

R E S O L U T I O N

WHEREAS, Darrell and Yanic Hardie are the owners of a 8.80-acre parcel of land in the 8th Election District of Prince George's County, Maryland, and being zoned R-E/R-C-O; and

WHEREAS, on January 25, 2005, Darrell and Yanic Harie filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of constructing 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-05004 for Hardie 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 May 5, 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 May 5, 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-05004, Hardie Property for 1 parcel with the following condition:

1. Prior to signature of the Chesapeake Bay Critical Area Plan and the Type II Tree Conservation Plan, sheets #1 and #2 shall be labeled to read "Chesapeake Bay Critical Area, Type II Tree Conservation, Site Grading and Erosion/Sediment Control Plan."

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 8.80 acre property in the R-E/R-C-O Zones is on the north side of Riverview Road approximately 4,000 feet west of Fort Washington Road and is located within the Chesapeake Bay Critical Area. The 100-foot-wide Critical Area Primary Buffer occurs on the property. There are no streams or wetlands on the site. There is 100-year floodplain and limited areas of steep slopes on the site. Current aerial photos indicate that the site is mostly 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 and Matapeake series. The

site is in the Developing Tier according to the General Plan.

2. **Background** - A portion of this site, 3.28 acres, is subject to the provisions of the Woodland Conservation Ordinance. The Type II Tree Conservation Plan, TCPII/10/05, proposes clearing 0.26 acres of the existing 1.64 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.71 acres. The plan proposes to meet the requirement by providing 2.85 acres of on-site preservation.

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, no wetlands and no tributary streams on the site. The 100-foot Chesapeake Bay Critical Area Buffer is shown and no impacts are proposed. The areas containing steep slopes are shown and no impacts are proposed. The gross tract is 8.80 acres (383,328 square feet) and the net tract is 8.53 acres (371,567 square feet) due to the presence of 100-year floodplain. The maximum amount of impervious surface permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area or 57,499.2 square feet. The proposed impervious surface is 27,484 square feet or 7.16 percent. The maximum Percentage of Lot Coverage permitted by the Zoning Ordinance for the property, per Section 27-442 Table II of the Zoning Ordinance, is 20 percent of the contiguous net tract area or 73,313.36 square feet. The proposed Percentage of Lot Coverage is 27,484 square feet or 7.40 percent. The plan shows all required setbacks. The proposed height of 35 feet for the proposed structure meets the requirements of Section 27-442 Table II of the Zoning Ordinance.

3. **Summary** - On January 21, 2005, the Subdivision Review Committee determined that the Conservation Plan was in general conformance with the requirements of the R-E Zone, R-C-O Zone and the "Chesapeake Bay Critical Area Conservation Manual"; however, there were some technical errors. Revised plans were accepted for processing on April 4, 2005. The revised plans, except for a needed technical change, meet the requirements of the "Chesapeake Bay Critical Area Conservation Manual," the R-C-O Zone and the R-E Zone.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Vaughns, and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, May 5, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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