



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

Preliminary Plan 4-05141

Application	General Data
Project Name: SCHULTZE PROPERTY Location: North side of Aquasco Road, approximately 3,000 feet from the intersection of Christ Church Road. Applicant/Address: Don Cox P.O. Box 1068 101 East Charles Street LaPlata, Maryland 20646 301-934-8407	Date Accepted: 12/30/05
	Planning Board Action Limit: 05/23/06
	Plan Acreage: 118.30
	Zone: O-S
	Lots: 20
	Parcels: 0
	Planning Area: 87B
	Tier: Rural
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 230SE14	

Purpose of Application	Notice Dates
SINGLE-FAMILY RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/29/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 04/11/06

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
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 4-05141.
Schultze Property Lots 1-20

OVERVIEW

The property is located on Tax Map 182, Grid B-4, and is known as Parcel 68. The property is approximately 118.3 acres and is zoned O-S. The applicant has proposed to subdivide this property into 20 lots for the construction of single-family dwelling units, utilizing the varying lot size standards provided for in Section 27-442 of the Zoning Ordinance. Six lots are three acres or less and the remaining 14 lots are five acres or more.

SETTING

The subject property is located in the rural tier. This property is located on the east and west sides of Aquasco Road (MD 381) on the Charles County line, approximately 3,000 feet south of its intersection with Christ Church Road. All of the abutting properties are zoned O-S and generally undeveloped. A Potomac Electric Power Company power line abuts the southern property line.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone	EXISTING	PROPOSED
	O-S	O-S
Use(s)	Single-Family Residential	Single-Family Residential
Acreage	118.3	118.3
Lots	0	20
Parcels	2	0
Dwelling Units:		
Detached	0	20
Public Safety Mitigation Fee		Yes

2. **Subdivision**—The subject application was previously reviewed as Preliminary Plan 4-04195, which was withdrawn due to inadequate fire, rescue and police services pursuant to Section 24-122.01(e)(2) of the subdivision regulations. The previous application utilized the varying lot size standards provided for in Section 27-442 of the Zoning Ordinance. The current application builds upon the previous application by providing more conventional lotting patterns, creating deeper lots.
3. **Environmental**—The Environmental Planning Section (EPS) has reviewed the revised Preliminary Plan of Subdivision and Type I tree conservation plan stamped as accepted on April 5, 2006.

The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-05141 and Type I Tree Conservation Plan TCPI/40/04, subject to conditions listed at the end of this report. The memorandum supersedes a previous memorandum from the Environmental Planning Section dated January 23, 2006.

Background

The Environmental Planning Section has previously reviewed the subject property as Pre-Preliminary Plan P-02021; Preliminary Plan 4-04082 and TCPI/40/04, which was withdrawn; and Preliminary Plan 4-04195 and TCPI/40/04, which were withdrawn. The subject application requests the subdivision of 118.30 acres in the O-S Zone into 20 single-family residential lots.

Site Description

This 118.30 acre-property in the O-S Zone is located on the east and west sides of Aquasco Road (MD 381) on the Charles County line. There are streams, wetlands, 100-year floodplains, areas of severe slopes, and areas of steep slopes with highly erodible soils found to occur on the property. The site was entirely wooded according to the year 2000 aerial photograph, but it has recently been logged under a forest management plan. Aquasco Road is classified as a collector, which is not generally regulated for transportation noise impacts. Transportation-related noise impacts, vibration setbacks, and lot-depth requirements may be associated with the Chalk Point railroad line that parallels the southern boundary of the property. The soils series found to occur on this property, according to the Prince George's County Soil Survey, include Bibb, Mattapex, Mixed Alluvial, Sandy land, Sassafras, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage, seasonally high water tables, and erodibility on steep slopes that could affect development. Marlboro clays are not found in the vicinity of this property. According to the sensitive species protection review area GIS layer prepared by the Maryland Department of Natural Resources, Natural Heritage Program, no rare, threatened or endangered species are found to occur in the vicinity. Aquasco Road (MD 381) is a designated historic road that passes through this property. The property is located in the Swanson Creek watershed of the Patuxent River basin, the Rural Tier as reflected in the approved General Plan, and within the designated Patuxent Rural Legacy Area. According to the Countywide Green Infrastructure Plan, almost the entire site is included in regulated areas and evaluation areas, with the remainder identified as network gaps.

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.

The preliminary plan application has a signed natural resources inventory (NRI/145/05) that was included with the application package. The PMA has been shown correctly on the TCPI and the preliminary plan and now matches the PMA line shown on the approved NRI. No revisions are required to the PMA delineation as shown.

A detailed forest stand delineation (FSD) plan and text were submitted with the NRI application. The text is complete with regard to sampling information. As noted several times in the FSD text: An area of the site has been heavily logged. The following are excerpts from the FSD:

“Stand #1, an 105.77 acre upland deciduous forest, has been heavily logged. In general, uneven patches of selectively logged, or in some cases heavily logged or cleared areas surround non-logged forest. Sample points are taken in these remaining areas....

“...Canopy closure ranged from 25% to 75%, although the canopy damage resulting from nearby heavily logged area permits a lot of sun to reach these areas.”

The FSD text describes woodland that was heavily logged in a spotty manner. The sample points only addressed areas where trees now remain, so it was difficult to assess the current condition of the woodland. The logging described did not appear to be consistent with the selective harvesting in Stand 1, which was approved by Type II Tree Conservation Plan/Forest Management Plan (TCPII/35/01), approved on February 22, 2001. Further information was requested and received relative to the extent of logging which has occurred. A copy of the timber harvest permit (5027-2001-00) was submitted.

EPS staff visited the site with the applicant’s agent and environmental consultant at the time of the previous application to determine if woodlands remaining met the definition of woodlands and if additional forest management techniques were required to provide high quality woodland conservation areas, which would be compatible with the development proposed. It was determined that logging had only occurred on the western side of MD 381. In most areas of the site, regeneration was vigorous and a definition of woodlands was supported. The northwest corner of the property was more intensely logged than other areas, with more slash on the ground, poor form to remaining trees, and less vigorous regeneration. It was determined that woodland management techniques to encourage and enhance high quality woodland conservation areas on the site would be more specifically addressed in the preparation of the TCPII.

Woodlands on the subject property are part of blocks of forest interior dwelling species (FIDS) habitat located within an area of contiguous woodlands. The preservation of FIDS habitat is also addressed by the Patuxent River primary management area preservation area that is defined in Section 24-101(b)(10) of the Subdivision Ordinance as follows:

- “(10) **Patuxent River Primary Management Area Preservation Area:** A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which as a minimum includes:
 - (E) **Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.**”(emphasis added)

Forest interior dwelling species habitat is a sensitive wildlife habitat area, and its delineation along with the 300 foot-wide buffer on the NRI is necessary for an evaluation of priority woodlands for preservation. As requested, the NRI has been revised to delineate the forest interior dwelling species habitat and the 300 foot-wide buffer and the appropriate graphic symbols and labels have been added to the key.

A letter dated May 13, 2003, was received from Lori Byrne from the Maryland Department of Natural Resources, Wildlife and Heritage Service. That letter noted the presence of FIDS habitat on the site, and provided guidelines for minimizing the project’s impacts on FIDS and other native forest plants and wildlife.

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot buffer, clearing should be minimized and fragmentation of the existing forest should be avoided. The NRI has correctly delineated the FIDS habitat and buffer on the site. No additional information is required relative to FIDS habitat located on this site.

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/40/04) was submitted with the preliminary plan application.

The Tree Conservation Plan (TCPI/40/04) has been reviewed. The minimum requirement for this site is 43.21 acres (50 percent of the net tract) plus additional acres due to removal, for a total minimum requirement of 49.80 acres.

The TCPI has proposed to meet the requirement with 57.10 acres of on-site preservation in high priority areas of the site, which exceeds requirements. No additional information is required with regard to the Type I tree conservation plan at this time.

Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/40/04) approved as part of this application. A note detailing the restrictions of the approved Type I Tree conservation Plan (TCPI/40/04), or as modified by the Type II tree conservation plan, should be placed on the final plat of subdivision.

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 and slopes from 15 percent to 25 percent on highly erodible soils 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 mandates that the PMA be preserved to the fullest extent possible. There is one place where impacts are proposed to the current PMA delineation; more impacts may be found with a revision of the PMA to incorporate all required features. Staff generally recommends approval of PMA impacts for the installation of public road and utilities, if they are designed to preserve the PMA to the fullest extent possible. 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.

A letter of justification dated September 3, 2004, was received from Donald R. Fox and has been submitted to address impacts to the PMA necessary for the 30-foot-wide private road providing access to Lots 17 to 20. Section 24-113 of the Subdivision Regulations contains four required findings (text in **bold**) to be made before a variation can be granted.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**
- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**
- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The extension of the private right-of-way across the PMA to serve the four lots proposed would have considerably less impacts to the PMA than a public right-of-way, and it has been located at the point of least impact for the stream crossing. It appears that this project can be developed with only this impact, and this impact has been reduced to the extent possible. The Environmental Planning Section supports the variation requested.

The site contains significant natural features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance. At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the PMA except for areas of approved disturbance and should be reviewed by the Environmental Planning Section prior to approval of the final plat.

The wetland delineation submitted with the preliminary plan application includes sufficient sampling data to support a determination that all wetland areas of the site have been identified. The site contains streams or wetland areas that may be impacted and may be regulated by federal and state requirements. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Aquasco Road (MD 381) is classified as a collector and, therefore, is not regulated with regard to transportation-related noise impacts. No further information is required with respect to noise.

The soils series found on this property include Bibb, Mattapex, Mixed Alluvial, Sandy land, Sassafras, and Westphalia. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables while others have limitations with respect to erodibility on steep slopes. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

The application does not include a stormwater management concept approval letter or conceptual stormwater management plan. Note 14 on the preliminary plan indicates that CSD 39297-2003-00 was approved. The SWM concept approval letter and plans are needed to ensure that the woodland conservation proposed will not be impacted by future stormwater management facilities. Prior to signature approval of the preliminary plan, a copy of an approved stormwater management concept approval letter and associated plans should be submitted.

Aquasco Road (MD 381) was designated as a historic road in the Historic Sites and District Plan. The functional classification of Aquasco Road is a collector. Any improvements within the right-of-way of the road are subject to approval by the State Highway Administration.

An inventory of significant visual features for the right-of-way and site was submitted on June 14, 2004, with the previous application, which provides a baseline for the review of the

scenic/historic road viewshed. A 40-foot-wide scenic easement, set behind the public utility easement, was recommended along the frontage of the historic road. Within the scenic easement, the preservation of existing trees or the planting of a landscape buffer equivalent to a “D” bufferyard was recommended.

A limited detailed site plan is recommended for all lots adjacent to Aquasco Road to address the preservation of existing woodlands, rural character, and viewsheds. To enhance the rural character of the property, a 100-foot-deep minimum building restriction line (BRL) from the right-of-way is recommended. This BRL is correctly delineated on the TCPI. At time of final plat, a 40-foot-wide scenic easement shall be established along Aquasco Road, outside of the public utility easement or proposed private access roads, and a note shall be placed on the final plat.

The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-05141 and Type I Tree Conservation Plan TCPI/40/04, subject to conditions at the end of this report.

Water and Sewer

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in water and sewer Category 6, outside the sewer envelope boundary and in the Rural Tier. The property will be developed with individual wells and septic systems.

4. **Community Planning**—This site is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation and agriculture pursuits, and preservation of rural character and vistas that now exist. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. Based on the proposed development, as modified by conditions contained in this report, the subject application conforms to the low rural residential land use recommended in the 1993 Subregion VI Study Area Master Plan.
5. **Parks and Recreation**—According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the above-referenced subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.
6. **Trails**—Preliminary Plat 4-05141 for the Shultze property was reviewed for conformance with the Countywide Trails Plan and the area master plan in order to provide for the master plan trails. The subject property is within the SHA right-of-way. When a master plan trail is within a city, county, or state right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail. Roads in the vicinity of the subject site are open section with no sidewalks. Existing paved shoulders along MD 381 accommodate cyclists.

The approved Subregion VI Master Plan recommends that Aquasco Road (MD 381) be designated as a Class III bikeway with appropriate signage. Because Aquasco Road is a state right-of-way, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the installation of one “Share the Road with a Bike” sign in accordance with state requirements. The developer would purchase the signs from the state and install them in accordance with the state’s *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.

7. **Transportation**—The following are the Transportation Planning Section’s comments concerning the site access, geometric design and traffic impact of the subject application.

A traffic impact study was not required. The subject application involves 20 proposed lots. The applicant has submitted needed traffic counts in association with Plan 4-04082, which was withdrawn prior to hearing. The same counts can be used to analyze the subject application. Access to MD 381 is proposed via a series of public streets and private streets/easements, which is acceptable. Access onto MD 381 is governed by the Engineering Access Permits Division of the State Highway Administration. Any proposed access onto MD 381 must have SHA approval in concept prior to preliminary plan approval.

The site is located along MD 381, which is a master plan rural collector facility. The plan identifies this roadway as having a right-of-way of 100 feet. In any regard, provided that a minimum of 80 feet exists, the right-of-way is acceptable and in accordance with master plan recommendations; therefore, no further dedication is required by this plan.

The application is a preliminary plan of subdivision for a residential development consisting of 20 dwelling units. The proposed development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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

Links and signalized intersections: Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

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

The traffic generated by the proposed preliminary plan would impact the intersection of MD 381 (Aquasco Road) and MD 382 (Croom Road). This intersection has no improvements programmed for construction 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.

Traffic counts dated July 2004 were provided by the applicant at the intersection of MD 381/MD 382, and were adjusted in accordance with the guidelines when they were analyzed. The MD 381/MD 382 intersection, when analyzed with existing traffic, was found to be operating with a maximum delay of 13.0 seconds during the AM peak hour and a maximum delay of 12.9 seconds during the PM peak hour. Both delays are well below the 50-second threshold. When the subject intersection was analyzed under total traffic conditions (i.e., growth in through traffic plus approved development plus the impact of the subject site), the delays were computed to be 13.2 seconds and 13.0 seconds during the AM and PM peak hours, respectively. Once again, these numbers are well within the threshold for adequacy.

It is noted that the available counts are older than the one-year maximum suggested by the guidelines. It was deemed that new traffic counts would not be required of this applicant for the following reasons:

- a. This same applicant provided the counts in support of a nearly identical application on this same site that was withdrawn.
- b. There have not been physical changes to the roadway network that have rendered the 2004 counts to be no longer relevant.
- c. There have been no recent developments approved that would alter the analysis previously done.
- d. The analysis based on the 2004 counts shows delays of less than 20 seconds for any movement in any peak hour. This is considerably within the 50-second threshold established for the analysis of unsignalized intersections. It would take a considerable change to cause a change in the overall finding.

Site access and layout are acceptable. It should be noted, however, that the State Highway Administration governs access onto MD 381; therefore, the proposed access onto MD 381 must have SHA approval in concept prior to preliminary plan approval.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions are required at this time provided that the State Highway Administration has approved the proposed access onto MD 381 in concept.

- 8. **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 and CB-30-2003 and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	3,965	5,489	9,164
Completion Enrollment	176	64	127
Cumulative Enrollment	0	70.74	141.48
Total Enrollment	4,145.80	5,624.94	9,434.88
State-Rated Capacity	4,140	6,114	7,792
Percent Capacity	100.14	92.00	121.08

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

These figures are correct on the day the referral 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 of approval will be the ones that 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. 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 public facilities policies for school scontained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan 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.

Fire Facilities

The Prince George’s County Planning Department has determined that this preliminary plan is beyond the required seven-minute response time for the first due fire station Baden, Company 36, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief had reported that the then current staff complement of the Fire Department was above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 12/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The response standard for emergency calls is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on 12/30/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3	01/05/05-02/05/06	12.00	21.00

The Police Chief had reported that the then current staff complement of the Police Department was 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 police emergency calls 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 4-05141 fails to meet the standards for police emergency response times. 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.

11. **Stormwater Management**— Stormwater Management Concept Approval 39297-2003-00 is subject to the following condition of approval:

This project is subject to State Highway Administration requirements. All culverts are to convey a 100-year storm event. All stormdrains are required to be public. This site meets the environmentally sensitive design credits. No water quality revision is required. Plunge pools are required at all stormdrain outfalls. Water quality requirements for the roadway are to be met with at the design of grass channels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Schultze property and has the following comments to offer:

A groundwater appropriation permit for the 20 lots must be obtained from the Maryland Department of the Environment Water Rights Division prior to final plat approval. Septic recovery areas must stay ten feet from easements, such as PMA. Septic recovery areas must stay 100 feet from streams. There appears to be impact of the stream distance for Lots 6 and 17, which may require the need for additional percolation testing. Septic recovery areas cannot be part of scenic easements. Water well locations must be maintained at least 50 feet from septic recovery areas. The locations of some of the percolation holes on the plan differ from actual filed notes. These lots include lots 3, 12, and 16. Additional testing may be needed. The recovery area for Lot 12 must be eliminated below the elevation contour of WT3. Additional testing will be needed to establish the 10,000-square-foot minimum size recovery area. Due to a failed test, additional testing will be needed for Lot 14. Due to limited absorptive soils in the water table hole, additional testing will be needed for Lot 14.

13. **Archeology**— Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

14. **Historic Preservation**— The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

15. **Charles County**—The subject application was referred to the Charles County Planning Department. No comments were received from that agency.

RECOMMENDATION

Staff recommends APPROVAL of TCPI/40/04, a request for variation from Section 24-113, and Preliminary Plan 4-05141, subject to the following conditions:

1. Prior to the issuance of any permits a Type II tree conservation plan shall be approved. That plan shall address specific woodland management techniques to encourage and enhance high quality woodland conservation in areas that were previously logged.
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/40/04), 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. This property is subject to the notification provisions of CB-60-2005.”
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the PMA except for areas of approved disturbance, 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.”
4. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Prior to signature approval of the preliminary plan, a copy of an approved stormwater management concept approval letter and associated plans shall be submitted and the approval number and date shall be noted on the plan.
6. At time of final plat, a 40-foot-wide scenic easement shall be established along Aquasco Road, outside of the public utility easement or proposed private access roads, and a note shall be placed on the final plat as follows:

“Aguasco Road (MD 381) is a county-designated historic road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”
7. Prior to the issuance of any permits, a limited detailed site plan shall be approved for all lots adjacent to Aquasco Road to address the appearance of the proposed lots and appropriate treatment for the scenic easement, and shall address:

- a. Preservation of existing woodlands.
 - b. Enhancement of the scenic easement with landscaping.
 - c. The location and appropriate setback of residences fronting on Aquasco Road (MD 381).
 - d. The conservation of rural character.
8. Prior to the issuance of a grading permit for the development, a public safety mitigation fee (police) shall be paid in the amount of \$75,600 (\$3,780 x 20 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.
 9. Prior to the issuance of a grading permit for the development, a public safety mitigation fee (fire) shall be paid in the amount of \$26,400 (\$1,320 x 20 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 \$1,320 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.
 10. In accordance with the provisions of Council Bill 89-2004 and Section 24-122.01(d)(2), the applicant shall provide an appropriate water source for fire extinguishment purposes subject to the approval of the Fire Chief or his designee prior to the issuance of building permits.
 11. Development of the subject property shall be in accordance with Stormwater Management Concept Approval 39297-2003-00.
 12. A groundwater appropriation permit for the 20 lots must be obtained from the Maryland Department of the Environment, Water Rights Division prior to final plat approval.
 13. The applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. A note shall be placed on the final record plat that installation of the "Share the Road with a Bike" sign will take place prior to the issuance of the first building permit.