

R E S O L U T I O N

WHEREAS, Gateway Park Corporation is the owner of a 18.83-acre parcel of land known as Parcels 312 and 313, Tax Map 73 in Grid F-3, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-8; and

WHEREAS, on September 19, 2005, Foster Communities filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 37 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05064 for Gateway Park 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 February 9, 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 February 9, 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/01/05), and further APPROVED Preliminary Plan of Subdivision 4-05064, Gateway Park, for Lots 1-37 and Parcels A-C with the following conditions:

1. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
2. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey Parcels A, B, and C to the HOA. 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 the 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to 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. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
  - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 3. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
  - 4. Development of this site shall be in conformance with the approved stormwater management concept plan (CSD #43964-2004-00) and any subsequent revisions.
  - 5. Prior to final plat, a copy of the approved permit from the Maryland Department of the Environment for the road crossing shall be submitted. The approved permit package shall include exhibits used in the permit application that are consistent with the impacts shown on the Type I Tree Conservation Plan.
  - 6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all elements of the Patuxent River Primary Management

Area and all regulated wetlands and their buffers, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval. 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 tree, limbs, branches, or trunks is allowed.”

7. 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.
8. Prior to signature approval of the preliminary plan, the TCPII shall be revised to:
  - a. Provide the woodland conservation threshold on-site;
  - b. Provide the minimum 40-foot-wide useable rear yard area on Lot 33 and show all building restriction lines;
  - c. Revise the woodland conservation worksheet to address all of the comments;
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
  - e. Prior to signature approval of the preliminary plan, the 25-foot roadway easement along the western boundary of the site shall be removed since it was not transferable and the two entities it was granted to no longer exist.
9. 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/01/05), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
10. Prior to signature approval of the preliminary plan, the noise barrier details shall be added to the TCPI. The noise barrier shall be solid construction and be at least six feet in height.
11. Prior to signature approval of the preliminary plan, the plan associated with Stormwater Management Concept Approval Letter (#43964-2004-00) shall be submitted.
12. The applicant shall comply with the following concerning their fee-in-lieu of parkland dedication:

- a. The applicant shall construct the recreational facilities; the cost of which shall be approximately \$200,000, including design and engineering (not exceeding ten percent of the total cost) on adjacent Walker Mill regional Park, including the following:
    - i. Regional Type Playground for age 5-12
    - ii. 8-foot-wide asphalt trail connector
  - b. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - c. Detailed construction drawings for recreational facilities on park property including grading plans, sections, equipment and landscaping schedules shall be submitted to DPR for review and approval prior to submission of any application for building permits in Gateway Park.
  - d. Detailed construction drawings shall be prepared by a designer specializing in playgrounds in cooperation with a design team from DPR. DPR staff shall review the credentials and approve the design consultant prior to development of the plans.
  - e. Prior to application of the building permit for the construction of the recreational facilities in the park, DPR staff shall review credentials and approve the contractor proposed for the park construction work based on qualifications and experience.
  - f. The Executive Director is authorized to sign all documents needed to release the access easement rights M-NCPPC holds over the Gateway Park property. The applicant shall be responsible for preparing and recording all needed documents.
  - g. Submission of three original executed Recreational Facilities Agreements (RFA) to the DPR for approval three weeks prior to a submission of a final plat. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County.
  - h. At least two weeks prior to applying for building permits, the applicant shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by the DPR.
  - i. The construction of the recreational facilities on adjacent parkland shall be completed prior to the issuance of the 19<sup>th</sup> building permit.
13. Prior to final plat, a Phase I archeological investigation should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and report preparation following MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* 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 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 south side of Addison Road, approximately 300 feet east of its intersection with Waterford Drive. The site is largely undeveloped and predominately wooded, with the exception of what appears to be an abandoned swimming pool in the southwest corner of the site. All structures on the site are to be razed. The surrounding properties to the north and east are zoned R-80 and are developed with single-family residences. To the south is undeveloped parkland (Walker Mill Regional Park, M-NCPPC) in the R-O-S Zone and to the west are single-family residences in the R-55 Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Uses	Vacant	Single-Family Residences
Acreage	18.83	18.83
Lots	0	37
Parcels	2	3
Outlots	0	0
Dwelling Units	0	37

4. **Environmental**—The site is characterized with terrain sloping toward the north of the property, and drains into unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin. The predominant soil types on the site are Sassafras and Iuka. These soil series generally exhibit some limitations to development due to steep slopes, impeded drainage, and high water table and flood hazard. The site is fully wooded and partially developed with an existing structure to be razed. Based on 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 site. There are streams, wetlands and highly erodible soils found to occur on the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is located on the south side of Walker Mill Road, an arterial roadway generally regulated for noise. Noise levels above state standards from Andrews Air Force Base do not impact this site; however, Walker Mill Road is an arterial highway, which is generally regulated for transportation-generated noise. This property is located in the Developed Tier as delineated on the approved General Plan.

## **Natural Resources Inventory**

The preliminary plan application has a signed natural resources inventory (NRI/070/05), dated August 23, 2005, that was included with the application package dated September 26, 2005. The regulated areas as shown on the preliminary plan and the TCPI are in conformance with the NRI. **Patuxent River Primary Management Area (PMA)**

Unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin bisect the subject property. These site features and their associated buffers make up the regulated features on the site and are accurately shown on the TCPI and preliminary plan.

The Countywide Green Infrastructure Plan shows a regulated area on the site associated with the stream system. The area between proposed Bondi Court and Walker Mill Drive is designated as an evaluation area and adjacent unwooded portions are designated as network gaps. These are areas where woodland conservation is a high priority. Because the site contains substantial areas of land within the green infrastructure network, the woodland conservation threshold should, at a minimum, be met on-site while meeting all other provisions of the recommended conditions and the Woodland Conservation Ordinance.

Section 24-130 of the Subdivision Ordinance provides for the protection of streams and associated buffers, which comprise the Patuxent River Primary Management Area (PMA). The PMA includes the 50-foot stream buffer, adjacent areas of wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), adjacent slopes between 15 and 25 percent on highly erodible soils (steep slopes) and areas of special wildlife habitat. Section 24-130 requires that the PMA be preserved to the fullest extent possible. The preliminary plan, after being revised to eliminate a few of the proposed impacts, still includes a major impact to the PMA for a road crossing. This road crossing has been slightly modified from previous submissions to reduce the impacts by shifting it to the west. A concept discussed with the applicant was the movement of the road crossing farther to the west to result in a shorter portion of the stream being impacted.

In the revised letter of justification received January 26, 2006, the applicant states that the impacts for the road crossing are unavoidable if the area of Lots 7 through 16 are to be developed. It is true that a road crossing of this type is generally supported, because it allows for the reasonable use of the property. The letter also goes on to state that if the road crossing were to be moved farther to the west to reduce the impacts, the number of lots removed from the application due to moving the road crossing would be approximately the same as the number of lots gained by the creation of the crossing. Another justification put forth is that of the desirability of having residential lots that have backyards abutting each other, rather than having the new road placed adjacent to the rears of the off-site existing lots. With the lot layout as currently proposed, the backyards would be abutting.

In a meeting with a representative of the Maryland Department of the Environment, he stated that the road should be moved to the west to reduce the impacts to the stream. At this time the road

has been slightly moved to the west to address this comment. If, however, the Maryland Department of the Environment does not approve the impact in the location shown, a reconfiguration of the lots in this area would result. The timing of this possibility must be addressed through the platting process.

The TCPI also shows areas of impacts for three stormdrain outfalls that are supported by staff and recommended for approval.

### **Woodland Conservation**

The 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 and there are more than 10,000 square feet of existing woodland on-site. The revised Type I Tree Conservation Plan (TCPI/01/05) submitted on January 23, 2006, has been reviewed. The Woodland Conservation Threshold for this site is 3.77 acres (20 percent of the net tract). The total amount of required woodland conservation based on the amount of clearing currently proposed is 6.56 acres.

The TCPI as currently designed, proposes to meet the requirement with 3.58 acres of on-site preservation, and 2.98 acres of off-site mitigation. The TCPI fails to meet the woodland conservation threshold on-site by 0.19 acres. Lot 33 does not provide a 40-foot-wide useable rear yard and the plan does not show the building restriction lines so that a determination can be made regarding whether or not the conceptual house pad on Lot 33 can be revised to accommodate the useable rear yard standard.

After the other comments in this memo have been addressed, the Tree Conservation Plan and worksheet must be revised accordingly, and the woodland conservation threshold shall be met on-site. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/01/05) approved as part of this application.

### **Noise**

This property is located within a transportation-related noise impact zone associated with Walker Mill Road, a primary roadway that had an Average Daily Traffic (ADT) count of 13,400 vehicles in 2001 and a projected 65 dBA Ldn noise contour located approximately 212 feet from the centerline of the existing roadway. This segment of the road is a designated arterial roadway to be widened and realigned with MD 458. Noise impacts are anticipated on Lots 22, 23 and 24 as currently proposed. The noise study submitted by the applicant provided similar results and the 65 dBA Ldn noise contours are now on all the plans.

Information was submitted January 26, 2006, regarding proposed noise barriers. The exhibits provided show a proposed HOA parcel adjacent to Lot 22 with a note that states "Noise Wall—See Detail." The detail must be added to the TCPI. At a minimum the wall must be of solid construction and six feet in height. A noise wall is also proposed for Lot 23 and a portion of Lot 24 with the remainder of Lot 24 being protected due to a drop in elevation from the road to

the proposed residential structure.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems.

5. **Community Planning**—The subject property is located in Planning Area 75A/District Heights. The 2002 General Plan places this property in the Developed Tier. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods. The property is subject to the recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, which recommends a medium-suburban residential density of up to 4.5 dwellings per acre. The proposed preliminary plan is consistent with the recommendations of these two plans.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant provide a fee-in-lieu payment of \$200,000 for the construction of additional recreational facilities in the adjacent Walker Mill Regional Park. In turn, DPR proposes to release the recorded access easements held by M-NCPPC over the subject property.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan that impact the subject application.

### **Sidewalk Connectivity**

The subdivision immediately to the west of the subject site includes sidewalks along both sides of all internal roads. Walker Mill Road is open section at the subject site. However, where road improvements have been made in this vicinity, a standard sidewalk has been provided.

- a. Provide a standard sidewalk along the subject site's entire road frontage of Walker Mill Road, unless modified by Department of Public Works & Transportation (DPW&T).
  - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
8. **Transportation**—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 the needed count at the intersection of Shady Glen Drive/Walker Mill Road. The count was taken in October 2005 and was used to determine adequacy. 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 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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 signalized. The traffic generated by the proposed preliminary plan would impact the intersection of Shady Glen Drive/Walker Mill 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.

<b>Existing Conditions</b>			
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)
Shady Glen Drive/Walker Mill Road	794	747	A A

The Guidelines identify signalized intersections operating at LOS E with a critical lane volume of 1,600 or better during both peak hours as acceptable. Both the AM and PM peak-hour levels of service are acceptable under existing conditions.

The transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along Shady Glen Road/Walker Mill Road. Approved background development included single-family units, apartments, and townhouses, along with some warehousing and industrial space. Background conditions are summarized below:

<b>Background Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Shady Glen Drive /Walker Mill Road	836	827	A	A

Under background conditions both the AM and PM peak hour levels of service are operating at acceptable standards for the Developed Tier as defined in the Guidelines.

The site is proposed for development as a residential subdivision of 37 lots (single-family units). The proposed development would generate 27 AM (5 in, 22 out) and 32 PM (21 in, 11 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of

Development Proposals” (Revised September 2002). Staff assumes these trips are distributed as follows:

65 percent—West along Walker Mill Road  
35 percent—East along Walker Mill Road

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

<b>Total Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Shady Glen Drive /Walker Mill Rd	850	839	A	A

Based on the staff’s review of transportation adequacy issues in the area, the intersection of Shady Glen Drive /Walker Mill Road will operate acceptably during the AM and PM peak hours.

#### **Site Plan Comments**

Access to the site is planned from Walker Mill Road via Walker Mill Drive, which is opposite Longleaf Drive. Walker Mill Road is an arterial roadway listed in the Suitland Master Plan (1985) as a four-to six-lane roadway with 120 feet of right-of-way recommended. Dedication of at least 60 feet from the master plan centerline of Walker Mill Road will be required. This is shown correctly on the site plan.

The centerlines of Longleaf Road and proposed Walker Mill Drive must be opposite each other to form a four-way intersection. Mildred’s Lane with a 50-foot right-of-way is shown to the east, providing another point of access. This is acceptable and provides another point of entry into the proposed subdivision. There should be no direct access from any of the lots to Walker Mill Road.

Staff did not receive any comments from the Prince George’s County Department of Public Works and Transportation (DPW&T). However, the applicant should be responsible for any

frontage improvements, including acceleration and deceleration lanes required by DPW&T. This may include additional sign and pavement markings.

### Conclusion

Based on the preceding findings, 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 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:

### Finding

#### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	37 sfd	37 sfd	37 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	8.88	2.22	4.44
Actual Enrollment	3965	5489	9164
Completion Enrollment	176	64	127
Cumulative Enrollment	2.40	96.12	192.24
Total Enrollment	4152.28	5651.34	9487.68
State Rated Capacity	4140	6114	7792
Percent Capacity	100.30%	92.43%	121.76%

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

These figures are correct on the day the 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 amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia, \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority, or \$12,000 per dwelling for all other buildings. 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 paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Ritchie, Company 37, using the Seven- Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 685 (98.99 percent), which is within 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 August 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 District III. The Prince George's County Police Department reports that the average yearly response times for that district are 20 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 9 minutes for emergency calls, which meets the standard of 10.00 minutes.

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.

12. **Health Department**—The Health Department has reviewed the subject application and reminds the applicant that raze permits are required prior to the removal of any structure on the site. Any hazardous materials located in any of the structures must be removed and properly stored or discarded prior to the structures being razed.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Service Division, has determined that on-site stormwater management is required. A stormwater management concept plan (43964-2004-00, July 22, 2005) has been approved. 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 or any approved revision thereto.

14. **Historic Preservation**—Phase I archeological survey is recommended by the Planning Department on the above-referenced property. The residence of Thomas Berry (no longer standing) is shown on the 1861 Martenet map as being just north of the property. The Berrys were large landholders prior to the Civil War and owned slaves. Slave quarters and slave burials may be located within the property. The property was once part of the Berry family plantation,

and is located approximately one mile southwest of Concord, the Berry home built in 1798. Tax records from 1798 show the Berry family owned 64 slaves at that time. Prehistoric sites may exist on the property also.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* 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.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

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 and Hewlett voting in favor of the motion with Commissioner Vaughns absent at its regular meeting held on Thursday, February 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30<sup>th</sup> day of March 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:bjs