

R E S O L U T I O N

WHEREAS, a 3.94-acre parcel of land known as Parcel 200, Tax Map 151 in Grid F-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 24, 2007, Landesign, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07029 for Estates at Indian Head 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 July 5, 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 July 5, 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/18/06), and further APPROVED Preliminary Plan of Subdivision 4-07029, Estates at Indian Head, for Lots 1-6 and Outlot A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide a general note which demonstrates that Outlot A will be conveyed to the property owner of abutting Lot 20, Block A within the Treeview Estates Subdivision.
 - b. Label the existing shed and three-foot-high, chain-link fence "To be removed."
 - c. Label the zoning categories of the adjacent properties.
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, #10523-2006-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be

revised to show the 65 dBA Ldn noise contour at 397 feet from the centerline of MD 210. The following note shall be placed on the preliminary plan and the TCPI: "The house on Lot 1 is impacted by noise levels above 65 dBA Ldn. It shall be oriented toward MD 210 to create a noise shield for the rear outdoor activity area."

5. At the time of TCPII review, Lot 1 shall be shown as oriented toward MD 210 in order to provide shielding for the outdoor activity area.
6. Prior to signature approval of the preliminary plan, either the NRI shall be revised to be at the same scale as the other plans, or the TCPI and preliminary plan shall be revised to be at the same scale as the NRI.
7. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows: revise the worksheet to show the use of off-site mitigation to meet the requirement, label all areas of woodlands to remain as "woodland retained—counted as cleared" and have the revised plan signed and dated by the qualified professional who prepared the plan.
8. Prior to the approval of a building permit for Lot 1, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell of the structure within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
9. At the time of final plat, the applicant, his heirs, successors, and or assignees shall convey Outlot A (approximately 6,486 square feet) to the abutting property owner of Lot 20, Block A, within the Treeview Estates Subdivision, (Michael C. Doyal Property). The applicant, his heirs, successors, and or assignees shall demonstrate due diligence in obtaining the agreement for the conveyance of Outlot A to the abutting property owner within Treeview Estates. Executed deeds of conveyance shall be submitted to the Subdivision Section of the Prince George's County Planning Department at the time of final plat along with evidence that the remaining playground equipment encroachment on Lot 4 has been eliminated by either; removing the encroaching portion of the structure; relocating the structure in it's entirety onto Outlot A; or adjusting the Lot 4/Outlot A common property line to eliminate the encroachment. Should the adjacent property owner choose not to accept the additional land area, all encroaching structures shall be removed from the property, the Outlot A designation shall be removed from the final plat and the TCPI, and the land area which makes up Outlot A, shall be incorporated into abutting Lots 3 and 4.
10. 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.
11. 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.

12. Prior to the issuance of grading permits the applicant, his heirs, or successors shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
13. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
14. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD), which shall include research into the property history and archaeological literature for those lands determined to be subject, and four copies of the approved final report submitted to M-NCPPC Historic Preservation staff. Prior to approval of final plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Section 106 review may also 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 federal monies, federal properties, or federal permits are required for a project.
15. Prior to the approval of the final plat of subdivision, an agreement shall be reached between the applicant, his heirs, successors, and or assignees, and the property owner of abutting Parcel 199, (Sommer Property), concerning the provision of public water and sewer, and providing Parcel 199 with direct access to the proposed internal street which will serve the subdivision (Estates Court). The agreement shall provide for the proper abandonment of the existing septic system and well currently serving Parcel 199, the extinguishment of the existing 30-foot right-of-way, located along the common property line of Parcels 199 and 200, and recorded in Land Records as Liber 10142 at Folio 725, and the establishment of a landscape easement along Parcel 199's Indian Head Highway local service lane street frontage. A copy of the signed agreement shall be submitted to the Subdivision Section of the Prince George's County Planning Department prior to the approval of the final plat.

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 along the northbound Indian Head Highway local service road, just southwest of its intersection with Jennifer Drive.

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)	1-Single Family Dwelling	6-Single-Family Dwellings
Acreage	3.94	3.94
Lots	0	6
Outlots	0	1
Parcels	1	0
Dwelling Units:		
Detached	1 (will be razed)	6 (new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for the Estates at Indian Head, 4-07029, and the Type I Tree Conservation Plan, TCPI/018/06, stamped as received by the Environmental Planning Section on May 4, 2007. The comments provided below were discussed with the applicant at the Subdivision Review Committee meeting held May 18, 2007. The Environmental Planning Section recommends approval of 4-07029 and TCPI/018/06 subject to conditions

Background

The Environmental Planning Section previously reviewed this site under Preliminary Plan 4-06005. Preliminary Plan 4-06005 and TCPI/018/06 were withdrawn prior to any public hearing. This application proposes six lots and one outlot in the R-R Zone.

Site Description

The 3.94-acre property in the R-R Zone is located along the east side of the Indian Head Highway access road, just south of Jennifer Drive. There are no streams, wetlands, or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. Based upon this analysis, there are no priority woodlands on-site. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Beltsville 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 in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. MD 210 is a nearby source 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 approved General Plan.

Environmental Issues Addressed in the Subregion V Master Plan.

The master plan notes that Indian Head Highway is a source of significant traffic-generated noise. No other recommendations regarding environmental issues are contained in the plan.

Conformance with the Countywide Green Infrastructure Plan

The property is not within or near the designated network of the Countywide Green Infrastructure Plan.

Environmental Review

MD 210 is a nearby source of traffic-generated noise. For residential uses, outdoor activity areas must have noise levels of 65 dBA Ldn or less to be in conformance with Maryland standards. The outdoor activity areas on the impacted lots are the areas within 40 feet of the rear of the affected houses. The interiors of all structures must have noise levels of 45 dBA Ldn or less to be in conformance with state standards.

The model used by the Environmental Planning Section (EPS) predicts the 65 dBA Ldn noise contour at 397 feet from the centerline of MD 210. The model does not account for the screening provided by existing structures, which may be accounted for if a Phase I noise study is completed by the applicant. The unmitigated 65 dBA Ldn noise contour must be shown on the preliminary plan and the Type I Tree Conservation Plan either based on the EPS model, or a noise study prepared by an engineer with expertise in acoustical analysis.

It appears that only Lot 1 will be affected with noise levels above the state standard. The plans must also show how noise will be mitigated in the outdoor activity area of the affected lot. In order to provide shielding for Lot 1, the house on Lot 1 should be oriented toward MD 210.

A signed natural resource inventory, NRI/015/06, was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property. The forest stand delineation (FSD) indicates one forest stand totaling 2.50 acres. Seven specimen trees are noted.

The NRI is at a scale of 1 inch equals 30 feet. The other plans associated with the case are at a scale of 1 inch equals 50 feet. All the plans must be prepared at the same scale. The NRI needs to be revised to be at the same scale as the other plans, or the TCPI and preliminary plan need to be revised to be at the same scale as the NRI. The information from the NRI has been appropriately shown on the preliminary plan and the TCPI.

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

The Type I Tree Conservation Plan, TCPI/018/06, has been reviewed and was found to require

technical revisions. The plan proposes clearing 2.50 acres of the existing 2.50 acres of woodland. The conservation threshold is 0.79 acres. Based upon the proposed clearing, the woodland conservation requirement is 2.00 acres. The plan proposes to meet the requirement by providing a fee-in-lieu for the 2.00 acres of required woodland conservation. Fee-in-lieu is the last option for woodland conservation. The plan needs to be revised to show the use of off-site mitigation to meet the requirement.

The TCP appropriately provides adequate clearing around all proposed structures and for a 40-foot cleared, outdoor activity area at the rear of each proposed structure. In addition, the plan calculates the remaining woodland fragments on all of the lots as cleared. The limit of disturbance does not have to be moved; however, the areas of woodland that are to remain on the lots must be labeled as “woodland retained—counted as cleared.”

According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Beltsville series. Beltsville soils may have a perched water table and impeded drainage. 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.

A copy of the approved Stormwater Management Concept Plan and the associated letter were submitted. The plan shows the use of dry wells and the necessary grading to obtain positive grading. No additional information is required regarding stormwater management.

The Environmental Planning Section recommends approval of 4-07029 and TCPI/018/06 subject to conditions.

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 will therefore be served by public systems. A hydraulic planning analysis was conceptually approved by WSSC on June 20, 2007.

5. **Community Planning**—The subject property is located in Planning Area 83 within the Accokeek Community and is within the limits of the 1993 Subregion V Master Plan. The master plan recommends a Low-Suburban residential land use at up to 2.6 dwelling units per acre. This application proposes a Low-Suburban residential land which is consistent with the land use recommendation within the 1993 Subregion V 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 proposes a low- to moderate-density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V Sectional Map Amendment retained the subject property within the R-R Zone. This application is located within the Accokeek Development Review District.

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 trail issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject property. The adjoining residential community, Treeview Estates, includes a standard sidewalk along one side of the internal roadway.

Recommendation

Provide a standard sidewalk along both sides of the internal cul-de-sac, unless modified by Department of Public Works and Transportation (DPW&T).

8. **Transportation**—The preliminary plan application proposes the development of six lots and one outlot on an existing acreage parcel. There is an existing dwelling on the property, currently generating traffic, which is proposed to be razed. Therefore, the proposed new development would result in five net residences which would have a minimal impact on the adjacent roadways. Therefore a traffic study was not required to be submitted by the applicant.

Site Access Evaluation

The six lots would gain access via a new proposed internal street which will connect to the Indian Head Highway service road. This is acceptable; however, conceptual approval from the Engineering Access Permits Division of the State Highway Administration is required

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation:

MD 210 is a master plan freeway facility. Sufficient right-of-way consistent with master plan recommendations exists; therefore, no further dedication along MD 210 will be required of this plan.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of six single-family lots to be created within an existing acreage parcel. However, because there is an existing dwelling on the property which is already generating traffic onto the local road network, the transportation analysis will be based on the development of five new residential dwelling units. The proposed development of five residences would generate 4 AM and 5 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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

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

The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 and MD 373/Livingston Road. This intersection is signalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

Recent counts at the critical intersection of MD 210 and MD 373/Livingston Road indicate that the intersection operates at LOS D in the AM peak hour and LOS F in the PM peak hour. With approved developments and physical improvements which have been made the responsibility of other private parties in the area, the intersection would operate at LOS E in the AM peak hour and LOS F in the PM peak hour. However, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. The Transportation Planning Staff would therefore recommend that the Planning Board find that 4 AM and 5 PM net peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 210 and MD 373/Livingston Road intersection.

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 have 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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	6	6	6
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.44	.36	.72
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	7.68	30.72	61.44
Total Enrollment	4,696.08	6,089.08	9,939.16
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.34%	99.59%	95.64%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 \$7,671 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 & 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 property is within the required 7-minute response time for the first due fire station Company #24, Accokeek using the 7 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 property is located in Police District IV. The standard response time 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 April 24, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency
Acceptance Date 4/24/07	3/06-3/07	10 minutes	15 minutes
Cycle 1	4/06-4/07		
Cycle 2	5/06-5/07		
Cycle 3	6/06-6/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 8, 2007.

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 Estates at Indian Head and has the following comments to offer.

Once the existing house at 15600 Indian Head Highway is razed, the abandoned shallow well located in the front yard must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit process.

Once the existing house 15600 Indian Head Highway is razed, the abandoned septic tank 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.

Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the

structures being razed. A note needs to be affixed to the preliminary plan that requires the structure be razed and the well and septic systems properly abandoned prior to the release of the grading permit.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #10523-2006-00 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**—The preliminary plan application includes 3.94 acres located along the northbound Indian Head Highway local access road just southwest of its intersection with Jennifer Drive.

Findings

The Historic Preservation & Public Facilities Planning Section had previously reviewed this property and requested a Phase I archeological survey under Preliminary Plan 4-06005. However, the application was withdrawn prior to any public hearing.

A tributary of Piscataway Creek is located to the north of the subject property. Prehistoric sites have been found in similar settings throughout the county.

An examination of historic maps indicates that the subject property is located to the east of the town of Accokeek. The extant house on the property was built between 1938 and 1965. Six structures (no longer standing) are shown on the 1861 Martenet map to the west of the property and within one mile of the subject property. Of the six structures, one structure is labeled, 'Parsonage,' one structure is labeled 'John Clagett,' one structure is labeled 'J.P. Chesley,' and one structure is labeled 'T.S. Blanford.' There are two unlabeled structures.

There are 17 prehistoric and 2 historic archeological sites located within a one-mile radius of the subject property. Site 18PR147, a Late Archaic lithic scatter, is only about 250 feet southwest of the subject property. Numerous prehistoric sites have been identified in the vicinity of the subject property. One National Register property, Bellevue (84-20) and one Historic Site, Christ Church, Accokeek and Cemetery (83-8), are also located within a one-mile radius of the subject property. Perkins Chapel and Cemetery is located across the road from the subject property. The probability of the subject property containing significant archeological sites is moderate to high.

In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native-American people.

Recommendations

In accordance with the Planning Board *Guidelines for Archeological Review* (May 2005), Phase I (Identification) archeological investigations are recommended on the above-referenced property to determine if any cultural resources related to Native-American or African-American people are present. A title search should be performed on the property prior to field investigations to determine its use in the historic period. All standing structures over 50 years of age should be photographed and described. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations should be required prior to signature approval of the preliminary plan.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any final plat, the applicant shall provide a plan for:

- i. Evaluating the resource at the Phase II level, or
- ii. Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any ground disturbing activities.

15. **Accokeek Development Review District Commission**—The Accokeek Development Review District Commission (ADRDC) received a presentation of the proposed development from the applicant on May 16, 2007, at their monthly meeting. The Committee's primary concern is that standard sidewalks are provided within the subdivision for connectivity and safety purposes.

Staff has had several communications with DPW&T regarding the ADRDC's request for standard sidewalks to be installed within the proposed subdivision. The applicant has obtained stormwater concept approval from DPW&T, and will be utilizing low-impact development techniques in the form of a rural secondary residential roadway with open section grass swales, driveway pipes, and infiltration drywells sized for one-inch water quality volume. DPW&T has stated that they do not require sidewalks, and they currently have no standards for providing sidewalks within rural section roadways. Staff is seeking additional clarification from DPW&T on this issue. Although staff has established conditions to require standard sidewalks along both sides of the proposed internal roadways, the final determination will be made by DPW&T upon the issuance of street construction permits.

16. **At The Public Hearing** – At the public hearing for this application on July 5, 2007, the property owner of abutting Parcel 199, (15608 Indian Head Highway), Mr. Emilo Sommer, expressed his support for the proposed subdivision, but further indicated that the new internal street which will serve the proposed subdivision, will affect his property's existing access to the Indian Head Highway local service lane. The applicant's property (Parcel 200), and Mr. Sommer's property (Parcel 199), currently share an existing 30-foot wide right-of-way (Liber 10142, Folio 725), which provides both properties with access to the Indian Head Highway local service lane. The

centerline of the 30-foot right-of-way is located along the common property line of Parcels 199 and 200, and consists of 15-feet on Parcel 200, and 15-feet on Parcel 199.

The applicant's attorney, Mr. Russ Warfel, informed the Planning Board of his client's intentions to proffer Parcel 199, (Sommer Property), with direct access to the new proposed internal street which will serve the subdivision (Estates Court). In addition, the applicant intends to proffer a public water and sewer connection for Parcel 199, the proper abandonment of the existing well and septic system currently serving Parcel 199, and the provision of a landscape strip on Parcel 199, along the Indian Head Highway local service lane street frontage.

In response to the applicant's proffer, the Planning Board had requested that a new condition of approval be established which provides for Mr. Sommer's concerns, and which outlines the applicant's proffer. Condition no. 15 has been added accordingly.

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 date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 5, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:JF:bjs