

R E S O L U T I O N

WHEREAS, Carter C. and Mary A. Hall is the owner of a 108.96-acre parcel of land known as Parcel 45, Tax Map 93, Grid D-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on March 18, 2004, K-B Buck Development, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04050 for Stratford, Section 2 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 July 29, 2004, 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 July 29, 2004, 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/25/04), and further APPROVED Preliminary Plan of Subdivision 4-04050, Stratford, Section 2 for Lots 1-20 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision for Stratford, Section 2, the applicant, his heirs, successors, and/or assignees shall determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings shall be submitted to historic preservation staff of M-NCPPC and the Historic Preservation Commission for review and approval. Upon agreement on the area to be investigated, the applicant shall complete a Phase I investigation (including research into the property history and archeological literature) and a determination shall be made by staff of M-NCPPC and the Historic Preservation Commission as to whether further investigation is needed. If it is determined that archeological resources exist in the project area, the applicant shall provide:
 - a. A plan for avoiding and preserving the resources in place, through the adjustment of the lotting pattern or the placement of a conservation easement on archeologically sensitive areas, or
 - b. A plan for mitigating the adverse effect upon these resources by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff and Historic

Preservation Commission concurrence with the investigations and/or report shall be provided.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines. Two copies of this report must be delivered to Historic Preservation staff of M-NCPPC and the Historic Preservation Commission for review.

2. Prior to the issuance of permits, the applicant, his heirs, successors, and/or assignees shall obtain approval from the Planning Board or its designee for a limited detailed site plan to address the following:
 - a. To provide a D Bufferyard along the extent of any shared property boundary with the adjacent Historic Site (Wyvill House 79-63-50 as required by the Prince George's County *Landscape Manual*, or obtain approval of another buffering scheme through the Alternative Compliance process. Where necessary, any existing vegetation shall be augmented with additional plantings (a naturalized mix of evergreen and deciduous trees) to provide additional screening of the views from the adjacent Historic Sites.
 - b. To conduct balloon test or other viewshed analysis to determine the extent that the developing lots that will be visible from the adjacent or nearby Historic Sites. This review shall focus on the architectural character of the proposed houses including, but not limited to, the height, slope and character of roofs, the proposed materials and colors of roofs, proposed materials for visible building elevations, the organization, architectural character and decorative treatment of visible building elevations including the character and location of windows, doors, decks, chimneys and other architectural features, and the character of landscaping and site improvements.
 - c. To further minimize impacts on the PMA.
3. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.
4. Prior to signature approval of the TCPI, the Environmental Planning Section shall evaluate the logging performed in Stands 2 and 3 to determine if the quality of the woodlands is high enough to be credited as woodland preservation, or if select thinning and/or afforestation will be required. The TCPI and woodland conservation worksheet shall then be revised to reflect the results of the evaluation.
5. At time of TCPII preparation, the TCPII shall address additional or specialized management requirements that may be necessary to address selective and intensive logging that have occurred on the subject property.
6. Prior to signature approval of the preliminary plan, revise the TCPI as follows:

- a. Correct the reforestation label in the legend to afforestation as the method of woodland conservation proposed; and
 - b. Have the plan signed and dated by the qualified professional who prepared it.
7. 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/25/04), 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/Tree Preservation Policy.”
8. *At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Primary Management Area except for areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”
9. Prior to signature of the preliminary a copy of the Stormwater Management Concept Approval Letter and/or associated plans shall be submitted.
10. At time of TCPII approval, any off-site impacts necessary for stormwater management shall be addressed.
11. Prior to the issuance of any grading permits for the site that include off-site grading impacts, all appropriate easements shall be acquired from affected property owners.
12. Roadway improvements on Old Crain Highway shall be carried out in accordance with *Design Guidelines and Standards for Scenic and Historic Roads* prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual pre-application meeting between the Department of Public Works and Transportation and M-NCPPC to determine what improvements are necessary prior to detailed site plan and/or paving and stormdrain plan submittal, whichever comes first. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards.

13. *The TCPI shall be revised to remove the planting shown in the scenic easement and the following note shall be placed on the plan:*

“Note: The TCPI shall provide planting equivalent to a D bufferyard in the scenic easement located along Old Crain Highway.”

14. At time of final plat, a 40-foot-wide scenic easement shall be established adjacent to Old Crain Highway and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the final plat:

“Old Crain Highway is a county designated Historic Road. The scenic easement described on this plat is an area the installation of structures and roads and/or 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

15. The TCPI shall include all appropriate implementation details for planting in the scenic easement equivalent in size and quantity to a D bufferyard as defined in the Prince George’s County *Landscape Manual*, use native plant species and shall include permanent tree protection devices, such as split rail fence, to protect the required plantings.
16. The applicant shall dedicate a 50-foot public street connection to the north to Parcel 40.
17. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T (if these improvements are fully funded in the county CIP with developer contributions, the applicant may pay a pro-rata share, in lieu of these improvements, to be determined at the time of detailed site plan):
- a. US 301 between MD 214 and MD 725: Provide one additional northbound and one additional southbound through lanes.
 - b. At the US 301-Village Drive intersection:
 - (1) Widen Village Drive (westbound) to provide four (4) lanes; two (2) exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane
 - (2) On the eastbound approach, provide two lanes; a single through and left turn lane and an exclusive right turn lane.

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 (Parcel 45) is located on the east side of Old Crain Highway, approximately 1,000 feet north of its intersection with Marlboro Pike. A second portion of this parcel, located on the west side of Old Crain Highway, was subdivided from the subject property by that road dedication many years ago. The site is undeveloped with the exception of several barns and is partially wooded. The northwest section of the property, along Old Crain Highway, has been farmed. To the north and northeast are several large parcels in the O-S Zone, some of which are developed with single-family residences, including two historic sites. To the east and southeast is the Marlboro Meadows subdivision of single-family homes in the R-R Zone. To the south is undeveloped farmland in the O-S Zone. To the southwest are single-family residences on large lots in the O-S Zone. To the west, across Old Crain Highway, is the remainder of the parcel consisting of undeveloped farmland in the R-A Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Uses	Vacant	Single-family homes
Acreage	108.96	108.96
Lots	0	20
Parcels	1	0
Detached Dwelling Units	0	20

4. **Environmental**—There are streams, possible wetlands, and possible 100-year floodplains found on this property. The site is approximately two-thirds wooded and contains areas of agricultural fields on the other one-third. The soils found on this property include Adelphia, Marr, Ochlockonee, Sandy land, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables while others have limitations with respect to steep slopes erodibility. Marlboro clays are found to occur in the vicinity of this property. According to a letter received from the Maryland Department of Natural Resources Natural Heritage Program dated February 2, 2004, ten species of interest are known to occur within the vicinity of the project site, and the forested area may contain Forest Interior Dwelling Bird habitat. The portion of Old Crain Road that fronts on the subject property is a designated historic road. The property is located in the Patuxent River watershed. The property is located in the Rural Tier as reflected in the approved General Plan and is within the designated Patuxent Rural Legacy Area.

Woodland Conservation

A revised Forest Stand Delineation (FSD) plan and the required text were received with this application. The FSD plan has been revised to show the severe slopes and steep slopes on highly erodible soils. The text identifies Stand #2 as having been selectively logged, and Stand #3 as having been intensively logged. The text further states that Stand #3 has poor structural diversity, and that the canopy cover is 25percent or less. A site visit is recommended to assess the woodland within Stands #2 and 3 to determine what additional management techniques would be required for these areas to be credited as woodland preserved, but they may be credited as woodland conservation with the assumption that reforestation or other selective management practices may be required at the time of review of the Type II Tree Conservation Plan.

The woodland on the southern boundary of the subject property is part of a contiguous block of Forest Interior Dwelling Species (FIDS) habitat, which connects to the Patuxent River Park to the east of the subject property. The preservation of FIDS habitat is also addressed by the Patuxent River Primary Management Area Preservation Area and is defined in Section 24-101(b)(10) of the Subdivision Ordinance as follows:

“(10) Patuxent River Primary Management Area Preservation Area: A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which as a minimum includes:

... (F). Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.”

Forest Interior Dwelling Species habitat is a sensitive wildlife habitat area, and its delineation is necessary so the Environmental Planning Section can evaluate proposed impacts to the FIDS habitat and the possible expansion of the PMA to incorporate adjacent FIDS habitat.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/25/04) was submitted with the preliminary plan application.

The Tree Conservation Plan (TCPI/25/04) has been reviewed. The minimum requirement for this site is 51.03 acres (50% of the Net Tract) plus additional acres due to removal, for a total minimum requirement of 53.41 acres. The TCPI has proposed to meet the requirement with 53.36 acres of on-site preservation and 1.73 acres of on-site reforestation, which meets the requirements of the Woodland Conservation Ordinance. A lot-by-lot woodland conservation table has been added to the TCPI. The FIDS habitat is a high priority area for preservation. The entire FIDS habitat on-site has been preserved and included in the PMA. Within the 300-foot buffer FIDS buffer, clearing has been minimized to reduce fragmentation of the existing forest. The TCPI requires one minor revision for clarity; the legend of the TCPI indicates an inaccurate label for the graphic symbol used to identify reforestation. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/70/02) approved as part of this

application.

Wetlands, Streams and Natural Features

A wetlands study found no wetlands on the subject property. Streams and 100-year floodplain were found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25percent, slopes from 15 percent to 25 percent on highly erodible soils, and identified FIDS habitat comprise the Patuxent River Primary Management Area (PMA) on the subject property as defined by Section 24-101(b)(10) of the Subdivision Ordinance. The elements that comprise the Patuxent Primary Management Area (PMA) have been fully and correctly identified on the TCPI/Preliminary Plan.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. The applicant submitted a Letter of Justification for PMA impacts on March 10, 2004, for impacts to the PMA for the installation of a public roadway and storm drain outfall. The total impact is approximately 4,349 square feet that is required to grade the road and provide the necessary stormwater drainage under the roadway. The crossing has been placed as at the furthest extent of the PMA buffer, where it will not affect the stream. Staff recommends that the Planning Board approve the requested impacts for the following reasons:

- a. Granting the impacts will not be detrimental to the public safety, health, or welfare, or be injurious to another property.
- b. The conditions upon which the impacts are based are unique to the property because alternative access to the eastern area is otherwise not available.
- c. The approval does not constitute a violation of any other applicable law, ordinance, or regulation.
- d. A particular hardship to the owner would result if the impacts were not approved. The lot layout has been substantially redesigned to preserve natural features, and the impact area has been located to reduce impacts to the extent possible.

The site contains significant natural features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance.

Noise

There are no transportation-related noise impacts to this property.

Soils/Marlboro Clay

Soils in the Adelpia, Marr, Ochlockonee, Sandy land, and Westphalia are found to occur on the

subject property. These soil series have limitations that could affect the development of this property including high water tables, impeded drainage, problems with slopes, slow permeability, and stability. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

This property is located in an area with extensive amounts of Marlboro clay, which is known as an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on information available, the Environmental Planning Section projected that the top elevation of the Marlboro clay will occur at an elevation between 50 and 65 feet. A Geotechnical Report prepared by Geotech Engineers, Inc. and dated June 11, 2004, was submitted for review and was found to be in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays.

Rare, Threatened and Endangered Species

The Wildlife and Heritage Service, Maryland Department of Natural Resources identified ten species of interest in the vicinity of this property. An evaluation of the site was made to determine if any species were present on-site, and to determine if additional protection measures are indicated to prevent impacts to the species. The field survey of the subject was made based on the known habitat requirements of the species, and the results were reported in a Rare, Threatened and Endangered Investigation prepared by Chris Athanas & Associates, Inc. dated July 2004. Habitats for the plant species were not present on the Stratford II site or were located deep within the PMA where they will be protected from impacts. The potential habitat for the listed fish species is also located in the PMA, where protective buffers have been delineated.

Water and Sewer Categories

The property is in water category 6 and sewer category 6; it will be served by private systems.

5. **Community Planning**—This property is located in the Rural Tier as identified by the 2002 General Plan. The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The property is in Planning Area 79/Upper Marlboro. The 1994 Subregion VI master plan recommends low-density, large-lot residential development with densities of up to one dwelling unit per five acres. The proposed preliminary plan density is in conformance with large-lot development recommendations of the master plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.
7. **Trails**—There are no master plan trails issues identified in the 1994 Subregion VI master plan.
8. **Transportation**—The subject property is located within the Rural Tier as defined in the 2002 *General Plan for Prince George’s County*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better;

Unsignalized intersections: The Highway Capacity Manual 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 proposed 20-lot single-family development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Based on previous development patterns in the immediate vicinity of the subject property, staff is assigning a trip distribution of 60 percent of the site-generated traffic to the north on Old Crain Highway, and 40 percent of the site-generated traffic to the south on Old Crain Highway. The trips generated by the proposed development will impact the following critical intersection:

- US 301-Village Drive

Previous traffic analyses for preliminary plans including Beech Tree and the Buck Property subdivisions have revealed failing levels-of-service under background conditions at several intersections along the US 301 corridor, including the critical intersection. In response to the issues of adequacy, the Planning Board has allowed developments to pay a pro-rata share toward improvements along US 301 between MD 214 and MD 725. These improvements, as described in an item included in the county CIP, include a general roadway widening of one additional through lane northbound and southbound over that distance plus intersection improvements at key intersections along the link. Funding by developers has been based on payment of \$2.5 million toward the \$24 million required to complete the improvements.

However, the improvements described in the CIP only provide LOS D at signalized intersections along this link of US 301. As noted under the Service Level Standards described above, properties within the Rural Tier that affect intersections along US 301 must demonstrate LOS C.

While the county CIP project is certainly still valid for properties to the west of US 301 (which are in the Developing Tier), properties on the east side of US 301 (except for Marlboro Meadows) are subject to a different standard. This dual standard is fully consistent with the intent of the Prince George’s County General Plan, which assigns “minimum priority to public sector capital improvements in or for the Rural Tier,” and further states as a policy “Public funds should not encourage further development in the Rural Tier.” However, this application presents a unique situation compared to several other subdivisions recently decided by the Planning Board on the east side of US 301.

The two most recent subdivisions approved on the east side of US 301, Marshall’s Landing and Cadeaux De Ma Mere (4-03131 and 4-03134, respectively) are located several miles to the north at the intersection of US 301 and Clagett Landing Road, which is their critical intersection. In those two cases, the critical intersection is partially within the developing tier (US 301), and partially within the rural tier (Clagett Landing Road). Unlike those two cases, the critical intersection being considered in this application (US 301 – Village Drive) is completely surrounded by the developing tier, with all four approaches fully within that designation. Given the unique relationship created between the subject property in the rural tier and the critical intersection wholly encompassed by the developing tier, it would be appropriate in this case to consider the applicant’s burden to be bringing the roadway to a LOS D by allowing the applicant to participate in the developer funding portion of the CIP improvements for additional lanes on US 301 and the intersection improvements at US 301 – Village Drive.

Intersection Analysis

The following intersection is considered to be the critical intersection, as it is the one to be most directly impacted by the site-generated trips:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301/Village Drive	B/1119	B/1072

In recent months, several traffic studies have identified numerous background developments having an impact on the critical intersection. With the inclusion of background development along with the full complement of CIP-funded improvements, the following results were determined:

BACKGROUND CONDITIONS

Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301/Village Drive	B/1299	B/1317

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the proposed development of 20 single family units will be adding 15 AM peak hour trips and 18 PM peak-hour trips at the time of full buildout. Applying a growth rate of 3 percent per year for through traffic along US 301, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS**		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301/Village Drive	D/1301	D/1319
** The analyses under “Total” and “Background” condition assumed improvements from the CIP and the approved Beech Tree subdivision		

Regarding accessibility and general on-site circulation, staff finds the proposed layout to be acceptable.

Transportation Staff Conclusions

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 with the conditions requiring the applicant's participation in the funding of road improvements along US 301 and the intersection of US 301 and Village Drive.

- 8. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.8	1.2	2.4
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	196.08	128.22	258.72
Total Enrollment	5,886.92	5,440.24	10,754.99
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.34%	116.85%	121.63%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.71 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.71 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.71 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Approved*

Public Safety Master Plan (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.” The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has reviewed the perk tests for the property and has submitted a referral dated April 9, 2004, with specific comments for nearly all of the proposed lots. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.
13. **Stormwater Management**—A stormwater management concept plan has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto. The preliminary plan indicates that stormwater management features are proposed on adjacent properties. The TCPII shall include all off-site impacts proposed for the installation of utilities including stormwater management. Prior to the issuance of any grading permits for the site, which include off-site stormwater management, all appropriate easements shall be acquired from affected property owners.
14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.
16. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones is permitted by right and does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the O-S Zone, the creation of varying lot sizes is permitted as long as the total tract

being subdivided is at least 50 acres in size. In this case, the total tract area is 104.28 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: five acres in the R-A Zone. This requirement has been met with the submitted preliminary plan: 14 of the 20 lots (or 70 percent) are a minimum of five acres on this subdivision.

The Zoning Ordinance allows one 2-acre lot for every 50 acres of land in the tract. With 104.28 acres of land in the R-A tract, a maximum of two 2-acre lots is permitted, two are shown. The remaining three lots are required to be at least three acres in area, which they are. This arrangement meets the minimum standards set forth in Section 27-442(b)(Table I) of the Zoning Ordinance for the use of varying lot sizes. If lots are lost due to failing perk tests (or for any other reason) the relationships among the various lot sizes required by the Zoning Ordinance must be maintained.

17. **Historic Preservation**—The subject application for a preliminary plan of subdivision involves a 104.28-acre parcel of land on the east side of Old Crain Highway, Upper Marlboro. The subject property is south of and adjacent to two Prince George’s County Historic Sites, the Wyvill House/Linden Hill (Historic Site 79-63-50), 4102 Old Crain Highway, and the Bowling-Buck House and Outbuildings (Historic Site 79-63-07), 4106 Old Crain Highway. A third property, across Old Crain Highway to the west and within view of the subject property, is Bleak Hill (Historic Site 79-63-06). All three Historic Sites, and the subject property, were once part of the antebellum Bleak Hill Plantation operated by members of the Hill family.

The Wyvill House/Linden Hill is a two-and-one-story frame gable-roofed dwelling from the late-nineteenth-century built in the Victorian vernacular style. The house stands on a knoll facing the old road between Upper Marlboro and Queen Anne and is surrounded by a 12.5-acre property, which contains a number of agricultural outbuildings including an old pump house/storage building, a meathouse with added woodshed; and several twentieth-century barns and garages. The Wyvill House, also known as Linden Hill, is one of several houses in the Upper Marlboro vicinity built by members of the Wyvill family, locally prominent carpenters and builders. The house was built in 1889 by John C. Wyvill for Catherine S. Hill on her allotment from her father’s Bleak Hill Estate. The Wyvill House stands just east of Bleak Hill and is a substantial example of Victorian vernacular architecture. As originally configured, the Wyvill House incorporated the nearly symmetrical floor plan typical of early nineteenth-century local houses with the decorative treatments of the popular late nineteenth-century style known as Queen Anne. In the late 1920s, Catherine Wyvill sold her house and a portion of her allotment to Samuel Wyvill, the grandson of the man who built her house. Ensuing generations of Wyvills made alterations to the house and in the 1940s planted a line of linden trees along the entrance drive of the property they called “Linden Hill.” The house remains in the hands of members of the Wyvill family.

Adjacent to the Wyvill House to the east is the Bowling-Buck House is a two-story frame house built between 1896 and 1906 by John Dominick Bowling on another portion of the Bleak Hill Estate. The Bowling-Buck House, originally a small structure with a somewhat unusual side-hall,

two-parlor-and- back-room plan, was enlarged after 1906 by Bruce L. Buck to accommodate his 11-member family. The house is an exception to the typical small, local farmhouses of the late nineteenth-century because of its third story tower, which is original to the house. The current house includes a number of twentieth-century additions. The house, situated on a high hill, enjoys a commanding view of its 58.71-acre parcel that also includes two large twentieth-century gambrel-roof barns and a number of domestic outbuildings near the main house.

The subject property is within the viewshed of a third historic property, Bleak Hill (Historic Site 79-63-06). Bleak Hill, built in 1852, is a large, two-story, side-gabled frame plantation house with a bracketed cornice and a small kitchen wing. The house is significant both for its size and its prominent siting on a hill looking toward the Patuxent River. Bleak Hill was built for Richard Smith Hill on his portion of the Hill family's Woodland acreage. The house was built as the centerpiece of a 715-acre plantation and is one of four historic Hill family properties in the area. From the early eighteenth through the late nineteenth century, the Hill family's landholdings included virtually all of the land between the Patuxent River and the county seat of Upper Marlboro to the west. Bleak Hill, with its irregular Georgian interior plan and fine decorative detail, is significant as an outstanding example of ante-bellum Greek Revival-style architecture.

All three historic sites and the subject property are within the Woodland Survey Area, a National Register eligible area of approximately 1,325 acres between U.S. 301 and the Patuxent River along a two-and-one-half mile portion of Old Crain Highway and Marlboro Pike, east of Upper Marlboro. The area consists of rolling farmland, both wooded and cultivated, that is watered by several minor tributaries of the Patuxent. The building stock includes approximately 130 structures that range in date from 1780 to the present. The buildings and landforms of the Woodland Survey Area are closely associated with the Patuxent River and with one of the earliest roadways in Prince George's County.

Historic Preservation Staff Findings

The subject application is adjacent to two county-designated Historic Sites, Wyvill House (79-63-50, and Bowling-Buck House and Outbuildings (79-63-07). Both properties figure prominently in the history of the Bleak Hill Estate and in the area of Upper Marlboro historically known as *Woodland*. Across Old Crain Highway to the west of the subject property is Bleak Hill (Historic Site 79-63-06).

The subject application required that the Bowling-Buck House (formerly the historic resource known as the Buck-Rembold House) be evaluated by the Historic Preservation Commission for possible designation as a Historic Site. The Bowling-Buck House and Outbuildings (formerly known as the Buck-Rembold House) was designated as a Historic Site by unanimous vote (7-0) of the Historic Preservation Commission on June 15, 2004. The Historic Site's Environmental Setting includes the main house, related domestic and agricultural outbuildings, and the surrounding landscape of open fields and woodland that make up the 58.71-acre parcel (Tax Map 93, Parcel 40). Subsequent to that designation, on July 20, 2004, the Historic Preservation

Commission revised the Environmental Setting from the entire 58.71-acre parcel to the 3.2 acres surrounding the main house.

The Planning Board has recently issued a directive that the possible existence of slave quarters and slave graves must be considered in the review of development applications, and that potential methods for preservation of these resources should be considered. Staff review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject application. Development activities may have an adverse effect on these archaeological resources. The subject property was once part of the large antebellum plantation known as Bleak Hill. Therefore, there is likelihood that the subject property may contain physical or archeological evidence of antebellum habitation or burials associated with the enslaved African-American labor force that operated the plantation.

A number of the proposed lots within the subject application will be substantially visible from the Wyvill House, the Bowling-Buck House and/or Bleak Hill. In particular, proposed Lots 1-6 and 18, 19 and 20 on the northern edge of the subject property may be visible at least throughout a portion of the year from the all three historic properties. Of those lots, houses proposed within Lots 1, 2, 19 and 20 will be sited within currently cleared agricultural fields visible from the knoll on which the Wyvill house is sited.

The Historic Sites and Districts Plan provides guidance on developments adjoining historic properties and affecting historic landscapes (p.46):

“Proposals for development of properties abutting historic resources should ensure that the land use or new construction does not detract from the architectural characteristics and environmental setting of the historic resource. Sensitive and innovative site design techniques, such as careful siting of new buildings, variation in orientation, roof shape, the use of building materials that respect those of the historic resource, screening, landscaping, berming, and open space should be incorporated into the proposal to minimize any adverse impacts to the resource. To protect historic and cultural landscapes, creative site planning of adjoining new development should use the natural drainage patterns and incorporate indigenous plant materials. It should involve careful siting of new buildings and the use of building materials that respect the site and the historic resource.”

Historic Preservation Staff Conclusions

- a. The subject property includes land that was once part of the 715-acre Bleak Hill antebellum plantation. Therefore, documentary investigation will be required and archeological investigation may be required to determine whether there exists physical evidence of slave dwellings or burials, or of Native American presence with the subject property

- b. Lots 1-6 are adjacent to two Historic Sites (Wyvill House and Bowling-Buck House and Outbuildings) and will require an appropriate buffer as established by the Prince George's County *Landscape Manual* (Landscape Bufferyard "D"). Where necessary, the bufferyard should augment any existing vegetation with a naturalized mix of evergreen and deciduous trees to provide additional screening of the views from the adjacent Historic Sites.
- c. The applicant should conduct balloon tests or other viewshed analysis to determine the potential visibility of houses in Stratford, Section 2 (Lots 1-6, 18, 19 and 20) from the adjacent or nearby Historic Sites. Those lots determined to be visible should be subject to detailed site plan review. Detailed site plan review should focus on the architectural character of the proposed houses including but not limited to, the height, slope and character of roofs, the proposed materials and colors of roofs, proposed materials for visible building elevations, the organization, architectural character and decorative treatment of visible building elevations including the character and location of windows, doors, decks, chimneys and other architectural features, and the character of landscaping and site improvements.

Historic Roads: Old Crain Highway

Old Crain Highway was identified as a Designated Historic Road in the Historic Sites and District Plan. The functional classification for Old Crain Highway is as a local collector. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation (DPW&T).

Any improvements within the right-of-way of an historic road are subject to approval by the DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads*. Before a Paving and Storm Drain Plan is submitted to DPW&T, and preferably before engineering design of roadway improvements has begun, a conceptual pre-application meeting with the applicant, DPW&T and M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*.

At the conceptual pre-application meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards

At time of preliminary plan, an Inventory of Significant Visual Features for the right-of-way and site is required to provide a baseline for the review of the scenic/historic road viewshed. This information can be included on the Forest Stand Delineation or Tree Conservation Plan for the site, if appropriate. A detailed site plan may be recommended to address views from the road, and the enhancement or re-creation of scenic road elements when development is proposed for the site

if indicated. At a minimum, a 40-foot-wide scenic easement, set behind the public utility easement, is recommended along the frontage of the historic road. Within the scenic easement the planting of a landscape buffer equivalent to the D bufferyard is recommended to enhance the viewshed of the historic road. The buffer should include native plant materials commonly found in farm hedgerows, such as eastern red cedar.

The TCPI currently shows planting proposed within the scenic easement, which has not been credited as woodland conservation. The planting shown does not appear to fulfill the requirements of a D bufferyard. Staff recommends that the planting shown with the scenic easement be removed, and instead the following note be added to the plan:

“Note: The TCPII shall provide planting equivalent to a D bufferyard in the scenic easement located along Old Crain Highway.”

18. **Access to Adjacent Properties**—As noted previously, an easement along the northern boundary of the subject property serves four otherwise landlocked parcels to the north. Three of these parcels are small, being one acre or less in area and therefore not dividable into lots. The fourth (Parcel 40, the site of the Bowling-Buck House described above) is 58.71 acres in area and therefore has potential for future subdivision. That potential, however, is predicated upon frontage on, and access to, a public right-of-way. The subject application provides an opportunity to do so. Staff recommends the applicant dedicate a 50-foot public street connection to Parcel 40. The intent is that the road not be built until such time as Parcel 40 is subdivided, subject to agreement by the Department of Public Works and Transportation.

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.

* * * * *

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, Harley and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk