

R E S O L U T I O N

WHEREAS, Daryl and Anne Tompkins; Derek and Angelique Vereen; Florence Macauley; Joshua Gaterracee; Edgardo and Nelia Ignacio; Bradley Fulton; Joseph and Alma Peterson; Vanessa Marios; Dilipkumar Parekh; Alfred Crochan et. al.; Lemorine Dates; Larry Clay and Denete Artis-Clay; Joe and Felicia Simms; Berry Hall et. al.; and Indymac Bank, FSB n/k/a OneWest Bank, FSB are the owners of 15 individual lots comprising a 13.5-acre parcel of land in the 12th Election District of Prince George's County, Maryland, and being zoned R-R (Rural Residential); and

WHEREAS, on September 3, 2009, Daryl Tompkins et al filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of removing the hiker/biker trail easement; and

WHEREAS, on September 18, 2009, the application was reviewed at a regularly scheduled Subdivision and Development Review Committee meeting.

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-88007/07 for Indian Queen South, 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 November 19, 2009, for its review and action in accordance with Zoning Ordinance, Subtitle 27, Prince George's County Code; and

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

WHEREAS, on November 19, 2009, 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 Section 27-548.11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board DISAPPROVED Conservation Plan CP-88007/07, Indian Queen South for 15 lots.

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 subject easement is comprised of approximately 86,200 square feet of land in the R-R and L-D-O (Chesapeake Bay Critical Area Limited Development Overlay) Zones. The easement runs across Lots 57-70, 76, 81, and 82, Block C of the Indian Queen South subdivision, also known as 10026 through 10054 (even only) Edgewater Terrace. There are streams, wetlands, steep slopes, and 100-year floodplain on the lots and the easement. There is woodland on the lots surrounding the easement. There are 100-foot Chesapeake Bay Critical Area buffers on the lots and the

easement. The lots are currently developed with single-family detached residential homes. No historic or scenic roads are affected by this proposal. There are no nearby noise sources and the proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur on the subject easement or on adjacent properties. The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Aura, Fallsington, and Sassafras series.

2. The applicants are owners of fifteen residential lots, identified as Lots 57–70 and Lots 76, 81, and 82, Block C of the Indian Queen South subdivision. The lots are a contiguous block of properties running along the south side of Edgewater Terrace and the north shore of Broad Creek. The properties are zoned R-R and L-D-O.
3. The Indian Queen South hiker/biker trail easement is a 35-foot-wide right-of-way easement created by a Deed of Perpetual Easement for Hiker/Biker Trail recorded in Prince George's County Land Records at Liber 9331, Folio 189. The easement was created by Potomac View Associates, LP for the benefit of M-NCPPC. The easement is further recognized in plats recorded at REP 192 @ 36 and REP 205 @ 81. The easement is currently in full force and effect. The easement runs along the same route as an easement held by Washington Suburban Sanitary Commission (WSSC) recorded at Liber 3245, Folio 43 for the purpose of a sanitary sewer. No improvements have been constructed within the easement by M-NCPPC.
4. The Indian Queen South easement provides approximately 1,700 linear feet of trail corridor near the north shoreline of Broad Creek. This easement for the purpose of a hiker/biker trail conforms to proposed trails shown on Prince George's County master plans and functional master plans since 1975. Most recently, this area is identified for a proposed trail in the 2006 approved Henson Creek-South Potomac master plan as a portion of the Potomac Heritage National Scenic Trail.
5. The easement connects existing M-NCPPC parkland (Henson Creek Stream Valley Park) to land owned by the Indian Queen South Homeowners Association. The easement provides a portion of a connection linking the Indian Queen South subdivision and surrounding communities with Fort Foote Park and communities to the north.
6. The conservation buffer approved as part of the conservation plan has been retained, as approved, and provides a substantial buffer between the dwellings and the trail easement.
7. No alternative trail alignment was provided as part of the subject application. Abandoning the easement prior to having an alternative alignment in place may result in no connection ever being made.
8. The applicants provided no justification showing how the proposed revision to the currently adopted conservation plan will improve the plan's conformance to the Conservation Manual, Prince George's County Subtitle 27, or Maryland State law.

9. The trail easement is an important public benefit to the area residents and the county as a whole. The trail easement provides connectivity to a network of trails in this region of the County. Communities and infrastructure surrounding this easement were designed and constructed based in part on the existence of this easement. Removing this trail easement may result in significant future public costs of restoring this connectivity. The trail easement facilitates the provision of access to significant environmental resources, public parks and facilities, and scenic waterfront views of the Potomac River and Broad Creek on its own and as part of a system of trails.

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.

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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 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, November 19, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of December 2009.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:RD:arj