



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-04145

Application	General Data
<b>Project Name:</b> <b>STRATFORD, SECTION 1</b>  <b>Location:</b> East side of Marlboro Pike, approximately 2,000 feet south of its intersection with Old Crain Highway.  <b>Applicant/Address:</b> K-B Stratford Section 1 Development, LLC. 2139 Blue Knob Terrace Silver Spring, MD. 20906	Date Accepted: 08/26/04
	Planning Board Action Limit: 02/02/05
	Plan Acreage: 128.87
	Zone: O-S
	Lots: 24
	Parcels: 6
	Planning Area: 79
	Tier: Rural
	Council District: 06
	Municipality: N/A
200-Scale Base Map: 206/7SE14	

Purpose of Application	Notice Dates
<b>The Planning Board denied this application for a residential subdivision on January 27, 2005. The Planning Board approved a reconsideration of this action on March 31, 2005.</b>	Adjoining Property Owners Previous Parties of Record Registered Associations: 07/15/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 08/08/05 10/27/05

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 4-04145  
Stratford, Section 1, Lots 1-23 and Outlots A-F

OVERVIEW

The property consists of approximately 128.87 acres of land in the O-S Zone. It is an assemblage of five parcels (P. 62, 159, 180, 190 & 191), one outlot (Outlot A) and one previously recorded lot (Lot 5, Hilltop Way Estates, NLP 149@25). The applicant proposes to subdivide the property into 24 lots for single-family homes using the varying lot size technique allowed by Section 27-442(b) of the Zoning Ordinance. In addition, six narrow slivers of land that are proposed to be created are designated as Outlots A-F. Lot sizes range from two acres to over ten acres. Access is provided from an internal street connection to Marlboro Pike (MD 175); no lots will have direct access to Marlboro Pike. Several of the lots have frontage on a second internal street, while eight others are proposed along three 32-foot-wide private ingress/egress easements pursuant to Section 24-128(b)(1) of the Subdivision Regulations. Private wells and septic systems are proposed. The southeast corner of the site (approximately 2.7 acres) is within the Chesapeake Bay Critical Area and has an approved Chesapeake Bay Critical Area Plan from 1989 (Hilltop Way Estates, Lot 5).

There are several deviations from the property as it appears on the tax map. A five-acre portion in the middle of the site is shown to be a prior family conveyance (it was not, but rather was an illegal subdivision) not part of the application. In addition, there are two areas shown as "Boundary Line Adjustment Parcels," which adjust the boundary line between the subject property and parcels to the south owned by James M. and Evelyn W. Rea, Sr., *et al.* The applicant has attempted to bring the illegal lot into this application, but has been rebuffed in no uncertain terms by the property owner on several occasions. The applicant has provided deeds for the transaction between themselves and the Reas.

The Planning Board denied this application on January 24, 2005, due to unresolved environmental issues and the lack of deed information explaining deviations in the property boundary. On March 31, 2005, the Planning Board approved a reconsideration of this action.

SETTING

The property is located on the east side of Marlboro Pike, approximately 2,000 feet south of its intersection with Old Crain Highway. The site is primarily wooded, but does contain a single-family residence and numerous outbuildings and cultivated fields. A stream, tributaries of which intrude into the center of the site, impacts the northern section of the property. To the north and northeast are several large agricultural parcels in the O-S Zone, one of which (Parcel 45) is the subject of an approved Preliminary Plan (Stratford Section II, 4-04050). To the east, south and west is undeveloped farmland in the O-S Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	O-S	O-S
Uses	Single-family home, Agriculture	Single-family homes
Acreage	128.87	128.87
Lots	1	24
Parcels	5	6
Detached Dwelling Units	1	24

2. **Environmental**—There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately half wooded and contains agricultural fields on the other half. The soils found on this property include Sandy land and Westphalia. Westphalia soils have limitations with respect to erodibility on steep slopes. Marlboro clays are found to occur in the vicinity of 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, ten endangered species are found to occur in the vicinity. The portion of Old Crain Highway that fronts on the subject property is a designated historic road. The property is located in the Patuxent River watershed. The property is located in the Rural Tier as reflected in the adopted General Plan and is within the designated Patuxent Rural Legacy Area. A portion of the property is located in the Chesapeake Bay Critical Area.

**Woodland Conservation**

A detailed forest stand delineation (FSD) plan and text were submitted with the original application. A revised FSD plan and text were submitted with the December 16, 2004, package. An FSD plan was submitted with the June 29, 2005, package, which was signed by Chris Athanas on April 13, 2005. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/78/04) was submitted with the preliminary plan application.

The revised tree conservation plan (TCPI/78/04) has been reviewed. The woodland conservation threshold for this site is 60.47 acres (50 percent of the net tract), based on the acreage presented by the applicant. The amount of woodland conservation required on the amount of clearing currently proposed is 66.35 acres.

The TCPI has proposed to meet the requirement with 63.80 acres of on-site preservation and 5.52 acres of on-site reforestation, which meets the requirements of the Woodland Conservation Ordinance. The woodland preservation and reforestation has been proposed in the highest priority areas of the site.

Afforestation totaling 5.52 acres is proposed in order to fulfill woodland conservation requirements on this site. All afforestation areas must be set back 40 feet from the rear and 20 feet minimum from the sides of any existing or proposed structures and be protected by permanent tree protection devices, as determined during the preparation of the TCPII.

In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for the sites; and all afforestation must be placed in conservation easements.

The area of the Chesapeake Bay Critical Area has been delineated on the plan. The area of property that is in the Chesapeake Bay Critical Area is not subject to the woodland conservation ordinance and has a separate conservation plan approval if disturbance is proposed. The area of the conservation plan has been deducted from the net tract area for the determination of the woodland conservation requirement, but a note needs to be placed on the plan stating that this area is subject to a Chesapeake Bay Critical Area conservation plan. All afforestation areas must be set back 40 feet from the rear and 20 feet minimum from the sides of any existing or proposed structures.

### **Marlboro Clay**

This property is located in an area with extensive amounts of Marlboro clay that is known as an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on information available, the Environmental Planning Section projects that the top elevation of the Marlboro clay occurs at an elevation of between 50 and 65 feet and the safety evaluation zone between the elevations of 65 and 75 feet. Identification of the location of Marlboro clay at this time is necessary so that areas of unsafe lands can be determined.

A geotechnical engineering report prepared by Geotech Engineers, Inc., and dated December 9, 2004, was submitted on December 14, 2004. The geotechnical study was found to be insufficient, since the report states that there is no Marlboro clay located on the site, although there are indications within the boring log data that Marlboro clay was present, but was incorrectly identified.

A revised geotechnical report prepared in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation and depth of the Marlboro clay is required to determine whether unsafe lands occur on the subject property. Submittal of boring samples is necessary to support a claim that no Marlboro clay is located on the site. Of specific concern are borings in the area of Lots 14, 16, 17 and 18. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor. The 1.5 safety factor line shall then be shown on the preliminary plan and the TCPI, and where applicable it should be included in the primary management area to protect "unsafe lands" from development. No structures or septic fields can be placed within the 1.5 safety factor line.

Addendum No. 1, Slope Stability Study, a geotechnical engineering report prepared by Geotech Engineers, Inc., and dated June 17, 2005, was submitted with the current revision package. The study contains analyses of additional portions of the site. Three of the five new analyses detected unsafe slope areas [#5, #6 and #7]. A detailed examination of the report suggests that the analysis for profile #4A may be in error because it shows the layers sloping in the wrong direction; however, the error results in lower estimates of lower slope stability than are present and still results in a safe slope.

Observations from a field visit on August 3, 2005, suggest that additional analyses are required. The proposed house on Lot 15 is located on a knoll with the potential for slope failure along its eastern boundary. No slope stability analysis has been done for this area. There is an old failure area along the west side of the ravine on Lots 14 and 15. A 1.5 safety factor line must be

delineated along this ravine. Although it may not affect the house locations and septic areas shown on the plans, these areas must be shown so that the subdivision conforms to Section 24-231 of the Subdivision Regulations.

The existing structures shown within the family conveyance may be located within the safety evaluation area for Marlboro clay. Constraints cannot be placed on the family conveyance parcel due to unsafe lands if it is documented that it is not part of the subdivision. In that case, care must be taken that the subdivision proposed does not exacerbate any unsafe conditions that might exist. The preliminary plans shows the proposed location of a stormdrain outfall into a tributary on the family conveyance parcel that could cause erosion of the streambed and surface drainage easement that might have the same effect. The resulting impacts could affect the safety of existing structures.

**Rare, Threatened and Endangered Species**

The Wildlife and Heritage Service, Maryland Department of Natural Resources, identified ten endangered species in the vicinity of this property. The species identified are as follows:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Percina notogramma</i>	Stripeback Darter	Endangered
<i>Chelone oblique</i>	Red Turtlehead	Threatened
<i>Mysotis macrosperma</i>	Large-seeded Forget-me-not	Rare
<i>Phacelia covillei</i>	Coville’s Phacelia	Endangered
<i>Aristida curtissii</i>	Curtis’ Three-awn	Uncertain
<i>Aristida lanosa</i>	Woolly Three-awn	Endangered
<i>Desmodium strictum</i>	Stiff Tick-trefoil	Endangered
<i>Platanthera flava</i>	Pale Green Orchid	Rare
<i>Desmodium pauciflorum</i>	Few-Flowered Tickfoil	Endangered
<i>Ilex decidua</i>	Deciduous Holly	Rare

A rare, threatened and endangered species investigation was performed by Chris Athanas, Ph.D., and the results were submitted to EPS in the form of a report. The site was investigated for appropriate habitat. Habitats for some of the plant species listed by the Maryland Wildlife and Heritage Service were not present on the Stratford I site, or were located deep within the PMA and were not likely to be impacted. Potential habitat for two species, few-flowered tick-trefoil and Coville’s phacelia, was identified and a search for the two species was conducted; however, the two species were not identified on the site.

**Wetlands, Streams and Floodplain**

The site contains significant natural features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance. Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, slopes from 15 percent to 25 percent on highly erodible soils, and identified FIDS habitat compose the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance.

The Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for the installation of public roads and utilities, if they are designed to preserve the PMA to the fullest extent possible. The roads and utilities proposed do not appear to impact the PMA. Staff generally does not recommend approval

of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts. It appears that the location of structures and septic systems has been revised to eliminate impacts to the PMA.

### **Soils**

Soils in the Sandy land and Westphalia series are found to occur on the subject property. Westphalia soils have limitations that could affect the development of this property including high erodibility. The location of highly erodible soils with regard to the presence of Marlboro clay should be addressed in the required geotechnical report.

### **Historic Roads**

Old Crain Highway was identified as a designated historic road in the *Historic Sites and District Plan*. The functional classification for Old Crain Highway is as a local collector. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation.

On this site, the frontage on Old Crain Highway is a narrow neck, which is totally dedicated in right-of-way for construction for a public road. The closest proposed dwelling on Lot 23 is located 1,000 feet from the Old Crain Highway right-of-way.

### **Water and Sewer Categories**

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

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

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

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.
5. **Trails**—There are no master plan trails issues identified in the 1994 Subregion VI master plan.
6. **Transportation**—The subject property is located within the Rural Tier as defined in the *Prince George's County Approved General Plan*. Ordinarily, the subject property would be 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.

However, this application, like its predecessor (Stratford II, 4-04050), presents a unique situation compared to several other subdivisions recently decided by the Planning Board on the east side of US 301. In the Stratford II decision, the Planning Board found that the critical intersection being considered in that application (US 301/Village Drive) is completely surrounded by the Developing Tier, with all four approaches fully within that designation. Given this unique relationship created between the subject property in the Rural Tier and the critical intersection wholly encompassed by the Developing Tier, the Board found it would be appropriate in that case to consider the applicant’s burden to be bringing the roadway to a LOS D by allowing the applicant to participate in the developer funding portion of the CIP improvements for additional lanes on US 301 and the intersection improvements at US 301/Village Drive. The same situation exists for this property and the critical intersection of US 301/MD 725.

The proposed 23-lot, single-family development would generate 17 AM (3 in, 14 out) and 21 PM (14 in, 7 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Based on previous development patterns in the immediate vicinity of the subject property, staff is assigning a trip distribution of 40 percent of the site-generated traffic to the north on Old Crain Highway and 40 percent of the site-generated traffic to the south on Old Crain Highway. The trips generated by the proposed development will impact the following critical intersections:

- MD 725—US 301
- MD 725—Old Crain Highway

Based on recent traffic data, the following levels-of-service (LOS) were computed at the critical intersections:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/30.2 sec.	C/19.9 sec.
MD 725/US 301	E/1510	E/1519
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E,” which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

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

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/30.2 sec.	C/19.9 sec.
MD 725/US 301	C/1240	C/1295
<p>** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.</p>		

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the proposed development of a 23 lot, single-family development would generate 17 AM (3 in, 14 out) and 21 PM (14 in, 7 out) peak-hour vehicle trips. Applying a growth rate of three percent per year for through traffic along US 301, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 725/Old Crain Highway **	D/32.2 sec.	C/21.7 sec.
MD 725/US 301	C/1244	C/1296
<p>** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines..</p> <p><b>The analyses under "Total" and "Background" condition assumed improvements from the CIP and the approved Beech Tree subdivision</b></p>		

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

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

#### TRANSPORTATION STAFF CONCLUSIONS

The Transportation and Public Facilities Planning Division concludes that adequate transportation facilities would exist to serve the proposed subdivision as required by Section 24-124 of the



Prince George’s County Code if the application is approved with conditions requiring the applicant to pay a pro-rata share toward improvements to US 301 and the intersection of US 301/MD 725.

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	23 sfd	23 sfd	23 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.52	1.38	2.76
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	206.64	131.88	264.24
Total Enrollment	5,898	5,481.88	10,763.97
State-Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.55	116.93	122.74

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

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

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for the adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Marlboro, Company 20, using the “Seven Minute Travel Times and Fire Station Locations Map” provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 685 (98.99 percent), which is within the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 08/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-08/05/05	11.00	24.00
Cycle 1	01/05/05-09/05/05	11.00	24.00
Cycle 2	01/05/05-10/05/05	11.00	24.00
Cycle 3			

The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-04145 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which exceeds the standard of 1,278 officers, or 105 percent.

10. **Health Department**—The Health Department has reviewed the perk tests for the property and has submitted a referral dated January 11, 2005, with specific comments for nearly all of the proposed lots. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.
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, # 34520-2004-00, 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.
12. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
13. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.

14. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones is permitted by right and does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the O-S Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 50 acres in size. In this case, the total tract area is 128.87 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: five acres in the O-S Zone. This requirement has been met with the submitted preliminary plan: 15 of the 23 lots (or 65 percent) are a minimum of five acres on this subdivision.

The Zoning Ordinance allows one 2-acre lot for every 50 acres of land in the tract. With 128.87 acres of land in the O-S Zone, a maximum of two 2-acre lots is permitted, two are shown. The remaining six lots are required to be at least three acres in area, which they are. This arrangement meets the minimum standards set forth in Section 27-442(b)(Table I) of the Zoning Ordinance for the use of varying lot sizes. If lots are lost due to failing perk tests (or for any other reason) the relationships among the various lot sizes required by the Zoning Ordinance must be maintained.

15. **Historic Preservation**—The subject property is located on the northwestern property line and Environmental Setting of Compton Bassett, Dependencies and Cemetery (Historic Site 79-063-10) also listed in the National Register of Historic Places. Compton Bassett is one of the finest of Prince George’s County late-18<sup>th</sup> century Georgian plantation houses. It displays the distinctive elements that characterize the popular style of that period, such as its symmetrical balance, hip roof, central pedimented pavilion front facade, palladian windows and dentiled cornice. Much of the fine detailing found on the exterior is repeated in the interior. Built by the Hill family circa 1783, this fine Georgian house reflects the prosperity of the tobacco growing plantation system on which Prince George’s County’s growth and economy was founded.

The original land grant for Compton Bassett was issued in 1699 to Clement Hill, Jr., Surveyor General of the Western Shore, prior to the founding of Upper Marlboro in 1706. By the time the current dwelling was built in 1783, Upper Marlboro was a thriving county seat. The current dwelling, the second on the site, was built for Clement Hill IV. Compton Bassett has been the home place of the Hill family for nearly three centuries. William Hill, a physician and one of the organizers of the Planters Bank in Upper Marlboro, would later inherit the property and undertake improvements in 1822 to Compton Bassett, including the application of stucco to the brick exterior. According to family papers, James Hoban, architect of the White House, undertook this work.

Southeast of the house is a small Roman Catholic chapel, one of three historic brick dependencies on the property; symmetrically placed to the southwest and northwest of the main house are a dairy and meat house. The family cemetery lies further to the north and west of the house. Twentieth century buildings include a tobacco barn, stable, cow shed and corn crib. The Compton Bassett Chapel is a rare surviving private Roman Catholic chapel, the only known structure of its kind surviving in the county. Unable to gather publicly to worship, families constructed private chapels and services would often include family and friends from neighboring plantations until after the Declaration of Rights in 1776 put an end to intolerance of Roman Catholic worship.

The subject property was certainly a part of the 2,182-acre Compton Bassett plantation. Therefore, it should be investigated for potential archeological significance associated with

antebellum habitation by enslaved African Americans, as well as the potential for archeological significance associated with Native American habitation.

### **Historic Preservation Findings**

1. Historic Site 79-063-10 (Compton Bassett, Dependencies and Cemetery) is located adjacent to the proposed subdivision. The developing property is almost certainly part of that larger plantation acreage of Compton Bassett.
2. The proposed lots (18-19) abut the northeastern property line/Environmental Setting for Compton Bassett.
3. Notes on this preliminary plan of subdivision do not indicate the location of the historic site or cemeteries.
4. Existing buildings on proposed lots 9, 10 and 13 are noted “to be removed”.

### **Historic Preservation Conclusions**

1. Because the developing property was certainly part of the Compton Bassett plantation, documentary and archeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials, or other significant archeological resources.
  2. Because the subject property shares a property boundary with the Compton Bassett Environmental Setting, the Prince George’s County *Landscape Manual* requires that a D bufferyard be retained or planted on the developing property wherever it adjoins a historic site.
  3. The preliminary plan should be corrected to note the location of Historic Site 79-063-10 Compton Bassett, Dependencies and Cemetery and its Environmental Setting on the plan and in the General Notes.
  4. The applicant should identify and submit information including approximate dates, condition, character as well as digital photographs of the buildings labeled “to be removed” to Historic Preservation staff so that it can be determined if these structures are historic barns/buildings.
16. **Lot Layout**— With one exception, staff is satisfied with the lot layout proposed by the applicant. Due to the scarcity of perk sites on this property, Lots 15, 16 and 17 are split by one of the private ingress/egress easements, with the house site on the north side and the septic recovery areas on the south. The sewer line would run under the right-of-way inside a cast iron sleeve. Staff has received assurances from the Health Department that this is an acceptable delivery method. The southern section of Lots 16 and 17 are a reasonable extension of their northern portions. Lot 15 is not. Lot 15 would reach its septic recovery area via a 20-foot-wide, 400-foot-long stem running between Lots 16 and 17. Because this stem would not be available for vehicular access, the driveway for Lot 15 is squeezed between a large section of PMA and the lot line for Lot 16. These two factors lead staff to conclude that Lot 15 does not provide for a beneficial relationship between these three lots and thus should be deleted from the plan and combined with another lot or lots.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan a revised geotechnical report prepared in accordance with the “Criteria for Soil Investigations and Reports on the Presence and Effect of Marlboro Clay upon Proposed Developments” shall be approved by the Department of Environmental Resources and the Environmental Planning Section of The Maryland-National Capital Park and Planning Commission.
2. Prior to signature approval of the preliminary plan, the preliminary plan of subdivision and the Type I tree conservation plan shall be revised to show the location of the existing and proposed 1.5 safety factor lines based on the proposed site grading, and the site shall be redesigned if necessary.
3. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George’s County Department of Environmental Resources. The final plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
4. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Revise the TCPI to reference the approved conservation plan.
  - b. Have the plan signed and dated by the qualified professional who prepared it.
5. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.
6. The TCPII shall demonstrate that all afforestation areas must be set back 40 feet from the rear and 20 feet minimum from the sides of any existing or proposed structures and be protected by permanent tree protection devices.
7. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
8. 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/78/04), 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.”

9. 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 all afforestation areas 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.”

10. Roadway improvements on Old Crain Highway shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine what these improvements are prior to detailed site plan and/or paving and stormdrain plan submittal, whichever comes first.

11. At time of final plat, the following note shall be placed on the final plat:

“Old Crain Highway is a county designated historic road.”

12. The applicant shall plant a D tree buffer along the northwest boundary of the developing property where it adjoins the Compton Bassett Historic Site.

13. On all future submittals, the applicant shall identify the location of Historic Site 79-063-10 (Compton Bassett and its environmental setting), which is adjacent to the subject property.

14. Prior to signature approval of the preliminary plan, the applicant shall identify and submit information on any historic buildings to Historic Preservation staff. Staff will determine if the buildings labeled “to be removed” are historic barns/buildings and if so what their disposition should be.

15. Prior to signature approval of the preliminary plan, the General Notes shall be corrected to state the adjacent property contains Compton Bassett, Dependencies and Cemetery, Historic Site 79-063-10.

16. Prior to the issuance of any building permit, the following improvements to the US 301/MD 725 intersection shall be in place, under construction or bonded and permitted:

- a. Construct a third northbound and southbound through lane along US 301.
- b. Construct a fourth southbound through lane along US 301.
- c. Restripe westbound approach to provide a second through lane.

17. Development shall be in accordance with the approved stormwater management concept

plan (# 34520-2004-00) or any approved revisions thereto.

18. Lot 15 shall be deleted and combined with another lot or lots.
19. Prior to signature approval of the preliminary plan, the applicant shall provide recorded deeds that demonstrate the respective properties (Rea and Kaz) have adjusted their common boundaries consistent with the subject preliminary plan.
20. Prior to signature approval of the preliminary plan and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and, if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the final plat shall provide for the avoidance and preservation of the resources in place and/or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
21. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$86,940 (\$3,780 x 23 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/78/04.