

R E S O L U T I O N

WHEREAS, a 2.15-acre parcel of land known as Lots 26 and 27 and includes all of the dedicated, but unbuilt public rights-of-way of Seltzer Lane (PBRNR 2@48), said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 4, 2008, Robert Choy filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 3 dwelling units; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07017 for Buena Vista 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 December 4, 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 December 4, 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/022/08), and further APPROVED Preliminary Plan of Subdivision 4-07017, Buena Vista for Lots 31-33 with the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Revise the worksheet as follows:
 - (1) Revise the existing woodland in the floodplain to reflect the acreage shown on the approved NRI.
 - (2) Verify that the acreage of clearing, preservation and afforestation are reflective of what is shown on the plan and in the lot by lot table.
 - (3) Update the woodland conservation required per the standard worksheet.
 - b. Revise the existing treeline on Lot 31 to reflect the treeline as shown on the approved NRI to account for clearing on the lot.

- c. Revise the LOD on Lot 32 to represent only the area necessary for construction of the house and to be a closed area.
 - d. Label the area from the revised LOD to the limits of the 40-foot rear yard as “woodland counted as cleared” and show the area with a distinct hatch pattern and include this in the legend. Any areas within 40 feet from the proposed house that are within the PMA shall not be shown or counted as cleared.
 - e. Revise the lot-by-lot table to include a column for totals. Ensure that the totals are consistently reflected on the plan and in the worksheet.
 - f. Revise the legend to reflect all symbols shown on the plan and to replace the label for the “Tree Conservation Easement” with “Woodland Conservation Area.”
 - g. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/022/08). The following notes 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/022/08), 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.”
3. Prior to the issuance of a building permit for proposed Lot 32, all on-site afforestation shall be completed. If a combined grading and building permit is requested, the afforestation must be installed prior to approval of the combined permit. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the afforestation area and the associated fencing, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
 4. Prior to signature approval of the TCPI, written permission must be provided by the two existing property owners which states that they are aware of the acreage and location of the afforestation proposed on their respective lots and that they will allow access for planting.
 5. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain the delineated 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 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 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.
7. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall establish a 20-foot-wide public use easement for connectivity to trails and transit.
8. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 38442-2006-00 and any subsequent revisions.
9. Prior to approval of the final plat of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 32.
10. The applicant and the applicant’s heirs, successors, and/or assignees shall provide standard sidewalks along the entirety of the frontage of the subject property unless modified DPW&T.
11. Prior to final plat, the applicant and the applicant’s heirs, successors and/or assignees shall vacate that portion of the ROW dedicated and recorded in land records in plat book RNR 2@48 that is included in proposed Lot 32, in accordance with Section 24-112 of the Subdivision Regulations. If a vacation is not approved, a new preliminary plan would be required.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the end of Seltzer Lane approximately 450 feet northeast of Annapolis Road. The site comprises 2.15 acres of land in the Rural Residential (R-R) Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	single-family residences	single-family residences
Acreage	2.15	2.15
Lots	2 (existing)	3 (1 new)
Mitigation Fee	No	No

4. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The addition of one new residential lot, for a total of three, on the 2.15 acre property, conforms to this vision. The application, with an average of about 1.3 residences per acre, conforms to the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook –Lanham and Vicinity (Planning Area 70)* recommendation for the “Low Suburban” density land use and retained the R-R Zone for the property.

5. **Environmental**—There are wetlands and wetland buffers on the property associated with the adjacent Folly Branch Stream Valley in the Patuxent River watershed. According to the *Prince George’s County Soil Survey*, the principal soils on this site are in the Christiana and Johnston series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be affected by the proposed development. The site is bisected by the Seltzer Lane right-of-way and is located far enough from possible nearby noise sources (approximately 450 feet from Annapolis Road (MD 450), a designated arterial roadway) so that noise is not an issue. The proposed development is not expected to be a noise generator.

Master Plan Conformance

The 1993 Approved Glenn-Dale-Seabrook-Lanham Master Plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation are addressed in the Environmental Review Section below.

Approved Countywide Green Infrastructure Plan Conformance

During the first review of this application, a revision was requested to the plans to adjust the house siting on proposed Lot 32 and add afforestation in the highest priority areas. The plan has been revised so that the proposed building footprint is situated on the lot to minimize the amount of clearing, given the configuration of the lot, and the existing setback and easement restrictions located on the property. The entire woodland conservation requirement is proposed to be met on-site with a combination of preservation and afforestation within the highest priority areas located on-site of the Regulated Area of the Green Infrastructure Network.

The Woodland Conservation and Tree Preservation Ordinance requires 40 feet of cleared area to the rear of each home to allow for a usable backyard. In this case, clearing this 40-foot-wide area results in more clearing than is necessary to build the house and the woodlands on the lot which could be better preserved. These woodlands are in an Evaluation Area of the Green Infrastructure Plan, so they are a high priority for preservation. In addition, a portion of this area is located within the primary management area (PMA) and should not be cleared for the sole purpose of providing usable yard area. See the discussion in the Environmental Review Section below with regard to how this area should be treated.

Environmental Review

An approved Natural Resources Inventory, NRI/077/06, was submitted with the application. There is a primary management area (PMA) comprised of a wetland, its associated wetland buffer, 100-year floodplain and adjacent steep slopes. The floodplain information shown on the plans is from the Prince George's County Stormwater Management Technical Group Floodplain Study (Map 34, FO-2). The forest stand delineation (FSD) indicates two forest stands totaling 0.57 acres and no specimen trees. Stand 1 is an immature mixed hardwood stand and Stand 2 is a mixed hardwood/scrub/shrub stand with standing water due to beaver activity. No revisions are required for conformance to the NRI.

The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/022/08) was submitted with the review package. The Woodland Conservation Threshold (WCT) for this 2.15-acre property is 20 percent of the net tract area or 0.29 acres. Based on the amount of clearing proposed, the total woodland conservation requirement currently shown on the worksheet is 0.32 acres. This requirement is proposed to be satisfied by 0.08 acres of on-site preservation and 0.24 acres of reforestation.

All of the existing woodland on-site is located in the Regulated Area of the *Approved Countywide Green Infrastructure Plan*. Non-vegetated areas of the PMA are also located in the Regulated Area of the Green Infrastructure Plan; these areas should be preserved and afforested to the fullest extent possible. The TCPI plan illustrates that a portion of the existing woodland is proposed to be cleared for the construction of a house and that afforestation is proposed to be implemented within the PMA.

While the general location and configuration of the proposed woodland conservation on-site are appropriate, the calculation of the acreages for these areas shown on the plan is inconsistent with what is represented in the worksheet and on the lot-by-lot table. The worksheet needs to be revised to: reflect the acreage of existing woodland in the floodplain as shown on the approved NRI, verify that the acreage of clearing, preservation and afforestation are reflective of what is shown on the plan and in the lot-by-lot table, and the woodland conservation required needs to be updated per the standard worksheet.

The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. The existing treeline on Lot 31 needs to be shown per the approved NRI to account for clearing. The limits of disturbance (LOD) needs to be revised to represent only the area necessary for construction of the house and should be a closed area. The area from the revised LOD to the limits of the 40-foot rear yard needs to be labeled as “woodland counted as cleared” and the area hatched with a distinct pattern and include this in the legend. Any areas within 40-feet from the proposed house that are within the PMA should not be shown or counted as cleared. The lot-by-lot table needs to be revised to include a column for totals. All totals in the lot-by-lot table need to be consistently reflected on the plan and in the worksheet. The legend needs to be revised to reflect all symbols shown on the plan and to replace the label “Tree Conservation Easement” with “Woodland Conservation Area.”

The afforestation is proposed to be placed on all three of the lots for the proposed subdivision. This is problematic because the other two property owners may not be aware that this is being proposed. Written permission should be provided by the two existing property owners which states that they are aware of the acreage and location of the afforestation proposed and they will allow access for planting. In addition, the areas of planting can easily be installed prior to issuance of the building permit for proposed Lot 32. If a combined grading and building permit is requested, the afforestation must be installed prior to approval of the combined permit

The Type I tree conservation plan should be revised prior to signature approval of the preliminary plan. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/022/08). A note should be placed on the Final Plat of Subdivision citing the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/022/08), or as modified by the Type II tree conservation plan.

Wetlands and 100-year floodplains are found to occur on this property. These features and their associated buffers, including adjacent steep slopes, comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b) (10) of the Subdivision Regulations. The Subdivision Regulations mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public 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 clearing and grading when alternative designs would reduce or eliminate the impacts. No impacts to the PMA have been identified and no letter of justification for impacts was submitted. No letter of justification is required at this time, since no impacts have been proposed.

The site contains significant natural features, which are required to be protected under Section 24-129 and/or Section 24-130 of the Subdivision Regulations. At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the delineated Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. A note describing the

conservation easements should be placed on the final plat.

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 which 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.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Christiana and Johnston series. This information is provided for the applicant's benefit. The Prince George's County Department of the Environment may require a soils report in conformance with CB-94-2004 during the building permit process review.

Water and Sewer Categories

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 3. An existing eight-inch sanitary sewer line cuts through the property in Seltzer Lane and an existing eight-inch water line abuts the property. Sewer line extensions are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

6. **Parks**—In accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication for Lot 32 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location. Lots 31 and 33 are exempt because both have existing dwellings.
7. **Trails**—A portion of the floodplain is on the subject site. Trails in the vicinity of the subject proposal include existing sections of the Folly Branch Trail, the Washington-Baltimore and Annapolis Recreation Trail (WB&A), and the MD 450 side path. The site is within easy biking distance from the Seabrook Maryland Rail Commuter Service (MARC) Train Station (approximately 1.8 miles). The subject site abuts existing The Maryland-National Capital Park and Planning Commission parkland along Folly Branch, which is also a master plan trail corridor. Staff recommends the provision of a 20-foot-wide open space easement across the applicant's property to accommodate future access from Seltzer Road to the Folly Branch Stream Valley Park and planned master plan trail.

There are no master plan trails issues specifically identified in the 1993 Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan that directly impact the subject application. The side path exists along Annapolis Road (MD 450). This side path is easily accessible from the subject site, and it will provide a walking or biking connection to the WB&A Trail and to the MARC Penn Line South at the Seabrook Train Station, located at Lanham-Severn Road, (MD 564) Seabrook Road and 6221 Seabrook Road Lanham, MD 20706

8. **Transportation**—The applicant proposes a residential subdivision consisting of three lots. Two of those lots are currently improved with a residence which will remain. 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 trips, and 1 PM peak-hour trips. There are no issues regarding on-site circulation of traffic. As such, the subject property is evaluated according to the following standards:

- **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.

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 five trips or fewer in any peak period. 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 Subdivision Regulations.

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 No.	Elementary School Cluster 2	Middle School Cluster 4	High School Cluster 2
Dwelling Units	3 DU	3 DU	3 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	6,412	10,563	12,681
Completion Enrollment	98.64	25.08	199.8
Cumulative Enrollment	117.12	14.12	249.12
Total Enrollment	6,628.48	10,602.48	13,130.28
State Rated Capacity	6,339	11,551	13,366
Percent Capacity	104.57%	91.79%	98.24%

Source: Prince George's County Planning Department, M-NCPPC, July 2008

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 seven-minute response time for the first due fire station Glenn Dale Company 18, using the *Seven-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) of the Subdivision Regulations 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.
11. **Police**—The subject property is located in Police District II, Bowie. The response time standard is 10 minutes for emergency calls 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 July 17, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date July 17, 2008	6/07–6/08	8 minutes	11 minutes
Cycle 1–Cycle 3	6/07–6/08	8 minutes	11 minutes

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency

calls were met 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** - Stormwater Management Concept Plan 38442-2006-00 has been approved with conditions. Development of this property must be in conformance with the approved Stormwater Concept Approval Plan and any subsequent revisions. An approved Stormwater Management Concept Letter was submitted with the subject application indicating the use of fee-in-lieu for on-site attenuation/ quality control measures subject to conditions. No additional information is required concerning stormwater management.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Buena Vista Subdivision and has no comments to offer at this time.
14. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 2.15-acre property located at 4918–4919 Seltzer Lane, about 450 feet northeast of Annapolis Road, in Lanham, Maryland. The existing house on the property at 4919 Seltzer Lane was built in 1995 and another house at 4918 Seltzer Lane is under construction. Due to this modern disturbance on the subject property, it is unlikely that intact archeological deposits will be identified. However, the applicant should be aware that six prehistoric and one historic archeological sites have previously been identified within a one-mile radius of the subject property. In addition, two Historic Sites, Thomas J. Calloway House (70-049-33) and Buena Vista (70-017) and one Historic Resource, Glenn Dale Hospital (70-050) are located 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 (NHPA) 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**—The Historic Preservation Section has reviewed the subject area and has found that there is no effect on historic resources.
16. **Vacation of Seltzer Lane**—There is approximately 4,869 square feet of unbuilt public rights-of-way of Seltzer Lane that is included as part of the net square footage of proposed Lot 32. These public rights-of-way were recorded as part of the original plat of 1718. There are no future plans to construct this portion of Seltzer Lane. Staff recommends that this portion of the ROW be vacated prior to final plat in accordance with Section 24-112 of the Subdivision Regulations.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, and with Commissioners Cavitt and Clark absent at its regular meeting held on Thursday, December 4, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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