

R E S O L U T I O N

WHEREAS, KB Brandywine Land is the owner of a 1.46-acre parcel of land known as Tax Map 144 in Grid F-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 23, 2007, KB Brandywine Land filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07068 for KB Brandywine Lane 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 April 3, 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 April 3, 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/045/07), and further APPROVED Preliminary Plan of Subdivision 4-07068, KB Brandywine Land for Lots 1-3 with the following conditions:

1. The final plat shall contain the following note:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/045/07), 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.”

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 and be reviewed by the Environmental Planning Section prior to approval. 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 approval of the final plat of subdivision, the applicant, the applicant's heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.
4. The applicant, the applicant's heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by DPW&T.
5. The applicant, the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area C in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:
 - For each single family detached unit, a fee calculated as $\$1,377 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro-rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.

- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
 - c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
 - d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
 - e. Reconstruct the traffic signal at US 301/MD 381.
 - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
- 6. At the time of final plat approval, the applicant shall dedicate a right-of-way along Brandywine Road of 30 feet from the centerline of the existing pavement. The submitted preliminary plan shall be modified to reflect this dedication.
 - 7. A note shall be placed on the final plat that the driveway to each lot shall be designed with a turnaround capability in order to minimize the need for vehicles accessing each lot to have to back onto Brandywine Road. The design of the driveways to each shall be verified at the time of building permit.
 - 8. Development of this site shall be in conformance with the Stormwater Management Concept Plan

30367-2007-00 (approved September 6, 2007) and any subsequent revisions.

9. Prior to signature approval of this preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), are to be conducted on the above-referenced property to determine if any cultural resources are present. The entire 1.46 acres should be surveyed for archeological sites. If the adjoining property will be developed in the future, a survey of the entire Parcel 102 may be more economical. The applicant should submit a Phase I research plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
10. Upon receipt of the Phase I archeological investigations report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of a final plat, the applicant shall provide a plan for either:
 - a. Evaluating the resource at the Phase II level.
 - b. Avoiding and preserving the resource in place.
11. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
12. Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage at the time of the issuance of the first building permit. The location and wording shall be subject to approval by the staff archeologist.

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 proposed subdivision is situated on the south side of Brandywine Road, approximately 500 feet west of its intersection with Branch Avenue (MD 5).
3. Development Data Summary—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Single-family residential
Acreage	1.46	1.46
Lots	0	3
Parcels	1	0
Public Safety Mitigation Fee		No

4. **Community Planning**—The site is located in the Developing Tier as reflected in the 2002 approved General Plan. The 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. The subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the recommendation of the 1993 approved Subregion V master plan and SMA for residential use.
5. **Environmental**—A review of the available information indicates that nontidal wetlands and streams, but no 100-year floodplain, are found to occur on the property. This property is located in the Piscataway Creek watershed of the Potomac River basin. According to the “Prince George’s County Soil Survey,” the soils on the subject property are in the Leonardtown series. According to available information, Marlboro clay does not occur on 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 on this property or on adjacent properties. Branch Avenue is the nearest source of traffic-generated noise. The proposal is not expected to be a noise generator.

Conformance with the Subregion V Master Plan

The Subregion V master plan indicates that there are wetlands and substantial areas designated as natural reserve on the site. The master plan notes that woodlands associated with wetlands, stream corridors, floodplains, and steep slopes should be given priority for preservation. The Type I tree conservation plan should focus on preserving these areas.

Conformance with the *Countywide Green Infrastructure Plan*

This site contains regulated areas within the designated network of the 2005 approved *Countywide Green Infrastructure Plan*. The tree conservation plan should be designed to show the preservation of woodland within and buffering the regulated features on-site.

Environmental Review

A signed Natural Resource Inventory, NRI/051/07, dated July 25, 2007, was submitted with the application. There are wetlands and a stream located on the property, but no 100-year floodplain. The forest stand delineation (FSD) indicates one forest stand totaling 1.25 acres. No specimen trees were noted on the tree conservation plan. The information from the NRI has been correctly shown on the TCPI and the preliminary plan.

Branch Avenue is an existing source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the 65 dBA (Ldn) noise contour is 397 feet from the centerline of Branch Avenue. Traffic-generated noise will not create any significant impact, because the subject property is more than 400 feet from the centerline of Branch Avenue.

This property is subject to 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/042/07, has been reviewed. The plan proposes clearing 0.46 acre of the exiting 1.25 acres of woodland. The woodland conservation requirement has been correctly calculated as 0.41 acre. The plan proposes to meet the requirement by providing 0.79 acre of on-site woodland conservation. The retention of woodland on small lots is usually discouraged because it often encumbers land that should be usable by the homeowner; however, this property has special circumstances. There are significant environmental features on-site that should be retained as woodland. A note should be placed on the final plat detailing the restrictions of the approved Type I Tree Conservation Plan (TCPI/045/07).

The site contains nontidal wetlands, a stream, and their associated buffers. Section 24-130 of the Subdivision Regulations requires that the wetlands and wetland buffers stream and stream buffers be preserved unless the Planning Board approves a variation. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, and road crossings, which are mandated for public health and safety. Staff has reviewed the location of the sensitive environmental features with regard to the proposed development and has determined that no impacts are needed to permit the construction of the proposed development. The Environmental Planning Section notes that significant portions of proposed Lots 2 and 3 will be encumbered by conservation easements that effectively reduce the area of land that could actually be used for development with single-family detached residential structures and any accessory structures. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers and be reviewed by the Environmental Planning Section prior to approval. A note should be placed on the final plat detailing the conservation easements.

According to the "Prince George's County Soil Survey," the principal soils on the site are in the Beltsville, Elkton and Leonardtown series. Beltsville soils may have impeded drainage and a high water table. Elkton soils are typically associated with nontidal wetlands. Leonardtown soils are

highly erodible, may have a perched water table, and may have poor drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County agencies (Department of Environmental Resources (DER) and/or the Department of Public Works and Transportation (DPW&T)) during the permit review process. If basements are proposed a soils report will be required pursuant to CB-94-2004.

Prince George's County Landscape Manual Conformance—Historic Road Buffer

The portion of Brandywine Road in front of the subject property was designated as a historic road in the 1993 Subregion V master plan and is designated as Road 4.1 on the 1828 Road Survey. This road currently connects the Brandywine and T.B. communities to Charles County to the south. As properties have developed along Brandywine and Floral Park Roads in recent years, each property has been evaluated to determine the practicality of providing a 40-foot-wide scenic easement so that new uses could be set back from the road and screening provided to maintain the aesthetic quality of the historic roadway. All of these applications have been able to accommodate the 40-foot-wide scenic easement.

The subject property, however, is particularly constrained in a way that the other properties were not. It contains an area of wetlands on the back of the property that force the proposed structures to be as close to the roadway as possible. This configuration does not allow for the 40-foot-wide scenic easement to be placed on the fronts of the proposed lots. The properties appear to have provided for the standard minimum front yard setback requirement of 25 feet. Requiring the subject property to provide for the 40-foot-wide scenic easement would set the proposed houses so far back that the proposed construction would likely compromise the environmentally sensitive features at the rear of the property.

Although the current alignment of Brandywine Road maintains the historical route, future State Highway Administration plans will interrupt this route by terminating it, possibly with a cul-de-sac, at its intersection with Branch Avenue (MD 5). In light of SHA's future plans for this segment of Brandywine Road, along with the historic road designation, DPW&T has revised its original dedication request for Brandywine Road from a collector roadway with 80 feet of right-of-way down to a rural primary residential roadway with a 60-foot-wide right-of-way.

Based on the fact that the subject property is particularly constrained, and the fact that the historic connection of this road is likely to change in the future, the placement of the building envelopes as shown on the TCPI is appropriate. No scenic easement should be required on the subject property.

Water and Sewer

The property is located within Water and Sewer Category 3. Water and sewer lines abut the property. A sewer line traverses the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division recommends that prior to approval of the final plat of subdivision, the applicant, the applicant’s heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.
7. **Trails**—There are no master plan trail recommendations included in the approved Subregion V master plan that will impact the subject property. A master plan trail is recommended along the relocated portion of Brandywine Road (A-63), which is well north of the subject property. The existing Brandywine Road is open section with no sidewalks along its entire length. Sidewalks are recommended along the property frontage on Brandywine Road, unless modified by DPW&T.
8. **Transportation**—The findings and recommendations outlined below are based upon a review of all 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,” and in consideration of findings made in connection with past applications.

Based upon rates in the guidelines, three residences would generate 2 AM and 3 PM peak-hour vehicle trips. The traffic generated by the proposed plan would primarily impact the intersection of MD 5/Brandywine Road. Staff has recent counts and analyses that show that this intersection operates poorly. Those analyses indicate that the critical intersection would operate at level-of-service F (LOS F), with a critical lane volume (CLV) of 3,742 during the AM peak hour when considering all approved development in the area (i.e., background development). Similarly, this intersection would operate at LOS F with a CLV of 4,168 during the PM peak hour under background development. There are no funded improvements to this intersection in either the Prince George’s County Capital Improvement Program (CIP) or the State of Maryland Consolidated Transportation Program (CTP), although one developer is required to provide some improvements that mitigate the impacts of that single development (Lakeview at Brandywine, 4 -04072).

Growth Policy—Service Level Standards

As such, the subject property is evaluated according to the following standards due to its location in the Developing Tier, as defined in the General Plan for Prince George’s County:

Links and signalized intersections: Level-of-service D (LOS D), with signalized intersections operating at a critical lane volume (CLV) of 1,450 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.

Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. This would be based upon the definition of de minimus in the guidelines, which is "a development which generates 5 or fewer peak hour trips." However, there also exists a means, the Brandywine Road Club, by which developments in the area have been conditioned to contribute a pro-rata share toward ultimate transportation improvements at the critical intersection.

The Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations, the section that governs findings of adequate transportation facilities, is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Many properties have been approved with a condition to pay funds toward a Brandywine Road Club, beginning in 1990. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state Consolidated Transportation Program that suggests that needed improvements are funded for construction.
- b. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V master plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined by staff that the subject property is not technically along the identified section of US 301/MD 5. It is recognized that the subject property is just east of the roadway—approximately 0.3 mile, and for that reason it is truly a judgment call that the Planning Board can make. Furthermore, even if the site were not deemed to meet the geographic criteria noted above, the same condition in CR-60-1993 allows Brandywine Road Club participation for properties "for which participation is deemed necessary by the Planning Board." This language clearly suggests that the Planning Board can and should determine circumstances where Brandywine Road Club participation is appropriate.
- c. As noted earlier, the improvements needed to address the adequacy issues noted above would include an interchange at the MD 5/Brandywine Road intersection (the master plan

does in fact propose an interchange at that location). There is recognition that the scope and cost of improvements needed would far exceed the ability of an applicant of this size to fund them.

It is noted that the Hampton development (Preliminary Plan 4-99048), which is across MD 5 and northeast of the subject property along Dyson Road, was approved with a condition to pay \$1,377 per residence (to be inflated) toward the Brandywine Road Club improvements. While the Planning Board can determine that the subject development has a de minimus impact, it is also fair that homes to be constructed within the subject property pay toward the Brandywine Road Club just as other developments have been required to do.

All three residential lots are proposed to receive access via Brandywine Road. While this roadway will ultimately function as a local roadway, it functions today in the manner of a collector facility. In consideration of current operating speeds and volumes, driveways onto the three proposed lots should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Brandywine Road.

The site is not within or adjacent to any master plan transportation rights-of-way. Brandywine Road is proposed to eventually be relocated to a new right-of-way. Nonetheless, it is anticipated that Brandywine Road will ultimately function as a primary roadway; therefore, the preliminary plan should be revised to indicate dedication of 30 feet from centerline along Brandywine Road.

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 Subdivision Regulations, if the application is approved with conditions.

9. **School**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3 DU	3 DU	3 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	175.92	68.1	136.44
Total Enrollment	4,274.64	6,967.28	10,912.8
State Rated Capacity	4,140	6,352	10,254
Percent Capacity	103.25%	109.61%	106.42%

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 Special Projects 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 Special Projects Section has reviewed this preliminary plan of 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 Regulations. Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Brandywine Company 40, using the “Seven-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**—The subject property is located in Police District V. The response time standard for priority calls is 10 minutes and 25 minutes for nonpriority calls. The times are based on a rolling

average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 23, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date Mo/day/year	10/06 - 10/07	10 minutes	13 minutes
Cycle 1	11/06 - 11/07	10 minutes	13 minutes
Cycle 2	12/06 - 12/07	10 minutes	13 minutes

The response time standards of ten minutes for priority calls and 25 minutes for nonpriority calls were met December 3, 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, 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. **Stormwater Management**—A Stormwater Management Concept Plan, 28216-2007-00, was approved by the Department of Public Works and Transportation on September 6, 2007, and expires on September 6, 2010. Copies of the stormwater management concept approval, CSD 28216-2007-00, letter and plan were submitted with this application. The plan requires the use of drywells for each residential structure. Development of the site must be in accordance with this approved plan and any revisions.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the KB Brandywine Land property and has no comments to offer.
14. **Archeology**—The subject property is located near a small tributary of Burch Branch, which runs through the very southeastern corner of the property. The subject property is located on a flat terrace adjacent to this small stream. Prehistoric sites have been found in similar settings and the probability of identifying prehistoric archeological resources is moderate. The J. Eli Hunt residence, a county historic resource, is located on an adjoining parcel.

The 1861 Martenet map shows a the tavern of W. Murray, the house of H. Tomlin, and J.H. Marlow, carpenter in the small town of T.B., adjacent to the subject property. A school house is indicated further south on the larger parcel (Parcel 102) on which this property is located. By 1878, the residences of J.E. Hunt and J.C. Thompson are located east of the subject property. The school house is now indicated as a "colored school house." The subject property lies next to the small town of T.B. that developed in the early 19th century at the crossroads of several old transportation routes.

Two archeological sites, 18PR314, a possible historic structure, and 18PR539, a late 19th-, early-20th-century domestic site, have been identified within a one-mile radius of the subject property. Site 18PR314 is located on Parcel 102, the larger tract of which the subject property was a part. Site 18PR314 was identified in an archeological survey performed by the Maryland Geological Survey prior to the widening of MD 5 in 1987. The archeologists noted that this site

may be related to the school site shown on the 1861 Martenet map and the 1878 Hopkins map.

Two county historic sites, Gwynn Park (PF:85A-013) and the Marlow/Huntt Store (PG:85A-033-14), and one county historic resource, the J.E. Huntt residence (PG:85A-017), are located within one mile of the subject property. The J.E. Huntt residence is located on a parcel adjacent to the larger Parcel 102. The Maryland Historical Trust evaluated the J.E. Huntt residence in 1997 and found that it is eligible for the National Register of Historic Places under Criterion C. The subject property was once part of the larger J.E. Huntt land holdings.

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Section 106 review may also 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 permits are required for a project.

15. **Historic Preservation**—There is no effect on historic resources for this proposed subdivision.

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.

* * * * *

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion,, and with Commissioner Squire absent at its regular meeting held on Thursday, April 3, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of April 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:IT:bjs