

R E S O L U T I O N

WHEREAS, Archie R. Dennis is the owner of a 4.51-acre parcel of land known as part of Lot 8 and part of Lot 9 of Forest Hills, and located on Tax Map 38 in Grid E-4, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on January 28, 2009, Archie R. Dennis filed an application for approval of a Preliminary Plan of Subdivision for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08054 for Forest Hills 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 June 4, 2009, 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 June 4, 2009, 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/03/09), and further APPROVED Preliminary Plan of Subdivision 4-08054, Forest Hills, for Lots 18 and 19 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Show a ten-foot public utility easement parallel, contiguous, and adjacent to Sylvan Drive.
 - b. Correct all notes to identify the correct Stormwater Management Concept Plan, 30367-2005-01.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 30367-2005-01 and any subsequent revisions.
3. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:

- a. Revise the limit of disturbance (LOD) to account for the impacts approved under TCPII/129/05; specifically, for the grading associated with the house and the septic field located on proposed Lot 18.
 - b. On the plan and in the worksheet, account for all clearing that has taken place under previously approved TCPII/129/05, specifically the grading associated with the house and for the septic field located on proposed Lot 18.
 - c. Show all proposed grading on the plan, including the grading associated with the house on Lot 18.
 - d. Revise the LOD located on Lot 19, along the proposed lot line, to be one continuous LOD across the proposed lot line.
 - e. Update the labels for all woodland conservation on the plan to account for changes to the LOD.
 - f. Update the notes on the plan specifying the proposed clearing area and the proposed preservation area on each lot to reflect all changes made to the woodland conservation per changes made to the plan.
 - g. Revise the TCPI notes as follows:
 - (1) Revise Note 1 to reference the preliminary plan number at the end of the first sentence.
 - (2) Revise Note 6 to reference the preliminary plan number at the end of the second sentence.
 - h. 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 made.
4. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/003/09). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/09), 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.”

5. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Revise the label for the noise contour in the legend and on the plan from “65 dBA Noise Mitigation Line” to “65 dBA unmitigated noise contour.”
 - b. Revise the label for the proposed fence as follows: “Proposed 200 feet of solid fence, 6 feet in height for noise mitigation along property line.”
 - c. Revise Note 21 of the plan notes to read as follows:

“Applications for building permits on Lot 19 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 through the proposed building materials to 45 dBA Ldn or less.”
6. The following note shall be added to the final plat:

“Applications for a building permit for a dwelling unit on Lot 19 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.”
7. Prior to the issuance of permits, a Type II tree conservation plan shall be approved. The Type II tree conservation plan shall provide the details for the proposed noise barrier on Lot 19. The barrier shall be of solid construction, at least four inches thick, and be at least six feet in height.
8. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

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 on the north side of Sylvan Drive, approximately 700 feet west of its intersection with Crain Highway.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-E	R-E
Use(s)	Single-Family Detached Dwelling	Single-Family Detached Dwelling
Acreage	4.51	4.51
Lots	1	2
Outlots	0	0
Parcels	0	0
Dwelling Units:		
Detached	1 (to remain)	2 (1 new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section previously reviewed a Type II Tree Conservation Plan, TCPII/129/05, for the development of a single-family residence on Lot 9, Block A, and a Natural Resources Inventory, NRI/017/07, for the subject property.

The 4.51-acre site, in the R-E Zone, is located on the north side of Sylvan Drive, west of Crain Highway, MD 3. The site contains an existing single-family residence and a shed, which are to remain, and is approximately 77 percent wooded. There are no streams or wetlands on the property; however, a stream buffer is located on the northwestern portion of the site, associated with the White Marsh Branch in the Patuxent River watershed. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Collington 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 has frontage along Sylvan Drive and is located in close proximity to Crain Highway, MD 3, a master planned freeway that is regulated for noise. The proposal is not expected to be a noise generator. This property is located in the Rural Tier as reflected in the *Prince George's County Approved General Plan*.

Master Plan Conformance

The master plan for this area is the *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B 74A 74B* (February 2006). In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Conformance with the Green Infrastructure Plan is discussed below.

Policy 3: Protect and enhance tree cover within the master plan area.

The Woodland Conservation and Tree Preservation Ordinance mandates a woodland conservation threshold of 25 percent for the subject property. All of the woodland conservation requirements shall be met on-site.

Countywide Green Infrastructure Plan Conformance

The site contains regulated, evaluation and network gap areas within the designated network of the *Approved Countywide Green Infrastructure Plan*. These areas are located on the northern portion of the site, with the regulated area associated with the on-site portion of the stream buffer. The preservation efforts with this application are focused on the northern portion of the site, within the green infrastructure network as appropriate to be in conformance with the Green Infrastructure Plan.

Environmental Review

An approved Natural Resources Inventory, NRI/0017/07, was submitted with the application. The NRI notes that there are no streams, wetlands, or 100-year floodplain on the subject property; however, there is an area of stream buffer and associated primary management area (PMA) located on the northwestern portion of the site. The forest stand delineation (FSD) indicates two forest stands totaling 4.46 acres and 19 specimen trees. 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 has an approved Tree Conservation Plan (TCPII/129/05). A Type I Tree Conservation Plan (TCPI/003/09) was submitted with the review package. The woodland conservation threshold (WCT) for this 4.51-acre property is 25 percent of the net tract area or 1.13 acres. The total woodland conservation requirement based on the amount of clearing proposed is 1.44 acres. This requirement is proposed to be satisfied by 1.45 acres of on-site preservation.

The plan requires technical changes to be in conformance with the Woodland Conservation Ordinance.

- The tree conservation plan (TCP) needs to be revised to account for the clearing that has previously taken place under the approved TCPII. The signed NRI shows both the original and the existing treeline which confirms that the clearing has taken place. Currently, the plan does not account for all clearing. While proposed grading appears to have been shown on proposed Lot 19, the grading that was necessary for the installation of the existing house on proposed Lot 18 needs to be shown. The limit of disturbance (LOD) needs to be revised on Lot 18 to encompass the clearing for the grading, as shown on the approved TCPII. Additionally, clearing was performed for the installation of the septic field on Lot 18. The LOD needs to be revised to account for the septic area and the associated clearing, as shown on the approved TCPII. The LOD shown on Lot 19, along the proposed lot line, appears to loop back on itself. The LOD in this area shall be revised to be one continuous line across the proposed lot line.
- All clearing resulting from changes to the LOD and, per the approved TCPII, must be labeled on the plan and accounted for in the worksheet. The anticipated additional woodland conservation requirement resulting from clearing above what is currently shown on the plan will need to be accounted for with additional on-site preservation. Currently, the plan shows two notes with asterisks next to the worksheet specifying the proposed clearing area and the proposed preservation on each lot. These notes shall be updated to reflect all changes made to the plan.
- After all revisions have been made, the qualified professional who prepared the plan must sign and date it and update the revision box with a summary of the revision.

The site is located within close proximity to Crain Highway, MD 3, a master planned freeway that generates noise levels above the state standard of 65 dBA Ldn. The proposed use is a single-family residence. The proposed house location on proposed Lot 19 is particularly exposed to noise to the east because there are no intervening structures and the proposed house is located higher than the lanes of MD 3. Noise mitigation for the interior and exterior areas is needed.

The submitted plan shows the location of the unmitigated 65 dBA Ldn ground level noise contour at a distance of 531 feet from the centerline of the south-bound lanes of Crain Highway, MD 3. The location of this unmitigated noise contour was determined using the Environmental Planning Section's noise model. Based on this location of the contour, the interior of the proposed house will be impacted by noise above the state standard of 45 dBA Ldn, and outdoor activity areas will be impacted by noise levels above the state standard of 65 dBA Ldn.

The label for the noise contour shall be revised in the legend and on the plan from "65 dBA Noise Mitigation Line" to "65 dBA unmitigated noise contour."

A solid wood fence has been shown on the plan to provide noise mitigation to Lot 19. The fence is shown only as a label and the height has not been provided. The label shall be revised to state: "Proposed 200 feet of solid fence, 6 feet in height for noise mitigation along property line." The TCPII shall show the detail for the fence.

The applicant has committed to construct the new dwelling with proper materials to ensure that interior living areas meet the state noise standard of 45 dBA Ldn. Note 21 on the preliminary plan reflecting this commitment shall be revised to include the requirement for acoustical analysis and certification by a professional engineer. This note must also be added to the plat.

An approved stormwater management concept plan and approval letter was submitted with the subject application. No further information pertaining to stormwater management is required.

A stream buffer is found to occur on this property. This feature comprises the Patuxent River PMA on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Regulations.

The Subdivision Regulations mandate that the PMA be preserved to the fullest extent possible. The plans as submitted show no proposed impacts to the PMA.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Collington series.

Water and Sewer Categories

The water and sewer categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources, dated June 2003, and the site will therefore be served by private systems.

5. **Community Planning**—The site is 4.51 acres, zoned R-E, and located on the north side of Sylvan Drive, 700 feet west of Crain Highway. The site currently contains one single-family dwelling unit. The applicant proposes to create a second lot for the development of a second single-family detached dwelling unit. This application is located in the Rural Tier and is subject to the 2006 approved Bowie and vicinity master plan.

This application is consistent with the 2002 General Plan Development Pattern policies for the Rural Tier. The vision for the Rural Tier is for the protection of large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits, and preservation of the rural character and vistas that now exist. The application preserves woodland on-site and avoids disturbance within the stream buffer.

This application conforms to the rural residential land use recommendations of the 2006 approved Bowie and vicinity master plan. The master plan recommends strategies for implementing the

General Plan's policies to retain the rural character for the Rural Tier. The following strategies excerpted from pages 7 and 8 of the master plan apply to this development:

Policy 1—Strategy 4

- b. The layout of the subdivision should preserve and enhance the existing natural features of the site including woodland, wetlands, streams, and areas of significant wildlife habitat.**
- c. Preservation of existing vegetation or the installation of landscaping should be provided to soften and buffer views of houses and other structures. Landscape plants should be native and re-create rural buffers.**
- d. Architecture should conform to the prevailing rural style, including such elements as roof lines and pitch, entrance drives, porches, lighting, and building materials. Vinyl and aluminum siding are discouraged.**
- g. Grading and drainage should be minimally intrusive. Massive cut and fill should be avoided. The creation of earth mounds, berms for screening, and platforms for house sites should be discouraged.**
- j. The use of full cut-off optic light fixtures should be encouraged for all new development, including both on-site and street lighting.**

Policy 2—Strategies

- 2. Protect forest interior dwelling species habitat, the sensitive wildlife habitat area located 300 feet inward from the edge of the forest, through the implementation of the Green Infrastructure Plan during the development review process.**
- 5. Carefully consider areas within designated evaluation areas in the green infrastructure network. Protect existing areas of connectivity of natural resources and enhance connections where they do not exist.**

The application preserves woodland on-site, minimizes grading through the design and positioning of the house, and avoids disturbance within the stream buffer by positioning the new house as far south on the site as possible.

- 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 the residential lots are over one acre in size.
- 7. Trails—**No trail issues are associated with this development.

8. **Transportation**—Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the one-lot single-family development will generate 1 AM peak-hour trip, and 1 PM peak-hour trip. The subject property is located within the Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better;

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 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 finds 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.

The property fronts on Sylvan Drive where a dedication of 25 feet from centerline is being shown. This proposed dedication is adequate. Regarding on-site circulation of traffic, there are no issues.

Based on the fact that the subject application is considered to be de minimus, adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code.

9. **Schools**—The Planning Board 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	1 DU	1 DU	1 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	0.16	0.13	0.14
Actual Enrollment	4,531	5,525	12,866
Total Enrollment	4,531.2	5,525.1	12,866.1
State Rated Capacity	4,836	5,430	13,026
Percent Capacity	93.7%	101.7%	98.8%

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-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 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.

10. **Fire and Rescue**—The Planning Board 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) thru (E) of the Subdivision Regulations.

This preliminary plan is within the required seven minute response time for the first due fire station, Bowie, Company 39, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

The nearest Fire/EMS Station, under construction, Northview located at MD 197 and Northview Drive, is 4.3 minutes from the development. This facility, if a medic unit is provided, would be within the recommended travel time.

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) and (B) regarding sworn fire and rescue personnel staffing levels.

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

11. **Police Facilities**—The subject property is located in Police District II, Bowie. The response time standard for emergency calls is ten minutes and the standard for nonemergency calls is 25 minutes. The times are based on a rolling average for the preceding 12 months.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date January 28, 2009	1/08 – 12/08	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met. 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. **Health Department**—The Environmental Engineering Program reviewed the preliminary plan of subdivision for Forest Hills and offered comments requesting that the applicant address the accurate location of the septic area for proposed Lot 19 and the relation of the area to the existing driveway and proposed property line of Lot 18. The applicant acted to address all items included in the original comments and satisfied the requirements of the Environmental Engineering Program.
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, 30367-2005-01, 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.
14. **Cemeteries**—No cemeteries have been identified on the property.
15. **Historic**—A Phase I archeological survey is not required on the above-referenced 4.51-acre Forest Hills property located at 16600 Sylvan Drive in Bowie, Maryland. Modern construction consisting of a house, a metal garage, a driveway, and a septic system, on the western side of the property has limited the potential of identifying archeological sites on the property. A large portion of the property also contains steep slopes. Archeological sites are not typically found on landforms with over ten percent slopes. However, the applicant should be aware that there are 14 previously identified archeological sites, mostly prehistoric base camps, lithic resource procurement sites, and lithic scatters located within a one-mile radius of the subject property. In addition, there are two County historic sites, Williams Plains (71B-3) and Sacred Heart Church White Marsh and Cemetery (71A-19), 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 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.

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, June 4, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RD:bjs