

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-98053  
Palmer Woods (Lots 1-32 and Outlots A and B)

OVERVIEW

The preliminary plan of subdivision consists of 31.5 acres of land in the R-R Zone. The application was originally approved on Thursday, January 7, 1999, and the resolution was originally adopted on February 11, 1999. The proposal is to create 32 single-family residential lots ranging from 20,000 to 48,000 square feet in size and two outlots. The minimum lot size for conventional development in the R-R Zone is 20,000 square feet. All of the proposed lots front on an internal street which will be an extension of Felwood Street. Outlot A is comprised of 8.7 acres which is to be used for tree conservation and a conservation easement. Outlot B consists of 3.14 acres, most of which is stream buffer, wetland or floodplain, and will be conveyed to M-NCPPC. An ingress/egress easement will be required over Outlot B in order to allow for potential future access to the adjoining undeveloped parcel owned (in 1999) by R. Luppino.

By a letter dated December 11, 2000, the applicant requested that the original approval of the preliminary plan be reconsidered to address a concern with Condition 5. The applicant asserted that ■ . . the imposition of a four-year monitoring period, was an error caused by a mistaken assumption and. . . • that the approval ■ . . should be modified to require a two-year monitoring period. • Notice of the reconsideration request was sent to all parties of record.

On January 11, 2001, the Prince George's County Planning Board granted the applicant's request for reconsideration. It was also determined that a modification to existing Condition 6 was appropriate due to its relationship to Condition 5. Notice of the subject hearing (on June 21, 2001) was also sent to all parties of record.

SETTING

The 31.5-acre site is located on the south side of Palmer Road, approximately 4,200 feet east of Indian Head Highway (MD 210). A former landfill borders the site along the northeastern property line. The site is bordered to the east by large undeveloped parcels zoned R-E and to the west by the Fran Del subdivision in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Change to Existing Conditions: Conditions 5 and 6 read as follows:
  5. *To ensure that methane gas is no longer emanating onto the subject property, the site shall be monitored by an engineer with competency in methane gas for a period of four years from the date of completion of the installation of the methane vent trench. During that time, no*

*building permits shall be issued. If after four years time, there is no further indication of methane gas, the engineer shall certify that methane no longer poses health, safety and welfare risks. No building permits shall be issued after the four-year moratorium until the engineer has certified the above, and submitted said information to the Natural Resources Division, the Department of Environmental Resources and the Health Department.*

6. *Prior to the issuance of any building permits for those lots on which monitoring wells are located, the engineer monitoring the methane shall certify that all monitoring wells on lots have been removed in accordance with State and local requirements.*

After the approval of the preliminary plan in January 1999, a vent trench was completed on April 1, 1999. Monitoring of that trench since 1999, along with other data compiled by the applicant's engineering consultant, led the applicant to request a reduction of the time period. Because the potential presence of methane gas is an issue critical to public health, the applicant was instructed by staff of the Planning Department to resolve the specifics of the conditions with the Prince George's County Health Department. Given the highly technical nature of the issue, staff informed the applicant that changes to the existing conditions would not be recommended unless first agreed to by the Health Department.

After several meetings with the Health Department, the applicant formalized their understanding with a letter dated May 31, 2001, to Paul Meyer of the Division of Environmental Health. Enclosed with that letter were proposed revisions to Conditions 5 and 6. Staff was assured by Mr. Meyer that the revised conditions were acceptable to the Health Department. Based upon that Health Department assurance, staff believes it is appropriate to substitute those new conditions.

## RECOMMENDATION

APPROVAL of the subject application with all of the previous findings and conditions with the exception of the following new Conditions 5 and 6:

5. To ensure that methane gas is no longer emanating onto the subject property, the site shall be monitored by an engineer with competency in methane gas. Lots 4 through 7 will be monitored for a period of no less than four years from the date of completion (April 1, 1999) of the installation of the methane vent trench. During that time, no building permits shall be issued for Lots 4 through 7. Building permits for Lots 4 through 7 may be issued after the four-year monitoring period if the engineer has certified that methane no longer poses health, safety and welfare risks on Lots 4 through 7, and submitted said certification and information to the Environmental Planning Section of M-NCPPC, the Department of Environmental Resources, and the Health Department. Lots 1 through 3 and 8 through 32 will be monitored for a period of no less than two years from the date of completion (April 1, 1999) of the installation of the methane vent trench. During that time, no building permits shall be issued for Lots 1 through 3 and Lots 8 through 32. Building permits for Lots 1 through 3 and Lots 8 through 32 may be issued after the two-year monitoring period if the engineer has certified that methane no longer poses health, safety and welfare risks on Lots 1 through 3 and Lots 8 through 32, and submitted said certification and information to the Environmental Planning Section of M-NCPPC, the Department of Environmental Resources, and the Health Department.
6. Prior to the issuance of any building permits for those lots on which monitoring wells are located, the engineer monitoring the methane shall certify that all monitoring wells on the respective lots have been

capped and safeguarded to allow their potential use for monitoring purposes if so needed in the future. If monitoring of those wells is not required for ten years from the date of the installation of the vent trench (April 1, 1999), the homeowner may proceed with the sealing of the wells in accordance with state and local requirements.