

R E S O L U T I O N

WHEREAS, Charles Alexander and Mary Kathleen Sasscer, et are the owners of a 26.06-acre parcel of land known as Parcels 39, 40 and 84, Tax Map 110 in Grid C-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on June 28, 2006, Kettering 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 4-06053 for Kettering Baptist Church (Sasscer Property) 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 October 19, 2006, 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 October 19, 2006, 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/30/06), and further APPROVED Preliminary Plan of Subdivision 4-06053, Kettering Baptist Church, including a Variation from Section 24-130 for Lot 1 with the following conditions:

1. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
2. All stormwater management facilities shall be designed with no impacts to the PMA with the exception of necessary outfalls.
3. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. 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.”

4. All afforestation and associated fencing shall be installed prior to the issuance of the 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, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

5. 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/30/06), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

6. Prior to signature approval of the preliminary plan, copies of the approved stormwater management concept letter and associated plan shall be submitted. The approved stormwater concept shall be reflected on the TCPI and preliminary plan.

7. Prior to signature approval of the preliminary plan, note 6 shall be revised as follows and shall reference the associated plan numbers:

“Plans for stormwater management are contained in Stormwater Management Concept Plan 27462-2006-00. It is understood that conceptual design plans for stormwater management will be approved prior to the approval of 4-06053.”

8. Prior to the issuance of any building permits, the applicant shall conduct traffic signal warrant studies for the intersections of US 301/Croom Station Road and US 301/Old Crain Highway and install said signal(s) if approved by SHA, or other intersection improvements deemed to be necessary by SHA.

9. 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.

10. In accordance with the provisions of Council Bill 89-2004 and Section 24-122.01(d)(2), the applicant shall provide an appropriate water source for fire extinguishment purposes subject to the approval of the Fire Chief or his designee prior to the issuance of building permits.

11. Development must be in accordance with the approved Stormwater Management Concept Plan 27462-2006-00.

12. Any access routes leading onto the property must be routed so as not to traverse through the septic recovery area.
13. Prior to approval of the final plat and issuance of a well construction permit, a water appropriation permit must be secured from the Maryland Department of the Environment, Water Management Administration.
14. Any structures to be razed must have a valid raze permit and inspections must be performed by the Health Department prior to razing.
15. Prior to signature approval of this preliminary plan of subdivision, Phase I (Identification) archeological investigations are recommended on the Kettering Baptist Church (4-06053) property. The design of a Phase I archeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area and their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs. The applicant is responsible for adhering to the requirements as outlined in Finding 13.

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 a composite of three deed parcels (39, 40 and 84) found on Tax Map 110, Grid C-1. The site totals 20.06 acres and the property is zoned Residential-Agricultural (R-A). The subject property has frontage on Robert S. Crain Highway (US 301).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Vacant	Institutional
Acreage	20.06	20.06
Lots	0	1
Parcels	3	0
Mitigation	-	No

4. **Subdivision**—The subject property is zoned R-A. Although the subject application is not proposing any residential development, it is adjacent to property that is zoned for residential use. Because different adequate public facility tests exist, and there are considerations for recreational

components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.

5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision 4-06053 and Type I Tree Conservation Plan TCPI/30/06, received on August 25, 2006. The Environmental Planning Section recommends the approval of Preliminary Plan 4-06053 and TCPI/30/06 subject to conditions.

Background

The Environmental Planning Section has no record of any previous application for this property. The current application proposes the construction of a church facility in the R-A Zone.

Site Description

This 26.06-acre site in the R-A zone is located on the north side of Crain Highway (US 301) approximately 3,000 feet west of Croom Station Road. A review of available information indicates there are streams, 100-year floodplain, and steep slopes on the site. Based on year 2000 air photos, the site is approximately 75 percent wooded. The soil types found to occur on the subject property, according to the Prince George's County Soil Survey, are Westphalia and Sandy Land. Based on GIS information obtained from Natural Heritage Program staff of the Maryland Department of Natural Resources, rare, threatened, and endangered species do not occur in the vicinity of the site. There are no designated scenic or historic roads adjacent to the site. US 301 is a nearby source of traffic-generated noise. This property is located in the Rural Tier as reflected in the 2002 *Prince George's County Approved General Plan*. The site also contains regulated areas, evaluation areas, and gap areas within the network of the *Countywide Green Infrastructure Plan*.

Environmental Review

An approved natural resources inventory, NRI/030/06, was submitted with the application. The site contains streams, 100-year floodplain, and steep slopes. The forest stand delineation (FSD) indicates three forest stands totaling 10.57 acres and notes the species, size, and condition of one specimen tree, a 34-inch red oak. The information on the NRI is correctly shown on the preliminary plan and the Type I tree conservation plan. No further action regarding existing environmental features is required.

The site contains significant environmental features that need to be protected in terms of Section 24-130 of the Subdivision Regulations. 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, road crossings, and so forth, which are mandated for public health and safety.

A letter of justification was stamped as received on September 15, 2006. The TCPI proposes disturbance to areas within the primary management area (PMA) associated with the utility construction in the US 301 right-of-way. Another impact appears to be associated with a stormwater outfall; however, it has not been shown on the plan, although some clearing has been shown. These impacts are necessary for development and are supported.

The plan also shows an area for a future stormwater management facility. The facility should be designed with no impacts to the PMA other than what is necessary for the associated outfall as previously discussed. All stormwater management facilities should be designed with no impacts to the PMA with the exception of necessary outfalls. At the time of the final plat, bearings and distances should describe a conservation easement. The conservation easement should contain all of the PMA except for the area approved for the outfall and shall be reviewed by the Environmental Planning Section prior to certification.

This property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, and there are more than 10,000 square feet of existing woodland. The site contains regulated areas, evaluation areas, and gap areas within the network of the Green Infrastructure Plan and is located in the Rural Tier. Because of these network features and because the site is in the Rural Tier, all woodland conservation should be met on-site. The plan currently proposes to meet the requirement on-site.

The site contains a total of 6.84 acres of woodland on the net tract and 3.73 acres within the 100-year floodplain. The TCPI proposes to clear 1.39 acres of woodland on the net tract and 0.05 acre of woodland within the floodplain. The woodland conservation threshold has been correctly calculated at 11.13 acres, or 50 percent of the net tract. Because the amount of existing woodland is lower than the threshold, the existing woodland of 6.84 acres becomes the woodland conservation threshold for this site. This calculation is correctly reflected on the TCPI worksheet. The total requirement based on the proposed clearing has been correctly calculated at 8.28 acres. The TCPI proposes to meet the requirement by providing 5.45 acres of on-site preservation and 2.83 acres of on-site afforestation. The proposed afforestation acres will provide additional natural area adjacent to the existing Patuxent River PMA.

All afforestation and associated fencing should be installed prior to the issuance of the 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.

A note should be placed on the final plat of subdivision stating that the development is subject to restrictions shown on approved Type I Tree Conservation Plan TCPI/60/06, 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.

MD 4 is a nearby source of traffic-generated noise. The Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour is 330 feet from the centerline of US 301. Because this is a nonresidential project, no mitigation is required. No additional information is required with regard to noise.

According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Sandy Land and Westphalia series. Westphalia soils are highly erodible. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

A copy of the approved stormwater management concept letter and associated plan were not included. Note 6 of the TCPI states: "A separate stormdrain concept plan and drainage area map will be prepared for the proposed development prior to the filing of any building permits, as stormwater management does not affect the configuration of this one-lot subdivision. The storm drain concept plan will be approved prior to issuance of any building or grading permits as required by the standard permitting process." The approved stormwater management concept letter plan must be submitted prior to the signature approval of the preliminary plan to ensure the proposed concept will not result in additional clearing or impacts to the proposed development. Prior to signature approval of the preliminary plan, copies of the approved stormwater management concept letter and associated plan should be submitted. The approved stormwater concept should be reflected on the TCPI and preliminary plan. Prior to signature approval of the preliminary plan, note 6 should be revised to include the stormwater management conceptual stormdrain plan number and should reference the associated plans.

Water and Sewer Categories

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designated this property in water and sewer Category 6. The subject property is outside the sewer envelope and in the Rural Tier. The property will be developed with individual well and septic systems.

6. **Community Planning**—This site is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation and agriculture pursuits, and preservation of rural character and vistas that now exist. Because a church on this property size is a permitted land use in the subject residential zone, this application conforms to the rural residential land use recommended in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* for the Rosaryville area of Planning Area 82A. This application is not inconsistent with the General Plan Development Pattern policies for the Rural Tier.

7. **Parks and Recreation**—According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the development is over an acre in size and the proposed use is nonresidential.
8. **Trails**—Preliminary Plan 4-06053, Kettering Baptist Church, was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to provide the master plan trails. There are no master plan trail issues identified in the approved Subregion VI Master Plan that impact the subject site. There are no master plan trails recommendations.
9. **Transportation**—The following are this section’s comments concerning traffic impact of the subject application. These comments and findings are final.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for the construction and operation of a 40,000-square-foot church with ancillary services. The property consists of approximately 26.0 acres in the R-A Zone and is located on the north side of Crain Highway (US 301), approximately 1,800 feet north of Old Crain Highway.

The subject property is located within the Rural Tier as defined in the General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) C, 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.

On July 14, 2006, during the Subdivision Review Committee meeting, the applicant was notified by staff of the possibility of a traffic study, pending a detailed outline of the intended use of the subject application. A traffic study is required if 50 or more trips are projected to be generated during either peak hour on a weekday. Typically, a Sunday-only type facility such as a church would not normally trigger the need for a traffic study, however, if other ancillary uses are anticipated that could exceed the 50-trip threshold, then a traffic study would be required

Traffic Analysis

The table below identifies the intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
(Weekdays)		
Intersection	AM	PM
	Delay (seconds)	Delay (seconds)
US 301/Croom Station Road	E (36.4)	F (201)
US 301/Old Crain Highway	F (88.0)	F (680.0)
US 301/site entrance		
Link—US 301/Croom Station Road-Old Crain Hwy.	B	B
(Sunday)		
US 301/Croom Station Road	D (31.6)	
US 301/Old Crain Highway	F (67.1)	
US 301/site entrance		

The traffic study identified six background developments whose impact could affect the operations at one or both of the intersections in the study area. In addition to the traffic projected from the background development, the traffic study assumed an annual growth rate of 1.5 percent for through traffic along US 301 and 1.5 percent for through traffic along Old Crain Highway. With the inclusion of these background trips plus a two-year growth, the analysis revealed the following results:

BACKGROUND CONDITIONS		
(Weekdays)		
Intersection	AM	PM
	Delay (seconds)	Delay (seconds)
US 301/Croom Station Road	F (45.1)	F (362.3)
US 301/Old Crain Highway	F (118.8)	F (1,132)
US 301/site entrance		
Link - US 301/Croom Station Road-Old Crain Hwy.	B	B

Citing trip generation rates that were modified from the ITE's *Trip Generation Manual, 7th Edition*, the proposed development would generate 10 AM (6 in, 4 out) and 15 PM (8 in, 7 out) peak-hour vehicle trips on the weekdays. The traffic study also shows 436 trips being generated by the church during the Sunday peak hour. By combining site-generated trips with background traffic, the results of the analysis under total conditions are as follows:

TOTAL CONDITIONS (Weekdays)		
Intersection	AM	PM
	Delay (seconds)	Delay (seconds)
US 301/Croom Station Road	E (45.7)	F (374.3)
US 301/Old Crain Highway	F (120.4)	F (1,132)
US 301/ site entrance	B (13.0)	C (16.2)
Link - US 301/Croom Station Road-Old Crain Hwy.	B	B
(Sunday)		
US 301/Croom Station Road	D (26.0)	
US 301/Old Crain Highway	F (110.8)	
US 301/ site entrance	B (13.5)	

Based on the aforementioned results, the traffic study concluded that: "The proposed church can be developed as planned, without having any adverse impacts on the adjacent study area road network."

Based on their review of the traffic study, staff does not concur with its findings. The study correctly identified two intersections that will be operating with delays greater than 50 seconds per car. However, the applicant has proffered no specific improvement that would ameliorate these deficiencies. As mentioned previously, 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. To that end, staff recommends that the applicant to undertake signal warrant studies at both intersections, and install these signals (or other less costly improvements) if deemed to be warranted.

Site Plan Review

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.**

The entire property only has access onto US 301. Although the subject property appears to be in a physically open area, the areas around the site are actually subdivided lots. The driveways already exist.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

The property is unique in that the site does not have access to an internal roadway, and the site is surrounded by subdivided land.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

The access to this site was reviewed from the standpoint of health, safety and welfare. SHA reviewed the access and the US 301 right-of-way and has concurred with the current plan.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as**

distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The use of a public street to serve the single proposed lot appears to be impractical. The use of a service roadway to serve the lot is not practical as well.

US 301, on which the property fronts, is an existing four-lane arterial road within approximately 160 feet of right-of-way. The Subregion VI Master Plan recommends US 301 be upgraded to a freeway (F-10), thereby creating the need for a service road (A-61), which would provide local access. The portion of US 301 where the site entrance is being proposed would remain an arterial road (A-61), but will require a variation request. Because there is no other feasible access to the subject property, staff supports the granting of a variation request to access this arterial road. Regarding the site layout and overall circulation, staff has no issues.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the conditions.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a commercial use.
11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan 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 Ordinance.

The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service travel time of 3.09 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service travel time of 3.09 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.93 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 should 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 1990 *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The General Plan addresses the provision of public facilities that will be needed to serve existing and future commercial developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current allocation of space, 267,660 square feet, is above the guideline.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has reviewed the Sasscer property. Stormwater Management Concept Plan 27462-2006-00 has been approved with conditions. The approval is for the subdivision of land only. No construction activity is proposed under the concept approval. Development must be in accordance with the approved plan.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Kettering Baptist Church property. This lot is to be served by an individual sewage disposal system and a deep-drilled well. It is recommended that the septic system be designed as a diversion valve system so as to help prolong the life of the system. Any access routes leading onto the property must be routed so as to not traverse through the septic recovery area. Percolation tests PT-2-101 and PT-102 (also shown as SOH-2-102) must be removed from the septic recovery area as these areas contain poor soils and contain failed percolation tests. Prior to approval of the final plat and issuance of a well construction permit, a water appropriation permit must be secured from the Maryland Department of the Environment, Water Management Administration. Any structures to be razed must have a valid raze permit and inspections must be performed by the Health Department prior to razing.
15. **Archeology**—The subject application includes approximately 26.06 acres on the north side of US 301, west of Sasscer Lane, Tax Map 110-C-1.

Findings

The structure identified as "Dr. F. Sasscer" and "Wm. Sasscer" (no longer standing) is located near the subject property on the 1861 Martenet map (see attached map). The Sasscers are large

landholders in Prince George's County, and were known to own slaves. In addition, the eastern portion of the property includes a feeder that runs south to Charles Branch. Archeological sites are known to exist in similar settings.

A Phase I (Identification) archeological survey should be conducted to determine whether archeological sites are located within the subject property. In accordance with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a limited 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.

Recommendations

Phase I (Identification) archeological investigations are recommended on the above-referenced property because structures identified as belonging to members of the Sasscer family are located near the subject property, and a feeder to the Charles Branch runs near the eastern boundary of the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). Report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

A qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The design of a Phase I archeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area and their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the 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 any detailed site plan or final plat, the applicant should provide a plan for:

- i. Evaluating the resource at the Phase II level, and if necessary, a Phase III level; or
- ii. Avoiding and preserving the resource in place.

Section 106 review may 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, including archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

- 16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, October 19, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator