



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-04009

Application		General Data	
Project Name: DUVALL PROPERTY Location: West side of the intersection of Croom Road and Duley Station Road and North side of Duley Station Road, south 2,000 feet from Croom Road. Applicant/Address: Chesapeake Custom Homes 6196 Oxon Hill Road, Suite #340 Oxon Hill, MD. 20745		Date Accepted:	5/10/04
		Planning Board Action Limit:	10/27/04
		Plan Acreage:	54.48
		Zone:	R-E & R-R
		Lots:	30
		Parcels:	3
		Planning Area:	82A
		Tier:	Developing
		Council District:	09
		Municipality:	N/A
200-Scale Base Map:		213SE12	
Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners Previous Parties of Record Registered Associations: 01/21/04 (CB-58-2003)	
		Sign(s) Posted on Site: 08/23/04	
Staff Recommendation		Staff Reviewer: Del Balzo/Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04009
Duvall Property

OVERVIEW

The subject property consists of approximately 54.48 acres of land in the R-R and R-E Zones. It is improved with one single-family detached dwelling and several out buildings. The majority of the property is wooded. The applicant proposes to subdivide the property into 30 residential lots, using conventional lotting standards in both the R-R and R-E portions of the property.

SETTING

The property is located on the west side of intersection at Croom Road and Duley Station Road, and north side of Duley Station Road approximately 2000 feet south of its intersection with Croom Road. Although the subject property is located in the Developing tier, this is generally a rural area of the county. To the west is wooded land. To the north, east and south are homes on very large parcels. Duley Station and Croom Roads are historic roads. Marlton, a planned community, lies between the two parcels of the subject application and will have access to Duley Station Road.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R / R-E	R-R / R-E
Uses	Single-family home and outbuildings	Single-family detached dwellings
Acreage	R-R = 43.57 R-E = 10.91 TOTAL = 54.48	R-R = 43.57 R-E = 10.91 TOTAL = 54.48
Lots	R-R = 0 R-E = 0	R-R = 10 R-E = 20 TOTAL = 30
Parcels	2	2
Outlots	0	1
Detached Dwelling Units	R-R = 0 R-E = 1	R-R = 10 R-E = 20 (1 existing + 19 new) TOTAL = 30

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision and Type I Tree Conservation Plan stamped as accepted on August 10, 2004. The Environmental Planning Section recommends approval of Preliminary Plan 4-04009 and Type I Tree Conservation Plan TCPI/52/04 subject to conditions. This memorandum supercedes the previous Environmental Planning Section memoranda dated June 1, 2004; July 13, 2004; and August 27, 2004.

The site is mostly wooded, with an existing dwelling located in the northeast portion of the property. There are streams, wetlands, and their associated buffers on the property. Areas of severe and steep slopes exist adjacent to streams and wetland areas. No 100-year floodplain has been identified. The soils found on this property include Bibb, Galesville, Howell, Sassafras, and Westphalia. Some of these soils have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes and erodibility.

The southern parcel is a 10.91-acre parcel in the R-R Zone, located on the northwest side of Duley Station Road, with extensive road frontage. The site is partially wooded, with farm fields located adjacent to the right-of-way. There is a stream and associated Patuxent River Primary Management Area (PMA) buffer on the northwest corner of the property. Scattered areas of steep slopes on erodible soils exist on the site, but are not located directly adjacent to the stream. The soils found on this property include Bibb, Galestown, Howell, Matapeake, Sandy land, Sassafras and Westphalia. Bibb soils have limitations with respect to impeded drainage or seasonally high water tables, while other soils have limitations with respect to steep slopes and erodibility.

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 these parcels. Croom Road and Duley Station Road are designated historic roads and Croom Road is a state scenic byway. No adverse noise impacts are anticipated with this proposal. The properties are located in the Charles Branch watershed and Patuxent River basin and are located in the Developing Tier as reflected in the adopted 2002 General Plan.

Woodland Conservation

A revised Detailed Forest Stand Delineation (FSD) was submitted on June 28, 2004. The map and text require revisions and additional information in order to meet all requirements.

The FSD (and preliminary plan) include within the plan the boundaries of a triangular parcel located on the southeast corner of the intersection of Croom Road and Duley Station Road, but no evidence has been presented that it is a separate parcel that can be combined with this application. This is relevant to the review of the TCPI because if this parcel is actually part of a larger parcel, the entire larger parcel must be part of the TCPI.

Slopes of 15 to 25 percent have been indicated on the site, but whether they have been limited to those on highly erodible soils is not clear. The legend needs revision to include all graphic symbols and to correctly label the elements. The specimen tree table should include a note regarding how the trees were located.

A deed for the area that includes proposed Outlot A has been submitted that demonstrates that Outlot A was separated from the entire parcel through the dedication of a public right-of-way for relocated Duley Station Road.

The revised Tree Conservation Plan (TCPI/52/04) has been reviewed. The gross tract area of the subject property is 54.48 acres. The woodland conservation threshold for the subject properties is 13.07 acres (24 percent of the net tract which includes the R-E and R-R Zones) plus additional acreage due to 26.88 acres of clearing, for a total woodland conservation requirement of 19.79 acres as currently designed. The TCPI proposes to meet the requirement with 13.13 acres of on-site preservation, 0.65 acre of on-site reforestation, and 6.54 acres of off-site mitigation.

The woodland conservation worksheet for the two parcels included should be combined into one worksheet. The quantity of existing woodlands stated in the FSD text (47.52 acres) has not been fully accounted for in the woodland conservation worksheet. In addition, the Patuxent River Primary Management Area has not been correctly delineated, so a finding that priority woodland has been retained to the greatest extent possible cannot be made at this time. It appears that there is an extensive amount of PMA located on Lot 22, although no woodland conservation has been placed on that lot. After the PMA has been fully delineated, the TCPI should be revised to adjust the limits of clearing to preserve additional priority woodlands and provide more woodland conservation on-site. Additional on-site woodland can be addressed at the time of review of the Type II tree conservation plan.

Specimen trees have been identified on the plan and a specimen tree table has been provided, but the proposed disposition of the trees has not been included. The limit of disturbance has not been provided on the TCPI. There are large areas that are shown to be cleared with no grading indicated.

Patuxent River Primary Management Area

Section 24-130 of the Subdivision Ordinance requires that the Patuxent River Primary Management Area (PMA) be clearly shown on the plans and that the PMA be preserved to the fullest extent possible. The PMA is comprised of streams, a 50-foot stream buffer, adjacent wetlands, a 25-foot wetland buffer, adjacent 100-year floodplains, adjacent areas of slopes in excess of 25 percent, adjacent areas of slopes between 15 and 25 percent on highly erodible soils, and areas of special wildlife habitat. Each of these features shall be shown and the full extent reflected as the PMA. The PMA has not been correctly delineated to include the 50-foot-wide stream buffer on Lots 18 and 22 and severe and steep slopes on highly erodible soils on Lots 13 through 22 and should be revised prior to signature approval.

The Subdivision Regulations require that the PMA be preserved to the fullest extent possible. Impacts to the PMA are generally supported only for the construction of necessary public roads and utilities. Impacts for the creation of lots and/or grading for lots are generally not supported. After the PMA is fully and correctly delineated, the TCPI and Preliminary Plan should be revised to eliminate all impacts to the PMA. Impacts are currently proposed within the 50-foot-wide stream buffer on Lot 18 for the construction of a dwelling. No letter of justification was submitted for this impact, which is required pursuant to Section 24-130 of the Subdivision Regulations.

The site contains significant natural features, which are required to be protected under Sections 24-129 and 24-130 of the Subdivision Ordinance. At time of final plat, the area that includes the delineated Patuxent Primary Management Area needs to be described by bearings and distances and should be placed in a conservation easement and reviewed by the Environmental Planning Section.

Historic Roads

Croom Road and Duley Station Road are designated historic roads in the *Historic Sites and District Plan*, and Croom Road is a state scenic byway. This should be indicated by note on the preliminary plan. Note 9 on the plan should be revised to correctly identify the scenic and historic designation of the roads. The functional classifications for Croom Road and Duley Station Road are collectors.

An Inventory of Significant Visual Features for the right-of-way and the viewshed from the right-of-way was submitted with the current application.

A 40-foot-wide scenic easement, set behind the public utility easement, has been delineated along the frontage of both historic roads. Within the scenic easement the preservation of existing trees and/or the planting of a landscape buffer equivalent to a “D” bufferyard has been proposed, and septic recovery areas have been relocated outside of the delineated scenic easement. Adjacent to the right-of-way, a 100-foot-wide building restriction line is also recommended to protect the scenic viewshed.

Croom Road (MD 383) is a state road, and road improvements are under the jurisdiction of the State Highway Administration. Duley Station Road is a county road under the jurisdiction of the Prince George’s County Department of Public Works & Transportation (DPW&T).

Any improvements within the right-of-way of Duley Station Road, a 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 on Duley Station Road has begun, a conceptual preapplication meeting with the applicant, DPW&T and the M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*. At the conceptual preapplication 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.

Soils

The soils found on this property include Bibb, Galestown, Howell, Matapeake, Sandy land, Sassafras and Westphalia. Some have limitations with respect to impeded drainage or seasonally high water tables, while other soils have limitations with respect to steep slopes and erodibility. Soil series have limitations that could affect the development of this property, including high water tables, impeded drainage, slope, slow permeability, and stability. The Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

3. **Community Planning**—The property is in Planning Area 82A / Marlton. It is 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 1993 *Subregion VI Study Area Master Plan* recommends residential land use at the Estate density of an average of 1.0 dwelling unit per acre for the northern part of the property (part of Parcel 48 and Parcel 49). Residential land use at the Low-Suburban density of up to 2.6 dwelling units per acre is recommended for the southern part of Parcel 48. The 1994 *Sectional Map Amendment for the Subregion VI Study Area* changed the zoning on parcel 49 and the north part of parcel 48 from the R-A to R-E Zone. The south part of parcel 48 of the subject property was retained in the R-R Zone. This application conforms to the 1993 *Subregion VI Study Area Master Plan* recommendation for Estate and Low-Suburban residential land use.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George’s County Subdivision Regulations, Lots 1 and 2 on the South Site and Lots 3, 5-7, 9, 11-18, 20 & 22 on the North Site of the subject subdivision are exempt from Mandatory Dedication of Parkland requirements because they are over one acre in size.

In accordance with Section 24-134(a) of the of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George’s County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the remainder of the subject subdivision because land available for dedication is unsuitable due to its size, location and topography.

5. **Trails**—Croom Road is an open section roadway with no sidewalks or side paths. Where improvements have been made, a wide asphalt shoulder has been added. The roads in the vicinity of the subject site are all open section with no sidewalks. The only exception to this is Marlton, which is in the developed tier.

Two master plan trails issues in the vicinity of the subject site are identified in the Adopted and Approved Subregion VI Master Plan. Croom Road (MD 382) is designated as a Class III bikeway. This can be implemented through the provision of bikeway signage and, if road frontage improvements are required, wide paved shoulders.

The master plan also proposes a trail connection from Croom Road to the adjacent school site, and to the planned parkland in Marlton. This proposed trail appears to follow the alignment of an existing path or old farm road. It is north of the subject site and does not impact his application.

The school site is adjacent to the north site and indicated on the preliminary plan. Due to steep and severe slopes and areas of wetlands, it does not appear feasible to provide a pedestrian connection directly to the school property.

6. **Transportation**—Due to the limited trip generation of the site, the transportation staff determined that a traffic study detailing weekday analyses was not needed; however, traffic counts were requested and provided by the applicant. The findings and recommendations outlined below are based upon a review of these 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.

Analysis of Traffic Impacts

The staff's traffic analysis for this site examined the site impact at two intersections:

- MD 382/Duley Station Road (unsignalized)
- US 301/Rosaryville Road/Old Indian Head Road (signalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 382 and Duley Station Road	27.7*	24.1*	--	--
US 301 and Rosaryville Road/Old Indian Head Road	1,370	1,352	D	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The area of background development includes 8 properties in the vicinity of the subject property. Background conditions also assume through traffic growth along US 301 (two percent per year) and MD 382 (one percent per year). There are no programmed improvements in the County Capital Improvement Program (CIP) or the State Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 382 and Duley Station Road	45.4*	41.3*	-- --
US 301 and Rosaryville Road/Duley Station Road	1,485	1,433	E D
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>			

The site is proposed for development as a residential subdivision. The site was originally proposed to be developed with 33 single family detached residences, which would generate 25 (5 in, 20 out) AM peak hour vehicle trips and 30 (20 in, 10 out) PM peak hour vehicle trips. The reduction in dwelling units to 30 does not substantially alter these findings. The following trip distribution has been utilized for the analysis of the subject application:

- MD 382 from the north: 40%
- US 301 from the south: 10%
- MD 382 from the south: 5%
- US 301 from the north: 35%
- Rosaryville Road from the west 10%

With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 382 and Duley Station Road	48.1*	44.7*	-- --
US 301 and Rosaryville Road/Duley Station Road	1,489	1,440	E D
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>			

The staff's traffic analysis identifies an inadequacy at the signalized intersection of US 301/Old Indian Head Road/Rosaryville Road. In response to the inadequacy, staff would recommend that the subject development be conditional upon the following improvements:

1. At US 301 and Old Indian Head Road/Rosaryville Road, retime the signal to provide a split phase operation. Also, modify the lane use on the eastbound Rosaryville Road approach to provide an exclusive left-turn lane and a shared right-turn/through/left-turn lane. In the AM peak hour, this improvement would provide LOS D with a CLV of 1,427.

The identical condition has been recommended for the nearby Snyder Property, preliminary plan 4-04105 (though not yet approved, this development is scheduled for a Planning Board hearing on October 28, 2004, and has been included as background development for this site). In connection with the review of the Snyder Property, the State Highway Administration (SHA) did review this improvement and did concur.

Subtitle 24 does not regulate individual lot access onto collector roadways. However, due to the higher traffic speeds and greater traffic volumes, driveway access onto collectors requires special attention. In this regard, the following comments are provided:

1. Lot 20 of the north tract contains an existing residence with an existing driveway onto MD 382. The design of the existing driveway is acceptable. If the access point onto MD 382 is moved or modified, SHA approval of any changes is required.
2. Lot 19 of the north tract only has access onto MD 382 and Duley Station Road. Depending upon the location of the driveway, it must have approval of either SHA or the county Department of Public Works and Transportation (DPW&T). In either case, it must be designed with a turnaround capability in order to minimize the need for vehicles accessing this lot to back onto either facility.
3. Lots 1, 6, 7, and 18 of the north tract have frontage on Duley Station Road as well as interior streets. These lots must direct driveway access onto the interior streets.
4. Lots 1, 2, 9 and 10 of the south tract have frontage on Duley Station Road as well as the interior street. These lot must direct driveway access onto the interior street.

The master plan indicates that MD 382 and Duley Station Road are both master plan collector facilities, and the plan reflects adequate right-of-way dedication of 40 feet from centerline along both roadways.

Transportation 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 conditions.

7. **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	49 sfd	49 sfd	49 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	11.76	2.94	5.88
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	186.48	125.16	250.32
Total Enrollment	5,884.08	5,476.72	10,753.17
State-Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.29%	116.82%	122.61%

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. In addition, the number of units proposes has been dramatically reduced. The numbers that will be used in the resolution will be the ones that will apply to this project.

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 interstate highway 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.

8. **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 45, located at 7710 Croom Road, has a service travel time of 5.62 minutes, which is beyond the 5.25-minutes travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45, has a service travel time of 5.62 minutes, which is within the 6.25-minutes travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Road, has a service travel time of 11.63 minutes, which is beyond the 7.25-minutes travel time guideline. The nearest fire station, Marlboro Fire Station, Company 45, is 5.62 minutes from the development. This facility would be within the recommended travel

time for paramedic service if an operational decision to locate this service at that facility is made by the county.

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*. 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. Because this is a matter of law for all residential structures in Prince George's County, no condition is necessary.

9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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.
10. **Health Department**—The Health Department has reviewed the septic recovery areas and percolation tests. Perc sites have passed and the property is appropriate for well and septic development.
11. **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 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.
12. **Historic Sites and Cemeteries**—The Historic Preservation Commission (HPC) forwarded the following recommendations to the Planning Board for its consideration of the case:
 - (1) On all future submittals including the Final Plat of Subdivision, the applicant shall identify the location of any Historic Sites, Historic Resources and designated Historic or Scenic Roads adjacent to the subject property.
 - (2) Prior to the review of this case by the Planning Board, the applicant shall provide additional information about the character of the woodland to be retained within lots 1,6,7,19, 20 and 21 of the northern parcel and within lots 1,2,10, and 11 of the southern parcel to determine the degree to which structures on these lots will be seasonally visible. For those lots found to be substantially seasonally visible, detailed site plan review by historic preservation staff of lots adjacent to Duley Station Road and Croom Road shall be required to ensure that the landscaping of the properties as well as the massing, scale, roof slope and material and general architectural detailing of the houses is compatible with the character of the adjacent designated roadways, the adjacent features of the community and the adjacent historic properties.

These recommendations are based on the following findings:

Background

The subject preliminary plan application includes 54.48± acres (in two parcels) on the north and west of the intersection of Croom Road and Duley Station Road in the village of Croom. The plan presented to the HPC proposed 22 lots organized around two cul-de-sac streets within the 43.57-acre northern parcel. Proposed Lot 20 at the northern end of the parcel on the west side of Croom Road is already developed with a residence and a number of agricultural outbuildings. The southern and western portions of the 43.57-acre parcel are generally wooded; there is a range of elevations across the property and a stream to the north and west. Both Croom Road and Duley Station Road are designated as Historic Roads through the *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* (1993 and 1994 respectively).

The subject property is located in or near the historically rural and agricultural village of Croom. The larger northern parcel of the subject application is located west of the Blanche Ogle House (Historic Site #86A-027-25), 9912 Croom Road. The Blanche Ogle House is a two-part frame farmhouse. The house consists of a two-and-one-half-story main block with a later two-story gabled wing. A porch with bracketed posts shelters the main façade. Built c. 1890, the house served for more than 50 years as the home of local schoolteacher Blanche Ogle. The Ogle House, which is surrounded by almost 9 acres of fields and woods, is an important example of rural vernacular architecture, and a significant component of the historic village of Croom.

Archeology

The southern portion of the subject application (Parcel 49) was once a part of the nearby Sim Family tract known as Bellefields. The adjacent Bellefields Historic Site (82A-26), which was begun in the 1720s and completed in the 20th century, was the centerpiece of the antebellum Bellefields Plantation. Therefore, documentary and archeological investigation will be required to determine whether the property includes physical evidence of the presence of Native Americans, slave habitation or burials, or other archeologically significant features. Development activities should not have an adverse effect on these archaeological resources. The outcome of the archeological investigations could impact the proposed subdivision layout. The applicant was provided with background information on the property and informed of the Planning Board's archeology directive through the staff memorandum provided at the Subdivision Review meeting.

The applicant submitted a Phase I archeology report that presents the results of a documentary investigation and field survey of both parcels of the developing property. This work was completed by the applicant's consultant, Applied Archaeology and History Associates, Inc. The background research consisted of the examination of sources including (but not limited to) chain of title, archeological site files, historic structures files, pertinent texts, historic period maps, and aerial photographs. Field investigations on the property included excavation of shovel test pits as well as an intensive pedestrian reconnaissance survey in the attempt to effort to identify evidence of foundations, burials, grave markers, vegetation commonly associated with cemeteries, as well as historic and prehistoric artifact scatters and refuse piles.

Field investigations identified two archeological sites. The Duvall North site (18PR714) is a 20th century domestic site located in the central portion of the northern parcel. Flat glass and shards of ironstone and porcelain represent this site. The Duvall South site (18PR713) is also identified as a 20th century domestic site and is located in the southern third of the southern parcel. This site was identified through shovel testing and is represented by artifacts including window glass, brick fragments, and sherds of whiteware, redware, and ironstone.

The archeological investigations of the property addressed staff's concerns regarding the potential for archeological resources on the subject site. Based upon the low density of recent cultural material, all of which is confined to the ground surface and the plowzone, the applicant's consultant determined that the identified sites did not warrant further investigation. Staff concurs with this conclusion.

Historic Preservation and Urban Design

The open field associated with the Ogle House on the east side of Croom Road will render proposed new construction on Lots 18, 19 and 20 visible for at least part of the year from Croom Road and the Ogle House property. The southern parcel of the proposed development, which includes an additional 10.91 acres and 11 proposed lots, will not be visible from the Ogle House, but these lots may be seasonally visible from the Bellefields Historic Site and from Duley Station Road. The applicant has submitted a *Viewshed Inventory Report* (June 18, 2004) for the Duvall Property. The report includes photographs of lots fronting both Croom Road and Duley Station Road.

The applicant's *Viewshed Inventory Report* (June 18, 2004) indicates that the subject property and much of its frontage on Croom Road and Duley Station Road is currently characterized by substantial woodland and that "the proposed house sites and associated grading for these sites will allow much of the woodland to remain in place." The report focuses on the wooded character of the developing property and identifies a 40-foot-wide Scenic Easement along the frontages of the two designated historic roads designed to "preserve the existing viewshed." The applicant indicates that much of the scenic easement is substantially wooded, but where vegetation is lacking..." supplemental planting using large caliper trees and natural planting techniques is proposed..." The applicant's report does not acknowledge that the wooded character of the subject property appears to be largely deciduous vegetation. As a result, for at least part of the year many of the proposed houses along Croom Road and Duley Station Road may be substantially visible. Therefore, the applicant should conduct balloon tests to indicate the height of the proposed structures on lots 1, 6, 7, 18, 19 and 20 of the northern parcel and on Lots 1, 2, 9 and 10 of the southern parcel.

13. **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.
14. **Flag Lots**—The applicant proposes three flag lots in the subdivision. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports the use of flag lots
 - a. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.
 - b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
 - c. In the R-R Zone, the flag lots are 40,000+ and 58,000+ square feet. The flag lot in the R-E Zone is 76,000+ square feet; therefore the net lot area for the proposed flag lots (exclusive of the flag stem) exceeds the minimum lot size in both the R-R and R-E Zones.
 - d. A building envelope must be established at the time of preliminary plan. The preliminary plan includes the building envelopes.

- e. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
- f. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This does not occur on the plan.
- g. Where front yards are oriented toward rear yards, a “C” bufferyard is required. In this case, two front yards are oriented toward rear yards; a “C” bufferyard can be accommodated on these lots.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

A. The design is clearly superior to what would have been achieved under conventional subdivision techniques.

Comment: The proposed flag lots in the R-R Zone yield a superior design to that which would be allowed conventionally. Originally, these lots were designed as conventional lots with direct access to Duley Station Road. However, concern was raised as to the number of access points onto this scenic and historic road. The use of flag stems allows these lots to access the internal road while presenting a house location similar to that which would be achieved conventionally. The use of flag lots reduces direct access to Duley Station Road with no negative impact on the design or function of the subdivision.

B. The transportation system will function safely and efficiently.

Comment: The flag lots in the R-R Zone enhance safety by eliminating direct access to Duley Station Road. In the R-E Zone, the one flag lot is at the end of the cul-de-sac and, because of this, will not negatively affect the internal circulation or road system.

C. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.

Comment: The flag lots will blend harmoniously with the rest of the development. As noted, the lots in the R-R Zone will function similarly to those that would be allowed conventionally. Only the access points have changed. This will eliminate negative impacts on adjacent development. In the R-E Zone, the flag lot will blend with the adjacent development as well. These are large lots, akin to lots found in the R-A Zone, which are not flags at all. On these large lots, the frontage is less an issue than the location of the home. The homes are set apart from each other by more than 150 feet. This will present a development pattern at harmony with the surrounding properties.

D. The privacy of property owners has been assured in accordance with the evaluation criteria.

Comment: Because these flag lots are large (all over 40,000 square feet, and because the house locations are the same as could be achieved conventionally, no impact on privacy is expected.

Given these findings, staff recommends approval of the use of flag lots in this subdivision.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The FSD shall be revised as follows:
 - (1) Slopes of 15 to 25 percent on highly erodible soils should be correctly labeled in the legend.
 - (2) Add a note to the specimen tree table stating how the trees were located.
 - (3) Have the FSD signed and dated by the qualified professional who prepared it.
 - b. The TCPI shall be revised as follows:
 - (1) Provide a complete delineation of the Patuxent River Primary Management Area (PMA) with all the component parts shown.
 - (2) Confirm the correct quantity of existing trees on the subject property.
 - (3) Revise the TCPI to maximize the amount of on-site woodland conservation in all priority areas and within the correctly delineated PMA, and specifically on Lot 20.
 - (4) Revise the woodland conservation worksheet as necessary to reflect required revisions and additional on-site woodland conservation.
 - (5) Show a limit of disturbance on the plans.
 - (6) Include all graphics used on the plan in the legend and provide appropriate labels.
 - (7) Have the revised TCPI signed and dated by the qualified professional who prepared it.
 - c. The preliminary plan shall be revised as follows:
 - (1) To accurately delineate the full extent of the PMA, including the 50-foot-wide stream buffer on Lots 17 and 20, and severe and steep slopes on highly erodible soils on Lots 13 through 20.
 - (2) To eliminate all proposed impacts to the PMA on Lot 17.
 - (3) Correct Note 9 to read:

“Croom Road and Duley Station Road have been designated historic roads by the District Council. Croom Road is a designated state scenic byway.”

- e. A Stormwater Management Concept Plan shall be approved and a copy shall be submitted to the Development Review Division.
2. 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/52/04), 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 time of final plat, the area that includes the delineated Patuxent Primary Management Area, except for approved impacts, shall be described by bearings and distances and shall be placed in a conservation easement and reviewed by the Environmental Planning Section. 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."
4. At time of final plat, a 100-foot-wide building restriction line adjacent to Croom Road and Duley Station Road shall be delineated to enhance the rural character of the roadway viewshed
5. At time of final plat, a 40-foot-wide scenic easement shall be established behind the public utility easement adjacent to Croom Road and Duley Station Road, and a note shall be placed on the final plat as follows:

“Croom Road (MD 383) and Duley Station Road are county-designated historic roads and Croom Road is a state-designated scenic byway. 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.”
6. Roadway improvements on Duley Station Road 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 preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine necessary roadway improvements and proposed clearing what these are prior to Detailed Site Plan and/or Paving and Stormdrain Plan submittal, whichever comes first.
7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication for all lots less than one acre in size.
9. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 382 and along Duley Station Road of 40 feet from centerline, as shown on the submitted plan.

10. **US 301 and Old Indian Head Road/Rosaryville Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Retime the existing traffic signal to provide split-phase operations.
 - b. Modify the lane use on the eastbound Rosaryville Road approach to provide an exclusive left-turn lane and a shared right-turn/through/left-turn lane.
11. The driveway to Lot 19 of the north tract shall be designed with a turnaround capability in order to minimize the need for vehicles accessing this lot to have to back onto either MD 382 or Duley Station Road. The design of the driveways to each shall be verified at the time of building permit.
12. At the time of building permit, staff shall verify that the following lots receive driveway access onto internal streets, with no driveway access onto Duley Station Road:
 - a. In the north tract, Lots 1, 6, 7, and 18.
 - b. In the south tract, Lots 1, 2, 9, and 10.
13. On all future submittals including the Final Plat of Subdivision, the applicant shall identify the location of any historic sites, historic resources and designated historic or scenic roads adjacent to the subject property.
14. Prior to the issuance of building permits, a limited detailed site plan shall be approved by the Planning Board or its designee for Lots 1, 6, 7, 18 and 19 on the north site and Lots 1, 2, 9 and 10 on the south site to ensure that the landscaping of the properties, as well as the massing, scale, roof slope and material and general architectural detailing of the houses, is compatible with the character of the adjacent designated roadways and the adjacent historic properties.
15. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements and upon state approval, along Croom Road, a designated Class III Bikeway. If the state declines the sign, this condition shall be void.
16. A Type II Tree Conservation Plan should be approved prior to permits.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCP I/52/04, WITH MODIFICATIONS