

R E S O L U T I O N

WHEREAS, a 23.05-acre parcel of land known as Parcel 11, Tax Map 54 in Grid D-3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on October 30, 2006, Lonergan Development, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 15 lots and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06103 for Lonergan 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 January 18, 2007, 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 January 18, 2007, 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/14/05), and further APPROVED Preliminary Plan of Subdivision 4-06103, Lonergan Property, for Lots 1-15 and Outparcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise Outparcel "A" to Outlot "A."
  - b. Revise adjacent Lot 17 within the Collingbrook Subdivision to Parcel 17.
  - c. Update the plan's revision box to demonstrate all revisions since the Subdivision Review Committee meeting on November 17, 2006.
  - d. Revise the density calculations within general note 6 to be based on the current acreage of the property.
  - e. Provide distances to scale along the southeast property line for Lots 12, 13, and 15, adjacent to the Rodenhauser property.

- f. Provide a general note that references the companion TCPI, (TCPI/14/05), and NRI, (NRI/078/05).
  - g. Provide a general note that demonstrates that a variation request has been submitted for three proposed impacts to the PMA in accordance with Section 24-130(a) of the Subdivision Regulations.
  - h. Provide a reference to the underlying parcel (Parcel 11) within the title box.
- 2. Prior to approval of the final plat of subdivision, a Type II tree conservation plan shall be approved.
- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 4563-2005-00 and any subsequent revisions.
- 4. Prior to the issuance of a building permit for proposed Lots 11-13 all afforestation shall be planted and associated permanent protective fencing shall be installed. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
- 5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area (PMA) and the area within the non-disturbance area described by the limits of disturbance, excluding areas of approved impacts. The easement shall be reviewed by the Environmental Planning Section prior to final plat approval. The following note shall be placed on the final plat:

“The conservation easement described on this plat is an area 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 permitted.”
- 6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
- 7. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Revise the plan to eliminate the use of the proposed tree line.
  - b. Update the revision boxes on both sheets of the plan to reflect the previous revisions made.

- c. After these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.
8. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/14/05). The following note shall be placed on the final plat of subdivision:

“Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/14/05), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specified 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. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.
9. 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 for Lots 3, 6, 11, and 15.
10. Prior to the approval of the final plat the applicant shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.

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 on the east side of Church Road at the terminus of Dory Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Undeveloped	Single-Family Dwellings
Acreage	23.05	23.05
Lots	0	15
Outlots	0	1
Parcels	1	0
Dwelling Units:		
Detached	0	15
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-06103 and the Type I Tree Conservation Plan, TCPI/14/05, stamped as received on December 19, 2006. The Environmental Planning Section recommends approval of Preliminary Plan 4-06103 and TCPI/14/05 subject to conditions.

### **Background**

The Environmental Planning Section previously reviewed plans for this site including Preliminary Plan 4-04200 and Type I Tree Conservation Plan TCPI/14/05. The application was withdrawn prior to any Planning Board hearing. The current proposal is for the creation of 15 lots for single-family detached dwellings and 1 outparcel.

### **Site Description**

This 23.05-acre site is located east of Church Road without direct roadway frontage along it and is approximately 900 feet south of John Hanson Highway (US 50). The site is zoned R-E. Based on a review of 2005 air photos, the site is partially wooded. Based on a review of available information, there are significant natural resources associated with the site including a stream, 100-year floodplain, wetlands, and steep and severe slopes. According to the Prince George's County Soil Survey, four soil types are found on the property and these are: Adelphia fine sandy loam, Collington fine sandy loam, Monmouth clay loam and Shrewsbury fine sandy loam. The Collington and Monmouth soil types each have two series at this location. The Collington fine sandy loam and the Shrewsbury soils are characteristic of prime farmland. Both of the Monmouth loam soils have K-factors of 0.43, making them highly erodible. Shrewsbury soils are hydric soils and have development constraints associated with them. These include high water table and poor drainage associated with house foundations and streets located within the vicinity of them. Based on available information, Marlboro clays are not found to occur at this location. There are no significant traffic-noise generators or designated scenic or historic roads within the vicinity of this site. According to the Maryland Department of Natural Resources, Wildlife and Natural Heritage Program, rare, threatened and endangered species are not found at this location. According to the *Approved Countywide Green Infrastructure Plan*, all three-network features (regulated areas, evaluation areas and network gaps) are located on-site. The site is in the Collington Branch watershed of the Patuxent River basin and the Developing Tier of the General Plan.

### **Master Plan Conformance**

The site is in the Bowie and Vicinity Planning Area. On February 7, 2006, the District Council adopted CR-11-2006, which approved the Bowie and Vicinity Master Plan. This proposal is consistent with the environmental provisions of the approved plan.

### **Environmental Review**

A staff-signed natural resources inventory (NRI/078/05) was included within the initial submittal of the preliminary plan application. The Patuxent River PMA is shown correctly on the

preliminary plan and TCPI in relation to the NRI. The revised plans address a discrepancy that was found in the initial submittal regarding the acreage associated with the gross tract area.

Three network features of the Green Infrastructure Plan are located on the property. Existing woodlands on-site total 1.86 acres, of which 0.73 acre is located within the floodplain area. These woodlands are associated with the Patuxent River PMA. Woodlands on proposed Outparcel A and within the PMA are a high priority for permanent preservation.

Outparcel A and all of the woodlands located within the PMA are proposed to be preserved. The worksheet on the current plans show the woodland conservation threshold (WCT) as 5.08 acres. The site's woodland conservation requirement is proposed to be met with 1.86 acres of on-site preservation and 2.21 acres of afforestation adjacent to the PMA. The site has an afforestation threshold of 20 percent, or 2.21 acres, based on the threshold requirement within the R-E Zone. Because there are three network features associated with the site from the Green Infrastructure Plan, every effort should be made to meet the site's WCT on-site with additional afforestation. Lots 11, 12 and 13 contain non-wooded areas of the PMA that could be afforested to meet the threshold on-site.

Because extensive afforestation is shown on proposed private lots to fulfill the woodland conservation requirement, protective fencing should be required on the residential edge of these proposed woodland treatments. In order to protect proposed afforestation treatment areas after planting and some interrelated on-site preservation treatments located on the same lot, the afforestation and installation of associated permanent protective fencing should be completed prior to the issuance of a building permit for each associated lot so that the afforestation areas may mature into perpetual woodlands. All woodland conservation areas to be located on private lots should be placed in woodland conservation easements. These include proposed Lots 7-13 and 15. Because revisions are required to the tree conservation plan that will ultimately affect the limits of the woodland conservation easements, the Type II tree conservation plan should be approved prior to the final plat of subdivision.

The site is within the Patuxent River basin and contains an unnamed stream, wetlands and areas of 100-year floodplain. The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, and adjacent areas of steep slopes between 15-25 percent on highly erodible soils. When a property is located within the Patuxent River watershed, these features and any special habitat areas compose the PMA, which is to be protected to the "fullest extent possible."

Three impacts are proposed to the PMA. A letter of justification dated October 23, 2006, was submitted and has been reviewed. Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible. All disturbance not essential to the development of the site as a whole is prohibited within the PMA. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Nonessential activities are those such as grading for lots, stormwater management ponds, and parking areas that can be redesigned to eliminate the impacts.

These proposed impacts are as follows:

### **Impacts A and C**

These two impacts are for the installation of stormdrain outfalls to convey stormwater to a nearby stream. Impact A totals 1,276 square feet and Impact C totals 2,334 square feet.

### **Impact B**

Impact B is for the installation of a gravity sewer line to serve the development. Installation of the sewer line includes a stream crossing and this impact area totals 1,414 square feet.

The total area for proposed impacts A-C is 5,024 square feet. All three proposed impacts are supportable because these are for the necessary infrastructure and are considered essential development features. The Environmental Planning Section recommends that the Planning Board approve the three proposed impacts to the PMA.

The site is subject to the provisions of the 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 woodlands on-site. A Type I tree conservation plan has been submitted and reviewed.

Based on the revised plan's worksheet, the site has a gross tract area of 23.05 acres, of which 2.72 acres are in the floodplain. The net tract area totals 20.33 acres. The site's woodland conservation threshold (WCT) is 5.08 acres or 25 percent. The site's woodland conservation requirement is 4.07 acres, which is lower than the WCT, because the amount of existing woodland is lower than typical for a site this size and none of the existing woodland is proposed to be cleared. This requirement is proposed to be met with 1.86 acres of on-site preservation and 2.21 acres of afforestation. The site's WCT is not being met on site. The WCT can be met with additional on-site afforestation. Adjust the worksheet accordingly after the additional afforestation is provided on private lots within the PMAA.

The revised TCPI needs minor revisions for the plan to be in compliance with the Woodland Conservation Ordinance. Proposed woodland treatment areas should be clearly identified for their intended purpose. The proposed tree line on the plan is confusing and should be removed. The intended woodland treatments on proposed Lots 11-13 and 15 should be labeled for additional afforestation to count toward the site's requirement and to bring the conservation treatments closer to the site's WCT. After this revision has been made, the worksheet should be adjusted accordingly to show the afforestation threshold to be met on-site, and show the woodland treatment to the closest 1/100<sup>th</sup> of an acre.

The revision boxes on both sheets of the revised plan were not updated to reflect the revisions made to address comments within the November 29, 2006, memo from the Environmental Planning Section. These revisions need to be made to the plan and the qualified professional who prepared the plan should sign and date it.

Copies of the approved stormwater management concept plan and the concept plan approval letter from DER have been submitted. The concept plan has a DER case number of 4563-2005, and it was issued on March 24, 2005. This approval is valid for three years from the date of issuance.

The primary methods of stormwater management proposed are low-impact development techniques including grass swales, open sections, infiltration, and rooftop disconnections. Two stormdrain easement areas with outfalls are shown on the concept plan. The revised TCPI clearly shows both proposed stormdrain easement areas and the outfalls. No further information regarding the approved concept plan is required at this time.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems.

5. **Community Planning**—The property is located in Planning Area 71B within the Bowie community and is within the limits of the 2006 Bowie and Vicinity Master Plan. The master plan recommended land use is for a low-suburban residential land use at up to 2.6 dwelling units per acre. This application is proposing a low-suburban residential land use and is, therefore, consistent with the land use recommendation within the 2006 Bowie and Vicinity Master Plan.

The 2002 General Plan locates the subject property within 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 is proposing a low-suburban residential community and is, therefore, consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

### **PLANNING ISSUES**

This site is located within Aviation Policy Area (APA) 6, which means the following regulations apply to the site:

<b>Aviation Policy Area</b>	<b>Zoning Ordinance Reference</b>	<b>Regulations</b>
APA 6	27-548.38 (b)(4)	Same uses/density as underlying zone
	27-548.42 (b)	Heights of structures to comply with Federal/State regulations; may not exceed 50 ft. without review by MAA
All APAs	27-548.38 (d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned

	27-548.43	Disclosure requirements: required in HOA covenants, on final plat, with permits, and at the time of contract signing
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The subject property is affected by air traffic from Freeway Airport. Portions of this site fall within APA 6. Regulations for development in the vicinity of general aviation airports are detailed in Sections 27-548.32 to 27-548.49 of the Prince George's County Zoning Ordinance. This application needs to demonstrate compliance with these regulations.

Within all APAs, properties are required to disclose to prospective purchasers information regarding their proximity to the airport. In APA-6, applications to build structures that are more than 50 feet in height are required per Section 27-548.42(b) to demonstrate compliance with the Federal Aviation Regulations Part 77 or Code of Maryland, COMAR 11.03.05., Obstructions to Air Navigation.

The 2006 Bowie and Vicinity Master Plan and Sectional Map Amendment retained the subject property within the R-E Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, Lots 1, 2, 4, 5, 7, 8, 9, 10, 12, 13, and 14 in the subject subdivision are exempt from mandatory dedication of parkland requirements because they are over one acre in size.

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 for Lots 3, 6, 11 and 15 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 Bowie and Vicinity Master Plan that impact the subject property. Existing roadways are open section in the vicinity of the subject site.
8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the Lonergan property. The property abuts the recently approved Rodenhauser property (4-06063), which is located on the east side of Church Road approximately 2,500 feet south of US 50 (John Hanson Highway). The applicant proposes a residential subdivision consisting of 15 single-family dwellings. The sole access to the proposed development is via an unplatted and unbuilt internal street that abuts the subject property.

#### **Traffic Analyses:**

Since this development is projected to generate fewer than 50 trips during either peak period, a traffic study was not required. However, given the close proximity to the Rodenhauser property, coupled with the fact that both developments will share the same access point on Church Road, the Transportation Planning Section used the relevant data within the traffic study that was prepared for



the approved Rodenhauser property in making the required findings of adequacy for transportation.

The traffic study dated August 2006 identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road/MD 450	A/470	A/540
Church Road/Mt. Oak Road **	C/21.7 Secs.	F/107.6 Secs.
Church Road/Woodmore Road **	D/26.6 Secs.	F/134.7 Secs.
Church Road/King Isle Court/Site Access **	--	--
** In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.		

The Transportation Planning Section identified 13 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of two percent was applied to the existing traffic counts at the subject intersections. In the county capital budget for the current fiscal year is a proposal for the realignment of Woodmore Road such that its intersection with Church Road will be coincident with the alignment of Mt. Oak Road. This capital improvement also contains provision for the signalization of the new intersection upon its completion. A second analysis was prepared to evaluate the impact of the background developments on existing infrastructure, including the realigned intersection. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road/MD 450	A/729	A/712
Church Road @ Woodmore Road/Mt. Oak Road	A/383	A/509
Church Road/King Isle Court/Site Access **	B/13.4 Secs.	C/16.8 Secs.

Using the Guidelines For The Analysis Of The Traffic Impact Of Development Proposals, the proposed development of 15 single family units will be adding 11 (2 in; 9 out) AM peak-hour trips and 14 (9 in; 5 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road/MD 450	A/730	A/713
Church Road @ Woodmore Road/Mt. Oak Road	A/385	A/510
Church Road/King Isle Court/Site Access **	B/14.4 Secs.	C/17.8 Secs.

The results of the analyses show that all of the intersections within the study area will operate at adequate levels of service.

#### **Master Plan Comments**

The 2006 Bowie and Vicinity Master Plan lists Church Road as a collector roadway with 90 feet of right of way.

#### **TRANSPORTATION STAFF FINDINGS**

The application is a preliminary plan of subdivision for a residential development of 15 single-family units. The proposed development will be adding 11 (2in; 9 out) AM peak-hour trips and 14 (9 in; 5 out) PM peak- hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- Church Road/MD 450
- Church Road/Mt. Oak Road \*\*
- Church Road/Woodmore Road \*\*
- Church Road/King Isle Court/Site Access \*\*

\*\* Unsignalized intersection

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

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 signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**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.

All of the intersections are projected to operate adequately under total condition

### **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.

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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	15 sfd	15 sfd	15 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.60	0.90	1.80
Actual Enrollment	5,137	7,218	10,839
Completion Enrollment	178	112	223
Cumulative Enrollment	32.88	305.58	636.48
Total Enrollment	5,351.48	7,647.70	11,700.28
State Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.61%	116.42%	131.69%

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 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 \$7,671 and \$13,151 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 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 Bowie, Company 43, 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, the 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 II. 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 proceeding 12 months. The preliminary plan application was accepted for processing by the Planning Department on October 30, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	09/05/05-09/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls was met on September 5, 2006.

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

Pursuant to CR-69-2006, the 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.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Lonergan Property 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 4563-2005-00 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.

14. **Historic**—A Phase I archeological survey has already been completed on the subject property under prior case 4-04200. Two historic archeological sites, 18PR785 and 18PR786, were recorded in the survey and dated from the late eighteenth to the late nineteenth centuries. Due to the disturbed nature of the area around the sites and lack of subsurface features, no further archeological work was recommended. The final report for the Phase I has been submitted, and the Planning Department concurs that no further archeological work is necessary on this property.

However, 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.

15. **City of Bowie**—The Bowie City Council has scheduled a public hearing for the Lonergan property on January 16, 2007. A copy of the letter informing the applicant of the scheduled hearing time was forwarded to staff. At the time of the writing of the staff report, no additional information has been received by the City of Bowie for this application.
16. **At the Public Hearing** - At the public hearing for this case on January 18, 2007, the applicant's attorney, Mr. Russell Warfel, had requested that condition number 4 be deleted in its' entirety, and that condition number 8 be partially deleted. Both conditions pertain to required revisions to the Type-I Tree Conservation Plan. The Environmental Planning Section had determined that their final memo for this case did not accurately calculate the correct percentage of required afforestation, and therefore condition number 4 was no longer needed, and letters (a) and (d) within condition number 8, which both speak to afforestation revisions, were also no longer needed. The Environmental Planning Section did concur with Mr. Warfel's request, and therefore, the Planning Board agreed to strike condition number 4 in its entirety, and letters (a) and (d) from within condition number 8.

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 Vaughns, with Commissioners Eley, Vaughns, Squire, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, January 18, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of February 2007.

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R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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