

R E S O L U T I O N

WHEREAS, Jericho Baptist Church, Inc. is the owner of a 6.95-acre parcel of land known as Parcel 2, Lot 1, Plat www 55/94, Tax Map 67 in Grid C-2 said property being in the 13th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on September 22, 2004, Jericho Baptist Church filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04134 for Jericho Senior Living Center 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, 2005, 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 February 10, 2005, 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/84/04), and further APPROVED Preliminary Plan of Subdivision 4-04134, Jericho Senior Living Center for Lot 1 with the following conditions:

1. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. A financial contribution of \$210 to the Department of Public Works and Transportation for the placement of a "Share the Road with a Bike" sign. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide curb lanes are recommended to accommodate bicycle traffic.
  - b. A sidewalk along the subject site's entire frontage of Brightseat Road. This sidewalk will connect to existing sidewalks to the north and south, unless modified by DPW&T.
2. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, in accordance with SE-4483.
3. The applicant shall allocate appropriate and developable areas for private recreational facilities.

The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, at the time of detailed site plan, in accordance with SE-4483.

4. The proposed private recreational facilities shall comply with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
5. The applicant shall submit three original, executed recreational facilities agreements (RFAs) to DRD for its approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
6. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, prior to building permits for the construction of private recreational facilities on-site.
7. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
8. The applicant shall provide the Historic Preservation Commission with the following materials to complete a historic area work permit for the demolition of outbuildings on the subject property:
  - a. An annotated site plan depicting the historic arrangement of the outbuildings;
  - b. Analysis of the structural and architectural character of the outbuildings;
  - c. The attribution of dates of construction by a qualified preservation consultant or architectural historian.
9. The applicant's historic area work permit application shall also include:
  - a. Updated comprehensive photographic documentation of each building (black and white photographs and color digital images);
  - b. General building plans and measurements;
  - c. A discussion of construction techniques used and the architectural and structural condition of each outbuilding.
10. The demolition of the outbuildings on the subject property shall be carried out only after a historic area work permit has been approved by the Historic Preservation Commission.
11. Prior to signature approval of the preliminary plan, the applicant shall properly identify the subject property, Waring's Grove (Historic Site 72-04) and the acreage of the historic site's

environmental setting on the subdivision plan.

12. Prior to the approval of any historic area work permit for the subject property, the applicant shall:
  - a. Provide the HPC detailed plans and a preliminary budget for the rehabilitation and adaptive use of the Waring's Grove Historic Site.
  - b. Provide the HPC detailed architectural plans for the proposed new construction within the Waring's Grove Historic Site environmental setting. These plans shall include a site plan indicating all proposed modifications within the environmental setting such as landscaping, lighting, and paving, and also include detailed building elevations that specify architectural features, building materials, and design elements, with particular attention to the massing of the building, the entry drive, the main entry, and the atrium space in the vicinity of the historic site.
13. The applicant shall obtain a historic area work permit authorizing the exterior restoration and interior adaptive use of the historic site to coincide with the substantial completion of the project.
14. Prior to the issuance of an historic area work permit, the applicant shall ensure that: (1) all archeological artifacts and associated documentation will be curated to Maryland Historical Trust (MHT) standards (collection and conservation standards can be found in *Technical Update No. 1* of the *Standards and Guidelines for Archeological Investigations in Maryland, Collections and Conservation Standards* (MHT, 1999) and *Guide to Archaeological Collections* [MHT]); (2) any archeological artifacts uncovered on the property shall remain with the property and be publicly displayed and interpreted, or; (3) ensure that all materials will be donated to the MHT Maryland Archeological Conservation Lab (MAC), at the Jefferson Patterson Park and Museum, St. Leonard, MD.
15. Prior to issuance of any building permit, the applicant, his successors, and/or assignees shall provide proof of payment for the needed funds to the county's Department of Transportation and Public Works, Transit Section, for the installation of two bus shelters at the bus stops on both sides of Brightseat Road and in the immediate vicinity of the subject site.
16. The proposed development shall be limited to uses generating no more than 41 and 62 peak hour trips in the AM and PM periods, respectively.
17. Prior to signature approval of the preliminary plan, the FSD shall be revised to provide the following additional information and revisions:
  - a. Show the correct gross tract area for all the parcels that are required to be included for review of the TCP.
  - b. Accurately reflect the amount of existing woodland on-site.

- c. Reflect all existing conditions and show correctly the wetlands, streams, 100-year floodplain and all existing structures including pipes under Brightseat Road as described in the wetland study.
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
18. Prior to signature approval of preliminary plan, all plans shall be revised to illustrate correctly the wetlands and streams described in the wetland study and TCPII/130/95.
19. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan (TCPI/81/04) shall be revised as follows.
  - a. Include all parcels impacted by the proposed development and reflect accurately the existing woodlands on-site.
  - b. Revise the plan to show all required information on a TCPI to include a limit of disturbance, wetlands, wetland buffer and a proper delineation of the Patuxent River Primary Management Area (PMA).
  - c. Revise the plan to show reforestation of the PMA to the fullest extent possible.
  - d. Revise the worksheet to correctly state the parcels and lots associated with the TCPI.
  - e. Revise the worksheet to correctly identify the type of off-site mitigation provided on this property for another property.
  - f. Revise the TCPI standard notes to refer to the Preliminary Plan (4-04134) and fill in all blanks.
  - g. Revise the TCPI to compensate for the requirements of TCPII/130 /95 and show off-site areas at a rate of 2:1.
  - h. Revise the Woodland Conservation Worksheet to reflect all required changes.
  - i. Have the revised plan signed and dated by the qualified professional who prepared the plan.
20. 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/81/04), 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.”

21. Prior to signature approval of the Type I Tree Conservation Plan, a revised Type II Tree Conservation Plan shall be submitted for review and approval of the Planning Board, Planning Director, or designee as appropriate. This Type II Tree Conservation Plan shall show how the requirements will be met for the entire site and compensate for the necessary revisions caused by this plan to TCPII/130/95.
22. All afforestation and associated fencing shall be installed prior to the issuance of any building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
23. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show all components of the PMA correctly and the full extent of the PMA. The only impact to be shown on the plans is in the area of the stormwater management pond outfall from this property onto Lot 6. The limits of disturbance shown on the TCPI shall be revised to limit the area of disturbance to only that area needed for construction.
24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area, excluding those areas of approved impacts, 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.”
25. Prior to signature approval of the preliminary plan, the plans shall be revised to show the location of all stormwater management structures and outfalls, existing and proposed. The only impacts to the Patuxent River Primary Management Area approved with this application was that for the outfall for water quality pond “A” on Lot 6. All other impacts must be eliminated if shown on the stormwater concept plans.
26. Prior to signature approval of the preliminary plan, a copy of the Stormwater Concept Approval Letter shall be submitted along with the associated plans. If necessary, the concept plans shall be revised if they show impacts to the PMA beyond those associated with this approval.

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 located on the west side of Brightseat Road approximately 575 feet south of Bishop Peebles Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Uses	<b>EXISTING</b>	<b>PROPOSED</b>
	C-O Historic Site, Residence	C-O Apartments for the Elderly Assisted Living Center
Acreage	6.95	6.95
Lots	1	1
Parcels	1	0
Square Footage/GFA	3,400	401,000
Dwelling Units:		
Multifamily	0	370

4. **Environmental**—The subject property contains several parcels that are located on the west side of Brightseat Road and east of Spectrum Drive. The site is partially developed with two structures and is characterized by terrain sloping to the northwest, which drains into unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin. There are streams, wetlands, 100-year floodplain and steep slopes associated with the subject property. The predominant soil types found to occur on the subject property and immediate vicinity, according to the Prince George=s County Soil Survey, are Collington, Adelpia and Sassafras. These soil types generally exhibit slight to moderate limitations for development due to seasonally high water table, impeded drainage and steep slopes. There are no noise issues associated with the site. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled “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. This property is located in the Developed Tier as delineated in the approved General Plan.

**Woodland Conservation**

The Detailed Forest Stand Delineation (FSD) submitted with this application has been found to be in compliance with the requirements of the Woodland Conservation Ordinance with the following exceptions. The gross tract area of the FSD is 30.11 acres of which 13.40 acres are wooded. The subject property currently under review is 6.95 acres in size; however, all of the

parcels that are required to be included in the application for the review of the Tree Conservation Plan have not been added to the plans under review. The wetland study shows the gross tract area as 30.0 acres. Furthermore, the Wetland and Forest Stand Delineation Plan submitted do not accurately reflect the locations of the existing wetlands, 100-year floodplain, and existing pipes.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a previously approved Tree Conservation Plan. The original submittal package contained a portion of an approved Detailed Site Plan (SP-95069) with an approved Type II Tree Conservation Plan (TCPII/130/95). The previously approved TCPII shows a portion of its requirements being met on the subject property (natural regeneration and woodland preservation). These requirements need to be addressed. In addition, the Type I Tree Conservation Plan (TCPI/81/04) as submitted, has been reviewed and was found to require significant revisions to conform to the requirements of the Woodland Conservation Ordinance.

The revisions include incomplete depiction of all the impacts parcels; incomplete standard TCPI notes; no reforestation in the priority areas of the site; incorrect amount existing woodland on-site; missing LOD; wetlands; wetland buffer; and compensation for the requirements of the TCPII/130/95. The worksheet needs to be revised to reflect changes made to the plan, and the plan signed and dated by the qualified professional who prepared it.

### **Streams, Wetlands, Floodplain**

The Subdivision Regulations require the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed these features comprise the Patuxent River Primary Management Area (PMA), which is to be protected to the fullest extent possible.

The PMA components and the PMA have not been accurately shown on the plans as submitted; however, staff has carefully compared all relevant plans and information in order to provide the Planning Board with the information necessary for its deliberations.

The plans presently show one impact to the PMA, located on Lot 6. This parcel has not been included in the TCP submission as required; however, a portion of it is shown on the TCPI. The plan proposes an unknown amount of impact to the stream buffer for the installation of a stormwater management outfall. Generally, this is an impact that is considered appropriate. Staff recommends approval of this impact because it is required by the Stormwater Management Ordinance and serves to protect the health, safety and welfare of this and downstream properties.

Based on the wetlands shown on TCPII/130/95, the wetlands described are not illustrated correctly on the Preliminary Plan, FSD or TCPI. This will need to be corrected.

### **Stormwater Management**

The plan shows stormwater management ponds on the southeast and northwest portions of the subject property; however, a Stormwater Management Concept Approval Letter was not submitted with this application. The pond on the northwest corner does not show an outfall or connection to the existing pond and waters of the U.S.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will utilize these public facilities.

5. **Community Planning**—The property is in Planning Area 72/Hill Road Community. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 Master Plan for Landover and Vicinity recommends commercial office use for the property and retained surrounding properties for heavy industrial uses. This application does not conform to the commercial office land use recommendation of the 1993 approved Landover and Vicinity Master Plan, but is consistent with the ZMA (A-9685) and Special Exception (SE 4483) approved for the subject property.
6. **Parks and Recreation**—In accordance with 24-134 of the Subdivision Regulations, staff recommends that, in-lieu-of mandatory park dedication, the applicant provide private recreational facilities on the site at a location to be determined prior to signature approval of the preliminary plan.
7. **Trails**—Both the adopted and approved Landover and Vicinity Master Plan and the adopted and approved sector plan for the Morgan Boulevard and Largo Town Center Metro Areas recommend that Brightseat Road be designated as a bikeway/sidewalk corridor. Currently, there is no sidewalk along the subject site's frontage of Brightseat Road. However, the properties immediately to the north and south of the subject site do include sidewalks. It is recommended that a standard sidewalk be constructed along the subject site's frontage of Brightseat Road and that appropriate bikeway signage be provided. If further road frontage improvements are required by DPW&T, a paved shoulder or a wide outside curb lane is encouraged to safely accommodate bicycle traffic.
8. **Transportation**— At the time of the Subdivision Review Committee (SRC) meeting in October 2004, staff had requested a peak-hour turning traffic count at the Brightseat Road/Arena Drive intersection. However, since the applicant had submitted a recent traffic study (which includes the critical intersection) for a Special Exception application for the subject property, such a count is no longer necessary. Therefore staff used the results of the traffic study in making the necessary findings of adequacy.

**Growth Policy—Service Level Standards**

The subject property is located within the Developed Tier, as defined in the 2002 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

**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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

**Traffic Study Analysis:**

Based on a traffic count that was taken on February 24, 2004, the intersection was found to operate with the following level-of-service/critical lane volume:

EXISTING CONDITION		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Arena Drive/Brightseat Road	A/583	A/8301

The analysis included five background developments that would also have an impact on the subject intersection. With the inclusion of traffic from background developments plus existing traffic, the following results were determined:

BACKGROUND CONDITION		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Arena Drive/Brightseat Road	A/869	C/1272

The latest edition of the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual*, indicates that 301 elderly dwelling units and 100 assisted living units would generate 41 and 62 additional vehicle trips during the AM and PM peak hours, respectively. It is important to note that if the site were to be developed with medical/ professional office development, which is

allowed with C-O Zone, the number of additional peak-hour trips would have been 520 and 695 during the AM and PM peak hours, respectively. Applying those new trips (41 AM & 62 PM) along with existing and background traffic, results in the following:

TOTAL CONDITION		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Arena Drive/Brightseat Road	A/873	C/1280

**Staff Analysis of Traffic Impacts**

The critical lane volume/level-of-service results shown in the traffic study, were based on 301 elderly dwelling units and 100 assisted living units being built. The current preliminary plan application shows a reduction of units to 270 apartments and 100 assisted living units. Based on the ITE trip rates, 31 fewer apartment units would result in 2 fewer AM peak trips and 3 fewer PM peak-hour trips. It is staff’s opinion that the reduction in trips would have a negligible effect on the CLV results that were reported in the traffic study.

Staff, however, is concerned with the lack of bus shelters on both sides of Brightseat Road. Provision of bus shelters at the existing bus stops on both sides of Brightseat Road and close to the proposed development would provide the needed protection and convenience to current and future residents and visitors that would need to use public transit

It is worth mentioning that staff’s findings of adequacy are predicated on 41 and 62 additional vehicle trips during the AM and PM peak hours, respectively. As stated previously, this property has the potential to generate more traffic based on its size and zoning. In light of this fact, staff will recommend that any approval of the property should be limited to uses that generate no more than 41 and 62 peak hour trips in the AM and PM periods, respectively.

**Site Plan Comments**

Regarding the site access and overall circulation, staff has no issues.

**Transportation Staff Conclusions and Recommendations**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions requiring bus shelters and limiting the number of peak-hour trips to be generated by the proposed development.

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. The proposed subdivision is exempt

from the review for schools because it is age-restricted housing.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.

The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.07 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.07 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.07 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 4.69 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the standards and guidelines contained in the *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 III-Landover. The Planning Board's current test for police adequacy applicable to the subject application 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 the capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and reminds the applicant that a raze permit will be required prior to the removal of any building on the site.
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, 30948-2004-00, has been approved. The number and date must be noted on the plan. Development must be in accordance with this approved plan or any revisions thereto.

14. **Historic Preservation**—This preliminary plan application involves the Waring’s Grove Historic Site (72-04). The Waring’s Grove Historic Site includes a multiperiod frame farmhouse, a group of agricultural outbuildings, and an early eighteenth-century boundary stone for the 1701 tract known as Troublesome, within a 6.17-acre environmental setting. The earliest section of the house was built by prominent local farmer Zachariah Berry. The house was renovated in the Gothic Revival style around 1860 by Berry’s grandson, Zachariah Berry, III. The earliest part of the house was partially completed by 1798, then expanded in the early nineteenth century (probably around 1820), and then renovated circa 1860. The one-and-one-half-story frame farmhouse includes Gothic Revival details such as jigsaw trim on the gable-ends and on the porch and dormers of the L-shaped wing. The interior features elaborate marble mantles in the parlors.

#### **Historic Preservation Staff Findings**

The current application includes a special exception site and landscape plan dated December 15, 2004. These drawings address the location of the proposed building’s entrance drive, main entry, signage parking and the footprint of the building to be constructed through the approved special exception (SE 4483) in the vicinity of the historic site. These drawings do not identify the subject property as Waring’s Grove (Historic Site 72-04) or the associated acreage of the parcel.

The Historic Preservation Commission has received several briefings on the architectural character of the proposed new construction and the proposed rehabilitation of the Waring’s Grove Historic Site as part of the review of the applicant’s special exception application. Details such as the design and materials of the proposed new construction and the plans for the adaptive reuse of the Waring’s Grove Historic Site are addressed through the historic area work permit process that will follow the approval of the preliminary plan of subdivision.

In August 2003, the applicant submitted a historic area work permit (HAWP) application to address the proposed demolition of outbuildings within the subject property. The submitted materials addressed a number of HPC’s required submittals for HAWP applications for demolition, but several items including a site plan and analysis of the structural and architectural character of the buildings, as well as the attribution of dates of construction by a qualified preservation consultant or architectural historian, remain to be submitted before the application can be considered to be complete and reviewed by the Historic Preservation Commission.

Since the subject property includes land that was once part of large eighteenth-century land patent known as Troublesome, and is the site of an antebellum plantation, staff determined that documentary and archeological investigation would be necessary in order to determine whether the site contains physical evidence of slave dwellings or slave burials.

As part of its review of the applicant's proposed special exception, staff provided a memorandum to the zoning staff that had been reviewed by the Historic Preservation Commission (at its February 3, 2004, meeting). HPC recommendations were then presented to the Zoning Hearing Examiner (ZHE) as part of the zoning staff's memorandum on the special exception application. Historic Preservation Commission recommendations provided to the ZHE include:

- (a) *Prior to the hearing by the Zoning Hearing Examiner or before the close of the ZHE record, the applicant shall submit for the Historic Preservation Commission's review and approval a Historic Area Work Permit application that will:*
  1. *Provide an analysis of the outbuildings proposed for demolition. This analysis shall include but not be limited to a site plan depicting the historic arrangement of the outbuildings, comprehensive photographic documentation of each building (black & white photographs and color digital images), general building plans and measurements, and a discussion of construction techniques used and the architectural and structural condition of each outbuilding.*
  2. *Provide detailed plans and a preliminary budget for the rehabilitation and adaptive use of the Waring's Grove Historic Site.*
  3. *Provide detailed architectural plans for the proposed new construction within the Waring's Grove Historic Site Environmental Setting. These plans shall include a site plan indicating all proposed modifications within the Environmental Setting such as landscaping, lighting and paving, and also include detailed building elevations that specify architectural features, building materials and design elements, with particular attention to the massing of the building, the entry drive, the main entry, and the atrium space in the vicinity of the Historic Site.*
- (b) *The applicant shall obtain the Historic Area Work Permit authorizing the exterior restoration and interior adaptive use to coincide with the completion of 50 percent of the gross floor area of the project. The work specified in the Historic Area Work Permit shall be completed prior to the issuance of the Construction, Grading and Use Permits for the remaining 50 percent of the gross floor area of the project.*
- (c) *Prior to the submission of the next phase of the development, the applicant shall determine the extent of the land that should be subject of a Phase I archeological investigation. The applicant's findings shall be submitted to the staff of M-NCPPC for review and approval. Upon approval of this determination, plans may be approved and permits may be issued for any portion of the subject property excluded from the scope of the Phase I investigation. No plans may be approved and no permits shall be issued for the area subject to the Phase I investigation before satisfactory completion of the following:*
  1. *The applicant shall complete a Phase I investigation (including research into the*

*property history and archeological literature) and a determination shall be made by staff of M-NCPPC as to whether further investigation is needed; or*

2. *If it is determined that archeological resources exist in the project area, the applicant shall provide (1) a plan for avoiding and preserving the resource in place, or (2) a plan for mitigating the adverse effect upon these resources by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff concurrence with the investigations and/or report shall be provided.*

*All investigations must be conducted by a qualified archeologist 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. Two copies of this report must be delivered to M-NCPPC for review: one to Historic Preservation staff of the Planning Department, and one to the Archaeology Program of the Department of Parks and Recreation.*

The subject preliminary plan application affecting Waring's Grove is consistent with a special exception application (SE 4483) approved by the Prince George's County District Council on December 15, 2004. The approved special exception decision includes conditions associated with the historic character and significance of the subject property.

The condition established by the Zoning Hearing Examiner states that:

*The applicant shall determine the extent of the land that should be subject of a Phase I archaeological investigation. The Applicant's findings shall be submitted to the Technical Staff for review and approval. Upon approval, plans may be approved and permits may be issued for any portion of the subject property excluded from the scope of the Phase I investigation. No plans may be approved and no permits shall be issued for the area subject to the Phase I investigation before the Applicant completes the Phase I investigation (including research into the property history and archaeological literature) and submits it to the Technical Staff. If it is determined that archaeological resources exist at the subject site, Applicant shall provide a plan for avoiding and preserving the resources in place, and a plan for mitigating any adverse effect upon the resources by conducting Phase II and Phase II investigations as needed. Evidence of Technical Staff concurrence with these investigations shall be submitted to the Office of the Zoning Hearing Examiner for inclusion in the record of this case.*

### **Historic Preservation Staff Conclusions**

In compliance with the Zoning Hearing Examiner's decision in SE 4483, the applicant has initiated a Phase IB archeological investigation of the subject property. The findings and conclusions of that investigation, along with a Phase IA report, were provided to the Historic Preservation staff on January 21, 2005. Staff reviewed the complete Phase I study and reported to the Historic Preservation Commission at the January 25, 2005, meeting.

The recommendations made by the Historic Preservation Commission as part of the review of the special exception application are still appropriate as conditions of the subject preliminary plan or subsequent detailed site plan to ensure the long-term preservation of the Waring's Grove Historic Site that makes possible the new construction on the property.

15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to Brightseat Road. This easement will be reflected on the final plat.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, February 10, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of March 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator