

R E S O L U T I O N

WHEREAS, Cecille Baiardo is the owner of a 2.75-acre parcel of land known as Lot 1 and located on Tax Map 97 in Grid D-3, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 24, 2008, Cecille Baiardo filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08046 for Bona Land 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 December 4, 2008, 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 December 4, 2008, 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/031/08), and further APPROVED Preliminary Plan of Subdivision 4-08046, Bona Land, for Lots 4 and 5 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 acreage of the 100-year floodplain in the general notes.
  - b. Label the existing shed on proposed Lot 5 to be razed.
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 33644-2007-00 and any subsequent revisions.
4. At the time of final plat the applicant shall dedicate a ten-foot public utility easement along the public right-of-way of Henderson Road as delineated on the approved preliminary plan of subdivision.

5. At the time of final plat, the applicant shall dedicate an additional five feet of right-of-way along the properties entire street frontage with Henderson Road consistent with the approved preliminary plan of subdivision.
6. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 5.
7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the regulated environmental features and their buffers and be reviewed by the Environmental Planning Section prior to approval. 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.”

8. Prior to signature of the preliminary plan, the TCPI shall be revised to:
  - a. Correct the calculations in the worksheet to indicate the woodland conservation requirement.
  - b. Correct the worksheet to provide the minimum woodland conservation requirement in the form of on-site preservation.
  - c. Revise the plan to show additional on-site woodland conservation within or abutting the expanded stream buffer.
  - d. Remove the symbols for steep and severe slopes from the plan and the legend.
  - e. Provide the standard Type I TCP notes.
  - f. Have the revised plan signed and dated by the qualified professional who prepared the plan.
9. 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/031/08), 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 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."

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 south side of Henderson Road, 1,600 feet east of its intersection with Temple Hill Road in the Henson Creek Community. The Allenwood Acres subdivision is located to the south, zoned R-80 and developed with single-family dwellings. To the north and east are the developed Broadview and Stan Haven subdivisions respectively, zoned R-R. To the west is a large lot of R-R zoned land developed with single-family dwelling units.
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)	Single-family residential	Single-family residential
Acreage	2.75	2.75
Lots	1	2
Dwelling Units:		
Detached	1 (To remain)	2 (Total)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section (EPS) has reviewed the preliminary plan and the Type I Tree Conservation Plan, TCPI/031/08, received on October 21, 2008. The Environmental Planning Section recommends approval of 4-08046 and TCPI/031/08 subject to conditions.

There are streams, wetlands and 100-year floodplain on the property. This property is located in the Henson Creek watershed of the Potomac River basin. The site is developed with a single-family detached residential structure and accessory structures and is mostly wooded. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Bibb, Howell and Sassafra series. Marlboro clay does not occur on this property. 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 on this property or on adjacent properties. There are no designated scenic or historic roads adjacent to the subject property.

## **Master Plan Conformance**

The *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (April, 2006) contains environmental policies that should be addressed during the review of developments within the plan area. The specific language of the master plan is shown in **bold type** and EPS comments are provided in regular type.

### **Policy 1: Protect, preserve and enhance the green infrastructure network within the Henson Creek planning area.**

Implementation of the Woodland Conservation and Tree Preservation Ordinance and Section 24-130 of the Subdivision Ordinance will serve to preserve the wooded stream valley.

### **Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. It is recommended that low-impact development stormwater management methods be applied on this site, to the fullest extent possible.

### **Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

The use of environmentally sensitive building techniques and overall energy consumption should be utilized at the time of application for building permit.

### **Policy 4: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.**

Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized.

### **Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The proposed development is not expected to be a noise generator and is not impacted by any nearby sources of noise.

## **Conformance with the Green Infrastructure Plan**

The *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network; however, the stream valley on the property is part of the designated primary corridor in the Henson Creek master plan. The sensitive environmental features on the property have been preserved to the fullest extent possible because no disturbance

is shown to the expanded buffer that exists on-site.

### **Environmental Review**

A signed Natural Resources Inventory (NRI/022/08) was submitted with this application. The preliminary plan and TCPI show the environmental features in conformance with the NRI. The property contains streams, wetlands and 100-year floodplain associated with Henson Creek in the Potomac River watershed. No impacts to the expanded stream buffer are proposed. A conservation easement should be described by bearings and distances on the final plat, and reviewed by the Environmental Planning Section. The conservation easement should contain all of the regulated environmental features and their buffers.

This property is subject to the 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. A Type I tree conservation plan is therefore required.

The Type I Tree Conservation Plan, TCPI/031/08, has been reviewed. The woodland conservation threshold is 0.24 acre. Based upon the proposed clearing, the total woodland conservation requirement has been incorrectly calculated as 0.24 acre instead of 0.31 acre. The plan proposes to meet the requirement by providing 0.25 acre of on-site preservation and retain an additional 0.50 acre of on-site woodland that is not part of any requirement. A portion of this additional woodland should be used to meet the full requirement of the Woodland Conservation Ordinance in the form of on-site preservation. Conditions have been proposed to require that the woodland conservation requirement is provided wholly on-site.

The Countywide Green Infrastructure Plan indicates that none of the property is within the designated network; however, the property contains sensitive environmental features that should be preserved to the fullest extent possible and serve to meet the full requirement of the Woodland Conservation Ordinance on-site.

An approved Stormwater Management Concept Plan, CSD 33644-2007, was submitted. Because of the de minimus nature of the proposed development, the CSD does not require any on-site facilities. No further action regarding stormwater management is required.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Bibb and Sassafras series. Bibb soils are associated with wetlands. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. Prince George's County may require a soils report in conformance with CB-94-2004 during the permit process review.

### **Water and Sewer Categories**

The 2001 Water and Sewer Plan as amended, designates this property in water and sewer service Category 3 as of July 28, 2008, and the site will therefore be served by public systems.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* locates this property in the Developed Tier. One of the visions for the Developed Tier is to maintain a network of sustainable medium to high density neighborhoods. The proposed preliminary plan is maintaining the existing low to medium density neighborhood and is consistent with the recommendations of the General Plan, considering the application calls for two dwelling units total, and will average less than one unit per acre, as further described in Finding 3, above. The site is within the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* in the Henson Creek community. The master plan land use recommendation for this property is residential, low-density land use at a density up to 5.7 dwelling units per acre. The sectional map amendment (SMA) retained this property in the R-R Zone, which has a maximum density of 2.17 dwelling units per acre within the recommendations of the master plan. The preliminary plan is consistent with the recommendations of the master plan, considering the aforementioned proposed density.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, Lot 4 is exempt from the requirements of mandatory dedication of parkland because the proposed lot is improved with an existing dwelling. Lot 5 has a net lot area of less than one acre and is subject to the mandatory dedication requirements of Section 24-134. However, due to its size and location, the Department of Parks and Recreation is recommending that the applicant pay a fee-in-lieu of parkland dedication.
7. **Trails**—The subject property is in the area described in the approved Henson Creek-South Potomac master plan and SMA (2006). The master plan recommends that the Henson Creek trail be developed in the vicinity of the subject property. The plan calls for the expansion of the trail from Temple Hill Road to the Branch Avenue Metro Station and to provide continuous sidewalks and bike lanes on Temple Hill Road. The plan recommends that neighborhoods be connected to the trails. There are currently no sidewalks on Henderson Road.

The master plan recommends that wide sidewalks be implemented in areas with high pedestrian traffic. The proposal is not in a high pedestrian traffic area. No sidewalk recommendations are made for this proposal. However, sidewalks could be required by the Department of Public Works and Transportation (DPW&T) with the review of the paving permit for the frontage improvements that may be required. Henderson Road could be utilized as minor bike connection to Temple Hill Road.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two single family lots. The proposed development of two residences would generate 2 AM and 2 PM peak hour vehicle trips as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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

- a. Links and signalized intersections: A standard of level-of-service (LOS) E, with

signalized intersections operating at a critical lane volume (CLV) of 1,600 or better, is required.

- b. Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Temple Hill Road and Henderson Road. This intersection is unsignalized.

There are no projects to improve this intersection in either the Capital Improvement Program (Prince George's County) or the Consolidated Transportation Program (Maryland Department of Transportation).

Staff has no recent or older available turning movement counts at the critical intersection of Temple Hill Road and Henderson Road. Given that the guidelines allow this site to be considered de minimus, it is therefore recommended that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Temple Hill Road and Henderson Road intersection.

The site is not within or adjacent to any master plan transportation facilities.

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. No transportation -related conditions are recommended.

9. **Schools**—This property is located in the Developed Tier and is therefore exempt from the adequate school facilities evaluation in Section 24-122.02(b)(4) of the Subdivision Ordinance and CR-23-2003. The building permit on Lot 5 however, will be subject to the school facilities surcharge at the time of building permit.
10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d), and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Ordinance and found that this site is within the required seven-minute response time for the first due fire station, Silver Hill, Company 29, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS 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) and (B) regarding sworn fire and rescue personnel staffing levels.

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

11. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The standard for emergency calls response is ten minutes and the standard is 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 17, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date September 24, 2008	8/07 – 8/08	8 minutes	10 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met June 3, 2008. The Police Chief has reported that the Police 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) and (B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Health Department notes that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

The applicant in this case had indicated that all of the existing structures are to remain. However, an existing shed structure is located along the eastern property line within the 100-year floodplain on proposed Lot 5. The shed structure does not meet building setbacks along Henderson Road (WWW 21@13), which is an existing situation and not caused by the subdivision of this property. However, once the subdivision is complete, Lot 5 will be improved with an accessory structure without a principle structure unless the combination of Lots 4 and 5 is the development site. The applicant has now indicated that the existing shed structure is to be razed and the preliminary plan should be revised to indicate that.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A



Stormwater Management Concept Plan, 33644-2007-00, 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 is not recommended on the above-referenced 2.75-acre property located at 4415 Henderson Road in Temple Hills, Maryland. 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 property has been impacted by the construction of a house on the property in the late 1970s. However, the applicant should be aware that there are two previously identified archeological sites, 18PR749 (a late archaic lithic scatter) and 18PR890 (a 20th century domestic site), located within a one-mile radius 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.

15. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public/private right-of-way as requested by the public utilities.

16. **Background**—The property is located on the south side of Henderson Road, an existing 55-foot-wide dedicated public street. The existing dwelling and accessory structure on proposed Lot 4 conform to the minimum zoning regulations for setbacks. However, the existing accessory structure on proposed Lot 5 does not meet setback requirements from Henderson Road. In addition, the setback requirements of an accessory structure are in part established by the main structure on the lot or dwelling unit. In this case however, once the property is subdivided, the accessory structure will no longer be located on a lot with a main structure. Originally the applicant had indicated that the structure was to remain, however, after discussions with staff, the existing shed on proposed Lot 5 is to be razed. This should be reflected on the preliminary plan.

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.

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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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, and with Commissioners Cavitt and Clark absent at its regular meeting held on Thursday, December 4, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs