

R E S O L U T I O N

WHEREAS, Muniram Budhu is the owner of a 14.15-acre parcel of land known as Parcels 119 and 130, Tax Map 113 in Grid F-3, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 15, 2005, BGH Fort Washington LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 19 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05067 for Fort Washington Ridge 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 March 9, 2006, 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 March 9, 2006 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/53/05), and further APPROVED Preliminary Plan of Subdivision 4-05067, Fort Washington Ridge for Lots 1-19 and Parcels A & B with the following conditions:

1. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 2.61± acres of open space land (2 Parcels, A and B). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
2. Prior to signature approval of the preliminary plan, the NRI package shall be revised to clarify the number and location of streams on-site.
  3. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
    - a. Show the critical root zone for each specimen tree that the applicant is proposing to preserve.
    - b. Ensure that all proposed woodland conservation areas are at least 35-feet wide.
    - c. Correct the worksheet as needed.
    - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
  4. 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/53/05), 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 Ordinance.”

5. Prior to signature approval of the preliminary plan, a copy of the Stormwater Management Concept Approval Letter shall be submitted. The CSD approval number and approval date shall be shown on the preliminary plan and the TCPI. All plans shall be revised accordingly.
6. The applicant, his successors, and/or assignees, shall provide adequate, private and public recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
7. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of the DRD for adequacy and property siting, as part of a limited detailed site plan that shall be approved by the Planning Board or designee prior to the approval of the final plat of subdivision.
8. The recreational facilities package shall include a 6-foot-wide asphalt trail, connecting the subject property to the existing trail system in adjoining Henson Creek Stream Valley Park.
9. A detailed plan for the construction of the trail on adjacent parkland shall be submitted to the DPR for review and approval with submission of the limited detailed site plan. It shall include a grading plan, limit of disturbance and construction details.
10. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
11. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed to ensure dry passage along the trail.
12. Prior to signature approval of the preliminary plan, the plans shall be revised to remove stormwater management outfall shown on land owned by M-NCPPC.
13. Stormdrain outfalls shall be designed to avoid adverse impacts on land owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
14. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
15. As part of road construction permits, the applicant shall provide a standard sidewalk along the subject site's entire frontage of Oxon Hill Road, unless modified by DPW&T.
16. As part of road construction permits, the applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

17. Prior to the issuance of Building Permits, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of bikeway signage along Oxon Hill Road, designated as a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a wide outside curb lane or designated bike lanes are encouraged, consistent with improvements along Oxon Hill Road being made by DPW&T to the north of the subject site.
18. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
  - a. The applicant will be responsible for additional acceleration/deceleration and turning lanes along Oxon Hill Road and any traffic signal modifications, pavement markings, and signage at the intersection of Fort Foote Road and Oxon Hill Road.
19. At the time of final plat approval, the applicant shall dedicate right-of-way along Oxon Hill Road of 40 feet from the master plan centerline, as shown on the submitted plan.
20. The existing house located at 9304 Oxon Hill Road shall be razed prior to the approval of the final plat of subdivision.
21. The abandoned shallow well found behind the existing house located at 9304 Oxon Hill Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to issuance of a raze permit.
22. The abandoned septic system serving the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the preliminary plan, prior to signature approval.
23. Three abandoned trucks found on the property must be removed and properly disposed.
24. A raze permit is required prior to the removal of any structures on the site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.
25. A Phase I archeological investigation shall be completed at the subject property. The archeological investigation shall be designed to search the area shown as being the possible location of a graveyard.
26. Prior to signature approval of the preliminary plan the General Notes and plan shall be modified to state the presence of a possible graveyard in the eastern portion of the property. Should a

graveyard be located, the full extent of the cemetery shall be verified. The area of the graveyard shall be established as a parcel and fenced in order to protect it. Article 66B, Section 5.03 of the Zoning and Planning Article of Maryland State law and the Subdivision Regulations of Prince George’s County provide for regulations governing the subdivision of land and require that an appropriate easement be provided for any burial site by persons related by blood or marriage or persons in interest, as defined in Section 14-121 of the Real Property Article. (Other related provisions are contained in Section 7.03 of Article 66B.)

27. Prior to approval of the final plat of subdivision, the applicant shall provide a plan for:
  - a. Evaluating the resource at the Phase II level, or
  - b. Avoiding and preserving the resource in place.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the intersection of Oxon Hill Road and Fort Foote Road. The applicant proposes to subdivide the property into 19 lots for single-family detached dwelling units using the lot size averaging method of development.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                 | <b>EXISTING</b>    | <b>PROPOSED</b>         |
|-----------------|--------------------|-------------------------|
| Zone            | R-R                | R-R                     |
| Use(s)          | Vacant/residential | Single-family dwellings |
| Acreage         | 14.15              | 14.15                   |
| Lots            | 0                  | 19                      |
| Parcels         | 1                  | 2                       |
| Dwelling Units: |                    |                         |
| Detached        | 1 (To be razed)    | 19                      |
| Public Safety   |                    | No                      |
| Mitigation Fee  |                    |                         |

4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Fort Washington Ridge, 4-05067, and the Type I Tree Conservation Plan, TCPI/53/05, stamped as received by the Environmental Planning Section on February 6, 2006. The Environmental Planning Section recommends approval of 4-05067 and TCPI/53/05 subject

to the conditions noted at the end of this memorandum.

### **Background**

The Environmental Planning Section previously reviewed the subject property as an amendment to the Water and Sewer Plan in the August 2004 cycle. The proposal is for 19 lots and two parcels in the R-R Zone.

### **Site Description**

This 14.15-acre property in the R-R Zone is at the intersection of Oxon Hill Road and Fort Foote Road. There is no wetland or 100-year floodplain on the property; however, the steep and severe slopes in the eastern portion of the site are part of an adjacent stream valley. The site eventually drains into Broad Creek in the Potomac River watershed. According to the Green Infrastructure Plan, most of the property is an Evaluation Area. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Aura, Beltsville, Sandy and Clayey, Sassafras, and Silty and Clayey series. Marlboro clay does not occur in this area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

### **Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

A signed Natural Resources Inventory (NRI), NRI/072/05, was submitted with the application. There is no wetland or 100-year floodplain on the property. There is a stream noted along part of the northern boundary. A forest stand delineation (FSD) and wetland report were submitted with the NRI. The FSD indicates one forest stand totaling 12.54 acres and 21 specimen trees.

The wetlands report in the NRI states that there are two intermittent streams; however, only one stream is shown on the plan. According to the wetlands report, the north stream begins at a culvert and ends where "previous grading has restricted the stream from continuing downstream." An examination of current air photos suggests that the stream stops in the rear yard of Tor-Bryan Estates, Lot 58, Block B. These characters are suggestive of an ephemeral storm channel and not a regulated stream. Prior to signature approval of the preliminary plan, the NRI package should be revised to clarify the number and location of streams on-site.

This property is subject to the provisions of the Prince George's County Woodland Conservation

and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/53/05, has been reviewed and was found to require revisions. The plan proposes clearing 9.56 acres of the existing 12.54 acres of woodland. The woodland conservation threshold is 2.83 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 5.22 acres. The plan proposes to meet the requirement by providing 2.83 acres of on site preservation, 0.35 acres of on-site planting, and 2.04 acres of off-site woodland conservation. An additional 0.15 acres of woodland will be preserved on-site but not as part of any requirement.

According to the Green Infrastructure Plan, most of the property is an Evaluation Area. Based upon this analysis, the priority woodlands on-site are associated with the stream, the area contiguous to the stream, and areas adjacent to the parkland to the southeast of the property. The plan provides the threshold of 2.83 acres in the form of on-site preservation focused on sensitive environmental areas and woodland contiguous to these areas. The proposed woodland strip at the rear of Lots 1 through 6 is to be used to meet the requirements of the "Landscape Manual" to create a bufferyard between the residential properties and the active recreational park. The stocking levels in the landscape buffers should be those required by the Woodland Conservation Ordinance. The plan provides minimum cleared areas at least 20-foot wide at each side and 40-foot deep at the rear of each proposed structure. The overall design is in conformance with the Woodland Conservation Ordinance and the Green Infrastructure Plan.

There are some technical errors. The critical root zones for the specimen trees are not shown. A portion of the proposed woodland conservation area on Lot 7 is less than 35 feet wide. The Type I tree conservation plan should be revised to:

- a. Show the critical root zone for each specimen tree proposed for preservation.
- b. Ensure that all proposed woodland conservation areas are at least 35 feet wide.
- c. Correct the worksheet as needed.
- d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

A statement should be placed on the final plat of subdivision establishing that this property is subject to a tree conservation plan:

According to the Prince George's County Soils Survey the principal soils on this site are in the Aura, Beltsville, Sandy and Clayey, Sassafras, and Silty and Clayey series. Both Sandy and Clayey soils, and Silty and Clayey soils can create slope stability and foundation problems because of high contents of shrink-swell clays. Beltsville soils are in hydrologic class C, and are highly erodible, but have few other development limitations. Sassafras soils pose no special problems for development. The neighboring Tor-Bryan Subdivision has experienced significant

problems due to failure of retaining walls and flooding. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

An approved Stormwater Management Concept letter was not submitted with this application. An on-site pond is shown on the TCPI. An approved Stormwater Management Concept is required for the final approval of this application because a different on-site pond may be required and the pond location will affect the layout of the subdivision and TCPI. Prior to signature approval of the Preliminary Plan, a copy of the Stormwater Management Concept Approval Letter should be submitted. The CSD approval number and approval date should be shown on the Preliminary Plan and the TCPI. All plans should be revised accordingly.

### **Water and Sewer**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designate this property in Water and Sewer Category 4. Water and sewer Category 3 must be obtained before approval of a final plat. Water and sewer lines in Oxon Hill abut the property. Water and sewer line extensions are required. The required sewer line would apparently connect to an existing eight-inch sewer in Branchview Drive. Water and sewer line extensions to serve the proposed subdivision must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat

5. **Community Planning**—This application is located in the Developing Tier. The proposal is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. 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. The proposed preliminary subdivision conforms to the low suburban residential land use recommendations in the 1981 *Adopted and Approved Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South Potomac (Planning Area 80)*. The applicant proposes to subdivide the property into 19 single-family residential lots. The impact of the proposed subdivision on sensitive environmental features on this property should be carefully considered.

### **PLANNING ISSUES**

Guideline 8 on page 56 of the Environmental Envelope Chapter of the master plan states: "Limited development shall be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural process of the land." Therefore, the number of lots and the relationship of the proposed subdivision to the limitations of sensitive environmental features indicated on master plan maps should be closely examined.

6. **Parks and Recreation**—The Department of Parks and Recreation (DPR) staff has reviewed the submitted subdivision plan and made the following findings. The requirement for mandatory dedication of parkland is 0.7 acres. The subject property is adjacent to the Henson Creek Stream



Valley including a master planned stream valley trail, which is located along the eastern property line of the subject subdivision. DPR staff recommends provision of private recreational facilities on-site. The recreational facilities package should include a trail connector from the subject subdivision to the existing park trail. This trail connector will provide the access to the trail system in the park and access to the recreational facilities in Tor Bryan Estates Neighborhood Playground and Tucker Road Sport Complex on the north of subject property. The applicant shows a stormwater management outfall on adjacent parkland. DPR staff has concerns of adverse impact on environmentally sensitive areas of the stream valley and master planned trail in the park. Submitted information is insufficient to determine the effect of runoff on the park property and to determine if the outfall must be located on parkland. DPR staff recommends that no stormwater management facilities shall be proposed on land owned by M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

7. **Trails**—The Subregion VII Master Plan and the 1985 *Equestrian Addendum to the Adopted and Approved Countywide Trails Plan* identify Oxon Hill Road as a master plan bicycle/trail corridor. The Subregion VII Master Plan further refines this recommendation to include standard or wide sidewalks and designated bike lanes along Oxon Hill Road (page 71, under Policy 1). Relatedly, DPW&T's current plans for Oxon Hill Road incorporate sidewalks and bike lanes into the design. The 65 percent plans for Phase II of the Oxon Hill Road improvements include five-foot wide sidewalks and designated bike lanes along both sides of Oxon Hill Road from the I-95 ramp to Fort Foote Road. Staff recommends road frontage improvements that are consistent with this along the subject site's portion of Oxon Hill. There is an existing sidewalk along Oxon Hill Road on the property immediately to the north of the subject site. This sidewalk will accommodate pedestrians walking to nearby schools and shopping centers.

#### SIDEWALK CONNECTIVITY:

The November 2004 planning charrette for the Subregion VII Master Plan identified walkability and pedestrian connections as important community priorities, particularly in the vicinity of the Oxon Hill Core Area. Continuous sidewalks, wide sidewalks, pedestrian safety measures, and sidewalk or trail connections between communities and to public facilities are especially important. Staff recommends the provision of standard sidewalks along both sides of all internal roads.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for Preliminary Plan 4-05067, Fort Washington Ridge. The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and a September 2005 count for the intersection of Fort Foote Road and Oxon Hill Road was provided. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

**Growth Policy—Service Level Standards**

The site is within the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

**Staff Analysis of Traffic Impacts**

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of Fort Foote Road and Oxon Hill Road. The critical 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.

Under existing conditions the intersection operates at LOS A during the AM and PM peak hours.

| <b>Existing Conditions</b>     |  |     |                                    |   |
|--------------------------------|--|-----|------------------------------------|---|
| Intersection                   | Critical Lane Volume<br>(CLV, AM & PM) |     | Level of Service<br>(LOS, AM & PM) |   |
| Fort Foote Road/Oxon Hill Road | 858                                    | 928 | A                                  | A |

The transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along Oxon Hill Road and Fort Foote Road up to the design year (2008).

Background conditions are summarized below:

| <b>Background Conditions</b> |  |  |                                    |  |
|------------------------------|--|--|------------------------------------|--|
| Intersection                 | Critical Lane Volume<br>(CLV, AM & PM) |  | Level of Service<br>(LOS, AM & PM) |  |

|                                |     |     |   |   |
|--------------------------------|-----|-----|---|---|
| Fort Foote Road/Oxon Hill Road | 912 | 984 | A | A |
|--------------------------------|-----|-----|---|---|

Under background conditions both the AM and PM peak hour levels of service remain acceptable.

The site is proposed for development as a residential subdivision of 19 lots. The proposed development would generate 14 AM (3 in, 11 out) and 17 PM (11 in, 6 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff assumes these trips are distributed as follows:

60 percent—South along Oxon Hill Road

40 percent—North along Oxon Hill Road

Given these assumptions, staff obtained the following results under total traffic:

| <b>Total Traffic Conditions</b> |  |       |                                    |   |
|---------------------------------|--|-------|------------------------------------|---|
| Intersection                    | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |   |
| Fort Foote Road/Oxon Hill Road  | 1,141                                  | 1,110 | B                                  | B |

Based on the staff’s review of transportation adequacy issues in the area, the transportation staff notes the intersection of Fort Foote Road/Oxon Hill Road would operate acceptably during the AM and PM peak hours.

**Site Plan and Master Plan Comments**

Oxon Hill Road is classified as a collector roadway in the adopted Henson Creek South Potomac Master Plan (2006) with 80 feet of right-of-way. The dedication of 40 feet of right-of-way from the master plan centerline Oxon Hill Road will be required. This dedication is shown on the submitted plan. The revised preliminary plan proposes a single access point along Oxon Hill Road at Street A, which is preferable since this is an existing signalized intersection.

The applicant may be required to provide acceleration/deceleration and turning lanes at Street A to ensure traffic safety along Oxon Hill Road. Any additional safety/frontage improvements and traffic signal modifications at the intersection of Fort Foote Road and Oxon Hill Road that are required by the Department of Public Works and Transportation (DPW&T) will be the responsibility of the applicant. The applicant will also be required to conduct an access control study in accordance with the requirements of DPW&T.

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the following:

**Finding**

Impact on Affected Public School Clusters

| Affected School Clusters | Elementary School Cluster 6 | Middle School Cluster 3 | High School Cluster 3 |
|--------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units           | 19 sfd                      | 19 sfd                  | 19 sfd                |
| Pupil Yield Factor       | 0.24                        | 0.06                    | 0.12                  |
| Subdivision Enrollment   | 4.56                        | 1.14                    | 2.28                  |
| Actual Enrollment        | 3,946                       | 5,489                   | 9,164                 |
| Completion Enrollment    | 121                         | 64                      | 127                   |
| Cumulative Enrollment    | 7.20                        | 96.12                   | 192.24                |
| Total Enrollment         | 4,078.76                    | 5,650.26                | 9,485.52              |
| State Rated Capacity     | 4,033                       | 6,114                   | 7,792                 |
| Percent Capacity         | 101.13%                     | 92.42%                  | 121.73%               |

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that 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 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. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be a paid at the time of issuance of each building permit.

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, CB-31-2003, and CR-23-2003.

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

**Fire Facilities**

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 Allentown Road, Company 47, 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 704 (101.73 percent), which is above 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 December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on December 15, 2005.

| Reporting Cycle | Date              | Emergency Calls | Non-emergency |
|-----------------|-------------------|-----------------|---------------|
| Acceptance Date | 01/05/05-11/05/05 | 11.00           | 24.00         |
| Cycle 1         | 01/05/05-12/05/05 | 11.00           | 24.00         |
| Cycle 2         | 01/05/05-01/05/06 | 10.00           | 24.00         |

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on January 5, 2006. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

12. **Stormwater Management**—The applicant has submitted an application for stormwater concept plan approval. Prior to signature of the preliminary plan, the applicant must obtain approval of the stormwater concept plan.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Fort Washington Ridge and has the following comments to offer:

The abandoned shallow well found behind the existing house located at 9304 Oxon Hill Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to issuance of a raze permit.

The abandoned septic system serving the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be identified on the preliminary plan.

Three abandoned trucks found on the property must be removed and properly disposed of.

A raze permit is required prior to the removal of any structures on the site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires the structures to be razed and the well and septic systems properly abandoned before the release of the grading permit.

14. **Historic Preservation** —The plan has no effect on historic resources.

15. **Archeology**—This preliminary plan application includes 14.15± acres at the eastern intersection of Oxon Hill Road and Fort Foote Road. The illustration dated July 2005, showed a “4.0 High Possible Graveyard” in the west portion of the property. A site visit to examine the “possible graveyard” indicated it is probably a fenced garden. The site visit also identified remains of a brick structure to the south of the possible graveyard; the illustrative dated October 2005 identifies a “brick possible foundation.” The site visit also identified a possible terrace associated with the brick foundations. Structures on the property are visible in the 1938 aerial photograph of the property, and on the 1979 USGS quadrangle topographic map. The 1861 Martenet map shows a structure labeled, “John H. Piles” located near (to the northwest) or possibly within the subject property.

In accordance with Section 24-104, Section 24-121 (18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George’s County, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archaeologist must conduct all investigations and follow *The Standards and*

*Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The Phase I archaeological methodology, including walkover and excavations, should be designed to investigate the area labeled on the illustrative as being a possible (although unlikely) graveyard, the brick foundation remains, and the possible artificially made terrace. The field investigations should also include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

The archeological investigation should be designed to search the area shown as being the possible location of a graveyard; the investigation within the fenced area should be limited to 1 to 2 deep shovel tests, and deep probes.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archaeological resources exist in the project area, prior to approval of the final plat of subdivision, the applicant shall provide a plan for:

- i.) Evaluating the resource at the Phase II level, or
- ii.) Avoiding and preserving the resource in place.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of March 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:IT:bjs