

R E S O L U T I O N

WHEREAS, Jay and Shannon Courtney Perry are the owners of a 5.72-acre parcel of land known as Parcel 59, Tax Map 132 in Grid D-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on November 19, 2007, Jay and Shannon Courtney Perry filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07085 for Perry 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 April 17, 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 April 17, 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/043/07), and further APPROVED Preliminary Plan of Subdivision 4-07085, Perry Subdivision for Lots 1- 4 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 required 120-foot lot width at the front building line for Lot 2 by adjusting the common boundary line between Lots 2 and 3 (west of the existing dwelling). Label where the required 120-foot lot width at the front building line is being met on Lots 1 and 2, and provide a setback dimension from the front street line to the front building line for both lots.
 - b. Revise general Note 4 to indicate that four lots are proposed.
 - c. Revise general Note 12 to indicate that the property is located in Clinton (and remove Accokeek).

- d. Remove the sand filter proposed on Lot 4 from the preliminary plan and the TCPI, or submit an updated SWM concept plan, signed by DPW&T, which includes the sand filter.
 - e. Label the existing centerline of Gallahan Road and provide a 40-foot setback from the centerline to the new property line. Label the land area within the 40-foot setback as "Right-of-Way Dedication" and provide the square footage of the right-of-way dedication area.
 - f. Delineate the portion of Gallahan Road which exists within the property boundaries, and demonstrate the entire limits of the 80-foot wide Gallahan Road right-of-way.
 - g. Provide front and side setbacks for the existing dwelling that is proposed to remain.
 - h. Label the abutting property to the west as "Parcel I, Plat Nine, Gallahan Subdivision, PM 219@7," and further indicate that the parcel is owned by the Gallahan Subdivision Homeowners Association.
 - i. Label the abutting property to the south as "Parcel H, Plat Eight, Gallahan Subdivision, PM 219@6," and further indicate that the parcel is owned by the Gallahan Subdivision Homeowners Association.
 - j. Remove the 30-foot-wide landscape buffer from Lots 2, 3 and 4 and only demonstrate the buffer on Lot 1 adjacent to the abutting church property.
 - k. Remove general note 26 from the plan, as it is a duplicate of general note 21.
 - l. Add distances to the internal lot lines.
 - m. Remove the proposed tree line and only show the existing tree line.
 - n. Revise the locations of the proposed dwellings so that no structures encroach into the 40-foot-wide scenic/historic buffer.
 - o. Label the existing driveway on Lot 3 "To Remain."
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 35728-2006-00, and any subsequent revisions.
 4. Prior to the issuance of grading permits the applicant, applicant's 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.

5. Prior to the issuance of any building permits for Lot 2, the applicant, applicant's heirs, successors and/or assignees shall submit documentation to the Subdivision Section that demonstrates that the existing dwelling on Lot 3 has been connected to public sewer, and that the existing septic tank on Lot 2 has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed scavenger and witnessed by a representative of the Health Department.
6. At the time of final plat, the applicant shall dedicate 40 feet of right-of-way from the master plan centerline of Gallahan Road, as shown on the submitted preliminary plan.
7. The driveway for each lot shall be designed with turnaround capability in order to minimize the need for vehicles to have to back onto Gallahan Road. The design of the driveways for each lot shall be verified at the time of building permit.
8. The applicant, applicant's heirs, successors and/or assignees shall provide a seven- to ten-foot-wide asphalt shoulder along the subject property's entire street frontage of Gallahan Road to safely accommodate on-road bicyclists, unless modified by DPW&T.
9. Prior to approval of a final plat, a geotechnical study, prepared and signed by a geotechnical engineer, shall be submitted to the Environmental Planning Section of the Prince George's County Planning Department. The study shall evaluate existing and proposed conditions on the site and make recommendations regarding remediation of slope stability issues, if any are found. The geotechnical report shall be prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resources, and shall address existing slope stability, delineate the existing 1.5 safety factor line, the proposed grading, and the resulting 1.5 safety factor line. The report must be signed and dated; a signature stamp is not allowed.
10. Prior to signature approval of the preliminary plan, a revised NRI shall be submitted to the Environmental Planning Section for signature. The revised NRI shall show all existing site features correctly and include the existing stream and its associated buffer. All other plans shall be revised to be in conformance with the revised NRI.
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of permanent disturbance that are allowed to remain by the Department of Public Works and Transportation, and shall be reviewed by the Environmental Planning Section prior to certification. 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."

12. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Show a proposed limit of disturbance on the plan and in the legend.
 - b. Avoid disturbance to any expanded stream buffer.
 - c. Remove the FSD sample points from the plan and the legend.
 - d. Remove the NRI notes.
 - e. Clearly indicate the area of woodland to be used to meet the woodland conservation requirement.
 - f. Replace the TCPI notes with those in current use and revise the notes to reference the current application (not the pre-preliminary plan application).
 - g. Change the approval stamp to the standard Environmental Planning Section approval block.
 - h. Show the off-site clearing and the connection to the sewer line that extends off-site.
 - i. Remove the grading into the stream buffer.
 - j. Include off-site clearing required for the sanitary sewer in the worksheet as a separate line item or note it on the worksheet with the acreage for off-site clearing and on-site clearing as separate totals.
 - k. Revise the worksheet as needed.
 - l. Have the revised plan signed and dated by the qualified professional who prepared the plan.
13. 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/043/07), 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.”

14. A minimum 40-foot-wide easement adjacent to the 10-foot public utility easement, parallel to the land to be dedicated for Gallahan Road, shall be shown on the final plat as a scenic easement. The following note shall be placed on the final plat:

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”

15. The TCPII shall show the planting of at least a single row of evergreen trees and a single row of large shade trees within the scenic easement.

16. Prior to signature approval of the preliminary plan, the TCPI shall be revised to include the following note:

“The TCPII shall show the planting of the scenic easement with at least a single row of evergreen trees and a single row of large shade trees.”

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 subject property is located along the west side of Gallahan Road, approximately 2,000 feet south of its intersection with Old Fort Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
	R-E	R-E
Zone	Single-Family	Single-Family
Use(s)	5.72	5.72
Acreage	0	4
Lots	1	0
Parcels		
Dwelling Units:		
Detached	1 (To Remain)	4 (3 New)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan for the Perry Subdivision, 4-07085, the revised Type I Tree Conservation Plan, TCPI/043/07, and the revised Natural Resources Inventory, NRI/082/06, stamped as received by the Environmental Planning Section on March 13, 2008. The Environmental Planning Section recommends approval of 4-07085 and TCPI/043/07 subject to conditions.

BACKGROUND

This site was previously reviewed by the Environmental Planning Section as pre-preliminary plan applications, P-05005 and P-05026.

SITE DESCRIPTION

The current land use is a mostly wooded parcel with a residential structure and a barn. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Aura series. Marlboro Clay occurs on the site. Stream and expanded stream buffers associated with Piscataway Creek occur on the property. 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. There are no nearby traffic-generated noise sources. The proposal is not expected to be a noise generator. Gallahan Road is a designated scenic road. The site is located within the Developing Tier according to the adopted General Plan.

Environmental Issues Addressed in the Henson Creek Master Plan

The master plan contains policies that must be considered as part of the review of any development. With regards to this particular property, the principal policy is “Protect, preserve and enhance the identified green infrastructure network within the Henson Creek planning area.”

Additionally, Tinkers Creek is designated as a primary corridor in the Henson Creek master plan. The strategy to be used is to protect primary corridors (Henson/Broad Creek and Tinkers Creek/Piscataway Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.

Conformance with the Countywide Green Infrastructure Plan

All of the property is within an evaluation area as identified in the Green Infrastructure Plan. This designation means that meeting the Woodland Conservation Ordinance requirements on-site should be evaluated first, before allowing the use of any off-site conservation

ENVIRONMENTAL REVIEW

Marlboro clay occurs on this property. Section 24-131 of the Subdivision Regulations controls the development of potentially unsafe lands. Unless the chief building inspector provides recommendations otherwise, the preliminary plan must show that no lot less than 40,000 square feet in area is impacted by any safety factor line. The proposed lots are all greater than 40,000 square feet. At a minimum, a 25-foot building restriction line is required to be established along any 1.5 safety factor line if one exists.

A geotechnical report, which includes this land, was reviewed and approved with Preliminary Plan 4-04180. Although the geotechnical report did not consider grading on this property, it established that the existing 1.5 safety factor line does not occur on the subject property. Based on the proposed grading and layout of the site, and the fact that the existing woodlands on the slope in question are to remain in place, it appeared during the first review of this case that there was no issue with regard to Marlboro clay.

However, in order to meet the minimum lot width at the front building line for Lot 2, the proposed house must be set back, into the slope that contains the Marlboro clay layer. This scenario was not analyzed during the review of this case because the applicant did not respond to earlier comments regarding Lot 2 not meeting the minimum lot width requirements. In order to be sure that this new house configuration does not impact the stability of the slope due to the additional grading that will be required and the additional clearing on the slope, a geotechnical study is needed that addresses the new configuration of this structure. In addition, during the review of the revised plans, grading has now been shown on Lot 4 at the toe of the slope where it had not been shown previously.

A signed Natural Resources Inventory (NRI), NRI/082/06, was submitted with the application. The signed NRI did not show the site features correctly. A revised NRI was submitted with the subject application, but it is not signed. The revised NRI must be submitted directly to the Environmental Planning Section with the appropriate information and an application for review.

There is a stream, but no wetlands or 100-year floodplain, on the property. The expanded stream buffers as delineated on the revised NRI are correctly shown on the preliminary plan and the Type I tree conservation plan.

The forest stand delineation indicates one forest stand totaling 3.15 acres and notes 28 specimen trees. The dominant trees are yellow poplar, American beech, northern red oak and black gum with diameters averaging 19.8 inches at breast height. Invasive plants include Japanese honeysuckle and multiflora rose. The priority woodlands are those within the expanded stream buffer and those on steep slopes.

The site contains features that are required to be preserved under Section 24-130 of the Subdivision Regulations. A stream runs west to east through the property, passes under an existing culvert at proposed Lot 3 and then runs under Gallahan Road. DPW&T has commented

that the culvert under Gallahan Road must be replaced. As such, this is an impact to the stream buffer, but will occur mostly within the right-of-way of Gallahan Road. If required by DPW&T, the existing culvert that provides access to the existing barn that is to be raised on proposed Lot 4 shall also be removed to provide a free-flowing stream in this location.

No regulated impacts are proposed on the plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in area and there are more than 10,000 square feet of existing woodland.

Because all of the property is within an evaluation area, as identified in the Green Infrastructure Plan, and with Tinkers Creek identified as a primary corridor within the Henson Creek master plan, all required woodland conservation should be accomplished on-site.

The Type I Tree Conservation Plan, TCPI/043/07, has been reviewed. The plan proposes clearing 0.49 acres of the existing 4.04 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.55 acres. The plan proposes to meet the requirement by providing 3.55 acres of on-site conservation.

There are some technical errors. The plan fails to clearly show a proposed limit of disturbance. The TCPI general notes need to be replaced with the notes currently in use. The approval stamp must be changed to the standard approval stamp used by the Environmental Planning Section. Off-site clearing required for the sanitary sewer must be included in the worksheet as a separate line item or be called out as a note with the acreage noted separately from the clearing on-site. Note: (the worksheet reflects 0.49 acres of proposed clearing –no off-site clearing has been added to the worksheet). The plan must also be revised to show the entire area of clearing proposed for the sewer line connection, either as an inset on the same sheet or on a separate sheet.

Gallahan Road is a designated scenic road. The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision "A...team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation." Visual inventories have been prepared along this segment of Gallahan Road for recent subdivisions.

At a minimum, the plan should provide a 40-foot-wide landscape buffer adjacent to the 10-foot public utility easement and parallel to the land to be dedicated for Gallahan Road. The preliminary plan and TCPI show a 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Gallahan Road. The TCPII will be required to show the proposed landscaping within the landscape buffer.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Aura series. Aura soils are highly erodible and are in the C-hydric group. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit process review.

An approved Stormwater Management Concept, CSD #35728-2006-00, was submitted. The plan requires individual drywells for each proposed new structure. No further action regarding stormwater management is required.

SUMMARY

The Environmental Planning Section recommends approval of 4-07085 and TCPI/043/07 subject to conditions.

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 the site will therefore be served by public systems. Council Resolution CR-75-2005, adopted by the District Council on November 29, 2005, moved the Perry Subdivision from a Category 5 water and sewer designation to a Category 4.

5. **Community Planning**—The property is located in Planning Area 80 within the South Potomac Community and is within the limits of the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment. The master plan land use recommendation is for a residential, low-density land use at up to 3.5 dwelling units per acre. This application proposes a residential, low-density (less than one dwelling unit per acre) land use that is consistent with the land use recommendation within the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment.

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 which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

Gallahan Road (C-519) is a local scenic and historic road. The Transportation Planning Section of the master plan (page 64) recommends this segment of Gallahan Road to be maintained at its current width with frontage and safety improvements as deemed necessary.

The 2006 approved Henson Creek-South Potomac master plan and sectional map amendment retained the subject property within the R-E Zone.

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 lots are over one acre in size.
7. **Trails**—There are no master plan trails issues identified in either the approved Subregion VII master plan or the 1985 Equestrian Addendum to the approved Countywide Trails Plan that impact the subject property. The recently approved Henson Creek-South Potomac master plan designates Gallahan Road as a master plan bikeway. Gallahan Road is used by on-road cyclists in the area and is part of the Potomac Heritage Trail On-Road Bicycle Route. The National Park Service has accepted this on-road bicycle route as a segment of the Potomac Heritage National Scenic Trail. A seven- to ten-foot-wide asphalt shoulder is recommended along the site’s road frontage unless modified by DPW&T. This recommendation is consistent with the previous approvals for the nearby Gallahan Property (4-04185, PGCPB Resolution No. 06-04) and the abutting Gallahan Property-II (4-04180, PGCPB Resolution No. 05-42) developments.

Sidewalk Connectivity

Gallahan Road is currently an open-section roadway with no sidewalks.

8. **Transportation**—The preliminary plan application proposes the subdivision of an acreage parcel into four lots for the development of detached single-family dwellings. One of the four lots will be used to contain the existing dwelling. Therefore, this application will have a net result of three new dwelling units. Because this amount of development would have a minimal impact on the adjacent roadways, a traffic study was not requested from the applicant.

Site Access Evaluation: Access to the proposed lots would be via Gallahan Road, a master plan-designated collector facility. In consideration of the current operating speeds and volumes, along with the function of the roadway, access driveways for the four proposed lots should utilize turn-around capability in order to minimize the need for vehicles accessing these lots to back onto Gallahan Road.

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation: Gallahan Road is designated as a master plan collector roadway within the Henson Creek-South Potomac master plan with a right-of-way width of 80 feet. The plan reflects appropriate dedication of 40 feet from the master plan centerline.

PLANNING BOARD FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of four single-family lots. The proposed development of four residences would generate 3 AM and 4 PM peak-hour vehicle trips as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

The traffic generated by the proposed preliminary plan would impact the intersection of Old Fort Road South and Gallahan Road. This intersection is unsignalized. There are no projects to improve this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program.

The Transportation Planning Section has no available turning movement counts at the critical intersection of Old Fort Road South and Gallahan Road that are less than one year old. An analysis done approximately one year ago using counts that are currently 18 months old indicated that the critical intersection would operate with acceptable delay under existing and future traffic.

Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. The Transportation Planning Section would therefore recommend that the Planning Board find that 3 AM and 4 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Old Fort Road South and Gallahan Road intersection.

All four of the residential lots are proposing direct driveway access to Gallahan Road. This roadway functions today in the manner of a collector facility and will continue to do so. In consideration of current operating speeds and volumes, along with the function of the roadway, driveways onto the proposed lots should utilize turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Gallahan Road.

PLANNING BOARD CONCLUSIONS

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.

9. **Schools**—The Special Projects Section of the Countywide Planning Division has reviewed the preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and have concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 DU	4 DU	4 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	46.56	53.82	88.44
Total Enrollment	4,734.24	6,112	9,965.8
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	99.14%	99.96%	95.89%

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 \$7,870 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.

The Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The preliminary plan was reviewed 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 Special Projects Section has determined that this property is within the required seven-minute response time for the first due fire station, Allentown Road Company 47, using the *7-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's 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 Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District IV. The response time standard for priority calls is 10 minutes and 25 minutes for nonpriority calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 19, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date Mo/day/year	10/06 - 10/07	10 minutes	16 minutes
Cycle 1	11/06 - 11/07		
Cycle 2	12/06 - 12/07		
Cycle 3	1/07 - 1/08		

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met on December 3, 2007.

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, 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. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan for Perry Subdivision and has the following comments to offer.

Once the property is connected to public water, the existing shallow well found behind the house located at 11901 Gallahan Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

Once the existing dwelling on Lot 3 is connected to public sewer, the abandoned septic system serving the existing house (located on Lot 2) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.

Prior to removing the existing barn located on Lot 4, a raze permit must be obtained through the

Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in the structure must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan which requires that the barn structure on Lot 4 be razed, and the well and septic system currently serving the dwelling on Lot 2 be properly abandoned prior to the release of the grading permit.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 35728-2006-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. Water quality measures will be achieved by utilizing dry wells for the three lots where new dwelling units are proposed. The existing culvert will be upgraded and redesigned to handle the runoff capacity of a 100-year storm.
14. **Historic**—A Phase I archeological survey was completed on the 5.72-acre Perry Subdivision property under Pre-Preliminary Plan P-05026 in January 2006. No archeological sites were identified and no further archeological work was recommended on the property. The Historic Preservation Section concurs that no further archeological work is necessary on the Perry Subdivision property. Four copies of the final report entitled, “A Phase I Archeological Investigation of the Perry Subdivision Property Prince George’s County, Maryland, Preliminary Plan Number P-05026,” were received and approved by the Historic Preservation Section. All archeological conditions have been fulfilled.

However, 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. **Design Issues**—Revised plans were submitted by the applicant which1 addressed a majority of the design issues and plan deficiencies identified at the scheduled Subdivision Review Committee meeting on December 14, 2007. However, one issue that still remains is that Lot 2 does not meet the required 120-foot lot width at the front building line. The existing dwelling that will be contained in Lot 3 will have a side yard setback of 17 feet from the common property line which separates Lots 2 and 3. This is the minimum side yard setback that is required in the R-E Zone. Because the applicant cannot move the property line closer to the existing dwelling without creating the need for a variance, their ability to widen Lot 2 to meet the required lot width at the front building line is limited in nature.

Staff from the Subdivision and Environmental Planning Sections met with the applicant and the applicant’s engineer on April 1, 2008, to discuss the lot width issue and to determine what options would be viable. It was determined that the dwelling proposed for Lot 2 could possibly be sited farther back on the lot. This would allow the engineer to provide the required side yard setback for the existing dwelling on Lot 3, and then expand the common property line further into

the limits of Lot 3, once it is west of the existing dwelling, in order to provide the required 120-foot lot width at the front building line for Lot 2.

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.

* * * * *

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 Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JF:yw