

R E S O L U T I O N

WHEREAS, John H. and Irene M. Baldwin are the owners of a 8.06-acre parcel of land known as Part of Lot 1, Baldwin Acres, Tax Map 46 in Grid C-4, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on February 7, 2007, Crossway Development Association filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots and 2 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06148 for Baldwin Acres 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 19, 2007, 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 19, 2007, 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/95/04-01), and further APPROVED Preliminary Plan of Subdivision 4-06148, Baldwin Acres, for Lots 2-6 and Outlots A & B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Provide the entire distance along Church Road, adjacent to the proposed internal road.
  - b. Provide general notes that address the proper abandonment of the existing well and septic system serving 4903 Church Road in accordance with the Health Department memo.
  - c. Provide a general note that states that a raze permit is required prior to the removal of any on-site structures in accordance with the Health Department memo.
  - d. Revise general note 2 to indicate that Outlot B will be conveyed to the property owner of abutting Parcel 34, contingent upon the adjacent property owner choosing to accept the additional land. If the property owner for Parcel 34 chooses not to accept the additional land, Outlot B will be removed from the plan, and the land area will be incorporated into the limits of proposed Lot 2.

- e. Revise general note 13 to indicate that the companion TCPI is TCPI/95/04-01.
  - f. Revise general note 2 to remove “Low Impact Development,” and update the note in accordance with the stormwater management concept approval. Provide the stormwater management concept approval date and number on the plan.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
  3. Prior to signature approval of the preliminary plan, the applicant, his heirs, successors and or assignees shall submit four copies of the final Phase I archeological investigation report to the M-NCPPC Historic Preservation Section. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations are required.
  4. Prior to signature approval of the preliminary plan, submit a revised, signed NRI, preliminary plan and TCPI with the correct existing tree line. All other site statistics shall be addressed and the relevant documents, including the NRI; FSD text and plan; preliminary plan and TCPI shall be corrected as deemed necessary so that all plan quantities are consistent. This shall include, but not be limited to the following: gross tract area, net tract area, 100-year floodplain, existing woodlands on net tract, and existing woodlands in the 100-year floodplain.
  5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
  6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
  7. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
    - a. Adjust the worksheet accordingly if the acreage of existing woodland increases when the correct tree line is shown on the plans.
    - b. Adjust the phased worksheet accordingly so there is no shortage.
    - c. Revise the first sentence of TCPI note #6 to provide the stormwater management concept plan case number assigned to the plan.

- d. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
8. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/95/04-01). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/95/04-01), 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. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Environmental Planning Section.”
  9. Roadway improvements on Church Road shall be carried out in accordance with the document “Design Guidelines and Standards for Scenic and Historic Roads” prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine what these improvements are prior to Paving and Stormdrain Plan submittal.
  10. Prior to signature approval of the preliminary plan, two copies of the approved Stormwater Management Concept Plan shall be submitted. The preliminary plan and TCPI shall reflect the right-of-way width for the proposed internal street as shown on the approved stormwater management concept plan. Any required stormdrain facilities shall be shown on the TCPI.
  11. Prior to the approval of the final plat the applicant shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.
  12. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$18,900 (\$3,780 x 5 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.
  13. Prior to the approval of any building permits for Lots 5 and 6 the applicant, his heirs, successors, and or assignees shall submit documentation to the Subdivision Section that demonstrates that the

existing dwelling on Lot 5 has been connected to public water and public sewer.

14. Prior to the approval of any building permits the applicant, his heirs, successors, and or assignees shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
15. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
16. Prior to final plat, the applicant, his heirs, successors, and or assignees shall submit executed deeds of conveyance by all parties for Outlot B. The applicant, his heirs, successors, and or assignees shall demonstrate due diligence in obtaining the agreement for the conveyance of Outlot B to the abutting property owner of Parcel 34 (Newman Property). Should the adjacent land owners choose not to accept the additional land, Outlot B shall be removed from the preliminary plan and TCPI, and the area of land within Outlot B shall be incorporated into the limits of Lot 2.
17. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
18. Prior to the approval of a final plat, the applicant, his heirs, successors, and or assignees shall either;
  - a. Submit evidence that the existing 15-foot-wide easement for ingress and egress, recorded in Land Records on August 18, 1987, as Liber 6743, Folio 744, has been legally extinguished by all parties who have rights to the easement, and the new document re-recorded in Land Records, or:
  - b. Show said easement for ingress and egress on the final plat contained within an outlot. The land area within the easement shall be subtracted from the net lot area of any proposed lots. Outlot B and the proposed 40-foot-wide, scenic/historic buffer shall be removed from the limits of the easement, and the outlot shall be conveyed to the beneficiary of the easement. Should the easement remain on the final plat, Condition 1(d) and Condition 16 shall be void.

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 along the east side of Church Road, approximately 2,000 feet south of its intersection with Old Stage Road.
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-E	R-E
Use(s)	Single-Family	Single-Family
Acreage	8.06	8.06
Lots	1	5
Outlots	0	2
		0
Dwelling Units:		
Detached	1 (To Remain)	4 (New)
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-06148 and the Type I Tree Conservation Plan, TCPI/95/04-01, for Baldwin Acres, stamped as received by the Environmental Planning Section on March 23, 2007. The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-06148 and the Type I Tree Conservation Plan, TCPI/95/04-01 subject to conditions.

**Background**

The Environmental Planning Section previously reviewed applications for the subject property as Preliminary Plan of Subdivision 4-04160 for the abutting Coleman Property and Sketch Plan S-06002 for the subject site. The Planning Board approved Preliminary Plan 4-04160 with conditions. The Planning Board actions for the Coleman Property are contained in PGCPB Resolution No. 05-81. A Type I Tree Conservation Plan, TCPI/95/04, was included in the approval of Preliminary Plan 4-04160. A Type II Tree Conservation Plan, TCPII/003/06, was approved in February 2006 for the Coleman Property. The Baldwin Acres site was previously included in Preliminary Plan 4-04160 for the Coleman Property. The subject application represents an -01 revision to TCPI/95/04.

Sketch Plan S-06002 was reviewed in October 2006. The plan was a Conservation Subdivision proposal for seven lots for single-family detached dwellings; the Sketch Plan did not receive signature approval. The current plan is a conventional subdivision for five lots (Lots 2-6) for

single-family dwellings and Outlots A and B. One single-family detached house and two related structures are on-site. The single-family dwelling on proposed Lot 5 is proposed to remain.

### **Site Description**

The site is located on the east side of Church Road and is approximately one-half mile south of the Church/Old Stage Road intersection. The Baldwin Acres portion of the site totals 8.06 acres and the Coleman Property portion contains 8.41 acres for a combined total of 16.47 acres. The site is zoned R-E. Based on year 2005 aerial photos, the property's 8.06 acres is approximately 43 percent wooded. There are regulated environmental features on-site including a stream, stream buffers and a wetland buffer in relation to wetlands on an abutting site to the north. Three soil series are present at the site including: Adelpia fine sandy loam, Collington fine sandy loam (two types within this series), and Ochlockonee sandy loam. These soils do not have development constraints associated with them. Based on available information, Marlboro clays are not found at this location. There are no significant traffic-noise generators in vicinity of the site. Church Road is a designated scenic and historic road. According to the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species are not found in the vicinity of this site. Based on a review of the Countywide Green Infrastructure Plan, all three features within the network; regulated areas, evaluation areas and network gaps are on-site. The property is in the Collington Branch watershed of the Patuxent River basin, the Bowie and Vicinity Planning Area and the Developing Tier of the General Plan.

### **Master Plan Conformance**

The site is in the Bowie and Vicinity Planning Area. There are no specific environmental requirements or design standards that require review for conformance. The environmental requirements for woodland conservation and stormwater management are addressed in the Environmental Review section below.

### **Countywide Green Infrastructure Plan**

The site has all three features within the designated network of the Green Infrastructure Plan: a regulated area, an evaluation area and network gaps. These features are located on the eastern portion of the site. Of these three network features, approximately one-fourth of the eastern portion of the site is in a designated evaluation area. The TCPI as currently designed will implement the plan at this location because all of the proposed on-site preservation is within the designated evaluation area and network gap. In addition, the woodland in proposed Preservation Area 1 on the current TCPI is connected to existing woodland on the abutting Coleman Property to the east that is within an on-site woodland conservation area on the site's approved TCPII. No further information regarding the Green Infrastructure Plan is required.

## **Environmental Review**

A revised copy of the natural resources inventory (NRI/023/06) was submitted with the revised plans, which was reviewed in relation to the preliminary plan and TCPI. All three revised plans, the NRI, preliminary plan and TCPI do not show the existing tree line correctly when compared to year 2005 aerial photos of the subject site to the west of the existing house and along the common property line with Parcel 42.

The site contains regulated environmental features including a stream, stream buffers and a wetland buffer, the latter feature in relation to wetlands on an abutting property to the north. The regulated features are associated with the Patuxent River basin and are within the Patuxent River Primary Management Area (PMA). The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. The preliminary plan and TCPI show the PMA delineation correctly based on the signed NRI.

There are no proposed impacts to the PMA shown on the revised TCPI. However, in order to preserve and protect the PMA to the fullest extent possible, these regulated features must be put in a conservation easement on the final plat.

This site is subject to the Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans associated with it. Two revisions to the revised TCPI are required in order to meet the requirements of the Woodland Conservation Ordinance. This application represents an -01 revision to TCPI/95/04. The -01 revision shows the Baldwin Acres portion on sheet 1 of 2 with a phased worksheet and the Coleman Property on sheet 2 of 2.

According to the current phased TCPI worksheet, existing woodlands on-site total 7.43 acres. There are no areas of 100-year floodplain. The site has a calculated woodland conservation threshold (WCT) of 4.12 acres and a cumulative woodland conservation requirement of 4.63 acres. This requirement has been met on the Coleman Property with 2.88 acres of on-site preservation and 1.15 acres of off-site mitigation on another property. A total of 1.51 acres of on-site preservation is proposed on the Baldwin Acres portion. This is a cumulative on-site preservation total of 4.39 acres. Once the existing tree line is shown correctly, the amount of existing woodland on the Baldwin Acres portion may increase. The worksheet should be adjusted accordingly.

The phased worksheet shows a 0.10-acre shortage of woodland conservation to meet the Baldwin Acres portion of the requirement. The worksheet should be adjusted accordingly regarding the amount of on-site preservation for the Baldwin Acres portion so that a shortage is not shown in the phased worksheet.

One TCPI standard note requires a minor revision. In the first sentence of note #6 provide the stormwater management concept plan case number assigned to the plan. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

Church Road is a designated scenic and historic road. This site has two areas of roadway frontage along the road. The combined total of these two areas of roadway frontage is 126 feet. Both the preliminary plan and TCPI show a 40-foot-wide scenic easement along the two segments of frontage behind a 10-foot-wide public utility easement. Note #11 on the preliminary plan refers to a Visual Assessment Study that was included in this application. The study was not included in the referral materials received by the Environmental Planning Section.

Within the Bowie and Vicinity Master Plan, this segment of Church Road is a proposed collector road, pending road improvements. Other segments of the road have been widened as properties have undergone development. Any improvements within the right-of-way of scenic/historic roads are subject to approval by the DPW&T under the design guidelines and standards for scenic and historic roads. No further information regarding provision of a scenic/historic easement along Church Road is necessary.

An unapproved copy of the proposed Stormwater Management Concept Plan was initially submitted. The plan shows four bioretention areas in the rear yards on proposed private lots. No other information relating to the proposed stormwater management concept was included with the revised plans. Copies of the approved Stormwater Management Concept Plan and Concept Plan approval letter must be submitted prior to signature approval of the preliminary plan. The unapproved Concept Plan has been reviewed in relation to the proposed TCPI. The proposed bioretention areas on the Concept Plan are shown on the same proposed lots as on the revised TCPI. The approved Concept Plan must be reviewed in relation to the proposed TCPI to ensure there are no conflicts in relation to proposed bioretention areas on the approved Concept Plan and woodland conservation treatments on the proposed TCPI.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 71A within the Bowie Community and is within the limits of the 2006 Approved Bowie & Vicinity Master Plan. The master plan land use recommendation is for low-density residential land use. This application proposes a low-density residential land use, and is therefore consistent with the land use recommendation within the 2006 Approved Bowie & Vicinity Master Plan.

The 2002 General Plan locates the subject property within 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. This application proposes a low- to moderate-density suburban residential community, and is therefore consistent with the 2002 General Plan Development Pattern policies



for the Developing Tier. The 2006 Bowie & Vicinity Sectional Map Amendment retained the subject property within the R-E Zone.

**Planning Issues**

This site is located within Aviation Policy Area (APA) 6, which means the following regulations apply to the site:

<b>Aviation Policy Area</b>	<b>Zoning Ordinance Reference</b>	<b>Regulations</b>
APA 6	27-548.38 (b)(4)	Same uses/density as underlying zone
	27-548.42 (b)	Heights of structures to comply with federal/state regulations; may not exceed 50 ft. without review by MAA
All APAs	27-548.38 (d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned
	27-548.43	Disclosure requirements: required in HOA covenants, on final plat, with permits, and at the time of contract signing

The subject property is affected by air traffic from Freeway Airport. Portions of this site fall within Aviation Policy Area 6. Regulations for development in the vicinity of general aviation airports are detailed in Sections 27-548.32 to 27-548.49 of the Prince George’s County Zoning Ordinance. Future development of the subject property needs to be consistent with these regulations.

Within all Aviation Policy Areas, properties are required to disclose to prospective purchasers information regarding their proximity to the airport. In APA-6, applications to build structures that are more than 50 feet in height are required per Section 27-548.42(b) to demonstrate compliance with the Federal Aviation Regulations Part 77 or Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because all the lots are over one acre in size.
  
7. **Trails**—The Adopted and Approved Bowie and Vicinity Master Plan has designated Church Road as a master plan bike/trail corridor. Discussions between the Department of Public Works and Transportation and the applicant for the Fairwood development have determined that in this vicinity, the master plan bikeway will be implemented with six-foot-wide shoulders, with side paths at major intersections. These improvements will have to be provided comprehensively for the entire Church Road corridor in the vicinity of the subject site, and will occur within the public right-of-way. Due to the size and limited road frontage of the subject application, no

recommendations are made regarding this proposal. There are no master plan trails recommendations.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for Baldwin Acres. The subject property consists of approximately 8.06 acres of land in the R-E Zone. The property is located on the east side of Church Road, approximately 2,000 feet west and south of its intersection with Old Stage Road. The applicant proposes a residential subdivision consisting of five single-family detached residences.

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the five-lot single-family development will generate 4 AM peak hour trips, and 5 PM peak-hour trips. 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 traffic controls) if deemed warranted by the appropriate operating agency.

Pursuant to provisions in the Guidelines, the Planning Board may find that the traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period.

The Transportation Planning Section has no issues with the on-site circulation of traffic.

### **Transportation Conclusions**

Based on the fact that the subject application is considered to be *de minimus*, 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	5 du.	5 du.	5 du.
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.2	0.3	0.6
Actual Enrollment	4,900	6,782	10,542
Completion Enrollment	230.4	117	234
Cumulative Enrollment	0	0	0
Total Enrollment	5,131.6	6,899.3	10,076.6
State Rated Capacity	4,838	6,356	10,254
Percent Capacity	106.06%	108.54%	105.09%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 \$7,671 and \$13,151 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 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 & Public Facilities Planning Section have reviewed this subdivision plan for 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 7-minute response time for the first due fire station Bowie Company 39, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The property is located in Police District II. The response standard is 10 minutes for police emergency calls 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 February 7, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency
Acceptance Date 2/7/07	1/06-1/07	11	20
Cycle 1	2/06-2/07	11	20
Cycle 2	3/06-3/07	11	20
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls have not been met to date.

The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county.

The applicant has entered into a Public Safety Mitigation Agreement in the amount of \$18,900 (\$3,780 x 5 dwelling units) to be paid prior to the issuance of a grading permit for the development.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

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

Once the existing house at 4903 Church Road is connected to public water, the abandoned deep well located in front of the house must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department.

Once the existing house at 4903 Church Road is connected to public sewer, the abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place. The current sewage disposal system serving the existing house is located on proposed Lot 5, with portions of the septic area also extending on to proposed Lot 6. The existing sewage disposal system would have to be fully protected from any site development or grading until such time that the house can be connected to public sewer.

A raze permit is required prior to the removal of any of the structures (1-story metal building) on-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.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan the applicant should submit two copies of the approved concept letter and the approved plans, signed by DPW&T. The approval date should be indicated on the preliminary plan and the TCPI. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding. The preliminary plan and TCPI should reflect the right-of-way width for the proposed internal street as shown on the approved stormwater management concept plan.
14. **Historic**—A Phase I archeological survey was completed on the Baldwin Acres property in March, 2007. A draft report, *A Phase I Archeological Survey of the Proposed Baldwin Acres Subdivision, Bowie, Prince George's County, Maryland, Preliminary Plan #4-06148* was received and has been reviewed by Historic Preservation staff. No archeological sites were identified during the survey and the report recommended no further archeological work on the property. Staff concurs that no further archeological work is required on the Baldwin Acres property. Once four copies of the final report are received and accepted by the Planning Department, the archeological requirements for the property will be fulfilled.
15. **City of Bowie**-By letter dated February 21, 2007, the City of Bowie has “No Comment” on the application for the following reasons:
  - A relatively small number of new residential lots (five) are proposed
  - The subject property is located along a county road (Church Road), and no city streets are directly impacted by the proposed subdivision.
  - The proposed project will not impact any city-provided services.

16. **Existing ingress/egress easement** - Both the preliminary plan and the TCPI submitted for this application demonstrate an existing 15-foot-wide easement for ingress and egress along the entire northern property line. The easement was recorded in Land Records on August 18, 1987, as Liber 6743, Folio 744. The applicant is proposing to extinguish the easement. However, no evidence has been submitted which demonstrates that the easement has been previously extinguished, or that the abandonment of the easement has been agreed to by all parties who enjoy rights to the existing easement. A condition has been established to require the proper abandonment of the easement prior to the approval of a final plat. Or if the applicant is unable to legally extinguish the easement, for it to remain on the final plat.

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, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, April 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:JF:js