

R E S O L U T I O N

WHEREAS, Brandywine Sand and Gravel Company is the owner of a 154-acre parcel of land known as Parcel 92, Tax Map 147, in Grid B-1, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on March 15, 2004, Brandywine Sand and Gravel Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04017 for Brandywine Sand and Gravel Company 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 July 29, 2004, 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 July 29, 2004, 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/26/04), and further APPROVED Preliminary Plan of Subdivision 4-04017, Brandywine Sand and Gravel Company for Lots 1-24 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To clearly delineate the dedication of the master plan alignment of North Keys Road. The dedication should include all of the property north of the southern alignment of the master plan right-of-way.
 - b. To note that the temporary sediment control basins are to be included within the limits of the PMA if approved by MDE and reflected on the surface mining reclamation permit, #84-SP-1084.
 - c. To note that the existing access road on proposed Lot 22 shall be removed in accordance with the conceptual stormwater management approval.
 - d. To delineate the required 40-foot scenic easement (located outside the 10-foot PUE) along the property line and the new master plan alignment of North Keys Road.

- e. To label that the site is subject to Section 4.6 of the *Landscape Manual*, which requires a 35-foot-wide buffer where the rears of dwellings are oriented to North Keys Road. The 35-foot-wide easement overlaps the 40-foot scenic easement.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along North Keys Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void. If road frontage improvements are required, wide asphalt shoulders are recommended to safely accommodate bicycle traffic, per the concurrence of DPW&T.
4. Development of this property shall be in conformance with approved Stormwater Management Concept Plan, #4181-2004-00.
5. The three sediment control basins on site that are to be removed under the Maryland Department of Environment Permit No. 84-SP-1084 are to be evaluated and preserved in their current state as sensitive habitat areas, and included within the PMA, if agreed to by MDE. Staff will assist the applicant in dialogue with MDE to request preservation.
6. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and all other domestic trash is removed and properly discarded.
7. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation if appropriate, with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of Final Plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
8. The final plat of subdivision shall indicate no direct access to North Keys Road from individual lots.

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 south side of North Keys Road at its intersection with Cross Road Trail and Plantation Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Vacant	Residential
Acreage	154 acres	154 acres
Lots	0	24
Dwelling Units:		
Detached	0	24

4. **Environmental**¾ There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately one-half wooded and contains a gravel extraction site. The soils series found on this property include Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Rumsford-Evesboro, and Sandy land. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to erodibility on steep slopes. Marlboro clays are not found in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties”, December 1997, no endangered species is found to occur in the vicinity. The portion of North Keys Road that fronts on the subject property is a designated historic road. The property is located in the Mataponi Branch watershed of the Patuxent River. The property is located in the Rural Tier as reflected in the adopted General Plan and is within the designated Patuxent Rural Legacy Area.

A detailed forest stand delineation (FSD) plan and text was submitted with this application. The text is complete with regard to sampling information and provides an accurate and complete picture of the forest structure. The woodland on the subject property includes forest interior dwelling species (FIDS) habitat. The preservation of FIDS habitat is also addressed by the Patuxent River Primary Management Area Preservation Area is defined in Section 24-101(b)(10) of the Subdivision Ordinance as follows:

- “(10) Patuxent River Primary Management Area Preservation Area: A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which as a minimum includes:

... (F) Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.”

FIDS habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffer is necessary for an accurate delineation of the PMA on the Preliminary Plan and Type I Tree Conservation Plan. FIDS habitat has been delineated on the FSD plan.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/26/04) was submitted with the preliminary plan application.

The minimum requirement for this site is 72.08 acres (50 percent of the net tract) plus additional acres due to removal totaling 22.81 acres of woodland, for a total minimum requirement of 77.78 acres. The TCPI has proposed to meet the requirement with 72.06 acres of on-site preservation and 5.72 acres of on-site afforestation.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. The preliminary plan proposes temporary and permanent impacts to the PMA in order to construct a rural secondary residential road to access four lots located on the west side of the stream that bifurcates the property. A letter of justification has been submitted for the proposed impacts.

Staff generally recommends approval of PMA impacts for the installation of public roads and utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures, or septic field clearing and grading when alternative designs would reduce or eliminate the impacts.

The plan proposes to disturb 20,147 square feet of PMA. The quantity of impacts necessary is largely driven by stormwater management requirements including installation of a 48-inch pipe. In order to accommodate the 48-inch pipe and the “head” necessary to push the water through the pipe, the road elevation was raised to prevent water from overflowing the road. The impacts proposed have been minimized to the extent possible based on the engineering requirements for the road crossing. There is no alternative access available to the western side of the stream from within the site.

A stormwater management concept approval letter (4181-2004-00) has been submitted that is only for roadway and road culvert construction. After consultation with DER, this has been determined to be sufficient because the stormwater management requirements of individual lots will be addressed on-site through low impact development measures.

North Keys Road was designated a Historic Road in the Historic Sites and District Plan and has the functional classification of a collector. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation under the *Design Guidelines and Standards for Scenic and Historic Roads*.

Before a paving and stormdrain plan is submitted to DPW&T, and preferably before engineering design of roadway improvements has begun, a conceptual preapplication meeting with the applicant, DPW&T, and the M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*. At the conceptual preapplication meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards.

An inventory of significant visual features for the right-of-way and site was submitted that provides a baseline for the review of the scenic/historic road viewshed. A 40-foot-wide scenic easement, set behind the public utility easement, and the preservation of existing trees within the scenic easement are recommended. The preliminary plan and TCPI delineates a 40-foot-wide scenic easement, and proposes the preservation of existing woodlands within the easement except on Lot 1, where the delineation of the scenic easement is modified to accommodate the location of the required septic fields. The applicant has provided evidence from the Health Department that the septic field on Lot 1 cannot be located outside of the desired easement area.

The property was previously subject to a sand and gravel mining operation. The central portion of the property has been mined under a permit with the Maryland Department of the Environment (MDE) and is still subject to conditions of reclamation with MDE under Permit No. 84-SP-1084. Three sediment control basins exist on the property. These basins were utilized to control stormwater runoff during the mining of the property. The basins also currently control stormwater on site. A condition of the reclamation of the property is that the sediment control basins be removed. Staff has visited the site and has observed one of the basins that are located in the vicinity of Outparcel A. The basin has been reclaimed by the naturally occurring environment and is currently a habitat for aquatic plant life as well as an animal habitat. Staff would recommend that the other two basins on site be evaluated and that all three basins be preserved in their current state as sensitive habitat areas, with the concurrence of MDE.

There are other significant environmental features on the property that are to be preserved. One feature is located in the southwest portion of the property. The applicant is proposing to cross the wetlands and floodplain in that location with a 60-foot-wide public street. A cul-de sac on the south side of the environmental feature would serve four lots. Originally staff had concerns with supporting the applicant's proposal to cross the stream with a 60-foot-wide right-of-way to serve four lots and recommended that the crossing be reduced to a 22-foot-wide private right-of-way. However, after discussions with the Department of Public Works (DPW&T) staff was advised of the following:

1. A 60-foot-wide, open section public right-of-way requires only 26 feet of paving. DPW&T advised staff that it was their desire to reduce the amount of impact to the environmental feature to the greatest extent possible and would require a maximum

paving of 22 feet wide. A 22-foot private right-of-way requires 18 feet of paving.

2. At this particular location a 48-inch pipe will be required to convey the water from one side of the road to the other whether a 22-foot easement is required or a dedicated public street. The amount of disturbance to install the pipe is not based on the width of paving (18 verses 22), but because of the stormwater management requirement.

3. DPW&T indicated that because of the amount of the floodplain and wetlands, maintaining the integrity of the wetlands crossing is critical not only to the development on this property, but to properties located downstream from this site. DPW&T would prefer that this facility be located in public ownership for monitoring, maintenance and repair and not be left to the four residential properties to be served by the crossing.

North Keys Road is a scenic road. Staff recommends that a 40-foot scenic easement (located outside the 10-foot PUE) be required along the property's frontage and the new master plan alignment of North Keys Road. The easement will ensure that the scenic nature of North Keys Road will be maintained. At the time of review of the Type II tree conservation plan (TCP), staff will evaluate the amount of tree preservation and reforestation in this area and may require supplemental planting. Also required along North Keys Road is a bufferyard pursuant to Section 4.6 of the *Landscape Manual*, which will require a 35-foot-wide buffer where the rears of dwellings are oriented to North Keys Road. The 35-foot-wide easement overlaps the 40-foot scenic easement. Staff would note that a reduction in the width of the scenic easement/bufferyard is necessary on Lots 1 to accommodate the required septic recovery fields. The applicant has worked closely with the Health Department in an effort to relocate the recovery field from the easement to address citizen concerns and staff concerns. However, the Health Department has indicated that relocating the recovery field is not an option due to steep and sever slopes located on Lot 1. The Health Department requires setbacks from the area of the slopes for the recovery area.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI Study Area Master Plan, Planning Area 86A in the Baden Community. The master plan land use recommendation is for Low-Rural residential land use. The 2002 General Plan locates the property in the Rural Tier. The vision set forth in the General Plan encourages the protection of large amounts of woodland for habitat, and the preservation of the rural character and vistas that now exist.

The Subregion VI Study Area Master Plan discusses the proposed type of large-lot residential development where a key-planning objective is to preserve the rural character of this part of the county. The plan contains guidelines to further the objective of preserving rural character in this area. The plan provides the following pertinent guidelines:

- “1) The retention of woodlands for recreation and conservation should be encouraged. Any vacant, undeveloped land not wooded should be adequately stabilized by vegetative coverage.

- “2) Large-scale clearing and grading of land should be carefully controlled to prevent the unnecessary destruction of woodlands.
- “3) ...Every effort should be made in order to preserve scenic roads during road improvements.
- “4) The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- “5) Land developers should be encouraged to capitalize on natural assets by the retention and protection of trees, streams, and other ecological features. All development should be sensitive to the topography and should minimize the damage to natural vegetation cover...
- “6) Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.
- “7) The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the County and the gravel streets will be in concert with the rural landscape. Streets should follow the natural contours to the extent possible, and homes should be sited as close to existing grade as possible.
- “8) Homes should be sufficiently set back from roads in order to preserve scenic view sheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
- “9) A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions.”

The applicant’s proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan. The proposed preliminary plan helps to further the vision of the Rural Tier and is consistent with the nine guidelines above.

- 6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the subdivision is exempt from the requirements of the mandatory dedication of parkland because all of the lots proposed exceed one-acre in size.
- 7. **Trails**—Two master plan trail/bikeway facilities are recommended in the vicinity of the subject site. The Adopted and Approved Subregion VI Master Plan recommends a Class III bikeway along North Keys Road and a trail facility along the adjacent PEPCO right-of-way. The bikeway can be accommodated through the provision of bikeway signage and asphalt shoulders, per the

concurrence of DPW&T. Due to liability concerns, no recommendations are made regarding the proposed trail along the PEPCO right-of-way.

8. **Transportation**—North Keys Road borders the northern and western boundaries of the property and is a designated collector facility with an ultimate right-of-way of 80 feet. Based on the comments provided to the applicant at the Subdivision Review Meeting, the revised preliminary plan shows a realignment of the North Keys Road in the vicinity of Cross Trail Road and Plantation Drive. The proposed realignment is acceptable to the Department of Public Works and Transportation (DPW&T) and conforms to the proposed master plan alignment. This alignment would provide for Cross Road Trail to intersect at a right angle with North Keys Road. The extent of this realignment is subject to approval by DPW&T; DPW&T has stated that the master plan alignment should be dedicated at this time. Construction of the realignment will not be required of this applicant at this time. The preliminary plan should be revised to clearly delineate the dedication of the master plan alignment. The dedication should include all of the property north of the southern alignment of the master plan right-of-way.

North Keys Road is a planned collector facility with 80 feet of total rights-of-way. The revised preliminary plan shows adequate dedication.

The proposed development would generate 20 AM and 23 PM peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Brandywine Road and North Keys Road. This intersection is the critical intersection for this development and is not signalized.

The critical intersection is not programmed for any 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.

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.

The critical intersection of Brandywine Road and North Keys Road, when analyzed with total future traffic as developed using the guidelines, was found to be operating with an average delay of 21 seconds in the AM peak hour and 27 seconds during the PM peak hour. These calculated values are better than the acceptable policy levels.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the proposed preliminary plan is approved.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	24 sfd	24 sfd	24 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.76	1.44	2.88
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	200.88	130.44	261.36
Total Enrollment	5892.48	5480.50	10761.21
State Rated Capacity	5384	4688	8770
Percent Capacity	109.44%	116.90%	122.70%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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.

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 Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**¾ The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.25 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.25 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, 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. Since this is a matter of existing law, no condition is necessary.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision
12. **Health Department**¾ The property is located in water and sewer category 6, requiring the use of individual well and septic recovery systems. The applicant has performed percolation tests on all of the proposed lots and submitted those required tests to the Health Department. The Health Department recommends approval of 24 lots. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to provide adequate water and sewer facilities.

The Health Department notes that a significant amount of domestic trash was found on the property and should be removed and properly discarded.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan, #4181-2004-00, has been approved with conditions to ensure that

development of this site does not result in on-site or downstream flooding. One condition of approval requires that the applicant remove the existing driveway and culvert on proposed Lot 22 from North Keys Road.

14. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of Lot Size Averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 24 lots for the construction of single-family dwellings. Section 27-442(b) (Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the O-S Zone as follows:

a. The minimum lot size for 60% of the lots is 5 acres,

Comment: Of the 24 lots proposed, 18 meet or exceed five acres, or 75 percent.

b. One (1) two-acre lot is permitted for each 50 acres of tract area,

Comment: The site is 154 acres, three 2-acre lots are permitted, and none are proposed.

c. All remaining lots must be 3 acres,

Comment: The remaining six lots exceed three acres.

d. All lots created shall be restricted to single-family dwellings or agricultural uses, and

Comment: The lots are proposed for the construction of single-family dwelling units.

e. No portion of the subdivided tract shall be resubdivided unless under certain circumstance.

Comment: A new preliminary plan of subdivision would be required to divide the property further ensuring conformance to this condition.

15. **Historic Preservation**- The Historic Preservation staff has indicated that this property may have been part of the antebellum landholdings of the Mackall and Skinner families. Therefore, the applicant should determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant should complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of Final Plats, the applicant should submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan should provide for the avoidance and preservation of the resources in place or provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and*

Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk