

R E S O L U T I O N

WHEREAS, Friendship Greens on the Potomac, LLC is the owner of a 12.81-acre parcel of land known as Parcel A, River Bend Estates, Tax Map 113 in Grid C-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R/R-C-O; and

WHEREAS, on July 24, 2007, Friendship Greens on the Potomac, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots, 1 parcel and 1 outlot and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07047 for River Bend Estates 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 24, 2008, 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 24, 2008, 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/029/07), and further APPROVED Preliminary Plan of Subdivision 4-07047, River Bend Estates, for Lots 1-9, Parcel C, Outparcel A, and Outlot A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Provide all adjacent uses, zones, and parcel designations.
  - b. Label the property to the west (Parcel 155) as being owned by the National Park Service.
  - c. Correct the subdivision name for the abutting property to the north to "Waterside" (WWW75@98).
  - d. Provide a separate acreage breakdown by zoning category.
  - e. Revise the acreage of the property to 12.81 acres, consistent with the prior recorded record plat for the subject property (WWW72@86).

- f. Revise general note 12 to reference the companion CBCA Conservation Plan (CP-07011).
  - g. Revise general note 13 to reference the companion TCPI (TCPI/029/07).
  - h. Revise general note 14 to reference the approved stormwater management concept plan (Case #28239-2007-01) and date of approval (November 14, 2007).
- 2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
  - 3. Development of this site shall be in conformance with the stormwater management concept plan, #28239-2007-01, and any subsequent revisions.
  - 4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffers and be reviewed by the Environmental Planning Section prior to certification. 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."
  - 5. Prior to signature approval of the preliminary plan or the Type I tree conservation plan, the Chesapeake Bay Critical Area plan shall be approved by the Planning Board and signed.
  - 6. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Chesapeake Bay Critical Area Conservation Plan, CP-07011."
  - 7. 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/029/07), or as modified by the Type II tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
  - 8. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the approved stormwater management concept plan, case #28239-2007-01, signed by DPW&T, and two copies of the approval letter. The stormwater management concept plan

approval number and approval date shall be noted on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.

9. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Fort Foote Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
10. 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.
11. Prior to the issuance of building permits, the applicant, his heirs, successors or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Fort Foote Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
12. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.82± acres of open space land (Parcel C). Land to be conveyed shall be subject 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 require the written consent of DRD or be in accordance with an approved detailed site plan if one is required. 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 storm drain 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.
13. Prior to the approval of 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.

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 situated along the northwest side of Fort Foote Road, approximately 600 feet west of its intersection with Bluffwood Lane.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R (8.03 acres) R-C-O (4.78 acres)	R-R (8.03 acres) R-C-O (4.78 acres)
Use(s)	Undeveloped	Single-Family Detached
Acreage	12.81	12.81
Lots	0	9
Outlots	0	1
Parcels	1	1
Outparcels	0	1
Dwelling Units: Detached	0	9
Public Safety Mitigation Fee		No

- 4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for River Bend Estates, 4-07047, and the revised Type I tree conservation plan, TCPI/029/07, stamped as received by the Environmental Planning Section on October 24, 2007.

## **Background**

This site portion has been previously reviewed by the Environmental Planning Section as zoning map amendment A-9986. This 12.81-acre property includes approximately 4.78 acres of land in the Chesapeake Bay Critical Area (CBCA) that is currently zoned R-R/R-C-O. The zoning map amendment application, A-9986, is proposing to rezone the portion of the property within the Resource Conservation Overlay Zone (R-C-O) to the Limited Development Overlay Zone (L-D-O). The portion of the property including that within the zoning map amendment application is located between 700 feet and 1,000 feet from the mean high tide line and does not contain any portion of the primary buffer or secondary buffer.

In June 1984, the Maryland General Assembly adopted the Chesapeake Bay Critical Area Law (Subtitle 18) after finding that there exists a critical and substantial state interest in fostering more sensitive development along the shoreline of the Chesapeake Bay so as to minimize damage to water quality and natural habitats. The framework for the Prince George's County Chesapeake Bay Critical Area Program was created when the District Council adopted CB-72-1987, CB-73-1987, and CB-74-1987 on November 17, 1987.

Council Resolution CR-120-1987 directed the Planning Board to initiate an overlay zoning map amendment to add the CBCA with the following overlay zones: Intense Development Overlay Zone (I-D-O), Limited Development Overlay Zone (L-D-O), and Resource Conservation Overlay Zone (R-C-O). The initial Chesapeake Bay Critical Area Overlay Zones were adopted and approved in September 1989. The subject property was placed within the R-C-O Zone because at the time of adoption it was undeveloped and was not served by public water or sewer. The zoning map amendment application for the subject property, A-9986, is currently pending and is tentatively scheduled to be heard by the Planning Board on March 6, 2008.

## **Site Description**

There are no streams or 100-year floodplain on the property. An isolated wetland occurs on the property. According to the "Prince George's County Soil Survey" the principal soils are in the Aura, Beltsville, Chillum and Leonardtown series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, 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 in the vicinity of the property. This property is located in the Potomac River watershed.

## **Environmental Issues Addressed in the Henson Creek Master Plan.**

Except for noting that the property is within the Chesapeake Bay Critical Area, there are no specific recommendations pertaining to the environmental elements of the master plan that relate to the subject property.

## **Countywide Green Infrastructure Plan**

The Countywide Green Infrastructure Plan designates the portion of the property within the R-C-O Zone as a regulated area and the remainder of the site is within a designated evaluation area.

## **Environmental Review**

An approved natural resources inventory, NRI/049/07-01, was submitted with the application. The forest stand delineation (FSD) submitted in accordance with the "Prince George's County Woodland Conservation and Tree Preservation Technical Manual," identifies one forest stand containing 12.31 acres. The woodland is dominated by mature chestnut oak, northern red oak, white oak, and southern red oak. The understory contains mountain laurel, red maple, and pawpaw. There are no invasive plants. No additional information with regard to sensitive environmental features is required for the review of this preliminary plan of subdivision.

Wetlands and wetland buffers occur on proposed Lots 2 and 3. These areas will be unusable by the property owners because of the required restrictive easement. The area of encumbrance on the lots will bring each of them to less than 20,000 square feet of useable lot area, which is the minimum lot size required in the R-R Zone.

A portion of the property is within the CBCA. Section 24-151 of the Subdivision Regulations requires Planning Board approval of a Chesapeake Bay Critical Area conservation plan prior to any approval of the preliminary plan of subdivision application.

A conservation plan is required for the R-C-O portion of the site but must include the entire property to determine if the proposed development outside of the R-C-O Zone creates any adverse impacts. The Chesapeake Bay conservation plan, CP-07011, is a separate agenda item. All conditions of approval of the Chesapeake Bay Critical Area plan apply to the R-C-O portion of the subject property.

The portion of the property which is located outside of the CBCA is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The portion located within the CBCA is subject to more stringent requirements than the Woodland Conservation Ordinance.

The revised Type I tree conservation plan, TCPI/029/07, has been reviewed. The plan proposes clearing 4.13 acres of the existing 7.53 acres of woodland within the portion of the site outside of the CBCA. The woodland conservation threshold has been correctly calculated as 1.61 acres and the woodland conservation requirement has been correctly calculated as 2.64 acres. The plan proposes to meet the requirement by providing 2.43 acres of on-site preservation and 0.21 acre of on-site planting. An additional 0.97 acre of woodland will be retained along the northwest portion of Lots 2 thru 9; however, none of this preservation area is proposed to be used to meet any requirement.

The design of the woodland conservation area can be improved by shifting the stormwater management pond to the northeast. This will result in excavation to create a pond of the same dimensions and allow for preservation of more woodland abutting Fort Foote National Park. Moving the pond location to the northeast will require a change in the location of the 20-foot-wide surface drainage easement that is currently shown on Lots 2 thru 5.

According to the "Prince George's County Soil Survey" the principal soils are in the Aura, Beltsville, Chillum and Leonardtown series. Aura soils are highly erodible and are in the B-hydric series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Leonardtown soils may have a perched water table, poor drainage, wetlands inclusions, and are within the D-hydric group. This information is provided for the applicant's benefit. Prince George's County will require a soils report in conformance with CB-94-2004 during the permit review process.

Copies of the signed and approved stormwater management concept plan and approval letter were not submitted with this application. At least two copies of the stormwater management concept plan, signed by DPW&T, and the associated concept approval letter will need to be submitted prior to any signature approval of the preliminary plan or the Type I tree conservation plan.

#### **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, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 80 in the South Potomac Community and is within the limits of the 2006 approved Henson Creek-South Potomac master plan. The master plan land use recommendation for the subject property is for a residential, low-density land use at up to 3.5 dwelling units per acre and includes a Chesapeake Bay Critical Area overlay on a portion of the property. This application proposes a residential, low-density land use that is consistent with the land use recommendation within the 2006 approved Henson Creek-South Potomac master plan.

The 2002 General Plan locates the subject property within the Developing Tier. One of the visions 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 proposes a low- to moderate-density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 approved Henson Creek-South Potomac master plan and sectional map amendment retained the existing, underlying R-R Zone and retained the Resource Conservation Overlay (R-C-O) Zone on a portion of the subject property.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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**—The approved Henson Creek-South Potomac master plan recommends the following policies pertaining to bicycle and pedestrian access:

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks and recreation areas, commercial areas, and employment centers.

Policy 5: Continue strategies to implement the Potomac Heritage National Scenic Trail on-road bicycle route and off-road trail.

More specifically, a strategy under Policy 5 recommends designated bike lanes and continuous sidewalks along Fort Foote Road (as well as other roads along the bike route). Fort Foote Road is included as part of the Potomac Heritage Trail On-road Bicycle Route. This route, which was first mapped in 2000, was officially accepted by the National Park Service in 2005 as a segment of the Potomac Heritage National Scenic Trail.

Currently, a variety of cross sections exist along Fort Foote Road. Some areas are open section with no shoulders or sidewalks, while other areas have been improved with standard sidewalks and/or wide curb lanes. The site is adjacent to Fort Foote National Park. This park is administered by the National Park Service and includes a network of natural surface trails leading to the Potomac River and the historic resources in the park. The Transportation Planning Section recommends the provision of one “Share the Road with a Bike” sign along Fort Foote Road to alert motorists to the possibility of bicycle traffic, and the construction of a standard sidewalk along the site’s frontage to safely accommodate pedestrians and fulfill the recommendation of the master plan. Appropriate bicycle-compatible pavement markings can be determined by DPW&T at the time of road resurfacing or improvement.

8. **Transportation**—Due to the size of the subdivision, the Transportation Planning Section did not require a traffic study. Traffic counts were requested, and counts dated September 2007 were provided for analysis and for the purpose of making an adequacy finding. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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 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 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 intersection of Fort Foote Road and Oxon Hill Road (more northerly intersection/signalized) is determined to be the critical intersection for the subject property. The existing conditions at the study intersection is summarized as follows: AM peak hour, a critical lane volume (CLV) of 1,322, operating at Level-of-service (LOS) D; and PM peak hour, a CLV of 1,193 operating at LOS C.

There are no funded projects within the study area in either the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). Three approved but unbuilt developments that would directly affect the critical intersection were identified. Annual through traffic growth of 1.8 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained: AM peak hour, a CLV of 1,440, operating at LOS D; and PM peak hour, a CLV of 1,329 operating at LOS D.

A residential subdivision consisting of nine single-family detached lots is proposed. This amount of development would generate 7 AM (2 in and 5 out) and 8 PM (6 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

85 percent —North along Oxon Hill Road  
10 percent—South along Fort Foote Road  
5 percent—South along Oxon Hill Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal and the following results were obtained: AM peak hour, a CLV of 1,444, operating at LOS D; and PM peak hour, a CLV of 1,332 operating at LOS D. It is noted that the critical intersection operates adequately and within the standards identified.

The site is not within or adjacent to any master plan transportation facilities. A previous subdivision of River Bend Estates, recorded in 1969 as WWW72@86, created the subject property as Parcel A. At the time of the previous subdivision, a right-of-way of 40 feet from centerline along Fort Foote Road was dedicated. Since the time of that subdivision, Fort Foote Road has been downgraded in function to a primary roadway. Nonetheless, dedication along this roadway has generally been consistent with an 80-foot right-of-way even after it was downgraded. Therefore, existing dedication along Fort Foote Road is acceptable and no further dedication is needed. It is clearly noted that despite the dedication, Fort Foote Road is generally

treated as a primary roadway.

It is noted that the original subdivision was submitted showing 12 lots along two proposed internal streets. Since that time, the preliminary plan has been revised to show nine lots fronting on Fort Foote Road. Given the function of the roadway, along with the prevailing development pattern which includes many lots fronting along Fort Foote Road, there is no objection to having lots within this development front on Fort Foote Road as well.

### 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed the 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 have concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	13 DU	13 DU	13 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	3.12	.78	1.56
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	23.76	36.96	73.92
Total Enrollment	4,713.84	6,095.74	9,952.84
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.71%	99.70%	95.77%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and

\$13,493 to be 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 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 have reviewed the preliminary plan for 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.

The Public Facilities Planning Section has determined that this property is within the required seven-minute response time for the first due fire station, Oxon Hill Company No. 21, using the 7 *Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels.

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

11. **Police Facilities**—The property is located within Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. This preliminary plan was accepted for processing by the Planning Department on July 24, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
Acceptance Date July 24, 2007	6/06-6/07	10 minutes	17 minutes
Cycle 1	7/06-7/07		
Cycle 2	8/06-8/07		
Cycle 3	9/06-9/07		

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on July 31, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for River Bend Estates and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering has determined that on-site stormwater management is required. A stormwater management concept plan, #28239-2007-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**<sup>3/4</sup> A Phase I archeological survey was completed on the River Bend Estates Property in September and October 2007. A draft report, *A Phase I Archaeological Survey of the Estates at River Bend, Fort Washington, Prince George's County, Maryland, Preliminary Plan #4-07047*, has been received by the Historic Preservation and Public Facilities Planning Section and was reviewed on November 28, 2007. No archeological sites or standing structures were identified on the property. No further archeological investigations were recommended. Staff concurs with the report's findings that no further archeological work is necessary on the River Bend Estates Property. All archeological conditions for this property have been fulfilled.

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

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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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 Cavitt, with Commissioners Squire, Clark and Parker voting in favor of the motion, with Commissioner Cavitt opposing the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2008.

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Executive Director

Oscar S. Rodriguez

By Frances J. Guertin  
Planning Board Administrator

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