

R E S O L U T I O N

WHEREAS, J & A Builders, Inc. is the owner of a 7.67-acre tract of land known as Parcel 318, Outlot A, and Outlot B, Tax Map 106 in Grid F-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on March 27, 2007, Doug Hodges filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07020 for Northam Acres 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 September 13, 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 September 13, 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/15/07), and further APPROVED Preliminary Plan of Subdivision 4-07020, Northam Acres, for Lots 1-17 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Remove the property line which separates Parcel A from the tot lot, and provide the parcel designation, the total acreage of Parcel A (including the tot lot), and further label that Parcel A is proposed to be conveyed to an HOA.
 - b. Provide a more conventional rear property line (less jagged) for Lots 1, 2, and 3, which does not follow the stream buffer, and which shall be outside of the PMA and provide rear lot line dimensions for these lots.
 - c. As previously requested at the SRC meeting, lightly label the limits and square footage of Outlot A, Block G, within Lot 17, and of Outlot B, Block B, within Parcel A, and provide the plat reference (WWW 44 @ 18).

- d. Provide all rear lot line distances for Lot 17.
 - e. Clarify the northwestern limits of the 30-foot wide surface drainage easement.
 - f. Revise general note No.2 to provide the correct plat reference for the Woodberry Forest subdivision (WWW 44 @ 18).
 - g. Provide a general note which references the companion NRI and TCPI numbers.
 - h. Provide the Stormwater Management Concept approval number and date of approval within general note No. 30.
 - i. Label where the required 75-foot lot width at the front building line is being met, and provide a setback from the front street line, to the front building line for Lots 7 thru 10.
 - j. Provide a 10-foot PUE along the western side of Lot 12, adjacent and contiguous to the Straford Road right-of-way.
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 the Stormwater Management Concept Plan, #7239-2007-00 and any subsequent revisions.
 4. At the time of Limited Detailed Site Plan (LDSP) Approval, the applicant, his heirs, successors and/or assignees shall provide interpretive signage which demonstrates the connection of the former owners of the subject property with the Mount Hope Church. The wording, and the location of the interpretive sign shall be determined by the Historic Preservation staff at the time of the LDSP, and a photograph of its placement shall be submitted by the applicant prior to the approval of any building permits.
 5. Prior to signature approval of the preliminary plan, the applicant, his heirs, successors and or assignees shall submit four copies of the final Phase I archeological investigation report to the M-NCPPC Historic Preservation Section. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations are required.
 6. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey Parcel "A" to the homeowners association (HOA). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of 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 ensure retention and future maintenance of the property to be conveyed.
- 7. 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.
 - 8. The applicant, his heirs, successors and/or assignees shall submit three (3) original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFAs shall be recorded among the county Land Records.
 - 9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
 - 10. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, at the time of detailed site plan approval by the Planning Board.

11. Prior to the approval of the final plat a limited detailed site plan shall be approved by the Planning Board or its designee for interpretive historic signage the construction of the retaining walls on the various lots and Parcel A, and for the private on-site recreational facilities, establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreational Facilities Guidelines*.
12. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
13. Prior to signature of the preliminary plan, all plans shall be revised to show the expanded buffer for the stream and wetlands on the north portion of the property.
14. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded buffer except areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
15. Prior to signature approval of the Preliminary Plan and the Type I Tree Conservation Plan, two copies of the approved Stormwater Management Concept Letter and the associated signed plans shall be submitted. The concept plan shall address the management of uncontrolled stormwater on proposed Lots 8, 9, and 10, and shall be reflected on all plans.
16. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Show all specimen trees and their critical root zones.
 - b. Provide a minimum of 10 feet of unencumbered area on both sides of the proposed retaining walls.
 - c. Avoid placing designated woodland conservation areas on easements that require construction.
 - d. Revise TCP Notes #1 and #4.
 - e. Revise Note #30.
 - f. Revise the grading to conform to the approved Stormwater Management Concept Plan.

- g. Revise the worksheet as needed.
- h. Have the revised plan signed and dated by the qualified professional who prepared the plan.

17. 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/015/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. 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.

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 at the terminus of Northam Road, approximately 160 feet northeast of its intersection with Straford Road.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Undeveloped	Detached Single-Family Dwellings
Acreage	7.67	7.67
Lots	0	17
Outlots	2	0
Parcels	1	1
Dwelling Units:		
Detached	0	17
Public Safety Mitigation Fee		No

- 4. **Environmental**— The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Northam Acres, 4-07020, and the revised Type I Tree Conservation Plan, TCPI/015/07, stamped as received by the Environmental Planning Section on August 22, 2007. The Environmental Planning Section recommends approval of 4-07020 and TCPI/015/07 subject to the conditions.

BACKGROUND

The Environmental Planning Section previously reviewed a Natural Resources Inventory, NRI/108/06, for the subject property. The proposal is for 17 lots and one parcel in the R-80 Zone.

SITE DESCRIPTION

This 7.67-acre property in the R-80 Zone is located at the terminus of Northam Road. The site is partially wooded and was previously improved with a single-family detached residential structure which was razed under a county raze permit per the engineer. There are streams and wetlands on the property associated with Henson Creek in the Potomac River watershed. According to the "Prince George's County Soils Survey" the principal soils on this site are in Sassafras and Woodstown series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. 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 Issues Addressed in the Henson Creek Master Plan.

The master plan does not indicate any environmental issues associated with this property.

Countywide Green Infrastructure Plan

The property does not contain nor is it near any areas designated in the Green Infrastructure Plan network.

ENVIRONMENTAL REVIEW

A signed Natural Resources Inventory (NRI), NRI/108/06, was submitted with the application. The NRI indicates streams and wetlands on the northern portion of the property. The southern portion of the site contains a channel created by uncontrolled stormwater from the adjacent development which is subject to Section 24-130(b) (1) through Section 24-130(b) (3) of the Subdivision Regulations, and requires adequate control of on-site stormwater runoff. The required buffers for the stream and wetland on the north portion of the property are correctly shown on the revised plans; but the associated expanded buffer is not shown.

The FSD indicates one forest stand totaling 5.22 acres and 22 specimen trees. According to the Green Infrastructure Plan, none of the property is in or near any Regulated Area, Evaluation Area or Network Gap. The Henson Creek Master Plan does not indicate any environmental issues associated with this property.

Copies of the Stormwater Management Concept plan were not submitted with this application.

An approved concept plan is required to establish that this design is acceptable to Prince George's County and to evaluate the limits of disturbance on the TCPI.

The TCPI shows uncontrolled stormwater flow that crosses the subject site along the southern portion and enters a storm drain immediately downstream of the proposed development. Prior to the enactment of the Clean Water Act in 1972, a customary approach to stormwater management in developments was to collect runoff at roadside inlets, pipe the water to the edge of the development and then release the water to go where it may. This resulted in the creation of uncontrolled surface flows of stormwater that are sometimes confused with perennial streams. The Camp Springs Forest Subdivision, located to the east, was constructed prior to the enactment of modern stormwater management regulations. In this case, stormwater was collected at street inlets and piped to the end of a street where it was released without stormwater management control. These uncontrolled flows eventually created drainage problems for the Woodbury Forest Subdivision, located to the west of the subject property. The Prince George's County government used capital improvement funds to construct a stormdrain system within the Woodbury Forest Subdivision.

The Environmental Planning Section regards the water flowing across the southern portion of the subject property to be stormwater surface flow regulated by Section 24-130(b)(1) through Section 24-130(b)(3) of the Subdivision Regulations.

On-site water quantity control should be evaluated in the development of the stormwater management concept for this site. Significant uncontrolled surface flow across small lots should be avoided, but the piping of existing uncontrolled surface flow on proposed Lots 8, 9 and 10 should be taken into consideration as part of any Stormwater Management Concept approval.

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 are more than 10,000 square feet of existing woodland on-site.

The revised Type I Tree Conservation Plan, TCPI/2/06, has been reviewed and was found to require additional changes. The worksheet indicates clearing 3.28 acres of the existing 5.37 acres of woodland. The woodland conservation threshold for the project is 1.53 acres. Based upon the proposed clearing, the woodland conservation requirement is 2.35 acres. The plan proposes preserving 1.81 acres on-site and providing 0.54 acres of off-site woodland conservation. An additional 0.28 acres are proposed to be preserved on-site that are not part of any requirement.

The overall design conforms to the goals of the Woodland Conservation Ordinance by providing a wooded area within the development without encumbering small lots.

The plan proposes retaining walls to be constructed adjacent to the proposed woodland conservation area to the north. The wall should be constructed such that a minimum of 10 feet of unencumbered area is provided on both sides of the wall for future access.

The specimen trees and their critical root zones are not shown. Woodland conservation areas can

be within designated surface drainage easements, but not within any stormdrain easements where construction is required. TCP Notes #1 and #4 contain blanks that must be filled. Note #30 must indicate the Stormwater Management Concept Plan approval number and approval date.

According to the Prince George's County Soils Survey the principal soils on this site are in the Sassafras and Woodstown series. Sassafras soils pose no special problems for development. Woodstown soils may have a high water table and impeded drainage. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

The Environmental Planning Section recommends approval of 4-07020 and TCPI/015/07 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.

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