



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

Preliminary Plan 4-09026

Application	General Data	
<p>Project Name: Waldman's Addition to Cross Creek Lots 1&2</p> <p>Location: The southeast quadrant of the intersection of Masters Lane and Briggs Chaney Road</p> <p>Applicant/Address: Landesign 2905 Mitchellville Rd. No. 111 Bowie, MD 20716</p> <p>Property Owner: Gerald Waldman 2700 Virginia Avenue N.W. Washington, D.C. 20037</p>	Planning Board Hearing Date:	12/17/09
	Staff Report Date:	12/10/09
	Date Accepted:	09/29/09
	Planning Board Action Limit:	03/04/10
	Plan Acreage:	1.61
	Zone:	R-80
	Gross Floor Area:	N/A
	Lots:	2
	Parcels:	0
	Planning Area:	61
	Tier:	Developing
	Council District:	01
	Election District	01
	Municipality:	N/A
200-Scale Base Map:	216NE04	

Purpose of Application	Notice Dates	
Two-lot subdivision for single-family dwellings	Informational Mailing	06/30/09
	Acceptance Mailing:	09/24/09
	Sign Posting Deadline:	11/17/09

Staff Recommendation		Staff Reviewer: Justin Thornton	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-09026
Waldman's Addition to Cross Creek
Lots 1 & 2

OVERVIEW

The subject property is located on Tax Map 12 in Grid E-1 and is known as Parcel 10 and a portion of Parcel 78. Parcels 10 and 78 are acreage parcels never having been the subject of a record plat of subdivision. Parcel 78 is divided by a public right-of-way known as Briggs Chaney Road. The subject application consists only of the portion of Parcel 78 south of Briggs Chaney Road. The property is 1.61 acres and zoned R-80 (One-Family Detached Residential). The applicant is proposing to subdivide the property into two lots for the construction of single-family dwelling units in accordance with the standards for conventional development in the R-80 Zone. The subject property includes part of the Paint Branch Stream and a 100-year floodplain. This portion of the property is separated from the developable portion of the property by the stream. The applicant has proposed to convey 15,153 square feet of land (Parcel A) to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to protect the Paint Branch Stream located at the eastern portion of the subject site.

The property is completely bounded by two dedicated public streets and is located in the southeast quadrant of the intersection of Masters Lane and Briggs Chaney Road. Abutting the north property line is Briggs Chaney Road, an existing 80-foot-wide collector facility that intersects with Masters Lane to the southeast. Access to this property is proposed via Masters Lane. The applicant is proposing a variable width dedicated public street that terminates approximately

The property is located in the Developing Tier as reflected in the 2002 *Approved Prince George's County General Plan*. The subject property is adjacent to the Paint Branch Stream Valley Park.

This property is located near a transportation-related noise generator, I-95, and a master plan freeway. Utilizing the Environmental Planning Section's noise model it was concluded that the entire site is located within the 65 dBA Ldn noise contour for this roadway. It has been determined that through the construction of a six-foot high solid fence along the LOD of the rear yards and the inclusion of enhanced building materials will also be needed to mitigate interior noise levels to the state standard of 45 dBA Ldn for interior noise.

This subject property contains natural features located on the eastern portion of the site. These features are required to be protected under Section 24-130 of the Subdivision Regulations. The applicant is proposing to impact these features in order to provide sewer connections for the two proposed lots. Impacts to these features are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 at

the time of preliminary plan. Although impacts are not typically supported, impacts that are associated with essential development activities can be approved. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

The minimum lot size in the R-80 Zone is 9,500 square feet. In this case, each lot exceeds the minimum lot size. Lot 1 as proposed is 24,208 square feet and Lot 2 is 29,444 square feet.

SETTING

The site is located southeast of the intersection of Masters Lane and Briggs Chaney Road. on the east side of Ferry Avenue, 400 feet south of its intersection with Old Alexandria Ferry Road and extending to Mumford Street. The neighboring properties to the north and northeast are zoned C-M. Properties to the south and west, across Ferry Avenue, are zoned One-Family Detached Residential (R-80).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Undeveloped	Residential
Acreage	1.61	1.61
Lots	0	2
Outlots	0	0
Parcels	2	0
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision Review Committee (SRC) on August 7, 2009.

2. **Environmental**—The Environmental Planning Section has not reviewed any previous development applications for the subject property. Staff previously reviewed and signed a Natural Resources Inventory, NRI/014/09, for the subject property. The proposal is for two single-family residential lots.

Master Plan Conformance

The current March 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*, contains no specific environmentally-related guidelines pertaining to the subject site. The master plan predates current ordinances and regulations that will be reviewed with this application. The environmental requirements for woodland conservation, stormwater management, and noise are addressed in the Environmental Review Section below.

Countywide Green Infrastructure Plan Conformance

The entire site is located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan* and includes designated Regulated Areas, Evaluation Areas, and Network Gaps. The Regulated Area is located along the eastern portion of the site and is associated with the Paint Branch stream and floodplain. These sensitive environmental features should be considered for preservation. The Evaluation Area is located contiguous with the Regulated Area and covers the remainder of Parcel 78. The Network Gap is located on Parcel 10, adjacent to the intersection of Briggs Chaney Road and Masters Lane.

The subject property contains Regulated Areas, Evaluation Areas, and Network Gaps. The TCPI shows the proposed building footprints and associated grading mainly within the Network Gap Area and a small portion of the Evaluation Area, as well as two four-inch residential sewer lines proposed to cross the Regulated Area, comprised of wooded floodplain and the Paint Branch, to connect to an existing on-site sewer line. This type of impact is considered temporary because the woodland is generally allowed to regenerate and the stream is allowed to return to pre-construction conditions. For tree conservation plan (TCP) purposes, the clearing is considered permanent because the area may be cleared in the future for maintenance purposes.

The general development pattern proposed on-site is consistent with the preservation of the green infrastructure network because the houses are proposed to be located near the existing roads and impacts to sensitive features have been reduced to those necessary for required infrastructure.

Preservation of water quality in this area will be provided through the application of best stormwater management practices for stormwater management. Environmental site design, through the use of drywells and overland flow, have been proposed on-site.

The TCPI shows the woodland conservation requirement being met with a combination of afforestation and fee-in-lieu. A majority of the priority on-site woodland, located in the floodplain, has been proposed to be preserved; only the area necessary for installation of the sewer connections has been proposed to be cleared within the Regulated Area.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

An approved Natural Resources Inventory, NRI/014/09, was submitted with the application. There is an expanded buffer (EB) comprised of the Paint Branch stream and associated buffer, 100-year floodplain, and adjacent steep slopes. The floodplain information shown on the plans is from floodplain study 200914 based on the Prince George's County Anacostia River, Little Paint Branch Study, sheets C2 and D2.

The forest stand delineation (FSD) indicates the presence of one forest stand totaling 1.20 acres and two on-site specimen trees; a 36-inch cherry, and a 36-inch sycamore, both in good condition. Another specimen tree is shown on the plan along the south-central property corner; however, the tree itself appears to be located off-site with only a portion of the critical root zone located on the property. It is a 30-inch cherry in good condition. The forest stand is a mixed silver maple and Virginia pine stand. While the species composition is not ideal, the location of the woodland increases the value for preservation.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation 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/011/09 was submitted with the review package.

The Woodland Conservation Threshold (WCT) for this 1.61-acre property is 20 percent of the net tract area or 0.13 acres. The total woodland conservation requirement based on the amount of clearing proposed is 0.43 acres. This requirement is proposed to be satisfied with 0.14 acres of on-site afforestation and 0.29 acres of fee-in-lieu.

The plan requires some technical changes to be in conformance with the Woodland Conservation and Tree Preservation Ordinance. The plan needs to be revised to account for all off-site clearing, rounded to the nearest 1/100th of an acre; specifically, within the limit of disturbance (LOD) along Masters Lane and Briggs Chaney Road.

This property is located within close proximity to I-95 which is a master plan designated freeway regulated for noise. The proposed use is single-family residential. The submitted TCPI shows the location of the unmitigated 65 dBA Ldn noise contour located approximately 1,237 feet from the centerline of I-95 based on the Environmental Planning Section's noise model. An exhibit was submitted showing the dimensioned distance of the noise contour measured from the centerline of I-95. This exhibit needs to be shown on the TCPI as an inset map to demonstrate on the plan how the location of the noise contour was derived.

Mitigation for both outdoor and indoor noise levels must be provided because the unmitigated 65 dBA Ldn noise contour is located beyond the property boundary, and the entire site is subject to noise levels above 65 dBA Ldn. A six-foot-high solid fence should be provided along the LOD of the rear yards, providing 40-feet of usable rear yard area, to provide noise attenuation to the state standard of 65 dBA Ldn for outdoor backyard activity areas. Enhanced building materials will also be needed to mitigate interior noise levels to the state standard of 45 dBA Ldn for interior noise.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to these features are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 at the time of preliminary plan. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls] and street crossings, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds and parking areas, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

In a letter dated October 16, 2009 and a supplemental letter dated October 19, 2009, received November 5, 2009, the applicant provided a variation request including an 8½-by 11-inch exhibit for the proposed area of impact to the regulated area, and an exhibit plan labeled as Exhibit 'A' showing an alternative sewer connection location.

The expanded buffer area proposed to be disturbed is shown on the exhibit as 9,850 square feet in area. The disturbance is for two proposed four-inch residential sewer connections. These connections are proposed to cross Paint Branch, a major tributary located within the Anacostia River watershed, to connect to an existing sewer line also located on-site. Alternative sewer connection locations were evaluated and outlined in the supplemental letter dated October 19, 2009 and the exhibit plan labeled as Exhibit 'A' because the proposed residential sewer connections require crossing a major tributary and the clearing of sensitive wooded floodplain.

Extended Buffer Variation—Section 24-113 of the Subdivision Regulations contains four required findings [**text in bold**] to be made before a variation can be granted.

Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Comment: The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: The installation of sewer connections facilities are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Comment: The expanded buffer area proposed to be disturbed is shown on the exhibit as 9,850 square feet in area. The disturbance is for two proposed four-inch residential sewer connections. These connections are proposed to cross Paint Branch, a major tributary

located within the Anacostia River watershed, to connect to an existing sewer line also located on-site. Alternative sewer connection locations were evaluated because the proposed residential sewer connections would require crossing a major tributary and the clearing of sensitive wooded floodplain.

As outlined in the October 19, 2009 letter, an alternative connection to the existing sewer line located at the intersection of Briggs Chaney Road and Calvert Hills Drive was evaluated and found to be impractical because the sewage would need to be pumped, instead of flowing by gravity, over 100 linear feet further than the current design, and for installation purposes, portions of Masters Lane and Briggs Chaney Road would need to be temporarily shut down. This alternative would also be very costly.

As discussed in a meeting on November 6, 2009 between staff, the applicant, the applicant's engineer, and the applicant's environmental consultant, an alternative sewer location connection to the east within the right-of-way (ROW) of Briggs Chaney Road was discussed. It was determined that this alternative would also require the pumping of sewage, instead of flowing by gravity, to reach the roadway elevation and would also be very costly.

Staff believes that while alternative locations exist for the proposed sewer connection, the alternatives are impractical, costly, and not likely to be approved by the appropriate approving agencies.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;

Comment: The installation of a sewer connection is required by other regulations. The approval of this variation request would not constitute a violation of other applicable laws because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

Comment: Without a sewer connection, the property could not be properly developed in accordance with the R-80 zoning. The Environmental Planning Section supports the variation request for the reasons stated above.

A copy of an approved wetland permit should be submitted to the Environmental Planning Section at time of permit application because the final design impacts the expanded buffer and requires a stream crossing.

3. **Community Planning**—This application is located in 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. In addition, one of the goals of the Developing Tier section of the General Plan is to, “[d]evelop compact, planned employment areas.” (p 37) This application is consistent with the General Plan Development Pattern Policies for the Developing Tier.

This application conforms to the suburban land use recommendations of the 1990 Approved Master Plan and Sectional Map Amendment for Subregion I. The 1990 Approved Master Plan and and Sectional Map Amendment for Subregion I rezoned the subject property from the R-R Zone to the R-80 Zone.

This application is located in 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.

4. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134 of the Subdivision Regulations the applicant should pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.

The subject property is adjacent to the Paint Branch Stream Valley Park and includes the stream and 100-year floodplain. The eastern side of the stream, including the floodplain, is separated from the developable portion of the property by the stream. The east side of this property is not developable nor will it be usable to the future residents of the two proposed lots. A donation of this portion of the floodplain to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the protection of the stream should be considered. This portion of the floodplain would be added to the Paint Branch Stream Valley Park.

5. **Trails**—The approved Subregion I master plan includes one master plan trail recommendation that impacts the subject property. Briggs Chaney Road is designated as a master plan trail corridor. A sidepath (hiker/biker) trail is recommended along the road. A short section of this sidepath was constructed the northeast of the subject property by a residential development on the north side of Briggs Chaney Road. It connects to an existing asphalt sidepath along the west side of Gunpowder Road. The subject trail on the north side of Briggs Chaney Road does not affect the subject property. There are no other master planned trails that affect the application.
6. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of a two lots. Therefore, it is determined that the proposed subdivision would generate 2 AM and 2 PM weekday peak-hour vehicle trips.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Gunpowder Road and Briggs Chaney Road.

The subject property is located within the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- a. **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.
- b. **Unsignalized intersections:** The *Highway Capacity Manual* (Transportation Research Board) 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 critical intersection of Old Gunpowder Road and Briggs Chaney Road is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program” or the Prince George’s County “Capital Improvement Program.”

Staff has no recent turning movement counts at the critical intersection of Old Gunpowder Road and Briggs Chaney Road. However, due to the limited trip generation of this site, the Prince George’s County Planning Board could deem the site’s impact at this location to be *de minimus*. It is therefore recommended that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a *de minimus* impact upon delay in the critical movements at the Old Gunpowder Road and Briggs Chaney Road intersection.

Lot 1 has frontage on both Briggs Chaney Road, a master plan collector facility, and Masters Lane, a secondary residential facility. In such cases, it is desirable for residences to gain access via the minor street.

7. **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 County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	2 DU	2DU	2 DU
Pupil Yield Factor	.14	.11	.10
Subdivision Enrollment	0.28	0.22	0.20
Actual Enrollment	4,994	1,578	4,018
Total Enrollment	4,994.28	1,578.22	4,018.20
State Rated Capacity	4,850	1,759	4,123
Percent Capacity	103.0%	89.7%	97.4%

Source: Prince George’s County Planning Department, M-NCPPC, April 2009

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 I-95/495 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 (WMATA); 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 \$8,120 and \$ 13,921 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

8. **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(d) and Section 24-122.01(e)(1)(C) thru (E) of the Subdivision Regulations.

Special Projects staff has determined that this preliminary plan is within the required seven minute response time for the first due fire station, Beltsville, Company 41, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

Pursuant to County Council Resolution CR-69-2006, the Prince George’s County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (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 County Council Bill CB-56-2005.

Capital Improvement Program (CIP)

A new fire station has been proposed and will replace existing Beltsville Fire/EMS Station. The station will house two engines, an aerial truck, a brush unit and an ambulance. The facility will also include a station alert system designed to reduce response time.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

9. **Police Facilities**—The subject property is located in Police District VI, Romlon Street, Beltsville, MD 20705.

The response time standard is 10 minutes for 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 September 9, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 9/29/09	09/08–8/09	9 minutes	8 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 6, 2009.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

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

10. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states: “The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan, as adopted by County Council Resolution CR-91-2008, placed this property in Water and Sewer Category 3, Community System, and will therefore be served by public systems.

11. **Health Department**—What appears to be an open shallow well partially filled with trash/debris is to be cleaned out and properly backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit.
12. **Stormwater Management**—A Stormwater Management Concept Plan, 23027-2009, was approved on August 18, 2009, 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.
13. **Cemeteries**—No Cemeteries have been identified on the property.
14. **Historic**—Phase I archeological survey is not recommended on the above-referenced 1.61-acre property located at 4500 Masters Lane in Beltsville, Maryland. 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. However, the applicant should be aware that there are four previously identified archeological sites, two prehistoric and two historic, located within a one-mile radius of the subject property.

Moreover, Section 106 archeological 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. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the owner’s dedication reflected on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the public rights-of-way as requested by the utility companies.

RECOMMENDATION

Based upon the foregoing evaluation, analysis, and findings, the Subdivision staff recommends APPROVAL of Preliminary Plan of Subdivision 4-09026, subject to the following conditions:

1. Prior to signature approval, the preliminary plan shall be revised as follows:
 - a. Combine and modify notes 14, 15 and 16 to reflect “Water and Sewer Category 3” on the preliminary plan.
2. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Account for all off-site clearing on the plan and in the worksheet; specifically, within the limit of disturbance (LOD) along Masters Lane and Briggs Chaney Road.
 - b. 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 revisions.
3. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Show the exhibit demonstrating the dimensioned distance of the unmitigated 65 dBA Ldn noise contour measured from the centerline of I-95 as an inset map on the plan.
 - b. Show the location of the six-foot-high solid fence along the limit of disturbance (LOD) of the rear yards, providing 40 feet of usable rear yard area, and update the legend accordingly.
 - c. Provide the following notes on the plan:
 - (1) “The Type II Tree Conservation Plan shall provide the details for the proposed noise barrier on-site. The barrier shall be of solid construction, at least four inches thick, and be at least six feet in height.”
 - (2) “Applications for building permits shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced to 45 dBA Ldn or less.”
 - d. Provide the details for the proposed noise barrier on-site. The barrier shall be of solid construction, at least four inches thick, and be at least six feet in height.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 23027-2009 and any subsequent revisions.

5. The following note shall be added to the final plat:

“Applications for building permits shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced to 45 dBA Ldn or less through the proposed building materials.”

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, and associated mitigation plans showing evidence that approval conditions have been complied with.

7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and any approved impacts 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.”

8. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/011/09). The following notes shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/011/09), 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.”

9. Driveway access to proposed Lot 1 shall be directed onto Masters Road.

10. At the time of final plat approval, the applicant shall demonstrate adequate right-of-way (ROW) dedication along Masters Lane of 30 feet from centerline of the existing roadway, with dedication at the time of recordation.

11. Prior to the issuance of a grading permit for the property, the open shallow well located on the subject property shall be properly backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

12. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.

13. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
14. At the time of final plat, the applicant and the applicant's heirs, successors and/or assignees shall convey to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Parcel A, which consists of 15,153 square feet of land. Land to be conveyed shall be subject the following:
 - a. At the time of final plat the applicant an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.

- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- j. Prior to the issuance any permits a Type II tree conservation plan shall be approved.