

R E S O L U T I O N

WHEREAS, George E. Rodgers, et al is the owner of a 13.05-acre parcel of land known as Parcel 278, Tax Map 73 in Grid B-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on August 9, 2004, George E. and Bettie J. Rodgers filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 16 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04121 for Rodgers Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 20, 2005, 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 January 20, 2005, 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/73/04), and further APPROVED Preliminary Plan of Subdivision 4-04121, Rodgers Subdivision for Lots 1-16 and Parcel A with the following conditions:

1. The applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Standard sidewalks shall be provided along both sides of all internal roads, unless modified by DPW&T.
 - b. If a closed cross-section is implemented along the subject site's frontage of Rollins Avenue, a standard sidewalk shall be provided, unless modified by DPW&T
2. A Type II tree conservation plan shall be approved prior to the issuance of any permits.
3. No lot shall have direct driveway access to Rollins Avenue. This shall be noted on the final plat of subdivision and verified at the time of building permit.
4. Development shall be in accordance with the approved Stormwater Management Concept Plan (3205-2004-00), or any approved revisions thereto.

5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.35± acres of open space land (Parcel A). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
7. Prior to signature approval of the preliminary plan, the forest stand delineation shall be revised as follows:
 - a. Revise the FSD text and/or plan as appropriate to reflect the same gross tract acreage in compliance with the TCPI.

- b. Revise the FSD to show the location of the existing tree line as it existed prior to any clearing on the site.
 - c. Have the revised plans signed and dated by the professional who prepared the plan.
8. Prior to signature approval of the preliminary plan, the Type TCP I shall be revised as follows:
- a. Show a single existing tree line and shade in the area of clearing that was done in violation of the Ordinance.
 - b. Revise the plan label to state "Lots 1-16."
 - c. Revise the plan to delete the proposed tree line and keep the limit of disturbance line.
 - d. Revise the worksheet to reflect all of the required changes including the accurate amount of gross tract area.
 - e. Have the revised plans signed and dated by the qualified professional that prepared the plans.
 - f. The TCPI shall be approved prior to final plat. All approved reforestation areas shall be placed in conservation easements at time of final plat.
9. All reforestation and associated fencing shall be installed prior to the issuance of the fifth building permit. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation areas and the associated fencing in various locations, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
10. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/73/04). The following note shall be placed on the final plat of subdivision:
- "Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/73/04), 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/Tree Preservation Policy."
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer except for the single area of impact approved 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.”

12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and associated plans shall be submitted.

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 northeast side of Rollins Avenue, approximately 1,300 feet north of its intersection with Walker Mill Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55	R-55
Use(s)	Single-Family Residence	Single-Family Residences
Acreage	13.05	13.05
Lots	0	16
Parcels	1	1
Detached Dwelling Units	0	16

4. **Environmental**—The site is characterized by terrain sloping toward the southeastern half of the site and drains into unnamed tributaries of the Beaverdam Creek watershed in the Anacostia River basin. A review of the available information indicates that there are streams, floodplain, highly erodible soils, and wetlands associated with the site. There are no Marlboro clays found to occur on the site. Rollins Avenue is a collector roadway and generally not regulated for noise; however, the site to the east contains noise-generating uses. The primary soil types found to occur on the subject property according to the Prince George's County Soils Survey are Aura, Beltsville, Bibb, Iuka, Matapeake, Sassafras and Sandy Land. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, impeded drainage, and flood hazard. Based on the 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, there are no

rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Woodland Conservation

The forest stand delineation (FSD) submitted with this application was found to generally address the requirements of a detailed FSD. The plan, however, states that the gross tract area of the site is 13.04 acres and the TCPI states that it is 13.05 acres. This discrepancy must be reconciled. In addition, the FSD shows an existing tree line that is inconsistent with that used on the tree conservation plan. This site has been the subject of at least one Woodland Conservation Ordinance violation, and various "existing" tree lines have been shown on plans. In order to provide an accurate view of the subject property at this point in time, to consider the past clearing as part of this plan, and to allow for an accurate review of the TCPI, the tree line that existed prior to the violation should be shown. The following note should be placed on the plan: "The existing tree line shown on the plan reflects the location of the tree line that existed prior to illegal clearing occurring on the subject property. Refer to TCPI/73/04 for the conceptual clearing that was approved with the preliminary plan of subdivision."

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. The Type I Tree Conservation Plan, (TCPI/73/04), as submitted was reviewed and was found to require additional revisions.

The plan shows multiple existing tree lines, which is not only confusing, it makes the review of the plan for conformance with the Ordinance requirements impossible. The plan shall be revised to show a single existing tree line and shade in the area of clearing that was done in violation of the Ordinance. A portion of this area is generally shown as a "slope restoration area" on the plan and is shown to be partially reforested.

Because the reforestation areas are a critical element of this project's proposed plan for meeting the Woodland Conservation Ordinance requirements, the reforestation must be installed prior to the issuance of the fifth building permit. It is likely that the site will be mass-graded due to the slope issues and the placement of the building pads. This restriction should pose no problem to the timing with regard to the proposed home construction. The resulting reforestation areas shall be placed in conservation easements.

The plan also states that it is for Lots 1-31, when the application is for Lots 1-16. The label needs to be revised. In addition, a proposed tree line and a limit of disturbance are used on the plans to denote the limits of the construction area. The proposed tree line must be deleted and the limit of disturbance line shall remain to clarify the area that is approved for disturbance, including any wooded and nonwooded areas.

As currently designed, the minimum woodland conservation requirement for the site is 5.11 acres.

The requirements are proposed to be met through the provision of some on-site preservation and reforestation and some off-site mitigation. These numbers will likely change when the other comments in this memorandum are addressed.

Streams, Wetlands and Floodplain

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request. A stream in the southeast corner of the property traverses the site. All sensitive environmental features have been properly shown on the plans with their required buffers.

All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. 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; Nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Proposed impacts to the expanded buffer require variations to the Subdivision Ordinance. There are two areas of impacts that will be necessary for development of the site: a stormdrain line and outfall, and sewer line connection. These impacts have been combined into a single impact area. A variation request was submitted for the subject application dated December 13, 2004.

Analysis of the Variation Request

Impact one: Stormdrain line and outfall

Impact one consists of a proposed public stormdrain line and its outfall located in the southeastern portion of the property. This impact requires a small floodplain clearing of 0.023 acre and a total of 0.073 acre of proposed disturbance to the expanded buffer.

Impact Two: Proposed Sewer

A second area of expanded buffer impact will result from the proposed sewer line for this subdivision connecting to an existing line that crosses the southeastern portion of the subject property. This impact requires 0.05 acre of proposed disturbance to the existing buffer.

Variation Analysis

The following is an analysis of the required findings of Section 24-113 with regard to the variation:

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:

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

The variation is required to address the regulations associated with the Stormwater Management Ordinance, which are designed to promote public safety and health and to ensure no off-site properties are damaged. The site could not be developed under the current zoning without public sewer, which is located in the stream valley to the south.

- (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;**

The conditions of the property are unique with respect to the location of the existing stream, wetland and associated buffers, which constitute the expanded buffer.

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

No other variances, departures, or waivers are required with regard to the treatment of stormwater or the provision of public sewer. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (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 the strict letter of these regulations is carried out;**

Due to the configuration of this site, the location of the stream, wetland and associated buffers, and the fact that no other reasonable options are possible which would further reduce or eliminate the extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variation.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The property will be served by public systems.

5. **Community Planning**—The property is in Planning Area 75B/Capitol Heights. The 2002 General Plan places this site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use pedestrian-oriented, medium-to-high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 1986 master plan for Suitland-District Heights and Vicinity recommends residential land use at the Medium-Suburban density of up to 5.7 dwelling units per acre for the property. This application conforms to the 1986 master plan recommendation for Medium-Suburban residential land use.

The 1986 master plan also places significant portions of the site in the Conditional Reserve Area. A significant portion of the site has been identified as a Conditional Reserve Area and the plan makes recommendations for limiting development in these sensitive environmental areas. According to page 65 of the master plan: “Parts of the Conditional Reserve Areas are appropriate for active recreation facilities, and some portions may bear limited development within prescribed guidelines. Development is permissible; but careful, innovative site planning is required to protect environmental assets and to meet environmental needs.” The applicant is showing this area of the site as a single parcel retained in open space to be conveyed to a homeowners association.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**— *Approved Master Plan and Adopted Sectional Map Amendment for Suitland- District Heights and Vicinity, Planning Areas 75A and 75B and the Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* recommend a master plan trail along Cabin Branch. There is an existing trail easement immediately to the east of the subject site reflected on the submitted plat.

Staff and the applicant explored the feasibility of providing a paved trail connection following the alignment of the sewer right-of-way and connecting into the subject site at the western end of Bettie Court. However, steep topography makes this connection not feasible. AASHTO guidelines for trails recommend a grade of 10 percent for no more than 100 feet during one unbroken stretch of trail. Work completed by the applicant indicates that a 10 percent grade would be necessary for approximately 500 feet in length. Furthermore, the amount of disturbance necessary to construct a trail on these grades also makes trail construction prohibitive. The applicant estimated that the amount of disturbance in the expanded buffer would double with the construction of the trail. For these reasons, staff does not recommend the construction of the trail as originally proposed.

However, staff does recommend the provision of a 25-foot-wide public use trail easement on top of the existing sewer right-of-way. This is consistent with the subdivision immediately to the east of the subject site, and would connect to the existing easement on that site. This will allow for

the construction of a natural-surface walking path in the future, if desired by the community. It appears that a trail could be feasible if it remains within the sewer right-of-way, without climbing the adjacent steep slopes.

The subject site is slightly more than one mile from the Addison Road Metro Station.

Sidewalk Connectivity

Rollins Avenue in the vicinity of the subject site is open section with no sidewalks. No master plan facility is currently proposed along this road. Rollins Avenue lacks sidewalks for most of its distance from Central Avenue to Walker Mill Road. If a closed section roadway is used for the subject site's frontage, staff recommends the provision of a standard sidewalk. Staff also recommends sidewalks along both sides of all internal roads.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did have traffic counts in the area available from a recent study done for Brighton Place, preliminary plan of subdivision 4-04011. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is in the Developed Tier, as defined in the 2002 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better is required in the Developing Tier.

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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersections of Rollins Avenue/Walker Mill Road and MD 458/Walker Mill Road are determined to be the critical intersections for the subject property. This intersection is the nearest signalized intersection to the site, and would serve virtually all of the site-generated traffic. The applicant provided traffic counts dated April 2004. These counts indicate that the critical intersections operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Walker Mill Road and Rollins Avenue	542	617	A	A
MD 458 and Walker Mill Road	498	607	A	A

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the traffic operations. There are 14 approved but unbuilt developments that would affect the intersections. With background growth added, the critical intersections would operate as follows

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Walker Mill Road and Rollins Avenue	642	746	A	A
MD 458 and Walker Mill Road	565	689	A	A

With the development of 31 single-family detached residences, the site would generate 23 AM (5 in and 18 out) and 28 PM (18 in and 10 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 35 percent—north along Rollins Avenue, 30 percent—west along Walker Mill Road (toward MD 4), 5 percent—south along MD 458, and 30 percent—east along Walker Mill Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Walker Mill Road and Rollins Avenue	656	757	A	A
MD 458 and Walker Mill Road	572	693	A	A

The site is not within or adjacent to any master plan transportation facilities. The site is adjacent to Rollins Avenue, which is not identified as a master plan facility. Given the higher volume of traffic along this roadway and the presence of some industrially zoned land along an adjacent section of Rollins Avenue, dedication of 35 feet from centerline, as shown on the submitted plan, is acceptable.

Access to all proposed lots would occur via proposed new secondary residential streets, and this is acceptable. Several lots also have frontage on Rollins Avenue. In recognition of the potential for higher traffic volumes and vehicle speeds along Rollins Avenue, all lots should have access directed toward the internal street network and not toward Rollins Avenue.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition ensuring that no lot shall have direct driveway access to Rollins Avenue.

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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	36283	10786	16960
Completion Enrollment	268.56	67.50	135.60
Cumulative Enrollment	30.96	7.74	15.48
Total Enrollment	36586.36	10862.20	17113
State Rated Capacity	39607	10375	14191
Percent Capacity	92.37%	104.70%	120.59%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 3.85 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 3.85 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 7.08 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

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 III-Landover. 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**—The Health Department reviewed the application and noted a significant amount of trash and other debris has been illegally dumped on the property, including domestic trash and tires. This must be removed prior to final plat approval. A licensed scrap tire hauler must remove the tires to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 3205-2004-00 has been approved. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic Sites and Cemeteries**—There are no known cemeteries on the subject property. However, this land is close to and may be part of the antebellum Anderson and William Winkler plantations. Prehistoric archeological site are known to exist in settings similar to that in the project area. The applicant submitted a Phase I Assessment on December 9, 2004. The Historic

Preservation Section (M-NCPPC), in their referral response dated January 11, 2005, agreed with the study's conclusion that no additional archeological fieldwork is required on this property.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk