

R E S O L U T I O N

WHEREAS, Frances J. Rollins is the owner of a 2.36-acre parcel of land in the 8th Election District of Prince George's County, Maryland, and being zoned R-E, L-D-O/R-C-O; and

WHEREAS, on June 22, 2005, Frances J. Rollins filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of 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-05008 for Riverview Estates, Lot 5, 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 October 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; and

WHEREAS, on October 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-05008, Riverview Estates for 1 lot:

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 2.36-acre property is on the west side of Riverview Road, south of Sero Estates Drive, and is located within the Chesapeake Bay Critical Area. The lot contains an area of land in the L-D-O Zone where the house is proposed to be built, and an area zoned R-C-O, which contains the 100-foot-wide CBCA buffer and the 100-year floodplain. There are no streams or wetlands on the property. The steep slopes on the property are adjacent to the tidal waters and within the critical area buffer. Current air photos indicate that the site is mostly unwooded. 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 is under review by DER. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Sassafras series. The site is in the Developing Tier according to the General Plan.

2. **Background**

The proposal is for the construction of a single-family detached dwelling on a property in the R-E/L-D-O/R-C-O Zones recorded before December 1, 1985. A Chesapeake Bay Critical Area conservation plan is required prior to the issuance of any permit by the Prince George's County Department of Environmental Resources. The Planning Board previously approved CP-93012 and

CP-903012/01 for the Riverview Estates development. As part of those approvals, each individual lot is required to have a conservation plan prior to issuance of any building permit. The Planning Board previously approved CP-04003 for the subject property; however, the proposed revisions are of a magnitude that require Planning Board approval. The Planning Board is the final approving authority for Chesapeake Bay Critical Area conservation plans.

3. **Findings**

On July 15, 2005, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the R-E Zone, the L-D-O Zone, the R-C-O Zone, and the Conservation Manual; however, some technical changes were required. Revised plans were accepted on August 29, 2005. This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is within the Chesapeake Bay Critical Area. Based upon information provided by the State of Maryland, 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 maximum amount of impervious surface permitted for Lot 5 by CP-93012/01 is 13,215 square feet. The proposed impervious surface is 8,220 square feet. The maximum amount of net lot coverage permitted by the Zoning Ordinance for Lot 5 is 18,020 square feet (20 percent of the net tract). The proposed net lot coverage is 8,220 square feet. A stormwater design plan has been approved by the Prince George's County Department of Environmental Resources. No variances are needed for this proposed development.

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 Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of November 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JS:rmk