PGCPB No. 06-108 File No. 4-05061

# RESOLUTION

WHEREAS, Housing Authority of Prince George's County is the owner of a 9.98-acre parcel of land known as Parcel A 9 (Plat Book 65@ 61), Tax Map 132 in Grid A-1, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on December 8, 2005, Tantallon Forest, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 16 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05061 for Tantallon Forest 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 May 4, 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 May 4, 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/55/05), and further APPROVED Preliminary Plan of Subdivision 4-05061, Tantallon Forest, for Lots 1-16 and Parcels A & B with the following conditions:

- 1. Prior to signature approval of the preliminary plan the plan shall be modified in accordance with staff exhibit 1.
- 2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, except for areas where variation requests have been granted, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the final 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 the issuance of any permits that impact jurisdictional wetlands or wetland buffers, the applicant shall submit 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 shall be revised to:
  - a. Calculate all woodland on lots as cleared.
  - b. Revise the symbol for "woodlands retained (non-FCA)" to read "Woodlands Calculated as Cleared."
  - c. Revise the worksheet as needed.
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan
- 5. 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/55/05), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005."
- 6. Prior to signature of the preliminary plan of subdivision, the preliminary plan and Type I TCP shall note the stormwater management concept approval number and approval date.
- 7. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a copy of the approved stormwater management concept plan and have the approval number and date noted on the preliminary plan.
- 8. At the time of final plat the applicant will be responsible for any roadway improvements required by DPW&T along Asbury Drive. This will include providing a transition area between the existing 36 feet of pavement and the proposed 26 feet of pavement on Asbury Drive.
- 9. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to reflect the modifications to the plan necessary to accommodate the road right-of-way transition from a width of 60 feet to a width of 50 feet. All lots shall be required to maintain all minimum Zoning Ordinance requirements.

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 subject property is known as Parcel A (Record Plat WWW 65 @ 61), located on Tax Map 132, Grid A-1.
- 3. The subject property is located in the Fort Washington community at the terminus of Asbury Drive, approximately 250 feet north of its intersection with Dias Drive and approximately 2,200 feet north of its intersection with Swan Creek Road.
- 4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| EXISTING | PROPOSED                  |
|----------|---------------------------|
| R-80     | R-80                      |
| Vacant   | Single-family residential |
| 9.98     | 9.98                      |
| 1        | 16                        |
| 0        | 2                         |
| 0        | 16                        |
|          | No                        |
|          | Vacant<br>9.98<br>1       |

5. **Subdivision**—As mentioned in the Overview Section of this report, the two proposed public streets will end in cul-de-sacs. The proximity of these cul-de-sacs to each other and the number of lots proposed in this area create an undesirable lotting pattern. To achieve minimum lot widths at the street line for each lot along the cul-de-sac for Asbury Drive, the lots begin a twirling effect that results in side property lines extending into the front of adjacent lots. This has been known to create confusion and dispute over property ownership. Additionally, the configuration of the Asbury Drive cul-de-sac creates privacy concerns for lots fronting on the other cul-de-sac street.

Staff believes that the concerns noted above can be ameliorated by the loss of one lot and a minor adjustment to the street configuration. Lots 4 through 10 would be affected. Staff has prepared an exhibit (Exhibit A) that conceptually reflects the recommended modifications.

6. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Tantallon Forest, 4-05061, stamped as received by the Environmental Planning Section on February 27, 2006, and the revised Type I Tree Conservation Plan, TCPI/55/05, stamped as received by the Environmental Planning Section on March 29, 2006. The Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of Preliminary Plan 4-05061 and TCPI/55/05 subject to the conditions. The Environmental Planning Section has no records of any previous applications for the subject property. The proposal is for 17 lots and one parcel in the R-R Zone.

This 9.98-acre property in the R-R Zone is at the terminus of Asbury Drive, east of Pitt Drive. There are streams, wetlands and 100-floodplain on the property associated with Broad Creek in the Potomac River watershed. According to the *Green Infrastructure Plan*, there are regulated areas and evaluation areas on the property. According to the "Prince George's County Soils

Survey," the principal soils on this site are in the Iuka, Othello and Sassafras series. Marlboro clay does not occur in this area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

A signed natural resources inventory (NRI), NRI-109-05, was submitted with the application. There are streams, wetlands and 100-floodplain on the property associated with Broad Creek in the Potomac River watershed. A forest stand delineation (FSD), wetland report and approved 100-year floodplain study were included with the NRI. The FSD indicates three forest stands totaling 8.66 acres and eight specimen trees.

According to the *Green Infrastructure Plan*, there are regulated areas and evaluation areas on the property. Based upon this analysis, the priority woodlands on-site are associated with the sensitive environmental features. A conservation easement should be established for the expanded stream buffers, except for areas where variation requests have been granted.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), 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. Impacts to sensitive environmental features require variations to the Subdivision Regulations. A variation request, dated February 25, 2006, for three proposed impacts to a total of 1,116 square feet of expanded stream buffers was submitted.

The Type I tree conservation plan shows three proposed impacts for stormwater management outfalls. These appear to be the minimum necessary and sufficient for the development of the proposed subdivision.

Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

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 management outfalls 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 other 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 the stormwater management facilities shown on the plans to adequately serve the proposed development.

The site drops in elevation from west to east directing runoff in a particular direction.

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

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

(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 location of the stormwater facilities that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-80 zoning.

Outfalls must be placed where they will not cause erosion. This is typically the first available flat area at the base of a slope. On this property, the first flat areas at the top of the slope are within the expanded stream buffers.

The Environmental Planning Section supports the variation requests for the reasons stated above.

Prior to the issuance of any permits that impact jurisdictional wetlands or wetland buffers, the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This 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 Type I Tree Conservation Plan, TCPI/55/05, has been reviewed. The plan proposes clearing 5.30 acres of the existing 6.44 acres of upland woodland, clearing 0.02 acre of the existing 2.22 acres of woodland within the 100-year floodplain, and no clearing of woodland off-site. The woodland conservation threshold is 1.43 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 3.00 acres. The plan proposes 0.66 acre of on-site preservation, 0.62 acre of on-site planting and 1.72 acres of off-site conservation, for a total of 3.00 acres. An additional 0.48 acre of woodland will be preserved on-site but not part of any requirement.

The general design of the plan is in conformance with the Woodland Conservation Ordinance and the *Green Infrastructure Plan* because it protects the sensitive environmental features, creates contiguous woodland, and does not encumber small lots.

Because the lots are small, future homeowners may desire to clear additional woodland on the lots. In order to allow them the opportunity to do additional clearing without penalty, the TCP must be revised to calculate clearing all woodland remaining on lots.

Prior to signature of the preliminary plan, the Type I tree conservation plan should be revised to calculate all woodland on lots as cleared; revise the symbol for "woodlands retained (non-FCA)" to read "woodlands calculated as cleared;" revise the worksheet as needed; and have the revised plan signed and dated by the qualified professional who prepared the plan

A note should be placed on the final plat of subdivision stating the restrictions governed by the approved tree conservation plan.

According to the Prince George's County Soils Survey, the principal soils on this site are in the, Iuka, Othello and Sassafras series. Iuka and Othello soils may have a high water table, impeded drainage and exhibit ponding. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

An approved stormwater management concept letter was not submitted with this

application. The revised plans show an on-site stormwater management pond where two lots had been proposed previously. The changes to the Preliminary Plan and Type I TCP were in response to stormwater management requirements of the Prince George's County Department of Environmental Resources. The stormwater management concept approval number must be shown on the preliminary plan and Type I TCP.

The Environmental Planning Section supports the variation request for impacts to sensitive environmental features for the reasons stated in this memorandum. The Environmental Planning Section recommends approval of Preliminary Plan 4-05061 and TCPI/55/05 subject to conditions.

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3.

- Community Planning—This application is located in the Developing Tier. One vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The subject property was under the county's ownership and was deemed a surplus school site. It was turned over to the Housing Authority of Prince George's County. A request for proposal was issued for housing development. The proposed subdivision does not conform to the public or quasi-public land use recommendation in the 1981 Master Plan for Subregion VII. However, the adopted Henson Creek-South Potomac Master Plan recognized the current status and designates the site for residential, low-density land use. Therefore, this application conforms to the residential, low-density land use recommendation in the 2005 adopted Henson Creek-South Potomac Master Plan.
- 8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location
- 9. **Trails**—There are no master plan trails issues identified in the 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan, the adopted and approved Subregion VII Master Plan, or the adopted Henson Creek-South Potomac Master Plan. There are roads in the vicinity of the subject site, including the portion of Asbury Drive connecting into the site, that are open with no sidewalks. There are no master plan trails issues that impact the subject site.
- 10. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 10 acres of land in the R-80 zone. The property is located at the terminus of Asbury Drive and east of Pitt Drive. The applicant originally proposed a residential development consisting of 19 single-family lots.

The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and a January 2006 count for the intersection of MD 210 and Swan Creek Road was provided. Therefore, the findings and recommendations outlined below are based upon a review of relevant 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 site is within the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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.

# **Staff Analysis of Traffic Impacts**

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 and Swan Creek Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Based on the recent traffic count, the existing conditions at the critical intersection:

| <b>Existing Conditions</b> |                      |                  |  |
|----------------------------|----------------------|------------------|--|
| Intersection               | Critical Lane Volume | Level of Service |  |
|                            | (AM & PM)            | (AM & PM)        |  |
| MD 210/Swan Creek Road     | 1,390 1,403          | D D              |  |

The Guidelines identify signalized intersections operating at LOS D with a critical lane volume of 1,450 or better during both peak hours as acceptable. The AM and PM peak hour level of service is acceptable under existing conditions.

The transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along MD 210. Background conditions are summarized below:

| Background Conditions  |                      |                  |  |
|------------------------|----------------------|------------------|--|
| Intersection           | Critical Lane Volume | Level of Service |  |
|                        | (AM & PM)            | (AM & PM)        |  |
| MD 210/Swan Creek Road | 1,419 1,434          | D D              |  |

Under background conditions the critical intersection is operating at acceptable levels of service during the AM and PM peak hour as defined in the Guidelines.

The site is proposed for development as a residential subdivision that was originally analyzed for 19 lots. That proposed development would generate 14 AM (3 in, 11 out) and 17 PM (11 in, 6 out) peak hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Revised September 2002). Staff assumes these trips are distributed as follows:

50%—South along MD 210 50%—North along MD 210

Given these assumptions, we obtain the following results under total traffic:

| Total Traffic Conditions |                      |                  |  |
|--------------------------|----------------------|------------------|--|
| Intersection             | Critical Lane Volume | Level of Service |  |
|                          | (AM & PM)            | (AM & PM)        |  |
| MD 210/Swan Creek Road   | 1,421 1,436          | D D              |  |

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 210/Swan Creek Road would operate acceptably during the AM and PM peak hours.

The dedication of right-of-way for the extension of Asbury Drive is shown on the submitted site plan at 50 feet in width, with a 26-foot pavement section. Staff notes that existing Asbury Drive has a 60-foot right-of-way width and 36 feet of pavement. Staff recommends that the applicant work with DPW&T and be responsible for providing a transition between the two pavement widths along Asbury Drive. Staff has no further comments on the site plan.

### **Findings and Recommendations**

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

11. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this

preliminary 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** 

| impact on Affected I done behoof Clusters |                   |               |             |
|---|-------------------|---------------|-------------|
| Affected School Clusters                  | Elementary School | Middle School | High School |
|   | Cluster 6         | Cluster 3     | Cluster 3   |
| Dwelling Units                            | 19 sfd            | 19 sfd        | 19 sfd      |
| Pupil Yield Factor                        | 0.24              | 0.06          | 0.12        |
| Subdivision Enrollment                    | 4.56              | 1.14          | 2.28        |
| Actual Enrollment                         | 3,946             | 5,489         | 9,164       |
| Completion Enrollment                     | 121               | 64            | 127         |
| Cumulative Enrollment                     | 11.76             | 103.14        | 206.28      |
| Total Enrollment                          | 4,083.32          | 5,657.28      | 9,499.56    |
| State-Rated Capacity                      | 4,033             | 6,114         | 7,792       |
| Percent Capacity                          | 101.12            | 92.53         | 121.91      |

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

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 a paid at the time of issuance of each building permit.

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.

The subject site is located in an area recommended by the approved and adopted Subregion VII

Master Plan for an elementary school site. Staff has determined the subject site would not make a suitable location for an elementary school because it doesn't meet the minimum requirement of 10 acres. The gross total area is 9.98 acres, of which 4.01 acres are in the 100-year flood plain.

12. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

#### **Fire Facilities**

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, Allentown Road Company 47, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief reported that the current staff complement of the Fire Department was above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005 for a preliminary plan accepted in 2005.

The Fire Chief has reported by letter, dated 11/01/2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

13. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on 12/08/05.

| Reporting Cycle | Date              | <b>Emergency Calls</b> | Nonemergency |
|-----------------|-------------------|------------------------|--------------|
| Acceptance Date | 01/05/05-11/05/05 | 11.00                  | 24.00        |
| Cycle 1         | 01/05/05-12/05/05 | 11.00                  | 24.00        |
| Cycle 2         | 01/05/05-01/05/06 | 10.00                  | 23.00        |
| Cycle 3         |                   |                        |              |

The Police Chief reported that the current staff complement of the Police Department was 1,302 sworn officers, 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.

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on 01/05/2006. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

14. **Stormwater Management**—A stormwater management concept plan has been submitted and is pending approval. Two lots were removed from the originally proposed plan in the southeast corner of the site. This area will be the location of a stormwater management detention facility. The initial indications from the Department of Environmental Resources (DER) is that this area will be sufficient for this facility.

**Health Department**— The Department of Environmental Health has no comment.

15. **Archeology**— Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

A Section 106 review may require archeological survey for state or federal agencies, however, Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Eley voting in favor of the motion, and with Commissioner Parker abstaining at its regular meeting held on Thursday, May 4, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2006.

Trudye Morgan Johnson Executive Director

By Frances J. Guertin Planning Board Administrator

TMJ:FJG:IT:bjs