

R E S O L U T I O N

WHEREAS, Gilligan Development, Inc. is the owner of an 8.72-acre parcel of land known as Part of Lot 18, being located on Tax Map 109, Grid E-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-80 and R-P-C; and

WHEREAS, on March 18, 2004, Gilligan Development, Inc. 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 4-04025 for Trumps Hill 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 June 24, 2004, 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 June 24, 2004, 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/01/98-01), and further APPROVED Preliminary Plan of Subdivision 4-04025, for Lots 1-16 and Parcels A and B with the following conditions:

1. Prior to signature approval of the Preliminary Plan:
 - a. The Forest Stand Delineation shall be revised as follows:
 - (1) Limit the steep slopes shown on the plan to those on highly erodible soils and correctly label the steep slopes on highly erodible soils in the legend.
 - (2) Show the location of specimen trees on the site and provide a table of specimen trees which includes the genus and species, diameter at breast height, size, condition, and how the specimen tree was located.
 - (3) Correct the stand areas to match those cited in the FSD text or provide updated information to support revisions to the stand areas.
 - (4) Show the location of rare, threatened or endangered habitat on the site or indicate by note that there is none present.

- (5) Have the revised FSD signed and dated by the qualified professional who prepared it.
- b. The TCPI and Woodland Conservation Worksheet shall be revised as follows:
- (1) Identify, quantify and label the area of off-site clearing impacts.
 - (2) Identify the reforestation areas on the plan using the graphic symbol shown in the legend.
 - (3) Woodland located within 40 feet of the rear of proposed dwelling on Lot 13 shall be counted as cleared.
 - (4) Provide a 20-foot-wide side yard between any woodland conservation area and proposed dwellings.
 - (5) Maximize on-site woodland conservation to the extent possible through the provision of additional afforestation/reforestation along the North Marlton Avenue and Trumps Hill Road.
 - (6) All woodlands shown on Lots 2 through 8 shall be counted as cleared.
 - (7) Provide a lot-by-lot table indicating the gross tract area, net tract area, amount of existing trees, the quantity of clearing proposed, the quantity of woodland preservation and afforestation/reforestation.
 - (8) Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - (9) Include the significant visual features identified in the photographic inventory.
 - (10) Delineate the building restriction line and landscaped buffer required by the "D" bufferyard adjacent to the historic site.
 - (11) Preserve existing woodlands within the scenic easement to the greatest extent possible, and supplemental planting shall be provided where necessary. A minimum separation in the rear yard areas of 40 feet shall be provided between the delineated scenic easement and the rear of any proposed dwelling.
- c. The applicant shall submit an approved stormwater management concept approval letter and associated plans. If conflicts occur between the approval conditions of this plan and the proposed stormwater facilities, the stormwater design shall be revised as necessary.
- d. The preliminary plan shall be revised to delineate the 40-foot-wide scenic easement abutting

the ultimate right-of-way for Trumps Hill Road based on the width of the current right-of-way.

2. 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/01/98-01), 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/Tree Preservation Policy.”

3. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
4. At time of final plat, a 40-foot-wide scenic easement shall be established adjacent to Croom Road and a note shall be placed on the final plat as follows:

“Trumps Hill Road is a designated historic road. The scenic easement described on this plat is an area the installation of structures and roads and/or 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, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of the Detailed Site Plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
6. In addition to typical review, the detailed site plan shall examine sight-lines from the historic site to proposed structures on Lots 9, 10 and 11. Consideration shall be given to limiting roof pitch to the lowest pitch possible in accordance with the building code. In addition, plant materials planted in the landscaped buffer on Lots 9 and 10 between the proposed homes and the historic site shall be larger than required to create a more immediate buffer. The exact size of these plant materials shall be determined at the detailed site plan stage.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
8. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A

receipt shall be turned in to the Health Department.

9. Development shall be in conformance with the approved Stormwater Management Concept Plan, Concept # 8004400-1990-01, or any approved revisions thereto.
10. A note shall be placed on the final plat indicating that homes constructed on Lots 9 and 10 shall be limited to one story.
11. At the time of final plat, a Conservation Easement shall be described by bearings and distances for Lots 9 and 10. The easement shall contain all land within the landscaped buffer on Lots 9 and 10. The following note shall be placed on the plat:

“Conservation Easements described on this plat on Lots 9 and 10 are areas where the installation of structures and pavement and the removal of vegetation is prohibited. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

12. Development of this subdivision shall be in conformance with all of the conditions of the Official Plan for the Marlton Residential Planned Community (R-P-C), Zoning Map Amendment Numbers A-6696-C, A-9730-C and A-9731-C.

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 property is located west of Trumps Hill Road and north of North Marlton Avenue, with frontage on both roads.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80 (R-P-C)	R-80 (R-P-C)
Uses	Vacant	Single-family detached dwellings
Acreage	8.72	8.72
Lots	0	17
Parcels	1	2
Detached Dwelling Units	0	16

4. **Environmental**—A review of the available information indicates that streams with adjacent severe slopes or areas of steep slopes with highly erodible soils are not found to occur on the property, nor are there nontidal wetlands or 100-year floodplain. Transportation-related noise impacts have not been found to impact this property that is located more than 400 feet from the US 301 right-of-way.

The soils found to occur according to the Prince George's County Soil Survey include Sandy land steep and Westphalia fine sandy loam, both of which have limitations which could affect the development of this property. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Trumps Hill Road is a designated historic road that abuts this property along the eastern property boundary. The property abuts Historic Site 82A-12, Trumps Hill, located to the south of this property. This property is located in the Charles Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

Woodland Conservation

A Forest Stand Delineation (FSD) was submitted and approved in conjunction with the approval of Preliminary Plan of Subdivision 4-98001. There have not been sufficient changes to the woodlands on this property to warrant a new FSD, but revisions are needed to fulfill the requirements for a Detailed Forest Stand Delineation.

A new FSD plan, based on the old FSD, was submitted, but no text was included. A review of the FSD text submitted with Preliminary Plan 4-98001 indicates that there are "several specimen trees" but none has been identified on the plan. The stand areas identified on the FSD do not conform to those indicated in the previous FSD text or on the previously accepted FSD. Minor revisions are necessary.

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, there are more than 10,000 square feet of existing woodland on-site and there is a previously approved Type I Tree Conservation Plan, TCPI/01/98.

The revised Tree Conservation Plan (TCPI/01/98-01) has been reviewed. The woodland conservation threshold for this site is 1.74 acres plus additional acres due to removal of 5.54 acres of woodland, for a total minimum requirement of 3.13 acres. The revised TCPI continues to incorrectly identify the Woodland Conservation Requirement for this site as 3.02 acres. The correct amount of woodland conservation required, based on the existing limits of disturbance, cannot be determined because the quantity of off-site impacts has not been provided.

The TCPI currently proposes to meet the requirement with 2.33 acres of on-site preservation, 0.37 acre of on-site reforestation/afforestation, and 0.32 acre of off-site mitigation. This falls more than 0.11 acre short of the woodland conservation requirement for the site as currently calculated. Additional revisions to the calculations will be necessary when all the conditions have been addressed.

The TCP requires revisions to meet the requirements of the Woodland Conservation Ordinance. The woodland conservation worksheet has not included off-site clearing impacts. A graphic element is shown in the key for reforestation, but it does not appear on the plan.

Afforestation/reforestation is proposed on Lots 9 through 12, which is also proposed to satisfy a "D" bufferyard requirement adjacent to a historic site. This bufferyard may need to be revised depending on the approved environmental setting for the historic site. Lots 10 and 11 have been reconfigured so that the 40-foot-wide landscaped bufferyard can be provided on Lot 10 in fulfillment of the requirements of the Prince George's County *Landscape Manual*. These areas can also be credited toward the woodland conservation requirement if the quantity of plant materials proposed meets the woodland conservation stocking requirements. Some adjustment to the building envelope will also be required on Lot 10 to provide a 20-foot-wide side cleared area between the proposed dwelling and the afforestation/reforestation area/landscaped bufferyard.

Because these lots will likely be constructed independently, a lot-by-lot table should be provided on the TCPI which indicates the gross and net tract area of each lot, the quantity of existing woodlands on each lot, the amount of clearing proposed, and the quantity of preservation and/or afforestation proposed on individual lots.

The TCPI proposes to provide 0.32 acre of off-site mitigation, although additional on-site afforestation/reforestation opportunities are available in two areas. Within the Rural Tier it is not appropriate to move woodland conservation to other sites. Adjacent to historic Trumps Hill Road, on Lots 10 and 11, additional afforestation combined with proposed retention would enhance the viewshed of the roadway. Afforestation is also recommended adjacent to North Marlton Avenue. Revisions are necessary.

Soils

The Westphalia soils and the Sandy Land steep soils have limitations which with respect to steep slopes which may affect the construction of houses on this site. Although these limitations may ultimately affect the construction phase of this development, there are no limitations that appear to affect the site design or layout. The applicant should understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

Noise

This property is located approximately 417 feet east of US 301, a known transportation-related noise generator. US 301 had an average daily traffic volume of 29,575 during 2001 with a projected unmitigated 65 dBA Ldn noise contour using soft surface assumptions at approximately 250 feet from the centerline of US 301, using 10-year traffic projections. Therefore the noise does not impact this property.

Trumps Hill Road

Trumps Hill Road, a designated historic road in the *Historic Sites and District Plan*, abuts the subject property to the east. Any improvements within the right-of-way of the historic road are subject to

approval by the Department of Public Works and Transportation. To preserve the scenic viewshed along the historic road, a 40-foot-wide scenic easement, located outside of the ultimate right-of-way, and exclusive of the public utility easement, shall be delineated on the preliminary plan and Tree Conservation Plan. Within the scenic easement existing woodland shall be preserved to the greatest extent possible, and supplemental planting shall be provided where necessary. A minimum separation in the rear yard areas of 40 feet shall be provided between the delineated scenic easement and the rear of any proposed dwelling.

A photographic Inventory of Significant Visual Features and key plan for the frontage of the subject property on Trumps Hill Road has been submitted. The photographs reveal significant visual features related to the viewshed that should be identified on the TCPI. The configuration of p/o Parcel 18, which contains the historic site, has been drawn to include a driveway entering the site from Trumps Hill Road. Two brick pillars mark the driveway entrance, and the gravel drive is edged on the north with a row of eastern red cedars. All of these significant viewshed features should be shown on the plan.

The plans appear to propose a revised right-of-way location to replace the “dog leg” relationship that now exists between the historic road and the subject property. The delineation of the scenic easement needs to be based on the existing right-of-way unless a different “ultimate” right-of-way with a reduced width is determined by the Department of Public Works and Transportation.

As previously mentioned, a “D” bufferyard, with a 50-foot-wide building restriction line and a 40-foot-wide landscaped buffer, are required along the entire yard adjacent to the historic site. The required building restriction line and landscaped yard should be shown on the preliminary plan and the Tree Conservation Plan.

Water and Sewer Categories

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 82A/Rosaryville. It located in the Developing Tier as defined by the 2002 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion VI Study Area Master Plan recommends suburban residential land use at an average density of 2.7–3.5 dwelling units per acre. The 1994 Subregion VI Study Area SMA retained this property in the R-P-C (Residential Planned Community)/R-80 Zone consistent with master plan recommendations. This application conforms to the land use recommendations in the 1993 Subregion VI Study Area Master Plan.

6. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for

dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required. Local recreational activities are available to residents throughout the Marlton Community.

7. **Trails**—There are no master plan trails issues associated with this application.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, a recent traffic count was available to staff by the applicant. A traffic count for the intersection of US 301 and North Marlton Avenue was taken on May 5, 2004. This was used to determine adequacy. 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 application is a plan for a residential development of 17 single-family dwelling units. The proposed development would generate 13 AM (3 in, 10 out) and 15 PM (10 in, 5 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed plan would primarily impact the intersection of US 301 and North Marlton Avenue, which is not signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 36.1 seconds and in the PM peak hour, a maximum average delay of 14.0 seconds.

An annual growth rate of 2.0 percent was assumed for through and background traffic along US 301. The following background traffic conditions were determined: AM peak hour, maximum average delay of 38.3 seconds and in the PM peak hour, a maximum average delay of 14.4 seconds. With site traffic added, the following operating conditions were determined: AM peak hour, maximum average delay of 40.2 seconds and in the PM peak hour, a maximum average delay of 14.6 seconds.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Under total future traffic as developed using the guidelines and adding the impact of the proposed development, the critical intersection was found to be operating acceptably as an unsignalized intersection..

Plan Comments

Access to the site is proposed from North Marlton Avenue via Trump’s Court, a new cul-de-sac subdivision street with a 50-foot right of way. Another subdivision street is listed on the site plan as a future roadway with a 50-foot right of way. This subdivision street is shown opposite Lot 4. North Marlton Avenue is not a master plan road, although a 70-foot right-of-way is dedicated and shown correctly on the site plan. No further dedication is required.

Master Plan Comments

Note that the US 301 Access Control Study Final Report (March 1999) done for the State Highway Administration recommends that North Marlton Avenue be restricted to a right in, right out intersection. Trumps Hill Road was previously a master plan road; a portion of this road is located immediately adjacent to the proposed site plan, and no dedication is required.

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. No transportation related conditions are necessary.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	16 sfd	16 sfd	16 sfd

Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	189.84	126.90	253.80
Total Enrollment	5,879.52	5,476.48	10,752.69
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.20%	116.82%	122.61%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

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 on 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.

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 school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

- 1-. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service travel time of 2.88 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service travel time of 2.88 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 8.33 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Marlboro, Company 45, is 2.88 minutes from the development. This facility would be within the recommended service travel time for paramedic service.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development*

Impact on Fire and Rescue Facilities.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8004400-1990-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 30, 2004. An extension or revision may be necessary. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic Sites, Cemeteries and Possible Artifacts of Historical Concern?** Trumps Hill (Historic Site #82A-12) was designated as a historic site in 1990. The historic site consists of a mid-1850s Greek Revival style frame plantation house (with earlier wing) of the Duvall family, as well as three outbuildings; all are accessible by a cedar-lined entrance drive coming in at a sharp angle from Trumps Hill Road. The Environmental Setting is the 5.298-acre property (the southeasterly part of Lot 18 on Tax Map 109) which includes all of these buildings and which borders the curve of Trumps Hill Road. The proposed subject subdivision is for an adjoining property of 8.7 acres, the northwesterly part of Lot 18; it is zoned R-80.

A preliminary plan for subdivision (4-98001) for the same 8.7 acres was submitted and reviewed in 1998, proposing 17 building lots and 3 open space parcels. An appropriate landscape buffer/reforestation area was proposed to separate and protect the historic site from the developing lots. Preliminary plan 4-98001 expired and was never finalized.

In the current proposal, Parcel B provides an appropriate buffer on the western boundary of the historic site, and appropriate buffering along the common boundary with Lots 9, 10, and 11 is shown. The 40-foot bufferyard required by the *Landscape Manual* appears to protect the views from the historic site to the proposed buildings on Lots 9, 10 and 11. However, to ensure protection of these views, the applicant should provide a sight-line study of the views to these lots from the historic site and from the entrance drive.

The land of the subject subdivision plan was part of the 222-acre Trumps Hill plantation, developed in the 1840s by Benjamin Duvall. Duvall's Trumps Hill plantation had itself been partitioned (in 1839) out of the much larger Mount Airy plantation of the Calvert family. Because of this, documentary and archeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials.

Preliminary plan 4-98001 was approved with several conditions. Many of these have either been met or no longer apply. However, there was a great deal of concern about the property's impact on the adjoining historic site. The Planning Board imposed three conditions limiting homes on Lots 9 and 10 to one-story, requiring site plan review to examine the sight lines from the historic site to Lots 9, 10 and 11, and requiring a conservation easement on Lots 9 and 10. These conditions should be carried forward.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
16. At the hearing, Mr. Duvall, owner of the adjoining Trumps Hill historic property, testified that he had a court action of adverse possession granting him rights to part of this property. Mr. Duvall did not produce any documentation regarding this claim. Mr. Duvall claims that his driveway goes over the northeastern corner of this property. At the time of Detailed Site Plan, the applicant should provide further documentation of ownership and Mr. Duvall should produce the court order of adverse possession. If adjustments to lot lines are necessary to accommodate the driveway, the adjustments should be done at the time of Detailed Site Plan. Any change in lotting pattern resulting from the claim will not need to be reevaluated through a new preliminary plan. These changes will be considered in conformance with this approval. Final free title must be demonstrated by the applicant prior to approval of the final plats; no additional conditions are necessary.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2004.

PGCPB No. 04-152
File No. 4-04025
Page 13

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:meg