

R E S O L U T I O N

WHEREAS, R.H. and P.B. Dobson are the owners of a 43.52-acre parcel of land known as Claggett Landing, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, the application for approval of the Maintenance and Traffic Plan 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 February 10, 2000, for its review and action in accordance with Condition 9 of PGCPB 99-36(c); and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the plan; and

WHEREAS, on February 10, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid plan; and

WHEREAS, on February 18, 1999, the Prince George's County Planning Board approved Preliminary Plat of Subdivision 4-98066 with conditions; and

WHEREAS, this property contains a farm road currently used by residents south of the property as sole access to Claggett Landing Road; and

WHEREAS, the Claggett Landing subdivision would replace this farm road with a public road; and

WHEREAS, on March 11, 1999, the Planning Board adopted Resolution, PGCPB 99-36(C) which included the following condition:

1. **Throughout the entire development process, the applicant, his heirs, successors and/or assigns shall ensure that the properties to the south are afforded uninterrupted access to Claggett Landing Road. In this regard, prior to signature approval of the preliminary plat, the applicant, his heirs, successors and/or assigns shall submit a maintenance and traffic plan for review and approval by the Planning Board; and**

WHEREAS, the purpose of this condition is to ensure that access to Claggett Landing Road is maintained for the residents south of Claggett Landing subdivision throughout the development process; and

WHEREAS, in conformance with this condition, the applicant, Michael T. Rose Land, Inc., filed a traffic and maintenance plan, entitled A Maintenance of Access To Properties South of Claggett Landing,@ on July 22, 1999; and

WHEREAS, the plan includes four phases of the construction process which would convert access from the farm road to the public street, one of which appeared to suggest that at some time, the access would be temporarily interrupted; and

WHEREAS, Robert Kaufman, of Michael T. Rose Land, Inc., testified that the time of construction of the road would be minimal, that it was the intent of Michael T. Rose Land, Inc., to complete construction of the new road A within a few days,@ weather permitting, that there would be a four-wheel drive vehicle on site to transport residents if an unforeseen problem arose, that a 24 hour telephone number had been supplied to the residents as another measure to ensure maintained access, and that every possible measure would be taken to assure uninterrupted access; ann

WHEREAS, the staff testified that they were assured by the Department of Public Works and Transportation (DPW&T) that DPW&T would also, through the street construction permitting process, ensure that access was maintained at all times.

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 Maintenance and Traffic Plan associated with Preliminary Plat 4-98066.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. Condition 9 of the Planning Board=s approval of Preliminary Plat 4-98066 requires the applicant to submit a maintenance and traffic plan to ensure that properties to the south of the subject property A are afforded uninterrupted access to Claggett Landing Road@ throughout the entire development process
2. The applicant submitted draft copies of this plan to the file in May 1999, and a final version on July 22, 1999. The plan was ultimately included in an agreement and signed by parties on August 11, 1999. Condition 9 requires Planning Board approval of the maintenance and traffic plan.

The properties to the south currently gain access via a farm road that traverses the Claggett Landing property from Claggett Landing Road. The applicant proposes to replace this arrangement with a public street (proposed Alicia Drive). The maintenance and traffic plan, unique to this application, was required because neighboring property owners expressed a concern that access to Claggett Landing Road might be temporarily interrupted during the construction process, leaving the neighboring residents with no way to get to a public street.

The complete plan, titled A Maintenance of Access To Properties South of Claggett Landing@ is included with this report. Though not included in the condition, the Planning Board requested that the applicant include a 24 hour telephone number that could be called in case access were inadvertently blocked. This number appears in the preamble to the plan. The proposed plan includes the following four phases.

APhase 1 - Construct a new gravel road detour around the existing gravel road crossing of future Alicia Drive in order to permit lowering of the grade of Alicia Drive approximately 7 feet.

APhase 2 - Grade Alicia Drive and Eleanor Lane. The temporary gravel detour crossing Alicia Drive must be retained to the greatest extent possible during the grading operation and must be restored to provide totally unimpeded access across Alicia Drive at the end of each working day.

APhase 3 - Base pave Alicia Drive to and including the intersection with Eleanor Lane and approximately 200 feet of Eleanor Lane. Construct a temporary gravel connection from the paved portion of Eleanor Drive to the existing gravel road. Close access to the existing gravel road at Claggett Landing Road and re-route traffic to Alicia Drive.

APhase 4 - Complete base paving of Alicia Drive and open traffic for entire length.@

3. The Transportation Planning Section has reviewed this application and offers the following comments:
 - a. The initial phase of this plan should begin at the time that construction at the proposed intersection of Alicia Drive and Eleanor Lane begins.
 - b. Phase 4 should indicate that the entire length of Alicia Drive from Claggett Landing Road to the southern property line must be open to traffic prior to closure of the gravel roadway within the subject property south and east of Alicia Drive.
 - c. The plan should conclude by stating, as a matter of record, that Alicia Drive is a public roadway connecting Claggett Landing Road with the southern boundary of the subject property, and that properties to the south are afforded access to Alicia Drive at the southern end via existing private roadways which will not be altered

by the maintenance of traffic plan or by development of the subject property.

4. Subdivision Section staff concur with these comments. However, the plan need not conclude by stating that Alicia Drive is a public roadway. The disposition of Alicia Drive as a public road was established at the preliminary plat stage and its dedication as a public street will be accomplished at final plat approval.
5. The intent of the condition was to ensure uninterrupted access to Claggett Landing Road. Phase 2 of the applicant=s plan appears to envision some interruption and mandates that Atotally unimpeded access@ must be restored by the end of each day. The plan acknowledges that there may be some time where the temporary gravel detour crossing Alicia Drive may only be retained to Athe greatest extent possible@ during the grading operation. While this language to be relatively standard, but nonetheless, it did raise a red flag at the hearing. The applicant addressed how residents will access Claggett Landing Road during periods where the access might be blocked. Robert Kaufman, of Michael T. Rose Land, Inc., testified that every possible effort will be made to ensure continued access, but could not guarantee that weather would not Awash out@ the road. Michael T. Rose Land, Inc. will provide a four-wheel drive and a 24-hour phone number to assist residents with access.
6. On the whole, the proposed plan satisfies the intent of the Planning Board condition in that it ensures uninterrupted access to Claggett Landing Road.

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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and Hewlett voting in favor of the motion, and Commissioner McNeill absent at its regular meeting held on Thursday, February 10, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin

PGCPB No. 00-16
File No. 4-98066
Page 5

Planning Board Administrator

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