

C O R R E C T E D R E S O L U T I O N

WHEREAS, Patricia W. Shipley is the owner of a 46.92-acre parcel of land known as Parcels 6 and 33, Tax Map 84, Grid E-2, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on May 7, 2004, Shipley Farm LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 42 lots and 2 Parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04034 for Shipley Farm 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 September 30, 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 September 30, 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/48/04), and further APPROVED Preliminary Plan of Subdivision 4-04034, Shipley Farm, LLC for Lots 1-42 and parcels A and B with the following conditions:

1. Prior to signature approval of the Preliminary Plan:
  - a. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.
  - b. The Type I tree conservation plan, TCPI/48/04, shall be revised as follows:
    - (1) Show Conservation Area B, located on proposed Lots 28, 29, and 37-39, as "Woodlands Saved But Considered Cleared" and revise the worksheet accordingly.
    - (2) Revise the shading pattern used for the Conservation Areas to allow underlying information to be shown on the plan.
    - (3) Correct the Specimen Tree Table to reflect the correct disposition of the specimen trees located within the limits of the proposed grading including Specimen Trees #51 and #58.
    - (4) Revise the proposed conceptual house pads to reflect sizes similar to those being

constructed in the vicinity of this property.

- (5) After all revisions have been completed the plans shall be signed and dated by the qualified professional, licensed landscape architect, or licensed forester who prepared the revised plans.
2. Development of this subdivision shall be in compliance with an approved Type I tree conservation plan (TCPI/48/04). The following notes shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/48/04), 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.”
3. At the time of the sale of any lot, the developer and/or builder shall provide each prospective purchaser with a copy of the Type II tree conservation plan and final plat for the respective lot. The developer and/or builder shall also obtain a written acknowledgement from the prospective purchaser that they have been provided a copy of the final plat and the tree conservation plans and that they understand that the clearing of existing woodland vegetation including the understory is prohibited without the expressed written consent of the Planning Director or designee. A copy of the acknowledgement shall be submitted to the Environmental Planning Section for inclusion in the Type II tree conservation plan file.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area, except for areas with approved impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval for accuracy. In addition, 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 permitted.”
5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
6. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. These facilities shall be subject to the following:
  - a. Allocation of appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall

be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department (DRD) for adequacy and property siting, prior to approval of the final plat by the Planning Board.

- b. A site plan shall be submitted to DRD that complies with the standards outlined in the *Park and Recreation Facilities Guidelines* prior to final plat approval.
  - c. Submission of three original, executed recreational facilities agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - d. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
  - e. The developer, his heirs, successors and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
7. The land to be conveyed to a homeowners association shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved specific design plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
  - j. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of final plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist 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.
9. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.
10. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees, shall provide for any necessary turn lane improvements as required by SHA at the intersection of MD 202 and Town Farm Road. These may include lengthening of turn lanes for deceleration and acceleration of vehicles.
11. Prior to the issuance of any building permits within the subject property, the applicant, his heirs, successors and/or assignees, shall conduct a traffic signal warrant study at the intersection of MD 202 and Town Farm Road. If a traffic signal is deemed warranted by SHA, the applicant, his heirs, successors and/or assignees, shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by SHA. The applicant, his heirs, successors and/or assignees, will be responsible for any additional pavement markings and signage at the intersection.
12. Per the applicant's proffer, the applicant, his heirs, successors and/or assignees shall contribute \$100,000 to the Prince George's County Department of Public Works and Transportation to be held in escrow for the widening of Town Farm Road, said fee to be paid at building permit on a

pro-rata lot by lot basis.

13. The applicant, his heirs, successors and/or assignees shall provide a minimum 50-foot buffer on the east side of proposed Lot \*[27] 26.
14. The applicant, his heirs, successors and/or assignees shall provide a multi-purpose play area west of Lot 10.
15. Driveways on lots with frontage and direct vehicular access to Town Farm Road shall be designed with turnaround capability.

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 is located east of MD 202 on the south side of Town Farm Road, approximately 100 feet west of manor Gate Terrace.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Uses	Agriculture	Single-family homes and private recreation facilities
Acreage	46.92	46.92
Lots	0	40
Parcels	2	2
Detached Dwelling Units	2	40

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are no transportation-related noise sources found to impact this property. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Collington fine sandy loam, Iuka fine sandy loam, Ochlockonee sandy loam, Sandy land steep, and Westphalia fine sandy loam. Although some of these soil series have limitations with respect to slow permeability or slopes, the proposed development of this site will not be impacted. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in close proximity

\*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

to this property. This property is located in the Collington Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

### **Woodland Conservation**

The revised forest stand delineation (FSD), date stamped as received by the Environmental Planning Section on June 21, 2004, and the revised data tables received via e-mail on July 2, 2004, were found to address the requirements for a detailed forest stand delineation in accordance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodlands, and there is a previously approved Type II tree conservation plan, TCPII/103/91. The Type I tree conservation plan, TCPI/48/04, date stamped as received by the Environmental Planning Section on June 21, 2004, was found to address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 46.92-acre property, with a net tract area of 40.01 acres, has a 25 percent, or 10.00-acre, woodland conservation threshold (WCT) and a 2.76-acre replacement requirement associated with the clearing of woodlands above the WCT, woodlands below the WCT and floodplain woodlands. The 12.76-acre requirement is proposed to be satisfied by 9.25 acres of on-site preservation and 3.51 acres of off-site mitigation at a location to be determined prior to the issuance of any permits. Because some of the woodlands proposed as Conservation Area B will be isolated woodlands of very poor quality, the Environmental Planning Section recommends that Conservation Area B be shown as "Woodlands Saved But Considered Cleared" and that additional off-site mitigation be provided. The Type I tree conservation plan, TCPI/48/04, is recommended for approval subject to the conditions noted in the staff recommendation.

### **Patuxent River Primary Management Area**

Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features along with their respective buffers make up the Patuxent River Primary Management Area (PMA). All individual features of the PMA have been correctly shown. The Wetland Delineation Report and the 100-year floodplain study submitted were reviewed and were found to be acceptable.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. The Type I tree conservation plan and the letter of justification propose a single PMA impact associated with the construction of a stormwater management outfall. This impact is necessary to safely convey water from the pond down the existing slopes to a relatively level area where the speed and volume of water flow will not erode the forest floor and result in damage to the forest and PMA. The Environmental Planning Section supports the proposed PMA impact for the construction of a single stormwater management outfall.

### **Marlboro Clay**

According to available information, Marlboro clay is present on this site at an approximate bottom elevation of 110 to 130 feet above sea level and an approximate top elevation of 120 to 130 feet above sea level. A Subsurface Exploration and Geotechnical Evaluation, date stamped as received by the Environmental Planning Section on June 11, 2004, was reviewed and was found to address the presence of the Marlboro clay on this site. The report found that slope failure areas were not an issue on this site and that all proposed lots had slope safety factors in excess of the required 1.5 limits required by the Department of Environmental Resources. The report makes a number of recommendations that will need to be considered during the preparation of the site grading plan and during construction. During the review and approval of grading permits for this site, the Department of Environmental Planning and the Department of Public Works and Transportation are likely to require additional detailed information on the exact location and depth of the Marlboro clay. It is recommended that specific attention be given to subsurface drainage as it may be affected by the presence of the Marlboro clay and any below-grade living areas.

### **Water and Sewer Categories**

The Water and Sewer Categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The property will be served by public systems.

5. **Community Planning**—The property is in Planning Area 79/Upper Marlboro. It is located in the

Developing Tier as defined by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The Subregion VI Study Area (1993) recommends residential land use at the Residential-Estate density of approximately one dwelling unit per acre. The subject property was placed in the R-E Zone in the 1994 Sectional Map Amendment for the 1993 Subregion VI Study Area Master Plan.

A preliminary subdivision for 40 lots of single-family residential development in the R-E Zone conforms to the 1994 Subregion VI Study Area Master Plan Study Area Master Plan recommendations for residential land use in the Marlboro community of this planning area.

6. **Parks and Recreation**—The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. In accordance with Section 24-135 of the Subdivision Regulations, staff recommends the applicant provide private recreational facilities on the property in an amount to be determined at the detailed site plan. The facilities should be approved by the Urban Design Section prior to the approval of the final plat.
7. **Trails**—There are no master plan trails issues associated with the property identified in the Adopted and Approved Subregion VI Master Plan.

Town Farm Road and the majority of the other roads in the vicinity of the subject site are open section with no sidewalks. Due to this and the relatively large size of the proposed lots to be built on open section internal roads, no sidewalks are recommended for this proposal.

8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, a traffic count for the intersection of MD 202 and Town Farm Road was available to staff from a previous application (Forest Hills Subdivision). The count was taken in September 2003 and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the developing tier, as defined in the 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**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.

#### **Staff Analysis of Traffic Impacts**

The application is a plan for a residential development of 40 single-family dwelling units. The proposed development would generate 30 AM (6 in, 24 out) and 36 PM (23 in, 13 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

- 75 percent north along MD 202
- 25 percent south along MD 202

Minor adjustments were made to account for differences in turning movements during the AM and PM peak hours on MD 202. This was based on the traffic count and staff knowledge of traffic patterns along the MD 202 corridor between MD 725 and MD 193. In general, during the AM peak hour more trips go north on MD 202. During the PM peak hour, the distribution is



more evenly split.

The traffic generated by the proposed plan would primarily impact the intersection of MD 202 and Town Farm Road, which is not signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 48.8 seconds. In the PM peak hour, a maximum average delay of 59.5 seconds.

An annual growth rate of two percent was assumed for through traffic along MD 202. In addition, background traffic from 13 nearby developments within the immediate vicinity of the subject site was also included. This includes the recently approved Forest Hills Subdivision (4-03130) north of MD 725 along MD 202 and Austin Meadows (4-03056) located directly opposite Town Farm Road on MD 202. Austin Meadows was approved for 20 single-family dwellings. The Austin Meadows subdivision also includes the addition of the fourth leg to the intersection of MD 202 and Town Farm Road. This intersection currently is a three-way intersection. The Austin Meadows development includes access to the intersection from a new subdivision street. This was incorporated into the analysis listed below. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic.

Based on the above, the following background traffic conditions were determined: a maximum average delay of 318.8 seconds in the AM peak hour and a maximum average delay of 626.7 seconds in the PM peak hour. With site traffic, the following operating conditions were determined: AM peak hour maximum average delay of 352.1 seconds and in the PM peak hour, a maximum average delay of 762.3 seconds.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values above "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of MD 202 and Town Farm Road.

Under these conditions the applicant would be required to provide a traffic signal warrant study and install the signal if it is deemed warranted by the State Highway Administration. The State Highway Administration would make the final determination as to whether a traffic signal is installed at MD 202 and Town Farm Road.

### **Plan Comments**

Two site access points are proposed along Town Farm Road. Most of the lots appear to have driveway access to either proposed Dressage Court or Jumper Lane, both with 60 feet of right-of-way. These two subdivision streets basically form a loop road through the proposed development.

Staff recommended that consideration be given to extending existing Manchester Road and/or providing a connection to this roadway to provide access to the adjoining development. This would also provide another access point to Town Farm Road.

If deemed necessary by the State Highway Administration, the applicant may be required to provide minor improvements at the intersection of MD 202 and Town Farm Road. This may include the lengthening of turn lanes or other improvements to be determined by SHA.

**Master Plan Comments**

There are no master plan roads in the immediate vicinity or adjacent to the site. Town Farm Road is owned and maintained by the Prince George’s County Department of Public Works and Transportation. Dedication of 30 feet from the centerline of Town Farm Road will be required.

**Transportation Issue Conclusions**

Based on these findings, 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 two transportation-related conditions included in this report.

- 9. **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
Dwelling Units	42 sfd	42 sfd	42 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	10.08	2.52	5.04
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	209.52	134.76	270
Total Enrollment	5905.44	5485.90	10772.01
State Rated Capacity	5384	4688	8770
Percent Capacity	109.68%	117.02%	122.83%

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 an

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 Road, has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service travel time of 5.25 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 5.25 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Adopted and 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 services.

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 an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site. The Health Department also noted that wells and septic systems to be abandoned must be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan, #39693-2003-00, has been filed, but not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, the

stormwater management concept plan must be approved prior to signature approval of the preliminary plan. The applicant has made changes to the plan based on comments from the Department of Environmental Resources regarding stormwater management. Ultimate approval of the concept

plan should not affect the lotting pattern. Development must be in accordance with this approved plan, or any approved revisions thereto.

14. **Cemeteries**—Although there are no known cemeteries on or adjoining the subject property, the property was part of Thorpland, the antebellum plantation of the Bowie family. Because of this, documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials, or other significant archeological resources.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
16. **Lot Size Averaging**—24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of Lot Size Averaging:
  - A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: The proposed subdivision includes several very large lots. This type of design is atypical in Lot Size Averaging proposals, where only half the lots need to be the minimum lot size. The original proposal was for 44 lots, but based on staff concerns, the applicant reduced the number of lots to 42 and created several large lots. While some lots are as small as 30,000 square feet, others are nearly two acres in size, more than twice the size required in the R-E Zone. The proposal protects the natural features of the site; the large stream and wetland area is preserved completely, and isolated wetlands, typically allowed to be disturbed, are also preserved fully.

- B. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

Comment: Although adjoining properties are also in the R-E Zone, lots abutting the subject property range in size from 30,000 square feet to more than one acre. In this proposal, large lots abut large lots and smaller lots abut smaller lots. This provides an adequate transition between the property and adjacent residentially zoned land. In addition, all lots along Town Farm Road are 40,000 square feet or larger. Although some lots along Town Farm Road are smaller, these larger lots help preserve the rural character of this road.

- C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of**

**adjacent parcels.**

Comment: The Patuxent River Primary Management Area (PMA) encroaches the southern portion of the property and the adjoining properties to the east and south. This

area will remain densely wooded and provide an adequate transition and buffer to the adjoining properties and PMA.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-E Zone

**A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).**

Comment: In this case, with 46.92 acres and a minimum lot size of 40,000 square feet, the maximum number of lots allowed is 51. The applicant proposes 42 lots.

**B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).**

Comment: As proposed, 21 of the proposed 42 lots (or 50 percent) exceed 40,000 square feet. Therefore the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging. Moreover, while 21 lots may be as small as 30,000 square feet in this subdivision, 5 of the 20 lots that are smaller than 40,000 square feet are 35,000 square feet or better. Of the 20 lots required to be a minimum of 40,000 square feet, 8 exceed 50,000 square feet. This is a well-conceived Lot Size Averaging plan.

17. There was considerable discussion at the hearing about the condition of Town Farm Road. Citizens in the area are concerned that the approval of this application will lead to significant safety problems on this street. The street is substandard in that it has not been maintained. Most of the sides of the streets exhibit deteriorating asphalt. Maintenance of the street is not the responsibility of the applicant; rather, it is the responsibility of the Department of Public Works and Transportation (DPW&T). The citizens have met with DPW&T on several occasions. Repairs to the roadway are not funded in the county's CIP. Though not the applicant's responsibility, the applicant proffered to contribute \$100,000 toward funding a CIP project to upgrade and repair Town Farm Road.

Because Town Farm Road is in poor condition, citizens argued that the road is inadequate, and therefore, the application should be denied. However, the proposal does meet the adequacy test as laid out in Section 24-124 of the Subdivision Regulations. The condition of the road is not an adequacy issue; rather, it is an operational issue under the purview of the Department of Public Works and Transportation. With the applicant's proffer, it is hoped that the county will add a CIP project to fix the problems on Town Farm Road.

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.

PGCPB No. 04-230(C)  
File No. 4-04034  
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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 Vaughns, with Commissioners Harley, Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 30, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of October 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:rmk