

R E S O L U T I O N

WHEREAS, Flaim Brothers, Inc. is the owner of a 0.43-acre parcel of land in the 8th Election District of Prince George's County, Maryland, and being zoned R-R/L-D-O; and

WHEREAS, on May 11, 2001, Flaim Brothers, Inc. filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of the construction of a single-family residence in the Chesapeake Bay Critical Area; and

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-01006 for Tantallon on the Potomac, Lot 4, Block A, 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 6, 2005, for its review and action in accordance with Zoning Ordinance, Subtitle 27, 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 6, 2005, 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 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-01006, Tantallon on the Potomac for Lot 4, Block A with the following conditions:

1. Prior to signature of the conservation plan, the plan shall be revised to show the minimum 25-foot wetland buffer.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. **Site Description**

The 18,805-square-foot property in the R-R/L-D-O Zones is at the intersection of Braemer Circle with Braemer Drive and is located within the Chesapeake Bay Critical Area. The 100-foot-wide Critical Area primary buffer is located on the property. There are no streams on the property; however, there is an area of 100-year floodplain and wetlands on the property. There are no steep slopes on the property. Current air photos indicate that the site is wooded. No historic or scenic roads are affected by this proposal. There are no significant nearby noise sources and the proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. A stormwater design plan has been approved by DER. The *Prince George's County Soils Survey* indicates that the

principal soils on the site are in the Keyport series. The site is in the Developing Tier according to the General Plan.

2. **Background**

The final plat of subdivision was approved on November 14, 1962, as shown on Record Plat 46-16 in the Prince George's County Land Records. This site is not subject to the provisions of the Woodland Conservation Ordinance, because the entire site is within the Chesapeake Bay Critical Area. The plan correctly indicates there are no threatened or endangered species, no colonial waterbird nesting sites, no forests with interior dwelling bird species, no Natural Heritage Areas, no waterfowl staging areas, no anadromous fish spawning streams, and no tributary streams on the site. The gross tract is 18,805 square feet, the area of 100-year floodplain is 1,991 square feet, and the net tract is 16,814 square feet. The net tract area meets the requirements of Section 27-442(a)(1)(b) Table I, footnote. The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 25 percent of the gross tract area, or 4,203.5 square feet. The proposed impervious surface is 3,580 square feet, or 21 percent. The maximum percentage of lot coverage permitted by the Zoning Ordinance for Lot 4, per Section 27-442 Table II of the Zoning Ordinance, is 25 percent of the contiguous net tract area, or 4,203.5 square feet. The proposed percentage of lot coverage is 4,203.5 square feet, or 21 percent.

3. **Summary**

On May 25, 2001, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the L-D-O Zone and the *Conservation Manual*; however, the plan needed some technical changes. Revised plans were accepted for processing on November 16, 2004. The revised plans will meet the requirements of the conservation manual, the L-D-O Zone, and the R-R Zone with one minor correction. The minimum 25-foot wetland buffer is not shown on the plans.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JS:rmk