

R E S O L U T I O N

WHEREAS, Kay E. and Lynn G. McKee are the owners of a 121.14-acre parcel of land known as Parcel 2, Tax Map147, Grid C-1, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on July 13, 2004, K-B McKee Development, L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 22 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04115 for McKee Property 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 January 6, 2005, 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 January 6, 2005, 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/67/04), and further APPROVED Preliminary Plan of Subdivision 4-04115, McKee Property for Lots 1-22 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To label the required 300-foot lot width on all of the lots.
 - b. Remove dwelling units.
 - c. Revise the varying lot size table to accurately reflect the preliminary plan,
 - d. Provide an existing structures note.
 - e. Provide the approval date of the stormwater management concept plan.
 - f. Label area of dedication along all public rights-of-way as shown on the preliminary plan of subdivision.

- g. Clarify that the area of land at the intersection of Molly Berry Road and North Keys Road is part of Lot 16.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan #24363-2004-00 and any subsequent revisions.
4. Prior to approval of the final plat the applicant shall submit a Phase IB archeological investigation, as determined appropriate by Planning Department staff, and a Phase II and Phase III investigation. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to 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.
5. The applicant, his heirs, successors and/or assignees shall provide a fee to Prince George's County that shall serve as a fair-share contribution toward the construction of the Croom-Naylor Station and acquisition of an ambulance and paramedic unit. The fee shall be paid prior to the issuance of the each building permit. The fee amount is \$1,300 per lot.
6. The final plat shall include the following along Martin Road:
 - a. A 40-foot scenic/historic road easement outside the 10-foot public utility easement.
 - b. Denial of access from any lot with frontage.
 - c. A 100-foot require building setback.
7. The applicant shall dedicate a right-of-way along Martin Road, Molly Berry Road, and North Keys Road at the time of final plat as shown on the preliminary plan of subdivision.
8. The Adopted and Approved Subregion VI Master Plan recommends that North Keys Road, Molly Berry Road, and Martin Road be designated as Class III bikeways with appropriate signage. Because North Keys Road, Molly Berry Road, and Martin Road are county rights-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$630 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to safely accommodate bicycle traffic.
9. Prior to signature approval of the TCPI the plan shall be revised as follows:
 - a. The graphic symbol used on the TCPI to identify the 100-year floodplain shall match the

graphic symbol used in the legend.

- b. The label in the legend should be corrected to read “100-year floodplain” instead of “floodplain.”
 - c. A note should be added to the TCPI indicating the source of the floodplain delineation and approval number.
 - d. A lot-by-lot woodland conservation table shall be added to the plan.
 - e. The revised plan shall be signed and dated by the qualified professional who prepared it.
10. At time of TCPII, the plan shall address the following:
 - a. Previously logged areas of the site shall be reviewed to determine what best management practices should be applied to make the areas appropriate for woodland conservation on lots.
 - b. Permanent tree protection devices shall be provided for afforestation proposed on lots.
11. 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/67/03), 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.”
12. 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 and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
13. Prior to signature approval of the preliminary plan, an Inventory of Significant Visual Features for the right-of-way and site view shed adjacent to Molly Berry Road and North Keys Road shall be submitted.
14. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised as follows:

- a. Delineate a 40-foot-wide scenic easement adjacent to Martin Road on Lot 10.
 - b. Remove the label “average 40 foot-wide scenic easement.”
 - c. Show the location of the primary and secondary septic systems outside of the 40-foot-wide scenic easement.
 - d. Have the plans signed and dated by the qualified professional who prepared them.
15. At time of final plat, a 40-foot-wide scenic easement shall be established behind the public utility easement adjacent to North Keys, Molly Berry, and Martin Roads and a note shall be placed on the final plat as follows:
- “North Keys and Molly Berry Road are county designated Historic Roads. The scenic easement described on this plat is an area where 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.”
16. Roadway improvements on Molly Berry Road and North Keys Road shall be 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 what road improvements are required prior to detailed site plan and/or paving and stormdrain plan submittal, whichever comes first.
17. At time of final plat, a building restriction line shall be delineated adjacent to the North Keys, Molly Berry, and Martin Roads right-of-way and the following note shall be placed on the plat:
- “The 100-foot-deep building restriction lines delineated on this plan are placed to protect the scenic and rural character of the Rural Tier and are areas where the installation of structures 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.”
18. 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.
19. The final plat shall demonstrate dedication along Martin Road, Molly Berry Road and North Keys Roads consistent with the approved preliminary plan of subdivision.

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 Martin Road and on the south side of the intersection of North Keys Road and Molly Berry Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Vacant	Residential
Acreage	121.14	121.14
Lots	0	22
Parcels	1	0
Dwelling Units:		
Detached	0	22

4. **Environmental**—A stream system with nontidal wetlands and 100-year floodplain is found along the northwest boundary of the site, connecting with a stream system to the east. The site is partially wooded and was subject to recent logging. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “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 lot. Adverse noise impacts from transportation sources are not anticipated. The property is located in the Spice Creek watershed and the Patuxent River basin.

A detailed forest stand delineation (FSD) was submitted with this application that fulfills all requirements. An addendum was also submitted to address the area of clear-cut tree harvesting on the site. The description submitted indicates that the area is regenerating satisfactorily enough to be credited as woodland preservation. Any additional management requirements in logged areas of the site will be addressed as notes on the Type I tree conservation plan and will be evaluated further at the time of Type II tree conservation plan preparation, based on the condition of the regeneration and the location of the final woodland conservation areas.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it is greater than 40,000 square feet in gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I tree conservation plan (TCPI/67/04) was submitted concurrently with the preliminary plan application.

The minimum requirement for this site according to the submitted plan is 55.55 acres of woodland conservation, plus additional woodland replacement acreage due to removal of 30.43

acres of woodland, for a total minimum requirement of 63.15 acres.

The TCPI proposes to meet the woodland conservation requirement with 62.66 acres of on-site preservation and 1.52 acres of on-site afforestation, for a total of 64.18 acres of woodland conservation. Preserved woodlands have been proposed in the Patuxent River Primary Management Area (PMA) that is the priority location for woodland retention on this site. The TCPI shows the conceptual location of houses and conceptual grading that supports the TCPI. A 100-year floodplain study has been submitted that confirms the area of the 100-year floodplain. The delineation of the 100-year floodplain is correct, but the graphic symbol used on the TCPI does not match the graphic symbol used in the legend; the label in the legend should be corrected to read "100-year floodplain" instead of "floodplain"; and a note should be added to the TCPI indicating the source of the floodplain delineation and approval number.

Afforestation is proposed on Lot 17. Afforestation on private lots requires the installation of a permanent tree protection device, such as a split-rail fence or equivalent. This shall be addressed during the preparation of the TCPII. Logging has occurred on the site, and some of the woods proposed for preservation are regenerating woodlands. These areas are indicated by shading on the plan, and a note indicates that these will be areas of special concern in the preparation of the TCPII.

The TCPI does not include a lot-by-lot woodland conservation table, nor has it been signed and dated by the qualified profession who prepared it. The lot-by-lot table is needed because in the O-S Zone individual lots are typically developed on a lot-by-lot, custom basis. A table of woodland conservation on a lot-by-lot basis is necessary at time of TCPI review and approval to define the existing woodlands, proposed clearing, and woodland conservation provided on each lot.

Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/67/04) approved as part of this application.

The preliminary plan includes the location of significant environmental features that occur on this site, including streams and a minimum 50-foot-wide stream buffer. In combination, these environmental features, along with adjacent nontidal wetlands, wetland buffers, and 100-year floodplain, severe slopes, and steep slopes on highly erodible soils compose the Patuxent River Primary Management Area in accordance with Section 24-130 of the Subdivision Ordinance. The delineation of the PMA has been confirmed by the submittal of an approved 100-year floodplain study.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. The preliminary plan and TCPI do not show any proposed impacts to the PMA. However, these areas should be protected by a conservation easement that should be described on the final plat of subdivision.

The site contains soil series that have limitations that may affect the development of this property such as high water tables, impeded drainage, slope, slow permeability, and stability. Although these limitations may affect the construction phase of this development, there are no apparent limitations that would affect the site design or layout of the site if the expanded stream buffer

were preserved. During the review of building permits the Department of Environmental Resources may require a soils study addressing the limitations of these soils with respect to the construction of homes.

North Keys Road and Molly Berry Road are designated historic roads in the *Historic Sites and District Plan*. The functional classification for these roads is a collector. An inventory of significant visual features for the right-of-way should be provided as a baseline for the review of the scenic/historic road viewshed. This information should be included on the FSD for the site. The significant visual/landscape features of this site, identified by the visual inventory, are then taken into consideration in the design of roadway and right-of-way improvements. No inventory of significant visual features was submitted for this site.

A minimum 40-foot-wide scenic easement, set behind the public utility easement, is recommended along the frontage of historic roads as proposed. Within the scenic easement the preservation of existing trees or planting of a landscape buffer equivalent to the D bufferyard is recommended. The plan delineates a 40-foot-wide scenic easement in all areas except on Lot 10, where a reduced-width scenic easement is proposed for the location of a septic system. This is acceptable if the location of the primary system is outside of the 40 foot-wide scenic easement. On Lot 10, a 40-foot-wide scenic easement should be labeled and the term "40-foot-wide average scenic easement" removed from the plan. The primary and recovery areas should be located outside of the scenic easement.

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

To retain the rural character of the viewshed along Martin Road, a 100-foot-wide building restriction line has been shown along the Martin Road right-of-way.

A stormwater management concept approval letter (24363-2004-00) has been submitted. Water quality requirements for this site will be met through the use of open section roadways with grass swales, rooftop disconnects, and environmentally sensitive design credits.

Water and Sewer Categories

The water and sewer service categories are W-6 and S-6 according to water and sewer maps dated

June 2003 obtained from the Department of Environmental Resources. The subdivision is to be served by private systems.

5. **Community Planning**—The subject property is located within the limits of the Subregion VI master plan, Planning Area 86A in the Marlton Community, and the 2002 General Plan locates the property in the Rural Tier.

The Subregion VI Study Area master plan discusses the proposed type of large-lot residential development where a key planning objective is to preserve the rural character of this part of the county. The plan points out that “conventional low-density O-S Zone development continues to erode the rural landscape” (plan, page 77). Rural community character will ultimately be subsumed into a suburban, albeit low-density, development pattern when the area is fully built-out under existing five-acre residential zoning. Therefore, the plan contains guidelines to further the objective of preserving the rural character in this area. On pages 80-82, the plan provides the following pertinent guidelines:

- “2) The retention of woodlands for recreation and conservation should be encouraged. Any vacant, undeveloped land not wooded should be adequately stabilized by vegetative coverage.
- “3) Large-scale clearing and grading of land should be carefully controlled to prevent the unnecessary destruction of woodlands.
- “4) Every effort should be made in order to preserve scenic roads during road improvements.
- “5) The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- “6) Land developers should be encouraged to capitalize on natural assets by the retention and protection of trees, streams, and other ecological features. All development should be sensitive to the topography and should minimize the damage to natural vegetation cover....
- “7) Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.
- “9) The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the county and the gravel streets will be in concert with the rural landscape. Streets should follow the natural contours to the extent possible, and homes should be sited as close to existing grade as possible.

- “10) Homes should be sufficiently set back from roads in order to preserve scenic view sheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
- “11) A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions.”

This preliminary subdivision proposal is designed according to the varying lot size (VLS) regulations in the Zoning Ordinance (Subtitle 27), resulting in a number of lots smaller than the conventional five-acre lot size in the O-S Zone and as discussed in Finding 12 of this report. One of the smaller lots and the clearing for the required septic field is located on the southwest periphery of the site along Martin Road. The plan proposes significant woodland preservation/ reforestation measures along the right-of-way to comply with the rural living area guidelines cited above.

Staff has recommended that a 40-foot scenic historic road easement be provided outside the 10-foot public utility easement along Martin Road and also recommended a 100-foot building setback from Martin Road to assist in the preservation of the rural character. The preliminary plan originally demonstrated direct access from Lot 33 onto Martin Road. Staff requested that the plan be revised so that access to the lots is only via internal public roads. The plan was revised to relocate the access to Lot 33 from the internal road.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the proposed subdivision is exempt from the requirements of the mandatory dedication of parkland because all of the lots proposed exceed one acre in size.
7. **Trails**—Four master plan trail/bikeway issues are identified in the adopted and approved Subregion VI master plan that impact the subject site. Martin Road, North Keys Road, and Molly Berry Road are designated as Class III bikeways. This can be addressed with the provision of bikeway signage and, if frontage improvements are required, paved asphalt shoulders.

The master plan also recommends a trail within the PEPCO right-of-way. However, due to liability concerns no trail is recommended within this right-of-way. There are no other equestrian trail issues identified on the subject site in the master plan.

Due to the rural nature of the community, roads in the vicinity of the subject site are open section with no sidewalks. No recommendations regarding sidewalk facilities are made for the subject application.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 22 lots. The proposed development would generate 17 AM (4 in, 13 out) and 20 PM (13 in, 7 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Croom Road (MD 382) and Candy Hill Road. The intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better;

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The critical intersection, when analyzed with existing, background and site-generated trips as developed using the guidelines, was found to be operating with a delay of less than 20 seconds/car during the AM peak hour and 25 seconds/car during the PM peak hour. Both projected delays are well within the acceptable policy service level required.

Adequate access roads will exist as required by 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 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	22 sfd	22 sfd	22 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.28	1.32	2.64
Actual Enrollment	4395	5307	10580
Completion Enrollment	317.28	189.24	378.24
Cumulative Enrollment	0	0	0
Total Enrollment	4717.56	5497.56	10960.88
State Rated Capacity	5384	4688	8770
Percent Capacity	87.62%	117.27%	124.98%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that 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 fire and rescue facilities and concluded the following:
 - a. The existing fire engine service Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 8.05 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at

14201 Brandywine Road, has a service travel time of 8.05 minutes, which is beyond the 6.25-minute travel time guideline.

- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 8.05 minutes, which is beyond the 7.25-minute travel time guideline.

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.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities that provide ambulance service and paramedic service. This finding is based on using the existing road system and existing stations.

The staff of the Historic Preservation and Public Facilities Planning Section found that the planned Croom-Naylor emergency services facility will be the first due station that will provide ambulance and paramedic service to this development. The cost of the emergency services facility is \$1,535,000. In order to mitigate the ambulance and paramedic response time deficiencies, the applicant should participate in providing a fair-share contribution toward the construction of the Croom-Naylor emergency services facility.

The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$130,000), and paramedic service (\$130,000), divided by the total amount of residential and employment population within the entire service area in 2006 (3,541). The service area includes those areas that will be served by the planned facility. The fair share fee is \$1,300 per dwelling unit for this development.

2006 service area population/workers = 3,541

Station Cost $1,535,000 / 3541 = \$433$ per person x 3.0 (household size) = \$1,300 per dwelling unit
 $\$1,300 \times 22$ dwelling units = \$28,578 for ambulance and medic

- 11. **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 an additional 57 sworn personnel. This police facility will adequately serve the population generated by the

proposed subdivision

12. **Health Department**—The property is located in water and sewer service category 6, which requires that the development be served by private water and sewer service. Percolation tests have been approved on all of the lots as of December 27, 2004.

Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to ensure that adequate water and sewer facilities are available to serve the residents of the community.

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, #24363-2004-00, has been approved. 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. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 22 lots for the construction of single-family dwellings. Section 27-442(b) (Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the O-S Zone as follows:

- a. **The minimum lot size for 60% of the lots is 5 acres;**

Comment: Of the 22 lots proposed, 14 must meet or exceed five acres. The applicant has proposed 15 five-acre lots, or 68 percent.

- b. **One (1) two acre lot is permitted for each 50 acres of tract area;**

Comment: The site is 121.44 acres; two 2-acre lots are permitted, one 2.12-acre lot is proposed.

- c. **All remaining lots must be a minimum of 3 acres;**

Comment: The remaining 5 lots are three acres or greater.

- d. **All lots created shall be restricted to single-family dwellings or agricultural uses; and**

Comment: The lots are proposed for the construction of single-family dwelling units.

e. No portion of the subdivided tract shall be resubdivided unless under certain circumstance.

Comment: A new preliminary plan of subdivision would be required to divide the property further, ensuring conformance to this condition.

The applicant was made aware in July, when the preliminary plan was submitted, that staff would not support lots of less than five acres along any existing public street in the Rural Tier. When utilizing varying lot sizes, as provided for in the Zoning Ordinance, an applicant can propose lots of less than five acres, as discussed further in Finding 12 of this report. While there are no specific findings required when utilizing varying lot sizes, staff believes that in the Rural Tier five-acre lots should be required along all existing public streets, and that this should be established as an expectation by the Planning Board for preliminary plans of subdivision submitted in the Rural Tier when utilizing varying lot sizes. Staff has consistently recommended this standard. Applicants, however, consistently advise staff that there is no requirement for this and therefore they do not need to reflect this recommendation. At the Planning Board hearing of December 16, 2004, the Planning Board reviewed this issue and established an expectation that lots along exterior roadways in the Rural Tier, when utilizing lot size averaging, provide five-acre lots along the exterior street when the landscape is agricultural in nature. In the subject case, an extensive amount of woodland exists along Martin Road buffering views of this subdivision and removing the need for five-acre lots along Martin Road.

The preliminary plan proposes five lots that have frontage on Martin Road. Originally two of the five lots were less than five acres. At the request of staff, the applicant revised the plan to increase one of the lots to five acres but Lot 1 remains less than five acres. The preliminary plan presented to the Planning Board on December 16, 2004, proposed Lot 1 at three acres. Lot 1 is located in the southwest corner of the site with frontage on Martin Road and the proposed internal public street. Subsequent to the continuance to the Planning Board hearing of January 6, 2005, the applicant has revised the preliminary plan and increased the area of Lot 1 to 3.51 acres. This increase addresses staff's concerns and is consistent with the recommendations of the Planning Board.

15. **Historic**—The Planning Board has determined 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 Hill family is documented to have been living in the area pre-Civil War and to be slave owners, based on the 1850 slave census. It is possible the site was actively farmed and it is also possible that there were slave dwellings and slave burials on this property.

Staff requested of the applicant a Phase I archeological investigation. The applicant submitted a Phase IA report that is the evaluation of documentary evidence for the property. Not included was a Phase IB report that documents a field investigation. The applicant should submit a Phase IB archeological

investigation if determined appropriate by Planning Department staff and a Phase II and Phase III investigation. The final plat should, if necessary, provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any 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.

* * * * *

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 and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27 day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk