

R E S O L U T I O N

WHEREAS, Josephine S. Owens, Trustee, is the owner of a 14.76-acre parcel of land known as Parcel 16, located on Tax Map 2, Grid C-2, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on September 24, 2003, Landesign, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for five lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03092 for Meromy Estates, Dugan's Addition to, 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 February 19, 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 February 19, 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/64/03), and further APPROVED Preliminary Plan of Subdivision 4-03092, for Lots 1-5 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To indicate denied access to the easement from Lot 5.
 - b. To relocate the easement a minimum of five feet to the east away from the common boundary line with Parcels 33 and 34.
 - c. To clearly indicate that access to Lot 2 is via the access easement along the southeast property line and not crossing Lot 1.
 - d. To provide a note that indicates that Lots 2 and 3 have net lot areas of at least two acres absent the "apparent vacancy" land.
 - e. To provide a note that all existing fencing shall conform to Subtitle 27 or shall be removed or relocated appropriately.

- f. To clearly indicate the area of dedication along Brooklyn Bridge Road and provide the centerline.
 - g. To locate a 10-foot public utility easement as required.
 - h. To provide a note that the existing dwelling to remain on Lot 1 shall be connected to the public water and sewer systems upon availability.
 - i. To label the apparent vacancy to the south.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan #37152-2002-00.
4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area. 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.”
5. Prior to signature approval the Type I Tree Conservation Plan shall be revised to replace the ‘Type I TCP General Notes’ with the Type I Tree Conservation Plan Notes as provided in the Environmental Planning memo dated November 18, 2003.
6. The abandoned well and septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department once the existing dwelling is connected to public water and sewer systems upon availability. Prior to final plat the applicant shall submit a timetable for the existing dwelling units’ connection to public systems. The timetable for connection shall be approved by the Health Department.
7. The applicant shall provide standard sidewalks along the properties’ entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
8. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Brooklyn Bridge Road, designated a

Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

9. Prior to the approval of grading or building permits, the applicant shall determine the extent of the land that shall be the subject of a Phase I archaeological investigation with the concurrence of DRD. If any portion of the property is determined to be subject, the applicant shall complete a Phase I investigation that may include research into the property history and archaeological literature. At that time staff will determine if archaeological resources exist in the project area, and if so, the applicant shall be advised of the requirement of a Phase II or Phase III archaeological investigation.

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 subject property is located on the north side of Brooklyn Bridge Road approximately 1.2 miles west of I-95.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Residential	Residential
Acreage	14.76	14.76
Lots	0	5
Parcels	1	0
Dwelling Units:		
Detached	1	5 (4 new)

4. **Environmental**—This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on-site. The Woodland Conservation Threshold for this site is 7.38 acres (50 percent of the net tract). A total of 6.16 acres of woodland conservation will be provided on-site. This is based on 5.88 acres of existing woodland and 0.51 acre of afforestation after 0.23 acre of woodland is cleared.

This site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A stream is located on proposed Lot 5, with the jurisdictional portion beginning approximately where a fence is located. It continues off of the eastern edge of the property and crosses the northwest portion of the property on proposed Lot 3. The site is in the Patuxent River watershed, and the Primary Management Area (PMA) is shown on the revised preliminary plan and TCPI. The PMA on this site includes the 50-foot stream

buffer and the abutting severe slopes and steep slopes on highly erodible soils. All natural features have been individually drawn, and the PMA is shown to encompass all of these features. An access note on the revised preliminary plan states proposed "lot 5 will have direct access to Brooklyn Bridge Road and will not have access to the Easement for Common Driveway." Based on this access for proposed Lot 5, impacts to the existing stream and PMA are avoided.

No transportation-related noise impacts have been found on this property. The predominant soils found to occur according to the Prince George's County Soil Survey include soils in the Manor and Glenelg series. The Manor soils are considered highly erodible and have K Factors of 0.43. The Glenelg soils do not pose any difficulties for development. According to available information, Marlboro clay is not 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. The entire site drains directly to the Rocky Gorge Reservoir and is located in the Patuxent River basin.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

5. **Community Planning**—The subject property is located within the limits of the 1990 Master Plan for Subregion I, Planning Area 60 in the Northwestern Area Community. The master plan land use recommendation for the property is Residential Estates housing. The 2002 General Plan locates the property within the Developing Tier and recommends maintaining a pattern of low- to moderate-density suburban residential communities. The preliminary plan is consistent with the recommendations of the master plan and the General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subdivision is exempt from the requirement of mandatory dedication of parkland because all of the lots are greater than one acre in size.
7. **Trails**—The Adopted and Approved Subregion I Master Plan recommends that Brooklyn Bridge Road be designated as a Class III bikeway with appropriate signage. Because Brooklyn Bridge Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage.

If road frontage improvements are required by DPW&T, a wide outside curb lane is recommended to accommodate bicycle traffic. To accommodate pedestrian movement the construction of a standard sidewalk along the subject property's entire road frontage of Brooklyn Bridge Road is recommended.

8. Transportation—The applicant proposes a residential subdivision consisting of five single family detached residences. Because the property is currently improved with an existing dwelling, which will remain, the net effect of the proposed development will be four new lots.

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.

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.

Pursuant the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the proposed development would generate 3 AM peak-hour trips and 4 PM peak-hour trips. The guidelines further states that the Planning Board may find that the traffic impact of a very small development is a *de minimus*, or insignificant, impact. A *de minimus* impact is defined as one which generates five or fewer peak hour trips. Based on the trip generation of the proposed development, staff concludes that its impact will be *de minimus*.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

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 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	5,668	1,804	4,471
Completion Enrollment	103.92	25.98	47.63
Cumulative Enrollment	6.72	1.68	3.36
Total Enrollment	5,779.60	1,831.90	4,522.47
State Rated Capacity	5,299	1,759	4,123
Percent Capacity	109.07%	104.14%	109.69%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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.

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.

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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 6.25 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 8321 Old Marlboro Pike, has a service travel time of 8.44 minutes, which is beyond the 6.25-minute travel time guideline.

- c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 8321 Old Marlboro Pike, has a service travel time of 8.44 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ambulance and paramedic service located at Laurel Rescue Squad, Company 49, is beyond the recommended travel time guideline. The nearest fire station (Laurel, Company 10) is located at 7411 Cherry Lane, which is 6.25 minutes from the development. This facility would be within the recommended travel time for ambulance and paramedic service if an operational decision to locate this service at that facility were made by the county.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of existing law, no condition is necessary.

The above 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*.

11. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. 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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed subdivision.
12. **Health Department**—The Health Department has identified an existing abandoned shallow well at the rear of the existing dwelling that must be properly backfilled and sealed. Additionally, the site may have other abandoned wells that should properly backfilled and sealed. The location of the septic system serving the existing brick dwelling should be located on the preliminary plan. A note should be added to the plan that the existing dwelling will be connected to the public water and sewer system upon availability.
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, #37152-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. Historic—The subject property is a part of a larger property occupied during the 19th century by the Bond, Turner, Owens and Edmonston families. Several family cemeteries have been identified and documented in the immediate vicinity of the intersection of Bond Mill Road, Brooklyn Bridge Road and Supplee Lane. Therefore, the developers should be advised of the possibility for cemeteries on this site and, if identified, work should stop immediately in accordance with state law.

The Planning Board has recently identified that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The Turner, Owens and Edmonston families are documented to have been living in the area pre-civil war; what is not known at this time is if these families were slave owners.

It is possible the site was actively farmed, and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archaeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to the submittal or approval of any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archaeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archaeological literature. At that time staff will determine if archaeological resources exist in the project area, and if so, the applicant will be advised of the requirement of a Phase II or Phase III archaeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 19, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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