family lots.

The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and a January 2006 count for the intersection of MD 202 and Town Farm Road was provided. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

#### **Growth Policy—Service Level Standards**

The site is within the Developing 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:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the

Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Analysis of Traffic Impacts**

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is not signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 202 (Largo Road) and Town Farm Road. The critical 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.

Under existing conditions the average vehicle delay exceeds 50.0 seconds during the AM and PM peak hours.

<b>Existing Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Town Farm Road	85.2*	72.1*	-	-

\*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 transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along MD 202 (Largo Road) up to the design year (2008). Background conditions are summarized below:

<b>Background Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Town Farm Road	102.6*	90.4*	-	-

Under background conditions the average vehicle delay exceeds 50.0 seconds during the AM and PM peak hours.

The site is proposed for development as a residential subdivision of 9 lots. The proposed development would generate 7 AM (1 in, 6 out) and 8 PM (5 in, 3 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” which was revised September 2002. Staff assumes these trips are distributed as follows:

50 percent—South along MD 202  
50 percent—North along MD 202

Given these assumptions, we obtain the following results under total traffic:

<b>Total Traffic Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Town Farm Road	106.3*	91.8*	-	-

Under total traffic conditions, the average vehicle delay would exceed 50 seconds at the intersection of MD 202 and Town Farm Road during the AM and PM peak hours. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Under these circumstances, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

#### **Subdivision Plan and Master Plan Comments**

Access to the site is planned from Old Largo Road and Norwich Place. It is assumed driveway access from Lot 1 will be from Wood Ember Drive. MD 202 (Largo Road) is immediately adjacent to the site. This roadway is listed in the Subregion VI Master Plan (1993) as a four-lane expressway with 150 to 200 feet of right-of-way. Old Largo Road (CO 3428) is a county-maintained primary residential roadway adjacent to MD 202. The applicant will be required to dedicate 30 feet from the centerline of this roadway. This is shown on the subdivision plan. Dedication of right of way will be required on Norwich Place and Wood Ember Drive; this is shown correctly on the subdivision plan. No further dedication is needed along MD 202.

#### **Findings and Recommendations**

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George’s County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact 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	9 sfd	9 sfd	9 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.16	0.54	1.08
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	0	0	0
Total Enrollment	4,143.16	7,331.20	11,064.40
State Rated Capacity	4,140	6,569	8,920
Percent Capacity	100.07%	111.60%	124.04%

Source: Prince George's County Planning Department, M-NCPPC, December 2005.

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

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 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 & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01 of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Marlboro, Company 20, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on December 19, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	10.00	24.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

12. **Stormwater Management**—A Stormwater Management Concept Plan, # 24444-2004-00, has been approved with conditions. The stormwater facility will be a detention pond behind Lots 1 and 9 of the proposed subdivision and adjacent to the side of Lot 1, Block A of the Brock Hall Manor subdivision.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Boone Property. The comments are similar to comments made when the

subject property was reviewed for a previous subdivision application (4-04123). Once the existing house at 2210 Old Largo Road is vacated, the shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The location of the shallow well is to be located on the preliminary plan. The septic system must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system is to be located on the preliminary plan. A raze permit is required prior to the removal of any of the existing structures (house, garage, two foundations, shed) on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed prior to the approval of final plat and the well and septic systems properly abandoned before the release of the grading permit. The locations of the shed and two foundations are to be located on the preliminary plan.

14. **Historic Preservation**—There is no effect on historic resources.
15. **Archeology**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Squire, and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, November 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of February 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:IT:bjs