

R E S O L U T I O N

WHEREAS, Woodyard Road, LLC. is the owner of a 7.26-acre parcel of land known as Parcel 61, Tax Map 7 in Grid D-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 16, 2005, Ellen Lemberger filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05095 for Woodyard Road 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 April 6, 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 April 6, 2006, 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/33/05), and further APPROVED Preliminary Plan of Subdivision 4-05095, Woodyard Road Property for Lots 1-8 and Outlot A with the following conditions:

1. A conservation easement shall be described by bearings and distances on the final plat of subdivision. The conservation easement shall contain the expanded stream buffers wetlands and wetland buffers, excluding those areas where variation requests have been approved, and 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."

2. Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:

- a. Provide clearing behind all proposed structures to the rear property line or 40-feet, whichever is less, without disturbing any expanded stream buffer or wetland buffer.
 - b. Provide clearing at the sides of all proposed structures to the side property lines or 20-feet, whichever is less, without disturbing any expanded stream buffer or wetland buffer.
 - c. Place all woodlands associated with sensitive environmental features in designated woodland conservation areas, except for areas where variation requests have been approved.
 - d. Exclude designated woodland conservation areas from any land placed in reservation or dedication for a public road.
 - e. Designate woodland conservation areas on lots only within expanded stream buffers or wetland buffers.
 - f. Revise the worksheet as needed.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan.
4. 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 have been designed to reduce interior noise levels to 45 dBA or less.
5. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”
6. Subject to approved Stormwater Management Concept Approval 41490-2005-00 and any revisions.
7. Prior to signature approval, the AICUZ noise contours shall be identified on the preliminary plan.
8. Prior to signature approval, the location of the septic system shall be located on the preliminary plan.
9. The abandoned septic system serving the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place at a time consistent with the razing of the existing house.

10. A raze permit is required prior to the removal of the house 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 structure on site must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan that requires that the structure be razed and the septic system properly abandoned before the approval of the final plat.
11. Prior to the issuance of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$30,240 (\$3,780 x eight 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 \$3,780 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.
12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2006-2011 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application, *Engineering News Record* Highway Construction Cost Index for the second quarter 2001).
13. At the time of final plat of subdivision, the applicant, his heirs, successors and/or assignees, shall dedicate land for the future realigned MD 223 as currently shown on the applicant's preliminary plan.

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 along the south side of Woodyard Road (MD 223), approximately 300 feet west of its intersection with His Lordships Kindness.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	7.26	7.26
Lots		9
Parcels	1	0
Dwelling Units:		
Detached	1	9
	(to be razed)	
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Woodyard Road, 4-05095, and the revised Type I Tree Conservation Plan, TCPI/33/05, stamped as received by the Environmental Planning Section on March 7, 2006. In a memorandum dated November 29, 2005, comments were provided regarding the lot layout and design of woodland conservation areas as shown on the initial submission. In a memorandum dated January 21, 2006, additional comments were provided regarding the lot layout and design of woodland conservation areas as part of the review of revised plans that were received on January 10, 2006. The final plans, stamped as received on March 7, 2006, do not fully address all previous comments, resulting in the need for a recommendation of approval with conditions.

The Environmental Planning Section supports the variation requests for the reasons stated in this memorandum and recommends approval of 4-05095 and TCPI/33/05 subject to the conditions listed at the end of this memorandum.

BACKGROUND

The Environmental Planning Section has no records of any previous applications being submitted for the subject property.

SITE DESCRIPTION

This 7.26 acre property is in the R-R Zone, approximately 2,500 feet west of the intersection of Dangerfield Road and Woodyard Road. There are no streams, wetlands or 100-floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Beltsville, Bibb, Fallsington, Matapeake and Sassafra series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. Woodyard Road is an adjacent source of traffic-generated noise. Based on the most recent Air Installation Compatible Use Zone Study released to the

public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

ENVIRONMENTAL REVIEW

As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

A signed natural resources inventory (NRI), NRI/046/05, was submitted with the application. The NRI included a forest stand delineation (FSD) and wetlands report. The FSD indicates two forest stands totaling 6.72 acres and notes that the areas of priority woodland are associated with the wetlands and stream. Fifteen specimen trees are identified. The woodlands in the northern half of the property are young successional woodlands and in the southern half they are mature forest. Most of the specimen trees are located in the wetlands and the expanded stream buffers.

According to the Green Infrastructure Plan, the property does not contain any areas designated as being within the network. Based upon this analysis, the priority woodlands are associated with the wetlands and expanded stream buffers.

The expanded stream buffers and wetland buffers delineated on the NRI are shown on the Preliminary Plan and the Type I Tree Conservation Plan.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers wetlands and wetland buffers, excluding those areas where variation requests have been approved, and should be reviewed by the Environmental Planning Section prior to approval. This should be reflected in a note placed on the plat.

The plan proposes impacts to the wetland buffer shown, and there may be impacts to other wetlands and buffers that occur on the site. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations. Two variation requests, dated January 9, 2006, were submitted.

Variation request "A" addresses the impact to 14,959 square feet of wetlands and wetland buffers associated with the construction of the sole access into the site. Variation request "B" is for a separate impact to 14,869 square feet of expanded stream buffer associated with extending the access street to the southern portion of the property.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

Street construction is required to provide access to the lots and for emergency vehicles. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variations are based are unique to the property for which the variations are sought and are not applicable generally to other properties;**

The existing driveway apparently filled a portion of wetlands when it was constructed. Because the wetland area crosses the entire property near the sole frontage along a public road, the subdivision cannot be served by a public street without impact "A" to the wetlands and wetland buffers. Proposed impact "B" is needed because a stream crosses the entire property near its midpoint. The southern portion could not be developed with residential structures in accordance with the R-R zone without the extension of the internal street. Because the sanitary sewer required to serve the proposed development will be within the proposed street, the design will minimize impacts needed to install required infrastructure.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

Road construction is required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation were carried out.**

Because the wetland area crosses the entire property near the sole frontage along a public road, a public street cannot serve the subdivision without impact to the wetlands and wetland buffers. The denial of impact "A" would result in the loss of all of the proposed nine lots. The denial of impact "B" would result in the loss of three of the proposed nine lots

The Environmental Planning Section supports requests "A" and "B" for the reasons stated above.

Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and there is more than 10,000 square feet of existing woodland.

The Type I Tree Conservation Plan, TCPI/33/05, has been reviewed and was found to require revisions. The plan proposes clearing 4.44 acres of the existing 6.72 acres of woodland. The woodland conservation threshold for the site is 1.45 acres and the woodland conservation requirement, based upon the proposed clearing is 2.56 acres. The plan proposes to meet the requirement by providing 1.29 acres of on-site preservation and 1.27 acres of off-site conservation for a total of 2.56 acres. An additional 0.99 acres of woodland will be preserved on-site without forming part of any requirement.

The priority woodlands are associated with the wetlands and expanded stream buffers. Woodland conservation areas cannot be proposed in any land placed in reservation or dedication for a public road. Cleared areas 40-feet deep or to the rear property line should be provided behind all proposed structures. Cleared areas 20-feet wide or to the side property line should be provided on each side of all proposed structures. Based upon these criteria, the design of the proposed woodland conservation areas needs to be revised.

Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan needs to be revised.

Based on the most recent Air Installation Compatible Use Zone Study, released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the noise threshold is within the 65-70 dBA (Ldn) noise contours. This noise level is above the State Acceptable Noise Level for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside the residential structures does not exceed 45 dBA.

Woodyard Road is a source of traffic-generated noise. The standard noise model for a soft surface transmission, used by the Environmental Planning Section, predicts the 65 dBA noise contour to be approximately 144 feet from the centerline of Woodyard Road. The 65 dBA contour is shown on the TCPI and the Preliminary Plan. Because of the distance to the nearest proposed dwelling unit, traffic-generated noise will have no significant impact on any proposed lot.

According to the Prince George's County Soils Survey the principal soils on this site are in the Adelphia, Aura, Beltsville, Croom, Howell, Sassafra and Westphalia series. Adelphia soils may have high water tables and impeded drainage. Aura, Croom, Howell and Westphalia soils are highly erodible. Beltsville soils are highly erodible and may have perched water tables and impeded drainage. Sassafra soils pose no special problems for development.

This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

The Prince George's County Department of Environmental Resources approved a stormwater management concept plan, CSD 4190-2005-00, on November 29, 2005. The TCPI shows the installation of numerous drywells to provide for water quality treatment.

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designates this property in Water and Sewer Category 3. Water and sewer are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.

5. **Community Planning**—This application is consistent with the policies in the 2002 *Prince George's County Approved General Plan* and conforms with the land use recommendations contained in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*.

Residents of this subdivision will be subjected to aircraft noise due to the proximity of the air traffic pattern of Andrews Air Force Base. The final subdivision plat should include a note indicating that the site was identified as having areas that exceed 65Ldn due to aircraft operations. Noise attenuation measures should be incorporated into the design and construction of structures. The 1998 Air Installation Compatible Use Zones (AICUZ) noise contours should be identified on the preliminary plan.

The noise contours identified in the AICUZ study for Andrews Air Force Base indicate that most of the site is within the 70–75 DNL (Day-Night Average A-Weighted Sound Level) noise contours. A small portion of the site is in the 75–80 DNL noise contour (proposed lots 17 and 18). The Citizens Handbook that accompanies the AICUZ study defines these noise measurements as follows:

“The numbers 65dB through 80dB indicate the average sound levels in decibels using the Day-Night Average A-Weighted Sound Level (DNL) metric for describing the noise environment. DNL is the energy-averaged sound level measured over 24 hours, with a 10dB penalty applied to nighttime (10 p.m. to 7 a.m.) sound events to account for increased annoyance from late night noise.”

Table 4-2 in the AICUZ study indicates that residential development of all types should be prohibited in 75-80 DNL noise contours. A small portion of this site, nearest to Woodyard Road, is in this category. In the 70–75 DNL noise contour, in which the remainder of this property is located, single-family detached residential development is found to be generally compatible with base operations, subject to the following footnotes: (AICUZ, page 4—12, 13):

- “a. Although local conditions may require residential use, it is discouraged in the 65–70dB DNL zones and *strongly* discouraged in 70–75dB DNL zones. The absence of viable alternative development options should be determined, and an evaluation—indicating [that] a demonstrated community need for residential use would not be met if development were prohibited in these zones—should be conducted prior to approvals.
- “b. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) for 65–70dB DNL zones [and] 70-75dB DNL zones should be incorporated into building codes and considered in individual approvals.”

Further, the Master Plan recommends (Development in Airport Environments, page 51) the following action to ameliorate existing negative impacts and avoid future problems:

“Subdivision plats and deeds of sale for any residential property located in areas around airports include language informing any buyer about areas identified as having... areas that exceed 65Ldn due to aircraft operations.”

- 6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
- 7. **Trails**—Trails issues in the Approved Master Plan for Subregion V do not impact the subject site.
- 8. **Transportation**—The following are the Transportation Planning Section comments concerning the traffic impact of the subject application.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a development originally consisting of nine single-family dwelling units (eight are now proposed). The proposed development would generate 7 AM and 8 PM peak-hour vehicle trips as determined using the “Guidelines for the

Analysis of the Traffic Impact of Development Proposals” and the Institute Of Transportation Engineer’s “Trip Generation Manual, 7th Edition.” The property is located on the south side of Woodyard Road (MD 223), approximately 1,600 feet west of the MD 223-Rosaryville Road intersection

The traffic generated by the proposed preliminary plan would impact the signalized intersections of:

MD 223-Rosaryville Road intersection

This intersection is part of a larger MD 223 corridor (between Dower House Road and Rosaryville Road) that is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George’s County Capital Improvement Program. While these improvements are shown to be fully funded, full funding is heavily contingent upon developer contributions. Of the \$2.75 million cost, developer contributions—either direct or via collections of smaller amounts by the county—make up \$2.25 million of the total. The Planning Board has approved several developments (including Mill Creek, PGCPB No. 05-232, 4-05025) where the applicant was conditioned to pay a pro-rata contribution of \$812.00 per dwelling

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

Links and signalized intersections: Level-of-service (LOS) [D], with the 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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

The table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223-Rosaryville Road intersection	D/1,384	E/1,567

Recent traffic analyses have included eight background developments, some of whose traffic would affect the study intersection. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following result:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223-Rosaryville Road intersection	F/1,674	F/1,929

Citing the trip generation rates from the guidelines the proposed development would generate 7 AM and 8 PM peak-hour trips. Combining site-generated trips with background traffic yields the following results:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223-Rosaryville Road intersection	F/1,674	F/1,929

The results of the analyses showed that the critical intersection would operate inadequately with the inclusion of background and site-generated traffic.

With the inclusion of the CIP-funded improvements, however, the following results were determined:

TOTAL CONDITION <i>WITH IMPROVEMENT</i>		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223-Rosaryville Road intersection	D/1,286	D/1,249

Regarding site layout and on-site circulation, staff has no issue. The preliminary plan accurately identifies the location of the realigned MD 223. However, the preliminary plan identifies this area to be placed in reservation. Staff does not support this reservation, but rather recommends dedication to SHA. Given the fact that the subject property has direct access to MD 223, staff does not support this reservation, but rather recommends dedication to SHA.

TRANSPORTATION STAFF CONCLUSIONS

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

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 5	Middle School Cluster 3	High School Cluster 3
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	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	14.16	5.34	10.68
Total Enrollment	4,258.32	5,558.34	9,302.76
State Rated Capacity	3,771	6,114	7,792
Percent Capacity	112.92%	90.91%	119.39%

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 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 adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section

24-122.01(d) and Section 24-122.01(e)(B)(E) 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 **Clinton, Company 25**, 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 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 V. The standard is 10 minutes for emergency calls response and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months, beginning with January of 2005. The preliminary plan was accepted for processing by the Planning Department on November 16, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	12.00	22.00
Cycle 1	01/05/05-11/05/05	12.00	23.00
Cycle 2	01/05/05-12/05/05	12.00	22.00
Cycle 3	01/05/05-01/03/06	12.00	21.00

The Police Chief has reported that the 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 police emergency calls were not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05095 fails to meet the standards for police emergency response times. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

13. **Stormwater Management**—Stormwater Management Concept Plan 41490-2005-00 has been approved with conditions. Development must be in accordance with this approved plan.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Woodyard Road and has the following comments to offer:

The abandoned septic system serving the existing house 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 should be located on the preliminary plan.

A raze permit is required prior to the removal of the house 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 structure on site must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan that requires that the structure be razed and the septic system properly abandoned before the release of the grading permit.

15. **Archeology**—A Phase I archeological survey was completed at the subject property. The draft document is under review. Section 106 Review may also require archeological survey for state or federal agencies.

The subject property is adjacent to the property that includes His Lordship's Kindness Historic Site (81A-011), located at 7606 Woodyard Road. The environmental setting for the historic site has been determined to be less than the entire parcel on which it is located. As a result, the developing property is not adjacent to the historic site and a D Bufferyard will not be required as specified in the *Prince George's County Landscape Manual*.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 6, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:IT:bjs