

R E S O L U T I O N

WHEREAS, Mal-hee Wallace is the owner of a 8.76-acre parcel of land known as P/O Lot 8 & 9, Trumps Hill WWW 18@80, Tax Map 109 in Grid E-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-80, RPC; and

WHEREAS, on November 30, 2006, George Wallace, Esq., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 18 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05062 for Trump's Hill II 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 April 20, 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 April 20, 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/48/06), and further APPROVED Preliminary Plan of Subdivision 4-05062, Trump's Hill II for Lots 1-18 and Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
  - a. Confirm the correct amount of "woodland cleared."
  - b. Provide the woodland conservation threshold on-site at a minimum, and note in the worksheet show how the total woodland conservation requirement for the site is being met.
  - c. Show the conceptual grading for the stormwater management pond at the same contour grading interval as the remainder of the site (two-foot contours).
  - d. Remove the "proposed tree line" from the legend.
  - e. Correctly delineate the limit of disturbance in the area of the pond and correct the legend and plan to indicate a specific line type.

- f. Remove the labels “Service Road 65dBA Ldn Noise Contour” and “Freeway 65 dBA Ldn Noise Contour” from the plan.
  - g. Delineate and label a single, correct noise contour indicating the 65 dBA Ldn impact area.
  - h. Consider all woodland located on lots to be cleared, and add a note to the plan indicating that all woodland located on lots has been considered cleared. The correct amount of “woodland cleared” should be confirmed as stated above, including this amount.
  - i. Revise the TCPI notes to include all current notes and the correct information.
  - j. Revise the TCPI to show all woodland conservation areas with a minimum width of 35 feet.
  - k. Revise the woodland conservation worksheet to reflect all required revisions and include any off-site impacts.
  - l. Have the plan signed and dated by the qualified professional who prepared it.
2. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/105/04), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
3. Any reforestation proposed within the stormwater management easement area is subject to the approval of the Department of Environmental Resources. At the time of TCPII review, an approved stormwater management technical plan shall be submitted prior to signature approval, indicating that the Department of Environmental Resources has approved the landscaping. The plant stocking levels must meet the woodland conservation requirements if afforestation/ reforestation is proposed within the stormwater management easement.
4. Prior to signature approval of the preliminary plan, the plan shall be revised to delineate and label the “Unmitigated 65dBA Ldn Noise Contour” and “Mitigated 65 dBA Ldn Noise Contour” in accordance with the contour resulting from the Environmental Planning Section model or provide a Phase I noise study to verify a contour.
5. Prior to final plat, a limited detailed site plan and a Type II tree conservation plan shall be concurrently approved for the subject property. The limited detailed site plan shall address the following:
  - a. The mitigation of exterior noise levels to 65 dBA Ldn or less in outdoor activity areas.

- b. The mitigation of interior noise levels to 45 dBA Ldn or less, if necessary.
  - c. The location, height and materials of the noise mitigation barrier proposed. The noise barrier shall not be located on individual lots, but placed in a homeowners association parcel a minimum of 20 feet wide.
  - d. The appearance of the noise mitigation barrier.
  - e. Coordination of the Type II tree conservation plan with the noise mitigation measures proposed.
  - f. Coordination of the Type II tree conservation plan with required landscape buffers.
6. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept approval letter and the accompanying approved plan shall be submitted.
7. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
8. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by Planning Department staff. 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.
9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
10. Development shall be in conformance with the approved Stormwater Management Concept Plan, Concept 33915-2005, or any approved revisions thereto.
11. Development of this subdivision shall be in conformance with all of the conditions of the Official Plan for the Marlton Residential Planned Community (R-P-C), Zoning Map Amendment Numbers A-6696-C, A-9730-C, and A-9731-C, and a note to this effect placed on the final plat.
12. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A and B. Land to be conveyed shall be subject to the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of an 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 limited 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.
13. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$68,040 (\$3,780 x 18 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.
14. Prior to signature approval of the preliminary plan, the applicant must resolve the ownership and maintenance issues regarding the existing signage on the property through the submittal of homeowners association documents or through conveyance of the land to an appropriate entity within Marlton.

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 northeast quadrant of US 301 and North Marlton Avenue, with frontage on both roads. It is undeveloped with the exception of a large monument sign and community bulletin board for Marlton. The site is surrounded by undeveloped land, although there is an approved preliminary plan for 17 single-family lots on the adjoining property to the east. The Trumps Hill historic site is situated farther to the southeast in the R-E Zone. Single-family homes are found farther to the southeast along North Marlton Drive in the R-P-C (R-R) Zone.
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-80 (R-P-C)    | R-80 (R-P-C)                     |
| Uses                    | Vacant          | Single-family detached dwellings |
| Acreage                 | 8.76            | 8.76                             |
| Lots                    | 2               | 18                               |
| Parcels                 | 0               | 2                                |
| Detached Dwelling Units | 0               | 18                               |
| Mitigation Fee          |                 | Yes                              |

4. **Environmental**—A review of the available information indicates that no streams, 100-year floodplain, or nontidal wetlands are located on the site. Severe slopes and areas of steep slopes with highly erodible soils are found to occur on the property. Transportation-related noise impacts related to master-planned upgrades to Crain Highway (US 301), which will be classified as a freeway, and an adjacent arterial service road have been found to impact this property. The soils found to occur according to the Prince George's County Soil Survey include Sandy land steep and Westphalia fine sandy loam, both of which have limitations which could affect the development of this property. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this property. No designated historic or scenic roads abut this property. This property is located in the Charles Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan. The subject property is also within the approved detailed development plan for Marlton, a Recreational-Planned-Community (R-P-C). According to the Countywide Green Infrastructure Plan, the entire site is within the Evaluation Area.

#### **Natural Resources Inventory**

The preliminary plan application has a signed natural resources inventory (NRI-92-05) that was included with the application package. The TCPI and the preliminary plan are in conformance with the required information shown on the NRI. According to the Countywide Green Infrastructure Plan, the entire property is within a designated evaluation area. The properties flanking this site are also in the evaluation area.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan is required. A revised Type I tree conservation plan (TCPI/48/05) was submitted with the revised preliminary plan application and has been reviewed. The woodland conservation threshold for this site, based on a gross tract area of 8.76, is 1.75 acres (20 percent of the net tract). The correct amount of required woodland conservation cannot be determined because the amount of "woodland cleared" listed on the woodland conservation worksheet is clearly much less than the amount of clearing shown on the TCPI. Assuming the clearing proposed is 6.45 acres, which is the amount indicated on the previous TCPI submittal, the estimated woodland conservation requirement would be 3.78 acres.

The TCPI currently proposes to meet the "requirement" with 1.64 acres of on-site preservation and 0.53 acre of on-site afforestation/reforestation. This falls 1.75 acres short of meeting the woodland conservation requirement for the site. In residential zones, it is strongly recommended that the woodland conservation threshold be met on-site. The TCPI proposes to meet the woodland conservation threshold on-site, but does show the correct woodland conservation requirement and how it will be met.

The TCPI is also missing important information. The stormwater management (SWM) plans show that a large pond is proposed in the northwest corner of the site. This feature has now been shown on the plan, but the associated grading has been shown as two contours (140 and 131) when the remainder of the site is shown with two-foot contours. The grading on the SWM plan is shown at two-foot contours and could easily be transferred to the plan. The TCPI indicates an existing tree line and a proposed tree line, which is not appropriate. An existing tree line and a limit of disturbance (LOD) are required; the proposed tree line should be removed from the legend. LOD in the legend and on the plan is shown as a label, rather than a specific line type. The LOD is incorrectly delineated in the area of the SWM pond, or else reforestation would not be needed in this currently wooded area.

The TCPI plan includes a labeled element for a "Service Road 65dBA Ldn Noise Contour" and a "Freeway 65 dBA Ldn noise contour," neither of which is not visible on the plan. This should be revised to show one "Unmitigated 65dBA Ldn Noise Contour" and one "Mitigated 65 dBA Ldn Noise Contour," correctly delineated in accordance with noise modeling supplied by EPS. This will be discussed further later in this memorandum.

The proposed lots are small, and all woodland located on lots should be considered as cleared. A note should be added to the plan indicating that all woodland located on lots has been considered cleared. The correct amount of "woodland cleared" should be confirmed, as stated above, including the amount of woodlands on lots not cleared.

The TCPI notes included on the plan are not the current standard TCPI notes and should be revised to include all current pertinent notes and the correct information.

All woodland conservation areas must have a minimum width of 35 feet. The reforestation area located adjacent to the SWM pond does not meet this width requirement. Any reforestation proposed within the SWM easement area is subject to the approval of the Department of Environmental Resources at time of technical approval. At time of TCPII review, an approved stormwater management technical plan must be provided prior to signature approval, to confirm that the Department of Environmental Resources has approved the landscaping, and that the plant stocking level meets woodland conservation stocking requirements.

## **Noise**

Crain Highway (US 301) is a master-planned freeway (F-10). The proposed traffic volume based on build-out modeling prepared by the Transportation Planning Section will be 86,592 vehicles per day. An estimation of the location of the 65 dBA Ldn noise contour based on the projected traffic volume was made to determine potential noise impacts on the proposed residential use and to evaluate mitigation potential. Using the Environmental Planning Section noise model, the 65 dBA Ldn noise contour will fall approximately 531 feet from the centerline of the master-planned road. The unmitigated 65 dBA Ldn line should be correctly delineated on the preliminary plan and TCPI.

An arterial service road is proposed on the east side of Crain Highway (US 301) adjacent to this property. The proposed traffic volume based on build-out modeling prepared by the Transportation Planning Section will be 28,797 vehicles per day. An estimation of the location of the 65 dBA Ldn noise contour based on the projected traffic volume was made to determine potential noise impacts on the proposed residential use and to evaluate mitigation potential. Using the Environmental Planning Section noise model, the 65 dBA Ldn noise contour will fall approximately 144 feet from the centerline of the master-planned road, which is entirely within the noise impact area for the adjacent freeway, and will not need to be delineated separately.

Because of the substantial noise impacts anticipated on this site, a Phase I noise study was requested to show what conceptual noise mitigation is proposed for the site and where the mitigated 65 dBA Ldn noise contour will fall. A Phase I noise study prepared by Henning Associates, dated February 23, 2006, was received by fax on April 4, 2006. The noise study was based on a previous proposed subdivision design, and proposed a noise barrier to be located 10 feet outside the right-of-way, at the bottom of the slope. Under the lot size averaging option currently proposed, the noise barrier is now proposed further up the slope. It appears that sufficient area is available on the proposed homeowners association property to accommodate the noise barrier, but further information regarding its height and location is necessary to determine

that mitigation to noise standards has been fulfilled. It is recommended that a more detailed evaluation of noise mitigation requirements for lots falling within the 65 dBA Ldn noise contour be addressed through a limited detailed site plan prior to final plat.

### **Buffering**

Section 4.6 of the *Landscape Manual* deals with Buffering Residential Development from Streets based on the classification of the adjacent roadway. An arterial requires a minimum of a 50-foot-wide buffer. Lots adjacent to the roadway currently show sufficient area to provide the required buffering.

Required landscape buffers can be counted toward woodland conservation requirements if the width is greater than 35 feet, and the stocking is equivalent to that required by the Woodland Conservation Ordinance. Existing trees can also be applied to fulfillment of landscape buffer requirements.

### **Water and Sewer Categories**

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 82A/Marlton. It located in the Developing Tier as defined by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion VI Study Area master plan recommends suburban residential land use at an average density of 2.7–3.5 dwelling units per acre. The 1994 Subregion VI Study Area SMA retained this property in the R-P-C (Residential Planned Community)/R-80 Zone consistent with master plan recommendations. This application conforms to the land use recommendations in the 1993 Subregion VI Study Area master plan.

6. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required. Local recreational activities are available to residents throughout the Marlton Community.
7. **Trails**—There are no master plan trails issues associated with this application.
8. **Transportation**— 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*. The property is located in the northeast quadrant of the US 301/North Marlton Boulevard intersection.



The traffic generated by the proposed preliminary plan would impact the signalized intersections of Heathermore Boulevard and US 301.

This 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 Developing Tier as defined in the *General Plan for Prince George's County*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) [D], with signalized intersections operating at a critical lane volume (CLV) of [1,450] or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The table below identifies the existing conditions at the intersection analyzed and identified as the critical intersection for this site.

| EXISTING CONDITION           |         |         |
|------------------------------|---------|---------|
| Intersection                 | AM      | PM      |
|                              | LOS/CLV | LOS/CLV |
| Heathermore Boulevard–US 301 | B/1,110 | B/1,040 |

Staff's research of background developments revealed three developments that could potentially affect the referenced intersection. With the inclusion of trips from these developments, the analysis revealed the following results:

| BACKGROUND CONDITION         |         |         |
|------------------------------|---------|---------|
| Intersection                 | AM      | PM      |
|                              | LOS/CLV | LOS/CLV |
| Heathermore Boulevard–US 301 | B/1,121 | B/1,086 |

Citing the trip generation rates from the guidelines, the proposed development would generate 14 AM and 17 PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

| TOTAL CONDITION              |         |         |
|------------------------------|---------|---------|
| Intersection                 | AM      | PM      |
|                              | LOS/CLV | LOS/CLV |
| Heathermore Boulevard–US 301 | B/1,123 | B/1,092 |

The results of the analyses showed that adequate transportation facilities would continue to exist if this application is approved. Regarding site layout and on-site circulation, staff has no issue. The plan shows future dedication for A-62, which is consistent with Subregion VI master plan requirement.

Adequate access roads will exist as required by 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 subdivision plan for 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             | 18 sfd                      | 18 sfd                  | 18 sfd                |
| Pupil Yield Factor         | 0.24                        | 0.06                    | 0.12                  |
| Subdivision Enrollment     | 4.32                        | 1.08                    | 2.16                  |
| Actual Enrollment          | 3,965                       | 7,218                   | 10,839                |
| Completion Enrollment      | 176                         | 112                     | 223                   |
| Cumulative Enrollment      | 24.72                       | 6.30                    | 13.68                 |
| Total Enrollment           | 4170.04                     | 7,337.38                | 11,077.84             |
| State Rated Capacity       | 4,140                       | 6,569                   | 8,920                 |
| Percent Capacity           | 100.73%                     | 111.70%                 | 124.19                |

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on 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 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 and CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**— The Historic Preservation and 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)(1)(B)–(E) of the Subdivision 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 45, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 704 (101.73 percent), which is above the staff standard of 657, or 95 percent, of the authorized strength of 692, as stated in CB-56-2005.

The Fire Chief has reported by letter, dated November 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 V. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 30, 2005.

| Reporting Cycle | Date              | Emergency Calls | Non-emergency |
|-----------------|-------------------|-----------------|---------------|
| Acceptance Date | 01/05/05-10/05/05 | 12.00           | 22.00         |
| Cycle 1         | 01/05/05-11/05/05 | 12.00           | 23.00         |
| Cycle 2         | 01/05/05-12/05/05 | 12.00           | 22.00         |
| Cycle 3         | 01/05/05-01/05/06 | 12.00           | 21.00         |

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 (95 percent) personnel, 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, and required for preliminary plans accepted prior to January 1, 2006.

The response time standards of 10 minutes for emergency calls for police were 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 4-05062 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*.

12. **Health Department**—The Health Department reviewed this application and has no comments.
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, #33915-2005, 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 or any revisions thereto.

14. **Historic Preservation**—The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. This site is proximate to Trumps Hill (Historic Site 82A-012). Trumps Hill was part of the Duvall farm in the 19<sup>th</sup> century, and slaves were owned by the Duvall family. Phase I (Identification) archeological investigations are recommended for this site.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines and *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and report preparation should 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. The archeological investigation should address the possibility that graves may be located on this property. The archeological consultant should be made aware that extensive files, including a chain-of-title, are available at the Planning Department.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
16. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a) (12) of the Subdivision Regulations.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (9,500).**
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (9,500 square feet).**

The applicant proposes 18 lots, which is considerably fewer than the maximum number of 40 (8.76 gross acres / 9,500 square feet). Of these 18 proposed lots, 13 meet or exceed 9,500 square feet (72 percent). Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: The applicant has proposed five lots between 8,062 square feet and 9,414 square feet. Four of the lots are located internal to the subdivision, while the fifth abuts the common open space, Parcel B. This design increases the available area for on-site tree conservation, minimizes stormwater runoff, and reduces grading. All of these factors preserve open space not otherwise encumbered, thus resulting in a superior development plan.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

Comment: Only three lots abut the residentially zoned (R-E) lot to the north; they range in size from 10,296 square feet to 12,617 square feet, providing an appropriate transition. All other lots abut open space or are internal to the subdivision.

- C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

Comment: There are no streams, wetlands or floodplain on the subject property. There are existing nontidal wetlands on the abutting property to the north. The subject plan shows open space and a stormwater management pond adjacent to this area of wetlands, which is an appropriate transition.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

17. **Entrance Sign**—As previously noted, there is an entrance sign for Marlton and a community bulletin board located at the southwest corner of the property. The preliminary plan shows an area surrounding the sign as "A=5,716 square feet." Staff is uncertain if this area is meant as an outlot, an easement, or some other designation. The applicant has submitted a quit-claim deed for the subject property that excludes the area around the sign, but this is not dispositive of the issue since it does not constitute a legal subdivision of land. If the homeowners association for this site is to be included in an umbrella HOA for Marlton, the entrance feature is not an issue. However, if the HOA is to be a separate entity, the entrance feature may be problematic since it could ostensibly be considered an off-site sign. Prior to signature approval of the preliminary plan, the applicant must resolve the ownership and maintenance issues through the submittal of homeowners association documents or through conveyance of the land to an appropriate entity within Marlton.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, April 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of May 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:bjjs