

R E S O L U T I O N

WHEREAS, Ken Michael & the State of Maryland are the owners of a 11.78-acre parcel of land known as Parcels 32, 70, 123 and P/O P.43, Tax Map 33 in Grid A-3, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on October 3, 2005, Kenneth K. Michael filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 26 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05060 for College Heights West 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 5, 2006, 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 5, 2006, 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/60/04), and further APPROVED Preliminary Plan of Subdivision 4-05060, College Heights West, including Variations for Impacts #1 through #9 for Lots 1-26, Parcel A and Outlots A-D with the following conditions:

1. Prior to signature approval of the preliminary plan, the applicant shall submit proof of approval by the Army Corps of Engineers and the Maryland Department of the Environment to fill the approximately 500 square feet of wetland identified within the proposed right-of-way known as "Commander Drive" as shown on the applicant's plan. If such permission is not obtained, then prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to eliminate the impact shown on the applicant's exhibit as Impact #7, associated with the roadway connection from Lot 1 to Lot 26. The approved impacts to the regulated features shall be limited to the impacts for the stormwater management outfalls (to be redesigned to account for the revised layout) and the impact for the sanitary sewer connection. Staff identified Impacts A, B and C shall also be eliminated.
2. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, 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.”

3. Prior to building and grading permits which impacts wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/60/05, shall be revised as follows:
 - a. Revise the plan to reflect conceptual grading on-site.
 - b. Revise the plan and legend to show the required 25-foot building restriction line from the floodplain and not a floodplain buffer.
 - c. Eliminate woodland conservation on lots less than 20,000 square feet and show any remaining woodlands as being counted as cleared except for those areas within the expanded buffer.
 - d. Remove from plan proposed “special conservation easements” on lots 17 and 18.
 - e. Submit a 100-year floodplain study and revise the expanded buffer on all plans to reflect any changes.
 - f. Revise the woodland conservation on-site to provide the threshold on-site.
 - g. Revise the TCPI notes to add the following: “The TCPII shall show the provision of Tree Protection Devices that are 6 feet in height made of chain link or equivalent to be placed at the limits of disturbance on all lots that contain regulated environmental features. The Tree Protection Devices shall remain in place until the lots have received final grading and have been seeded or sodded. If yards have not received final seeding or sodding prior to occupancy, the fencing shall remain in place until this task has been completed.”
 - h. Include in the legend all symbols used in the plan.
 - i. Revise the computation worksheet accordingly to reflect changes made to the plan.
 - j. Have the revised plan signed and dated by the qualified professional that prepared the plan.

5. Prior to signature approval of the preliminary plan, a revised stormwater concept approval shall be obtained and submitted that is based on the revised lot layout and the elimination of the road crossing of the stream buffer. The TCPI shall be revised to show only that clearing necessary to implement the revised concept.
6. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
7. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. Prior to signature approval, the concept plan number and date shall be noted on the preliminary plan.
8. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
9. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show conceptual housing locations demonstrating *Landscape Manual* compliance either through the provision of the required bufferyards or some combination of on- and off-site buffering along the common boundary with the church to the northwest of the site.
10. Development is subject to restrictions on the approved Type I Tree Conservation Plan (TCPI/60/04), or as modified on 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 also subject to the notification provisions of CB-60-2005.

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 site is located at the northern terminus of Windsor Lane, Lovell Drive, and Commander Drive, approximately 500 feet north of Wells Parkway. The site is largely undeveloped and predominately wooded, with the exception of one single-family dwelling in the northwest corner of the site. All structures on the site are proposed to be razed. The surrounding properties are zoned R-55 and are developed with single-family residences to the south and southwest (College Heights Subdivision), a church to the northwest, and undeveloped land to the north, northeast and east.

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
Uses	Vacant	Single-Family Residences
Acreage	11.78	11.78
Lots	0	26
Parcels	4	1
Outlots	0	4
Dwelling Units	1 (to be razed)	26

4. **Environmental**— The site is characterized by terrain sloping toward unnamed tributaries of the Brier Ditch Creek watershed, which traverse the subject property in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and some areas of steep slopes on highly erodible soils on the site. There are streams, Waters of the U.S., wetlands, and 100-year floodplain. There are no Marlboro clays found on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according to the Prince George's County Soil Survey are Bibb, Fallington, Matawan, Beltsville, Keyport, and Sunnyside. These soil types generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, poor stability, perched water table, and impeded drainage. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "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 or historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI/094/05), dated September 28, 2005, that was included with the application package. The requirement to submit an NRI was instituted after the previous submissions had been withdrawn.

The TCPI and the preliminary plan have been revised to show all the required information correctly. The NRI shows an area of wetlands that did not appear on the two previous preliminary plan applications and as such was not considered during those reviews.

Woodland Conservation

The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Woodland Conservation Threshold for this site is 20 percent, or 2.27 acres. As currently designed, an additional 1.54 acres are required due to removal of woodlands, for a total requirement of 3.81 acres. The plan shows the requirement being met with 2.13 acres of on-site preservation and 1.72 acres of off-site credits for a total of 3.85 acres of woodland conservation provided.

Several revisions are needed so that the Type I Tree Conservation Plan can be found to be in conformance with the Woodland Conservation Ordinance. Woodlands shown as “preserved but not counted” on lots less than 20,000 square feet shall be counted as cleared. The proposed “special conservation easement” should be removed from the plan. Conceptual grading should be shown on the plan and a limit of disturbance added that provides for at least 40 feet of cleared area to the rear and 20 feet on each side of all proposed buildings. The worksheet needs to be revised to account for the small area of off-site clearing associated with the installation of the sanitary sewer line. The qualified professional who prepared the plan needs to sign and date it after it has been fully revised to address these comments.

The subject property contains a Regulated Area and an Evaluation Area as part of the Countywide Green Infrastructure Plan. These areas are priorities for woodland conservation. At a minimum, the woodland conservation threshold should be met on-site when sensitive environmental resources and naturally wooded areas occur on-site. The forest stand delineation submitted with the NRI states that the woodland in the Evaluation Areas of the site is in good condition and is a high priority for preservation.

As currently designed it is nearly impossible to preserve much of the woodlands shown to be preserved on the site. The current layout shows 13 of the 26 lots with substandard development envelopes (lots where insufficient area has been provided for house construction and woodlands are shown too close to the house footprints). The Woodland Conservation Ordinance requires that there be 40 feet to the rear and 20 feet on each side of a building footprint to allow for construction of the building and protection of the woodlands that are adjacent. Half of the proposed lots do not meet this standard.

Impact to Environmentally Sensitive Areas and Variation Request

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 variation request was submitted with the initial application for this preliminary plan. It shows nine separate impacts on the exhibits; however, the text does not provide for justifications separately for each impact as required. Below staff has provided an analysis of Impacts #1 through #6 that are related to stormwater management facilities on the site; Impact #7 that is for the construction of a roadway through a previously unidentified wetland; and Impacts #8 and #9 that are related to a sanitary sewer connection for the development of the site.

There are several other impacts that have not been requested, which, if the project is developed as

designed, will result in impacts to regulated environmental features. These are identified as Impacts A, B and C.

The Subdivision Ordinance, as well as state and federal regulations, requires that impacts be avoided when designing land development proposals. If a design alternative exists that would result in the elimination of an impact, according to Planning Board policy and direction provided by the Maryland Department of the Environment, the design alternative must be implemented. Staff generally does not recommend impacts that are not essential for the development of property, such as grading for lots, parking areas and roadways. Staff does generally recommend impacts that are essential to the development of a site, such as those for stormwater management outfalls and sanitary sewer connections. Section 24-113 of the Subdivision Ordinance contains the required findings for approval of variation requests.

Impacts A, B, and C are not essential for the development of the site and as such are not recommended for approval. **Impact A** is on proposed Lot 16 where the proposed driveway skirts the edge of the minimum 50-foot-wide stream buffer. If conceptual grading had been provided on the tree conservation plan, it would have shown the necessary grading for this driveway encroaching into the buffer. As designed, this impact is unnecessary—the driveway can be moved to the west to avoid the stream buffer.

Impact B is shown on Lots 17–19 where the minimum area required by the Woodland Conservation Ordinance has not been provided and sufficient space has not been provided for the construction of the proposed homes. The applicant has proposed a “special” conservation easement to protect this area; however, the area of the stream buffer will already be protected by a conservation easement, resulting in the “special” conservation easement providing no value.

Impact C is associated with the road construction between Lot 1 and Lot 26. Again, because no conceptual grading was shown on the tree conservation plan, it is not possible to evaluate the magnitude of the impacts in this area; however, it is clear that the road could not be constructed within five feet of the stream buffer without causing impacts. At a minimum, ten feet and often more is required for roadway construction so that the proper sub-base and other paving materials can be properly installed.

Impacts #1–#6 are for stormwater management outfalls and Impacts #8 and 9 are for a sewer connection.

Section 24-113 of the Subdivision Ordinance contains four required findings [text in bold] to be made before a variation can be granted.

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 request would not be detrimental to public safety, health or welfare and does not injure other property;**

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

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

The specific topography of the site requires the use of stormwater management outfalls. The location of the nearest sewer connection results in the need to provide the sewer connection in the location shown. These two conditions are unique to the subject property.

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

The installation of stormwater management facilities and sewer connections are required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because permits from other agencies will also be required prior to construction.

- (4) Because of the peculiar 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 regulation is carried out.**

The topography provides no alternative for the locations of the stormwater outfalls and sewer line connections that are required to serve the development.

Impact #7 and Staff Identified Impact C for roadway construction

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

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 request would not be detrimental to public safety, health or welfare and does not injure other property;**

When evaluating impacts to regulated environmental features, staff considers whether or not design alternatives are available that avoid the impact in question. It is clear in this instance that the complete elimination of this wetland is not necessary for the subject property to be developed.

If the roadway were stopped to the west and a cul-de-sac provided, the elimination of this wetland could be avoided. In addition, because the site has multiple access points there are many alternative designs that would provide for safe access to the property without this impact. The applicant has provided an affidavit from Milton McCarthy of McCarthy & Associates who opines, based on 27 years of experience with wetlands and the Federal and State regulations pertaining thereto, authorization to fill will be easily obtained from the Maryland Department of the Environment and the Army Corps of Engineers. This is primarily due to the limited size of the wetlands (500± square feet). If such permission is not obtained, then prior to signature approval of the preliminary plan, the preliminary plan and the TCPI must be revised to eliminate the impact shown on the applicant's exhibit as Impact #7 and staff's identified Impact C, associated with the roadway connection from Lot 1 to Lot 26.

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

The location of this wetland adjacent to a stream is not unique, and in fact is a rather common occurrence. However, the limited size of the wetlands (500± square feet) suggest that a Category I permit for the proposed road crossing will be routinely granted by the Maryland Department of the Environment.

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

As currently designed, the impact proposed is a violation of state law with regard to the avoidance and minimization of impacts to state-regulated features. However, this development pattern is similar to other limited impacts for which the Maryland Department of the Environment has routinely granted permission to fill. So long as all federal and state permits are granted, the development pursuant to the grant of the variation will not violate any applicable law, ordinance or regulation.

- (4) Because of the peculiar 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 regulation is carried out.

The subject property can be reasonably developed without the impact proposed. However, the applicant has submitted evidence that suggests that a permit to fill the small area of wetlands is easily obtainable. Carrying out the strict measure of these regulations would be a hardship to the applicant since it would negate the ability to provide for a continuous circulation pattern and would result in the need for an additional paving in the form of a cul-de-sac on this environmentally-constrained property.

Summary of Findings

Pursuant to the required findings of Section 24-113 the Planning Board finds that the required findings can be made for proposed Impacts #1-9 and staff-identified Impact C.

The Planning Board finds that the required findings of Section 24-113 cannot be made for proposed staff-identified Impacts A and B.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems.

5. **Community Planning**—The property is in Planning Area 66/College Park. The 2002 General Plan places the property 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 1989 approved master plan for Langley Park-College Park-Greenbelt and Vicinity recommends approximately 30 percent of the site for medium suburban residential use. The balance is recommended for public or quasi-public use. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends the payment of a fee-in-lieu of the requirement for the mandatory dedication of parkland because the land available is not suitable due to its size and location.
7. **Trails**—There are no master plan trail issues identified in the 1989 approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity.
8. **Transportation**—The applicant's proposed development would generate fewer than 50 trips in any peak hour, hence a traffic study was not required. The applicant, at staff's request, did

provide an AM and PM peak-hour turning movement traffic count at the intersection of Adelphi Road and Wells Parkway. The findings and recommendations outlined below are based upon a review of these data and analyses conducted by 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 located within the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

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.

Staff Analysis of Traffic Impacts

The critical intersection on which the proposed development would have an impact would be Adelphi Road/Wells Parkway (signalized). The most recent traffic analysis of that intersection operated with a CLV/LOS of 993/A during the AM peak hour, and 1,051/B during the PM peak hour. Based on trip generation rates from *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a 26-lot single family dwelling unit development would generate 20 (4 in, 16 out) AM peak-hour trips and 24 (16 in, 8 out) PM peak-hour trips. Staff found no background development that would significantly impact the subject intersection. Because the counts were done during the summer, staff applied a seasonal adjustment factor of 6 percent and 4 percent to the AM and PM peak-hour volumes, pursuant to the guidelines. In order to determine the results under total traffic conditions, the new trips along with adjusted existing traffic volumes were analyzed. The results showed a CLV/LOS of 1,055/B during the AM peak hour, and 1,104/B during the PM peak hour.

Site Plan Comments

Regarding the site access and overall circulation, staff has no issues. The Department of Public Works and Transportation has indicated they will allow the extreme curvature at either end of the road so long as no on-street parking is permitted at those locations.

Transportation Staff Conclusions and Recommendations

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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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	26 sfd	26 sfd	26 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.24	1.56	3.12
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	7.68	1.92	3.84
Total Enrollment	35,619.92	11508.48	1699.96
State-Rated Capacity	38187	11272	15314
Percent Capacity	93.28%	102.10%	110.95%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Hyattsville, Company 1, using the Seven- Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 685 (98.99 percent), which is within the staff standard of 657 (or 95 percent) of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 08/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District I. The Prince George's County Police Department reports that the average yearly response times for that District at the time the subject application was accepted are 18.00 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 9.00 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

12. **Health Department**—The Health Department has reviewed the subject application and reminds the applicant that raze permits are required prior to the removal of any structure on the site. Also, the existing shallow well on the site must be properly backfilled in place as part of the grading permit.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Service Division, has determined that on-site stormwater management is required. A stormwater management concept plan (29847-2003-00, June 10, 2004) has been approved. 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 or any approved revision thereto.

14. **Historic Preservation**— A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

16. **Landscape Manual**—The subject site abuts a church to the northwest. As such, Lots 14, 15, and

16 are required to have a Type "C" Bufferyard (40-foot setback and 30-foot-wide landscaped strip) along the common boundary with the church. The plan does not reflect this bufferyard. While it may be possible to place the bufferyard on the subject lots, it would result in an extremely tight relationship. The applicant should explore the possibility of providing part of the required buffer on the adjoining church property, where an attractive landscaped strip currently exists. If the church were willing to agree to encumber their strip and allow it to count toward the bufferyard requirements, additional yard area could be provided on the lots.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns voting in favor of the motion, with Commissioner Hewlett opposing the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 5, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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