

R E S O L U T I O N

WHEREAS, Naomi Associates is the owner of a 5.80-acre parcel of land known as Parcel 48, Tax Map 117 in Grid B-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 12, 2006, Two Four Investments, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06054 for Townsend Subdivision, Andrews Addition To, 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 October 19, 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 October 19, 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/33/06), and further APPROVED Preliminary Plan of Subdivision 4-06054, Townsend Subdivision, Andrews Addition To, for Lots 1-3, Block A, Lots 1-5, Block B and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Provide the entire distance along the northern property line.
 - b. Further label Parcel A as "To be conveyed to the HOA," and provide a general note that demonstrates that Parcel A will be dedicated to the homeowners association prior to the approval of building permits.
 - c. Provide the final plat reference for the adjacent lots within Proctor's Addition to Townsend Subdivision (REP 214 @ 15), and further include this reference in Note no.1 where the preliminary plan number has been provided.
 - d. Correct the tax map reference for adjacent Parcels 2 and 25 to reflect Tax Map 117-B1.

- e. Re-label adjacent Parcel A, within Proctor's Addition to Townsend Subdivision, to "Outparcel A" in accordance with the approved final plat.
 - f. Revise the plat reference for adjacent Lot 4, Block B, within the Townsend Subdivision to NLP 99 @ 65.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 33281-2003-02 and any subsequent revisions.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetland and wetland buffer and be reviewed by the Environmental Planning Section prior to certification. 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."
5. 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/33/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005."
6. Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall submit a certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.
7. The following note shall be placed on the final plat:

"Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses."
8. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.

9. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.6±acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of DRD or be in accordance with an approved detailed site plan if one is required. 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. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
10. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
11. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

12. Prior to the issuance of any building permits within the subject property, the following road improvements at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
 - a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
 - b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
 - c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach.
13. 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 8 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.
14. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately two and one-half miles from the south end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.

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 property is located at the terminus of proposed Alexa Road, approximately 200 feet north of its intersection with proposed Evelyn Lane.
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)	Vacant	Detached Single-Family Dwellings
Acreage	5.80	5.80
Lots	0	8
Outlots	0	0
Parcels	1	1
Dwelling Units:		
Detached	0	8
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Andrew’s Addition to Townsend Subdivision, 4-06054, stamped as received by the Environmental Planning Section on August 18, 2006, and the revised Type I Tree Conservation Plan, TCPI/33/06, stamped as received by the Environmental Planning Section on September 13, 2006. The Environmental Planning Section recommends approval of 4-06054 and TCPI/33/06 subject to the conditions.

The Environmental Planning Section has no records of any previous applications for this property. This application is for eight lots and one parcel in the R-R Zone.

The 5.80-acre property in the R-R Zone is located east of Dangerfield Road at the end of Evelyn Lane. The site drains into the Piscataway Creek in the Potomac Watershed. There is no 100-year floodplain on the property. The Countywide Green Infrastructure Plan indicates that no portion of the property is a regulated area, evaluation area or network gap. Current aerial photos indicate that most of the site is forested. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise is significant. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is in the Developing Tier according to the General Plan.

A signed natural resources inventory, NRI/15/06, was submitted with the application. There are no streams or 100-year floodplain on the property. There is a wetland and associated buffer in the extreme northeastern corner of the property. The wetlands and wetland buffer are correctly shown on the Preliminary Plan and TCPI. The Forest Stand Delineation indicates two forest stands totaling 5.80 acres and notes the species, size and condition of seven specimen trees.

Forest stand A covers approximately 4.91 acres of the western portion of the site. This woodland is composed of maturing mixed hardwoods, including scarlet oak, white oak, chestnut oak and southern red oak, with an average of 12 inches diameter at breast height. The understory includes American holly, flowering dogwood, highbush blueberry, deerberry and mountain laurel. There are no invasive plant species.

Forest stand B covers approximately 0.89 acres in the eastern portion of the site and is associated with a drainage swale. This woodland is composed of mature tulip poplar with an average of 21 inches diameter at breast height. The understory includes mockernut hickory, running strawberry bush, serviceberry and greenbrier. There is some Japanese honeysuckle.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/33/06, has been reviewed and was found to require revisions. The plan proposes clearing 4.23 acres of the existing 5.80 acres of woodland. The woodland conservation threshold is 1.16 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 2.22 acres. The plan proposes to meet the requirement by providing 0.68 acres of on-site preservation and a fee-in-lieu for 1.54 acres. An additional 0.89 acres of woodland will be retained on-site but not as part of any requirement.

The Countywide Green Infrastructure Plan indicates that no portion of the property is within the designated network. It appears that buffer yards are not required by the *Landscape Manual*. Unless there are woodlands rating a high priority for preservation, the encumbrance of lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance or the Countywide Green Infrastructure Plan. The woodland areas remaining after clearing for development are fragments that are contrary to the preservation policies established in the Ordinance and those of the Countywide Green Infrastructure Plan. Because the woodlands are of a good quality with few invasive species, woodlands may be retained on lots and do not need to be calculated as cleared. The only priority woodlands on-site are associated with the wetland and wetland buffer in the northeastern corner of the property. Because of these factors, the use of minimal on-site preservation and a fee-in-lieu to accommodate the remaining requirement is appropriate and meets the intent of the Woodland Conservation Ordinance.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is between 70 and 75 dBA (Ldn). This noise level is above the State Acceptable Noise Level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn).

According to the "Prince George's County Soils Survey," the predominant soil types on-site are Aura, Beltsville, Galetown, Mattawan, Mattapex and Sassafras series. There are no steep or severe slopes on the site.

The Prince George's County Department of Environmental Resources has approved Stormwater Management Concept, CSD 33281-2003-02. Because of the limited development, it appears that no on-site pond is required. Drywells will be used to provide for water quality from the rooftops

of each proposed structure. The approval gives credit for retention of the existing forested wetlands.

The Environmental Planning Section recommends approval of 4-06054 and TCPI/33/06 subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will, therefore, be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 81A within the Clinton community and is within the limits of the 1993 Approved Master Plan for Subregion V. This master plan land use recommendation is for low-suburban residential land use up to 2.6 dwelling units per acre. Because of the existing zoning category of the property, and the proposed land use, this application conforms to the low-suburban residential land use recommendation within the Subregion V Master Plan.

The 2002 General Plan locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application proposes a low-density suburban residential community and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The subject property is affected by air traffic from Andrews Air Force Base (AAFB), particularly with respect to noise and is in the area encompassed by AICUZ studies. Acoustical construction techniques for reduction of interior noise levels and buyer notification of location within the AAFB airport environment on subdivision plats and deeds of sale should be considered.

The Plan text references Andrews Air Force Base as a major source of nonpoint noise. It notes that the AICUZ study identifies Accident Potential Zones and noise Compatible Use Districts (CUD) and recommends suitable land uses (p.135). The perceptual analysis identifies noise intrusion as a perceptual liability having negative qualities that call for corrective action (p.137). Environmental Guidelines (p.140) state: “12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the state’s current maximum allowable levels for receiving land uses.”

This site is located under the flight path for aircraft at Andrews Air Force Base, approximately two and one-half miles from the south end of the runway, within an area encompassed by Air Installation Compatible Use Zone (AICUZ) studies. The 1989 AICUZ study referenced in the master plan text (pp. 70, 75) has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is from 1998 and identifies the subject property as in Accident Potential Zone Two (APZ II) and at the boundary of the 65-70 and 70-75 Ldn noise

contours.

Master plan recommendations pertaining to residential development in airport environments which may apply to review of this application, include:

“Regulations should be adopted to require that 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 increased accident potential or areas that exceed noise level of 65 Ldn due to aircraft operations.” (Living Areas Recommendations, p. 51)

“New homes in areas around airports that are subject to higher than desirable noise levels for residential areas (generally over 65Ldn) should be developed at as low a density as is practical; should be planned utilizing cluster development techniques to move homes away from noise impact areas; and units should be acoustically buffered to reduce interior noise to acceptable standards.”(Living Areas Recommendations, p. 52)

At the public hearing for this application, the Planning Board had requested that a condition be established that requires buyer notification regarding noise levels associated with Andrews Air Force Base and military aircraft overflights.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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**—There are no master plan trails issues identified in the adopted and approved Subregion V Master Plan, which impact the subject property.
8. **Transportation**—The subject property consists of approximately 5.80 acres of land in the R-R Zone and is located north of Evelyn Lane. The applicant proposes a residential subdivision consisting of eight lots.

Due to the size of the subdivision, the Transportation Planning Section did not require a traffic study. A new traffic count was requested at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road, which was deemed to be the critical intersection for the subject property.

The applicant supplied traffic data at nearby intersections, but not at the determined critical intersection. Given the small size of the proposal, the Transportation Planning Section reviewed recent data and was able to locate counts at the critical intersection dated April 2005. While the counts were slightly more than one year old at the time of acceptance of the application, they were deemed to be usable as a means of analyzing a proposal of this size. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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 signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing 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 traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. 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.

Recent traffic counts done in April 2005 indicate that the critical intersection operates at Level of-Service (LOS) F, with a critical lane volume (CLV) of 1,762, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,371.

As previously noted, there are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are 13 approved but unconstructed developments that would affect the intersection that have been reviewed and counted. These background developments encompass 563,000 square feet of warehouse or commercial space and 370 residences. A three percent annual rate of through traffic growth along MD 223 has been assumed. With background growth added, the critical intersection would operate as follows:

AM peak hour—LOS F, with a CLV of 2,152
PM peak hour—LOS F, with a CLV of 1,715.

With the development of 8 single family detached residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak hour vehicle trips. The site was analyzed with the following trip distribution:

20 percent—East along MD 223

- 25 percent—West along MD 223
- 30 percent—South along Old Alexandria Ferry Road
- 20 percent—North along Dangerfield Road
- 5 percent—North along Commo Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 2,155; PM peak hour—LOS F with a CLV of 1,717. Therefore, the critical intersection operates unacceptably under total traffic conditions.

The following improvements, similar to those proposed by a previous application in the area, would provide transportation adequacy. They include the following at the MD 223/Old Alexandria Ferry Road/Dangerfield Road intersection:

- a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
- b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
- c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach

Based on the review of transportation adequacy issues in the area, the Transportation Planning Section notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the improvements listed above. With the improvements, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,182; PM peak hour—LOS D with a CLV of 1,445. Prior applications, Bellefonte (4-03118) and Willow Ridge Estates (4-05027) have similar conditions at this location. The site is not within or adjacent to any master plan transportation facilities.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that 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 with conditions.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.92	0.48	.96
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	402.24	108.12	216.24
Total Enrollment	4,646.16	5,661.60	9,508.20
State-Rated Capacity	3,771	6,114	7,792
Percent Capacity	123.21%	92.60%	122.03%

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

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 interstate highway 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 on 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 \$7,671 and 13,151 to be 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 finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

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 Clinton, Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 12, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	11.00	20.00
Cycle 1	01/05/05-07/05/06	11.00	20.00
Cycle 2	01/05/05-08/05/06	11.00	20.00
Cycle 3			

The applicant may enter into a mitigation plan with the County and file such plan with the Planning Board. The applicant has entered into a mitigation agreement in the amount of \$30,240.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Andrew's Addition to Townsend Subdivision and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 33281-2003-02 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

All lots will have infiltration drywells or comply with the roof drain disconnect requirements. The proposed infiltration system will be designed to handle one-inch of stormwater runoff from the proposed roadway. The applicant is required to perform stream channel enhancements, and stream bank stabilization on the existing stream located approximately 800-feet south of the proposed subdivision, within the Cedar Chase Subdivision. The owner of the adjacent Cedar Chase Subdivision has agreed to the stream enhancement project to proceed. The stream

enhancement project will include vegetative plantings such as rooted willow bundles, and wetland grasses as designed by the environmental consultant.

14. **Historic**—This memo supercedes the previous referral memo dated October 9, 2006. This preliminary plan application includes 5.80 acres north of Evelyn Lane at the end of proposed Alexa Road, east of Dangerfield Road and south of Woodyard Road in Clinton. The application proposes 8 lots and 1 parcel, and the property is zoned R-R. The subject property does not include and is not adjacent to any Historic Site or Historic Resource included in the Inventory associated with the 1992 *Historic Sites and Districts Plan*.

A Phase I archeological survey is not recommended for the property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The applicant should be aware that His Lordship's Kindness/Poplar Hill, a late-18th century plantation house, and Cemetery are located about 1.1 miles northeast of the subject property. Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

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

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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, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, October 19, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JF:bjs