

R E S O L U T I O N

WHEREAS, Magnolia Cove, LLC is the owner of a 85.94-acre parcel of land known as Tax Map 136, Grid E-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on August 4, 2005, Shane Warren filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05056 for Magnolia Cove 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 3, 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 November 3, 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/21/00), and further APPROVED Preliminary Plan of Subdivision 4-05056, Magnolia Cove for Lots 1-17 with the following conditions:

1. Prior to signature approval of the preliminary plan, the quantity discrepancies between the NRI, the preliminary plan, and the TCPI shall be corrected as deemed necessary so that all plan quantities are in conformance. This shall include, but not be limited, to the following: Gross tract area, 100-year floodplain, net tract, existing woodlands on net tract, and existing woodlands in 100-year floodplain. All other woodland conservation requirements shall also be addressed.
2. Prior to signature approval of the preliminary plan, the woodland conservation threshold for the subject property shall be determined, based on existing woodlands as shown on the approved NRI.
3. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. The woodland conservation worksheet shall be revised as necessary to include corrected quantities, determine the correct woodland conservation threshold and requirements for the site, and reflect on the woodland conservation requirement will be met. All woodland conservation requirements will be met on-site.

- b. All afforestation areas must be set back 40 feet from the rear and 20 feet from the sides from any existing or proposed structures, be a minimum of 35 feet in width, be connected to other woodlands,
    - c. Add a note to the TCPI that reads as follows: "All afforestation areas shall be protected by permanent tree protection devices, as determined during the preparation of the Type II Tree Conservation Plan. All afforestation/reforestation for each lot 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."
    - d. Have the plan signed and dated by the qualified professional who prepared it.
4. At time of final plat, the following shall be delineated on the plat:
  - a. A 150-foot building restriction line behind the right-of-way for Cross Road Trail shall be delineated on Lots 1, 14 and 15.
  - b. A 40 foot-wide scenic easement shall be delineated behind the public utility easement along the Cross Road Trail frontage.
5. At time of final plat, a scenic easement shall be established adjacent to Cross Road Trail as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

"The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed."
6. 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/21/00), 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. CB-60-2005 requires that property owners notify buyers at the time of contract signing of the presence of woodland conservation"
7. All approved afforestation areas shall be placed in conservation easements at time of final plat except that area necessary for temporary erosion and sediment contrls at the entrance and the following note shall be placed on the TCPII plan and final plat:

“Certain of the conservation easements on this plat include afforestation areas which are proposed to regenerate as perpetual woodlands in fulfillment of woodland conservation requirement and preclude any disturbance or installation of any structure within specific areas shown on the approved Tree Conservation Plan. Failure to comply will mean a violation of an approved Type II Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

8. All afforestation and associated fencing for each lot 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 and fence installation have 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.
9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area 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."
10. Prior to the issuance of any permits which 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.
11. Prior to signature approval of the preliminary plan, the approved Stormwater Management Concept Approval Letter and associated plans shall be submitted and the number and date indicated on the plan. If appropriate, the preliminary plan and TCPI shall be revised to show any required stormwater management features.
12. Prior to signature approval of the preliminary plan, a copy of the Surface Mining Permit and/or any approved reclamation plans shall be submitted, if available. Prior to approval of the first building permit, a soils study addressing the limits of past excavation and indicate all areas where fill has been placed. All fill areas will include borings, test pits, and logs of the materials found. Borings and test pits in fill areas will be deep enough to reach undisturbed ground. The soils study shall be approved by DER.
13. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
14. The applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of

a “Share the Road With a Bike” sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.

15. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a final Phase IB archeological investigation, and if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. 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 archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
16. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$86,700 (\$5,100 x 17 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$5,100 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

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 site is located on the northeast side of cross Road Trail, approximately 4,000 feet northwest of its intersection with North Keys Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Single Family Residence, Farmland	Single Family Residential
Acreage	85.94	85.94
Lots	0	17
Outlots	0	0
Parcels	1	1
Dwelling Units:	1	17 (16 new)

4. **Environmental**—Streams, nontidal wetlands, wetland buffers, areas of severe slopes, and areas of

steep slopes with highly erodible soils are found to occur on the property. The site is partially wooded. Cross Road Trail is classified as a primary residential street, which is not generally regulated for transportation noise impacts. The soils series found to occur on this property, according to the Prince George's County Soil Survey, include Bibb, Beltsville, Chillum, Croom, Elkton, Gravel and borrow pits, Iuka, Keyport, Marr, Sandy land, Sassafras, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage, seasonally high water tables, and erodibility on steep slopes that could affect development. Marlboro clays are not found in the vicinity of 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, no rare, threatened or endangered species are found to occur in the vicinity. The property is located in the Mattaponi Creek watershed of the Patuxent River basin, in the Rural Tier as reflected in the adopted General Plan, and in the designated Patuxent Rural Legacy Area. Cross Road Trail is not a designated historic road. A portion of the site may have been subject to sand and gravel mining under previous approval processes and may have required state permits. The site contains regulated areas, evaluation areas, and network gaps identified in the approved Green Infrastructure Plan.

### **Natural Resources Inventory**

The site contains significant natural features that are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance.

The site contains streams or wetland areas that may be impacted and may be regulated by federal and state requirements. The preliminary plan application has a signed Natural Resources Inventory (NRI057-05) that was included with the application package. The revised TCPI and the preliminary plan show the correct delineation of the Patuxent primary management area, as approved on the NRI, but there is a discrepancy between the area of the subject property and the amount of existing woodlands that affects a determination of the woodland conservation requirement for the site. Discrepancies between the NRI and the TCPI are discussed later in this memorandum. In general, the approved NRI overrides revised quantities proposed in the TCPI, unless additional justification is provided.

### **Woodland Conservation**

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/21/00) was submitted with the preliminary plan application.

The revised Tree Conservation Plan (TCPI/21/00) has been reviewed. There are many discrepancies between the approved NRI and the revised TCPI that must be resolved. The FSD indicates that the site is 86.73 acres in area, but the area of the TCPI is 85.94 acres. The total amount of woodlands on the NRI and the TCPI is indicated to be 44.95 acres, but the quantity of woodlands on the net tract area has been reduced from 19.43 acres to 17.86 acres, while the amount oo

existing woodland in the 100-year floodplain has increased. The woodland conservation threshold for this site is dependent on the net tract area and cannot be determined because there is a discrepancy between the area of the NRI and the TCPI. In addition, because the amount of existing woodland on site is less than the threshold, the amount of existing woodlands on the site becomes the threshold requirement for the site. Until gross tract area, net tract area, and the quantity of existing woodlands on the net tract are verified, the woodland conservation requirement for the property cannot be determined.

The revised TCPI has proposed to meet the woodland conservation requirement with 16.39 acres of on-site preservation and 6.84 acres of on-site afforestation, for a total of 23.23 acres of woodland conservation to be provided on site. The quantity of preservation proposed exceeds the area of woodland not cleared, which is shown as 13.86 acres on the woodland conservation worksheet. A finding cannot be made that the woodland conservation requirements have been met, because the woodland conservation requirement has not yet been determined.

The TCPI requires revisions. All afforestation areas must be set back 40 feet from the rear and 20 feet from the sides from any existing or proposed structures, be a minimum of 35 feet in width, be connected to other woodlands, and be protected by permanent tree protection devices, as determined during the preparation of the TCPII.

The distribution of afforestation areas on the site should be evaluated to determine the level of encumbrance with woodland conservation proposed on all lots. This should be reflected in the woodland conservation lot-by-lot table. Additional afforestation areas should be placed where they complement and augment the protection of environmentally sensitive areas and the green infrastructure network. 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 for the sites; afforestation areas shall be protected by permanent tree protection devices, such as two-rail split-rail fences or equivalent, and all afforestation must be placed in conservation easements at time of final plat.

### **FIDS Habitat**

Forest Interior Dwelling Species (FIDS) habitat is a high priority area for preservation, and the area within the 300 foot-wide FIDS buffer is considered moderate to 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 on this site falls entirely within the PMA, and will not be disturbed. Lots 5 and 8 propose minor intrusions into the FIDS buffer. The area of FIDS habitat present on the site has been increased by the placement of afforestation on Lot 10 to fill a gap in the existing woodlands.

### **Scenic Road—Cross Road Trail**

The subject property is located in the Rural Tier, where the General Plan encourages the

preservation of rural character. The property has a frontage on Cross Road Trail, and three lots front on Cross Road Trail. Access to Lot 14 has been provided off the proposed internal right-of-way, rather than Cross Road Trail, which is appropriate. The proposed dwellings on all three lots are set back over 150 feet from the right-of-way, which allows for the retention of existing woodlands on Lot 14 and afforestation on Lots 1 and 13, which will enhance the roadside viewshed in the Rural Tier. A continuous woodland conservation area, using afforestation with a minimum width of 40 feet, has been placed adjacent to Cross Road Trail.

### **Soils**

The soils series found to occur on this property, according to the Prince George's County Soil Survey, include Bibb, Beltsville, Chillum, Croom, Elkton, Gravel and borrow pits, Iuka, Keyport, Marr, Sandy land, Sassafra, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage, seasonally high water tables, and erodibility on steep slopes that could affect development. These issues may affect the proposed lot layout through the location of acceptable percolation sites and septic recovery areas for each lot. The Environmental Planning Section and the Health Department will work together to determine the optimum location for septic recovery areas while protecting priority woodland conservation areas.

A portion of the site may have been subject to prior sand and gravel mining, which predated enactment of the Woodland Conservation Ordinance. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability should be prepared prior to issuance of building permits. The study should clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas should include borings, test pits, and logs of the materials found. Borings and test pits in fill areas should be deep enough to reach undisturbed ground.

### **Water and Sewer Categories**

The water and sewer service categories are W-6 and S-6 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources, and the site 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, Planning Area 86A/Baden. The land use recommendation for the property is low-rural residential densities. The 2002 General Plan locates this property in the Rural Tier. One of the visions of the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation, agricultural pursuits, and preservation of the rural character and vistas that now exist. The proposed preliminary plan is consistent with both the master plan and the General Plan.

### **Planning Issues**

The 1993 Subregion VI Study Area approved master plan discusses the proposed type of large-lot residential development where a key planning objective is to preserve the rural character of this part of the county. The plan points out that “conventional low-density O-S development continues

to erode the rural landscape” (plan, page 77). Rural community character will ultimately be subsumed into a suburban, albeit low-density, development pattern when the area is fully built-out under existing five-acre residential zoning.

To maintain the rural character of the rural planning areas, by preserving forested areas and minimizing the grading and clearing of the existing woodland, the principles embodied in the plan’s Rural Conservation chapter are important (plan, pp.61-82). On pages 80-82, the plan contains the following guidelines to further the objective of preserving rural character in this 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 the unnecessary destruction of woodlands.
- “4 ...every effort should be made in order to preserve scenic roads during road improvements.
- “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 minimize the damage to natural vegetation cover....
- “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 the home and the street should be retained. The creation of extensive lawn areas 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 the 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 viewsheds 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.”

6. **Parks and Recreation**—Pursuant to Section 24-134(a) of the Subdivision Regulations, the



development is exempt from the requirements of the mandatory dedication of parkland because each of the lots proposed exceeds one acre.

7. **Trails**—One master plan trail issue is identified in the adopted and approved Subregion VI master plan. Cross Road Trail is designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and a paved asphalt shoulder. There is also a hiker-equestrian trail recommended along the southeastern edge of the subject property. This hiker-equestrian trail is proposed along Mataponi creek as part of an existing and planned network of equestrian trails in the Croom area. The revised preliminary plan provided by the applicant shows a 20-foot public use hiker/equestrian easement in the location shown on the master plan.
8. **Transportation**—Due to the size of the application, staff has not required that a traffic study or a new traffic count be done. Instead staff decided to utilize the traffic count information that was submitted in March 2005 by the applicant as part of the their original plan (4-04189). Therefore, the findings and recommendations outlined below are based upon a review of these 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 subject property is in the Rural Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better is required in the Rural Tier.

**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.

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

The intersection of US 301 and Cross Road Trail is determined to be the critical intersection for the subject property. This intersection would serve most of the site-generated traffic. This intersection is currently unsignalized.

Using the provided information, staff has determined that the critical intersection of US 301 and Cross Road Trail currently operates with a maximum delay of 43.5 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 45 seconds.

There are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection.

With the development of 17 single-family detached residences, the site would generate 13 AM and 16 PM peak-hour vehicle trips. Considering the projected number of additional trips, staff analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—47 seconds of delay, PM peak hour—49 seconds of delay. Since vehicle delay in any movement exceeding 50.0 seconds is deemed to be unacceptable, it is determined that this intersection operates acceptably as an unsignalized intersection under existing, background, and total traffic.

Cross Road Trail is a designated as primary residential street. Dedication of 30 feet from the centerline along this facility is acceptable as shown on the submitted plan.

#### **Transportation Staff Conclusions**

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.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	17 sfd	17 sfd	17 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	4395	5307	10580
Completion Enrollment	317.28	189.24	378.24
Cumulative Enrollment	24.24	13.14	26.28
Total Enrollment	4740.60	5510.40	10986.56
State Rated Capacity	5384	4688	8770
Percent Capacity	88.05%	117.54%	125.27%

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

County Council bill CB-31-2003 establishes a school facilities surcharge, as adjusted by the percentage change in the Consumer Price Index for all urban consumers in the amount of \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 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 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:

The Prince George's County Planning Department has determined that this preliminary plan is beyond the required seven-minute response time for the first due fire station, Brandywine, Company 40, using the seven-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 98.99 percent, which is within the standards stated in CB-56-2005. The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**— This application does not meet the emergency response time standard for police. CB-56-2005 provides for mitigation of fire, rescue and police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that have been enumerated by the District Council in CR-78-2005, which establishes a police facilities mitigation charge (as adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$3,780 per dwelling unit. The applicant has committed to the payment of this fee.

CB-56-2005 provides for mitigation of fire, rescue and police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that were approved by the District Council on November 1, 2005. The applicant has entered into a mitigation plan with the county and filed such a plan with the Planning Board. The Planning Board accepted the mitigation plan and established appropriate conditions for the payment of the mitigation fee.

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 has reviewed the perk tests and has approved the proposed septic recovery areas for each of the proposed lots.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
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 17 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 17 lots proposed, 11 meet or exceed five acres, or 64 percent.

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

Comment: The site is 85.94 acres; one 2-acre lot is permitted. The applicant is proposing one 2-acre lot.

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

Comment: The remaining five lots are each over three 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. **Historic Preservation**—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 final Phase IA (historical background and assessment) archeological assessment was completed on the site and the draft report was received on June 8, 2005. A Phase IB (archeological fieldwork and identification) is to be completed, as recommended by the Planning Department, because the project area is bisected by an unnamed branch of Mataponi Creek and includes the area where it meets the creek. Prehistoric sites are known to exist in similar settings in the area. It is also in the vicinity (or may include) the residence (no longer standing) of a Mrs. A. Turton, shown on the 1861 Martenet Map. A Phase I research design should be submitted and approved prior to archeological excavations.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of December 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk