

R E S O L U T I O N

WHEREAS, James E. and Joyce E. McMurtrey are the owners of a 4.96-acre parcel of land known as Lot 1 (Record Plat WWW89@56) located on Tax Map 101 in Grid E4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on June 2, 2008, James E. and Joyce E. McMurtrey filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07103 for Wilson's Division Subdivision 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 November 6, 2008, 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 November 6, 2008, 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/020/08), and further APPROVED Preliminary Plan of Subdivision 4-07103, Wilson's Division Subdivision, for Lots 1A and 1B with the following conditions:

1. 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/020/08), 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, Prince George's County Planning Department.”

2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

3. At time of final plat, a scenic easement shall be described by bearings and distances. The scenic easement shall contain all existing woodlands and open space in a 40-foot-wide strip adjacent to Chew Road, (excluding driveway locations) and shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the final plat:

“Scenic Easements described on this plat are areas adjacent to designated scenic/historic roads. The installation of structures and roads, and the removal or planting of major vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”

4. Prior to the approval of a final plat of subdivision, the applicant shall coordinate with the Fire/EMS Department on the provision of “water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes” pursuant to Section 24-122.01(d)(2). The final plat shall show the water storage medium and its location.
5. A note shall be placed on the final plat that the driveway to each lot shall be designed with a turnaround capability in order to minimize the need for vehicles accessing each lot to have to back onto Chew Road. The design of the driveways to each shall be verified at the time of building permit.
6. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 4188-2008-00 (approved September 6, 2007) and any subsequent revisions.
7. Under the observation of the Health Department, the applicant shall conduct a soil observation hole on proposed Lot 1B as indicated on the plans provided by the Health Department (per memo dated June 27, 2008). The slopes must be verified and the results submitted to the Division of Environmental Health for review. Water table holes and percolation test holes, as well as, the Sewage Recovery Area must be 25 feet from steep slopes. Steep slopes may void the suggested area for proposed Lot 1B, which may result in additional percolation testing. The locations of the proposed stormwater management devices shall be shown on each lot on the preliminary plan.

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. This is a 4.96-acre property located on the northern side of Chew Road, located to the west of its intersection with Waynesford Drive.

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

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Residential	Residential
Acreage	4.96	4.96
Lots	1	2
Dwelling Units:	1	2 (1 new)
Public Safety Mitigation Fee		No

4. **Community Planning**—The property is located in the Rural Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. The vision for the Rural Tier is to protect large amounts of land for woodland, wildlife, recreation, and agricultural pursuits, and to preserve the rural character and vistas that now exist. The 1994 sectional map amendment for the Subregion VI study area master plan retained the subject property in the R-A Zone, which allows low- to moderate-density for the development of two lots. This application conforms to the land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, and 87B)*.
5. **Environmental**—There are no streams, 100-year floodplain, or wetlands found on this property located in the Western Branch watershed. There are several areas of steep and severe slopes located on-site. According to the *Prince George’s County Soil Survey*, the soils found on this property are in the Westphalia series. This soil series is known to have high erodibility on steep slopes; however, with the location of the development proposed steep slopes are not an issue on this site. Marlboro clays are not found to occur in the vicinity of this property. The proposed development is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species are not found to occur in the vicinity of this property. Chew Road, a designated scenic road, runs along the southwestern border of the subject site. This site is not located within the designated network of the *Approved Countywide Green Infrastructure Plan* and raises no master plan issues.

The preliminary plan application has a staff signed Natural Resources Inventory (NRI/074/07) that was included with the application package. The NRI indicates that there are no streams, wetlands, 100-year floodplain, or their associated buffers, located on-site. The forest stand delineation notes that there is one stand of woodland located on-site which is approximately 3.10 acres in size. The Type I tree conservation plan (TCPI) and preliminary plan show the required information correctly.

This property is subject to provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation

Plan, TCPI/020/08, has been reviewed and was found to require technical revisions. The plan proposes clearing 0.48 acre of the existing 3.10 acres of woodland. The conservation threshold is 2.48 acres. Based upon the proposed clearing, the woodland conservation requirement is 2.60 acres. The plan proposes to meet the requirement by providing 2.47 acres of preservation, and 0.13 acres of on-site reforestation. The woodland conservation proposed for this site has been found to be adequate. A note should be placed on the final plat of subdivision citing the restrictions of the approved Type I Tree Conservation Plan (TCPI/020/08), or as modified by the Type II tree conservation plan.

The soils found to occur on this property are in the Westphalia series. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the County during the permit process review.

Chew Road is a designated scenic road. The TCPI shows a proposed 40-foot-wide scenic easement along the frontage except where driveways are proposed. The TCPI also shows preservation within the easement which is appropriate. The scenic easement should be required to be placed in a conservation easement at time of final plat.

Water and Sewer

The 2001 *Water and Sewer Plan* placed this property in Water and Sewer Category 6, Individual Systems. The 2002 Approved General Plan recommends the prohibition of water and sewer extensions into the Rural Tier. Accordingly, the Planning Department recommends that public water and sewerage be prohibited on this property.

6. **Parks**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, both lots are exempt from mandatory dedication of parkland requirements. Lot 8A of the subject subdivision is exempt because there is an existing structure on-site. Lot 8B is exempt because it is over an acre in size.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion VI master plan that impact the subject site. The existing portion of Chew Road, near the subject site, is open section with no sidewalks.
8. **Transportation**—There is an existing improvement, a single-family dwelling, which will remain, located on one of the two proposed lots (Lot 1A). Consequently, an adequacy finding will be based on one net new lot. Based on the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the one-lot single-family development will generate 1 AM peak-hour trip, and 1 PM peak-hour trip.

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 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.

Pursuant to provisions in the Guidelines, the Planning Board may find that traffic impact of small developments is de minimus. A de minimus development is defined as one that generates 5 trips or fewer in any peak period. The property fronts on Chew Road where a dedication of 30 feet from centerline is being shown. This proposed dedication is found to be adequate. There are no issues regarding on-site circulation of traffic. Lot 1 A has an existing turnaround driveway. Therefore, it is appropriate that Lot 1 B is designed with a turnaround driveway to keep residents from having to back out onto Chew Road. Based on the fact that the subject application is considered to be de minimus, 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 Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.48	.12	.24
Actual Enrollment	5,451	4,920	10,050
Completion Enrollment	194.40	99.84	199.80
Cumulative Enrollment	0	1.98	3.96
Total Enrollment	5,645.88	5,021.94	10,254.00
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	105.90%	79.01%	100.00%

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

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 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. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 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. This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02 of the Subdivision Regulations, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue** - The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations. This preliminary plan is within the required 7-minute response time for the first due fire station Marlboro Company #20, 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, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

The 2002 Approved General Plan placed this property into the Rural Tier. Section 24-122.01(d)(2) requires subdivision applicants in the Rural Tier to “provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes.” The applicant is required to coordinate with the Fire/EMS Department to ensure the availability of water for fire suppression as a condition of the approval of this preliminary plan of subdivision.

11. **Police Facilities**—The subject property is located in Police District V, Clinton. The standard for priority calls response is ten minutes and the standard is 25 minutes for non-priority 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 June 2, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date June 2, 2008	8/07–8/08	8 minutes	10 minutes
Cycle 1 - Cycle 3		8 minutes	10 minutes

The response time standards of ten minutes for priority calls and 25 minutes for non-priority calls were met on June 3, 2008. The Police Chief has reported that the Police Department has adequate

equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Stormwater Management**—A Stormwater Management Concept Plan, 4188-2008-00, was approved by the Department of Public Works and Transportation on April 7, 2008, and expires April 7, 2011. Copies of the stormwater management concept approval letter and plan were submitted with this application. Water quality treatment on-site will be achieved by roof top disconnect. Development of the site must be in accordance with this approved plan and any revisions.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Wilson property and has concluded that the development of the subdivision is projected to utilize individual sewage disposal systems and individual water supply systems. Percolation testing has been conducted on the two proposed lots. Under the observation of the Health Department, the applicant should conduct a soil observation hole on proposed Lot 1B. The plans indicate steep slopes (greater than 25 percent) less than 25 feet from the sewage recovery area (SRA) on proposed Lot 1A and within the SRA on proposed Lot 1B. The slopes must be verified and the results submitted to the Division of Environmental Health for review. Water table holes and percolation test holes, as well as, the SRA must be 25 feet from steep slopes. Steep slopes may void the suggested area for proposed Lot 1B, which may result in additional percolation testing. The locations of the proposed stormwater management devices should be shown on each lot.
14. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 4.96-acre property located at 6314 Chew Road in Upper Marlboro, Maryland. This plan proposes two single-family residential lots. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Most of the undeveloped portion of the property has steep slopes above 15 percent. Archeological sites are rarely found on slopes over 10 percent. However, the applicant should be aware that there are four previously recorded archeological sites, all historic, within a one-mile radius of the subject property. In addition, there are 17 County historic sites and five historic resources within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

15. **Historic Preservation**—There is no effect on historic resources for this proposed subdivision.

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 date of notice of the adoption of this Resolution.

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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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, November 6, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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