



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-05142

Application	General Data
<b>Project Name:</b> <b>CHRISTY CLAGETT PROPERTY</b>  <b>Location:</b> Along the southeast side of Old Crain Highway, approximately 500 feet north of its intersection with US 301.  <b>Applicant/Address:</b> Clagett, Tjarda Estate of Christine Cheston 312 Overhill Road Baltimore, MD. 21210	Date Accepted: 12/29/05
	Planning Board Action Limit: 05/23/06
	Plan Acreage: 61.76
	Zone: R-A
	Lots: 20
	Parcels: 0
	Planning Area: 82A
	Tier: Rural
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 209SE11	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 11/29/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 4/11/06

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05142.  
Christy Clagett Property, Lots 1-20

The property is located on Tax Map 110, Grid B-2, and is known as part of Parcel 43. The property was previously designated as Outparcel A on approved Preliminary Plan of Subdivision 4-02071 for the Fendal Clagett property. Outparcel A was never the subject of a record plat and is, therefore, an acreage parcel of land. A part of Outparcel A was conveyed from the residue of Parcel 43, pursuant to Section 24-107(c)(3) of the Subdivision Regulations, in 2005.

The property is approximately 61.76 acres and is zoned R-A. The applicant is proposing to subdivide the property into 20 lots for the construction of single-family dwelling units utilizing the varying lot size standards provided for in Section 27-442 of the Zoning Ordinance in conformance with standards for development in the R-A Zone.

SETTING

The property is located on the southeast side of Old Crain Highway, approximately 500 feet north of its intersection with Crain Highway (US 301). All of the surrounding properties are zoned R-A. The Fendal Clagett property is abutting to the northeast, a subdivided but unbuilt 34-lot single-family dwelling unit subdivision. Other surrounding properties are generally large acreage parcels developed with single-family dwelling units or in agricultural use.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-A	R-A
Use(s)	Vacant	Single-family dwellings
Acreage	61.76	61.76
Lots	0	20
Parcels	1	0
Dwelling Units:		
Detached	0	20
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for the Christy Clagett property, 4-05142, and the Type I tree conservation plan, TCPI/33/01-01, stamped as received by the Environmental Planning Section on February 13, 2006. In a March 2, 2006, memorandum, revised plans were requested. To date no revised plans have been received. Based on previous comments regarding the need for revisions to the plan, the

Environmental Planning Section recommends the approval of Preliminary Plan 4-05142 and TCPI/33/01-01 subject to conditions.

### **Background**

The Environmental Planning Section has previously reviewed the following applications related to portions of the properties shown on the plans submitted: P-01010, 4-02017 (which was later withdrawn), 4-0207 (which was approved with Type I Tree Conservation Plan I/33/01) and 4-04194 (which was later denied) Preliminary Plan 4-02071 and TCPI/33/01 were approved by PGCPB.No. 03-17 for 34 lots on the north section of the site, called South Weston. A Type II tree conservation plan, TCPII/137/03, was approved by staff prior to the issuance of a building and grading permit for a portion of the property currently under review. Preliminary Plan 4-05142 is for the subdivision (20 lots in the R-A Zone) of the south portion of the area of Preliminary Plan 4-02071. It should be noted that TCPI/33/01-01 contains all of the properties covered by the original TCPI approval and the current preliminary plan covers only that portion of the southern parcel that is now being subdivided.

### **Site Description**

The 175.27-acre property in the R-A Zone (acreage to be adjusted when the extra parcel is removed) is on the east side of Old Crain Highway, south of Croom Station Road, and north of the intersection of Old Crain Highway and US 301. There are streams, wetlands, and 100-year floodplain on the property associated with the Patuxent River watershed. Current air photos indicate that about 60 percent of the site is forested. The Subregion VI master plan indicates extensive areas of natural reserve on the site. Old Crain Highway is a designated historic road. US 301 is the nearest existing noise source. The proposed use is not expected to be a noise generator. 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. The Prince George's County Soils Survey indicates that the principal soils on the site are in the Westphalia soils series. The site is in the rural tier according to the approved General Plan.

### **Environmental Review**

The preliminary plan application has a staff signed natural resources inventory (NRI/133/05-01) that was included with the application package. The NRI correctly shows all of the required information.

A revised forest stand delineation (FSD) was submitted due to the development of the northern portion of the area covered by the Type I tree conservation plan that was previously approved. It identified three forest stands totaling 80.39 acres of woodland. All of the stands were described as mature hardwood forest dominated by tulip poplar, and also included American beech, hickory, and sweetgum. Additionally, the plan shows severe slopes, steep slopes on highly erodible soils, streams, wetlands, 100-year floodplain and soils boundaries in accordance with requirements. The FSD meets all requirements of the Woodland Conservation Ordinance.

The site statistics on the preliminary plan and TCPI show the gross acreage for the subject site as 61.76 acres and the 100-year floodplain as 0.94 acre, which is incorrect for the TCPI because it covers a larger area than the preliminary plan. Prior to signature approval of the preliminary plan,

the TCPI should be revised to show the correct gross acreage and 100-year floodplain acreage of the TCPI area as stated in the worksheet.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved tree conservation plan.

The property is located in the rural tier and has been identified as having regulated areas, evaluation areas, and network gaps within the Green Infrastructure Plan. It is the policy of the Planning Board and a strategy of the Countywide Green Infrastructure Plan that all woodland conservation be met on-site in the rural tier. Because this site has limited areas of woodland existing, it would be particularly onerous to meet all requirements on-site. At a minimum, the woodland conservation threshold must be met on-site.

The site contains a total of 72.86 acres of woodland. The woodland conservation threshold (WCT) has been correctly calculated as 80.88 or 50 percent of the net tract. Because the existing woodland is less than the WCT, but higher than the 20 percent afforestation threshold, the existing woodland acreage, 72.86 acres, becomes the WCT.

The TCPI proposes to meet the requirement by providing 52.13 acres of on-site preservation, 22.58 acres of on-site afforestation, and 18.88 acres of off-site mitigation. All priority woodlands on-site are proposed for preservation and the proposed afforestation areas will assist in creating larger areas of contiguous woodlands in conformance with the Countywide Green Infrastructure Plan.

The plan needs to have a lot-by-lot table added so that the requirements for each lot can be calculated as it is developed by different builders. This will also provide the opportunity for the acreages for each parcel to be determined.

The TCPI shows proposed grading in areas designated for preservation, such as the area on Lot 8. There are also areas where disturbance is proposed outside the limit of disturbance (LOD), such as that area shown on Lot 19. Areas proposed for preservation should not be disturbed, and any other proposed disturbance to other areas should not extend beyond the proposed LOD. The TCPI should be revised to eliminate disturbance to areas proposed for preservation and reflect the correct limit of disturbance. Any additional clearing should be added to the TCPI worksheet.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for the sites and all afforestation must be placed in conservation easements. The easement language for PMA protection will need to be modified to include the afforestation areas. The parcels that are proposed to be encumbered by woodland conservation will also be required to be within a conservation easement that will include the afforestation and preservation areas. Prior to signature approval of the preliminary plan, the TCPI should be revised.

All afforestation and associated fencing should be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have 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.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all afforestation areas, reforestation areas, preservation areas,

and the entirety of the PMA except for any approved impacts, and should be reviewed by the Environmental Planning Section prior to certificate approval. All afforestation areas should remain undisturbed. A note detailing the conservation easements should be placed on the final plat.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations and are shown as natural reserve on the approved master plan and as regulated areas in the Countywide Green Infrastructure Plan. The Patuxent River primary management area, as defined in Section 24-101(b)10 of the Subdivision Regulations, is not correctly shown, as noted above. The Subdivision Regulations require that the PMA be “preserved in a natural state to the fullest extent possible.”

The TCPI shows one impact to the PMA associated with a proposed plunge pool between proposed Lots 9 and 10. The letter of justification indicates that installation of the proposed structure will impact .009 acre of the PMA. The impact is for a plunge pool that will discharge into a stream located within this area of the PMA. Staff supports this impact with no conditions. No further comments with regard to proposed PMA impacts.

The soils information included in the review package indicates that the principal soils on the site are in the Sandy Land and Westphalia soils series. Westphalia soils are highly erodible. Erosion/sediment control devices for grading of slopes in excess of 15 percent need special attention. This information is provided for the applicant’s benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

US 301 is a four-lane divided arterial roadway. The noise model used by the Environmental Planning Section predicts the noise contour of 65 dBA to be 409 feet from the centerline of US 301. None of the proposed house locations and rear outdoor activity areas are near this predicted noise contour. No further comments with regard to traffic related noise for this site.

Old Crain Highway is a designated historic road. Proposed applications on or adjacent to scenic and historic roads are reviewed for conformance with “Design Guidelines and Standards for Scenic and Historic Roads” prepared by the Prince George’s County Department of Public Works and Transportation. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision “...a team (to include M-NCPPC staff) will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation.”

The current plan does not adequately address the provision of a scenic easement along Old Crain Highway. The plan shows a 35 foot-wide scenic easement for a portion of the subject site along Old Crain Highway. No easement has been provided for the portion of Old Crain Highway adjacent to Parcel 43. At a minimum, the preliminary plan and Type I tree conservation plan should be revised to provide a 40-foot-wide scenic easement along the entire frontage of Old Crain Highway. For areas where there is a 10-foot public utility easement, the 40-foot wide scenic easement will need to be shown adjacent to the 10-foot-wide public utility easement. Prior to signature approval of the preliminary plan, the Type I tree conservation plan should be revised to provide a 40-foot-wide scenic easement adjacent to Old Crain Highway on proposed Parcels 48 and 49 and Lots 1 and 20. For areas where there is a 10-foot-wide public utility easement, the 40-foot-wide scenic easement will be shown adjacent to the 10-foot-wide public utility easement. At time of final plat, a 40-foot-wide scenic easement should be established adjacent to Old Crain Highway and a note should be placed on the final plat.

An approved stormwater management concept plan and approval letter, CSD 3667-2005 were included in the application package for the south section of the site. No additional information is needed for this review.

The Environmental Planning Section recommends approval of this plan subject to conditions.

### **Water and Sewer**

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, outside the sewer envelope boundary and in the Rural Tier. The property will be developed with individual wells and septic systems.

3. **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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. This application conforms to the rural residential land use recommended in the 1993 Subregion VI Study Area Master Plan.
4. **Parks and Recreation**—According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the above referenced subdivision is exempt from mandatory dedication of parkland requirements because the lot size is more than one acre.
5. **Trails**—Preliminary Plan 4-05142 for the Christy Claggett property was reviewed for conformance with the Countywide Trails Plan and the area master plan in order to provide for the master plan trails. There are no master plan trails issues identified in the approved Subregion VI Master Plan. Existing roads in the vicinity of the subject site are open section with no sidewalks. There is a planned master plan trail parallel to Old Crain Highway, but slightly to the north and west of the road. This appears to be intended as a future equestrian connection, providing a loop from the east/west trails to the north and the proposed trail along the PEPCO right-of-way. This proposal does not impact the subject application.
6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 61.76 acres of land in the R-A Zone. The property is located at the intersection of US 301 and Old Crain Highway, north of US 301 and east of Old Crain Highway. The applicant proposes a residential subdivision consisting of 20 single-family detached residences.

Due to the size of the subdivision, staff has not required that a traffic study be done. Staff requested traffic counts of this applicant, and turning movement counts at the critical intersection dated February 2005 were provided by the applicant as a part of the review of a previous application, Preliminary Plan 4-04194. Therefore, the findings and recommendations outlined below are based upon a review of these 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 subject property is in the rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better is required in the rural tier.

**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 intersection of US 301 and Old Crain Highway is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site and would serve a significant portion of the site-generated traffic. It is currently unsignalized. The submitted turning movement counts indicate that the following conditions exist at the critical intersection: AM peak hour, maximum average delay of 544.5 seconds; PM peak hour, maximum average delay of 127.7 seconds. The Prince George's County Planning Board has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. An annual growth rate of 3.0 percent was assumed for through and background traffic along US 301. Staff identified six approved developments in the area of the subject property encompassing 104 lots and a small amount of office space. The following background traffic conditions were determined: AM peak hour, maximum average delay of 699.1 seconds; and PM peak hour, maximum average delay of +999 seconds. It should be noted that delays exceeding 999 seconds suggest that parameters are outside of the normal range of the procedure.

The application is a plan for a residential development of 20 single-family dwelling units. The proposed development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

- 50 percent—North along Old Crain Highway
- 25 percent—South along US 301
- 25 percent—North along US 301

With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 706.5 seconds; and the PM peak hour, a maximum average delay of +999 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. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of US 301 and Old Crain Highway. 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. Therefore, the applicant should provide a traffic signal warrant study and install the signal if it is deemed warranted by the State Highway Administration.

Access and circulation are acceptable as shown on the plan. All lots have frontage on internal streets, and due to the higher speeds along Old Crain Highway, it is preferred that all lots gain access to internal streets and not onto Old Crain Highway.

Old Crain Highway is a master plan collector facility within an 80-foot right-of-way. The dedication of 40 feet from centerline, as shown on the current plan, is adequate. The site is very close to US 301, but does not have frontage on it. The existing roadway is planned to become A-62, and the future F-10 facility is planned to be located to the south and east of existing US 301. Therefore, the future rights-of-way do not affect the subject site.

**Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that 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.

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

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	0	0	0
Total Enrollment	4,145.80	7,331.20	11,064.40
State Rated Capacity	4,140	6,569	8,920
Percent Capacity	100.14	111.60	124.04

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.



County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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 an 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision 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.

**Fire Facilities**

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Marlboro, Company 45, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief had reported that the then current staff complement of the Fire Department was above the staff standard of 657, or 95 percent of authorized strength of 692, as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 12/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on 12/29/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3	01/05/05-02/05/06	12.00	21.00

The Police Chief had reported that the then current staff complement of the Police Department was 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for police emergency calls was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of

the Subdivision Regulations, Preliminary Plan 4-05142 fails to meet the standards for police emergency response calls. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

10. **Stormwater Management**—The site design will include grass swales, rooftop disconnects, environmental credits, and rip-rap plunge pools at stormdrain outfalls. At the time of technical review additional water quality measures, such as infiltration drywells, may be added as needed for some of the lots.
11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Christy Clagett Subdivision. A number of issues were identified and the Health Department staff is working with the applicant to resolve all remaining issues. The preliminary plan should be approved subject to additional information being submitted by the Health Department regarding the lots.
12. **Archeology**—Phase I (Identification) archeological investigations were completed on the above-referenced property and the final report, “Phase I Archeological Survey of the Proposed Christy Clagett Subdivision, Lots 1-20 (4-04194), Upper Marlboro, Prince George’s County, Maryland” (The Ottery Group, 2005) was received on May 4, 2005. No archeological sites were identified. No further archeological work is required on the subject property with the exception of the possibility that, should any of the forest preservation area be considered for development, any areas outside the Patuxent River primary management area would be subject to archeological Phase I investigations, which would be required before any disturbance takes place. Also, additional work may be required by the Maryland Historical Trust as part of the Section 106 process.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

13. **Historic Preservation**—This preliminary plan application includes 61.76± acres on the south side of Old Crain Highway, at its intersection with US 301. The application proposes 20 lots and is zoned R-A.

### **Background**

The 61.76± acre tract is across Old Crain Highway from Weston and Cemetery (Historic Site 82A-000-07). Weston was designated as Historic Site 82A-7 in the Inventory of Historic Resources of the Historic Sites and Districts Plan, 1981.

Weston is a fine example of an early nineteenth-century plantation house built in several stages. It is distinguished by fine detail in both the Federal and Greek Revival styles. The house consists of a two and-one-half story main block and a one and-one-half kitchen wing. The bricks of the east (front) façade are laid in Flemish bond, while those of the west, north and south are in American bond. Weston was built for Thomas Clagett, VI, one of the most prominent landowners in nineteenth-century Marlboro, and has close associations with many other Clagett family properties in the area. The area around Upper Marlboro is dotted with these frame dwellings that Thomas Clagett acquired or had built for members of his large family. Weston is the earliest, the most substantial, and the only brick plantation among them. The Weston property

has been the home for nine generations of the Clagett family and has considerable historical and architectural importance.

A large area (the “Clagett Agricultural Area,” approximately six square miles), including all of Weston, and several other Clagett family properties, has been determined eligible for listing in the National Register of Historic Places because of its unique historical and architectural importance.

For many generations tobacco barns have been central to the economy of the region and a defining architectural characteristic of the region’s rural landscape. These air-cure tobacco barns are unique to Maryland and provide a view into 400 years of the area’s complex agricultural and economic history.

The National Trust for Historic Preservation has, since 1988, listed the 11 most endangered historic places. This list has been one of the most effective tools in the fight to save America’s irreplaceable architectural, cultural and natural heritage. Some of the sites are well known; others are less famous but just as important, because they too represent preservation challenges facing many communities across the country. In 2002, Congress created the Historic Barn Preservation Program to identify and promote practical solutions for the continued use of older and historic barns. In 2004 the tobacco barns of southern Maryland were put on this list. The National Trust’s Barn Again! Program encourages preservation and provides technical assistance for adapting historic barns and may also help to save these important buildings. The first direct result of the 11 most endangered listing was a tobacco barn summit, held in November 2004. The goals of this summit were to discuss the issues and provide insight on the solutions for barn reuse and the impact of the barns on land preservation.

## **Findings**

Historic Site 82A-000-7 (Weston and Cemetery) is located across Old Crain Highway from this property and needs to be noted. The notation should also include the Clagett agricultural area designation. General Note 13 states that Kingston, Historic Site 79-019-13 is across from the developing property; this is incorrect. To protect the views from the historic site, some screening will be required between the historic site and the developing lots. The applicant has submitted a Phase I archeological survey that has been reviewed by the Historic Preservation Section. This portion of Old Crain Highway is part of a significant historic landscape, the “Clagett Agricultural Area,” which has been determined eligible for listing in the National Register of Historic Places. This area reflects the historic landscapes, roadways, architecture and settings of the nineteenth century when members of the Clagett family owned most of the land. Among the Historic Preservation recommendations in the approved Master Plan for the Subregion VI Study Area (September 1993) is the following:

- “(10) Old Crain Highway traverses a landscape that is eligible for the National Register of Historic Places. The area should be preserved through land use policies, complemented with the preservation of the historic road alignment. Special landscape features, such as the Bald Cypress trees near Weston, should be protected.”

## **Conclusions**

The notation of Historic Site 82A-000-7 (Weston), “000” to reflect Clagett Agricultural Area designation, should be noted as being across Old Crain Highway.

To ensure that the proposed buildings do not adversely impact the view from Weston, the applicant should provide site lines from the houses on lots along Old Crain Highway to Weston. The applicant should also provide materials to be used and elevations of the facades facing the historic lot to the Historic Preservation staff to approve for architectural compatibility with Weston through a limited detailed site plan.

Old Crain Highway area should be preserved and complemented with the preservation of the historic road alignment. Bald cypress trees should be planted along the right-of-way to reflect the trees existing along this stretch of road.

## **RECOMMENDATION**

Staff recommends APPROVAL of TCPI/33/01-01 and Preliminary Plan 4-05142, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show the correct gross acreage and 100-year floodplain acreage of the TCPI area as stated in the worksheet.
2. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Revise Note 1 as follows: "This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for Preliminary Plans 4-02071 and 4-05142. TCPII/137/03 has been approved and covers the area of this project labeled "Phase I." A TCPII for Phase II has not been submitted to date."
  - b. Add the following standard note: "Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas."
  - c. Provide a lot by lot table.
  - d. Remove the shaded slopes from the plans.
  - e. Remove Notes 10, 14, 15, and 16 of the site analysis notes.
  - f. Eliminate disturbance to all areas proposed for woodland preservation.
  - g. Revise the limit of disturbance to correctly reflect the proposed limit of disturbance for the site.
  - h. Revise the worksheet as necessary.
  - i. Have the revised plan signed and dated by the qualified professional who prepared the plan
3. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have 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.

4. A conservation easement shall be described by bearings and distances and shown on the final plat. The conservation easement shall contain all afforestation areas, reforestation areas, preservation areas, and the entirety of the PMA except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval. All afforestation areas shall remain undisturbed. 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 permitted.”

5. Prior to signature approval of the preliminary plan, the type i tree conservation plan shall be revised to provide a 40-foot-wide scenic easement adjacent to Old Crain Highway on proposed Parcels 48 and 49 and Lots 1 and 20. For areas where there is a 10-foot-wide public utility easement, the 40-foot-wide scenic easement will be shown adjacent to the 10-foot-wide public utility easement.

6. At time of final plat, a 40-foot-wide scenic easement shall be established adjacent to Old Crain Highway and a note shall be placed on the final plat as follows:

“Old Crain Highway is a county-designated historic road. The scenic easement described on this plat is an area where 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.”

7. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of US 301 and Old Crain Highway. The performance of a new study may be waived by SHA in writing if SHA determines that an acceptable recent study has been conducted. If a traffic signal is deemed warranted by SHA, the applicant shall bond the cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage associated with signal installation at the intersection.

8. At the time of final plat approval, the applicant shall dedicate a right-of-way along Old Crain Highway of 40 feet from centerline as shown on the submitted plan.

9. The final plat shall note that no lots shall gain direct driveway access onto Old Crain Highway.

10. Prior to the issuance of a grading permit for the development, a public safety mitigation fee (police) shall be paid in the amount of \$75,600 (\$3,780 x 20 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

11. Development of this plan must be in conformance of the approved Stormwater Management Concept Plan 39297-2003-00.
12. Prior to approval of the preliminary plan, the general notes and plan shall be corrected to state the property is across Old Crain Highway from Weston, Historic Site 82A-000-7.
13. A limited detailed site plan for the lots directly on Old Crain Highway shall be required to address the siting and size of the proposed houses and landscape buffers for the compatibility with the historic site. Some Federal and Greek Revival-style architectural elements should be incorporated into these houses.
14. Prior to signature approval of the preliminary plan, an additional memorandum must be submitted by the applicant to Subdivision staff from the Health Department regarding outstanding issues regarding the lots.
15. The following two notes, or other wording as determined by the Health Department, must be affixed to each of the mylars of the final plat prior to submittal for Health Department signature:
  - All lots are to be served by deep-drilled wells. Grouting requirements will be based on the actual well location relative to potential sources of contamination. Information on well construction requirements applicable to these lots may be obtained from the Prince George's County Health Department, Division of Environmental Health. Any specific requirements for an individual well applicable to this subdivision will be provided as part of the well permitting process.
  - Health Department approval of this plat is based on plan(s) dated \_\_\_\_\_ with reference Case No. 4-05142. A minimum 10,000-square-foot area of each lot, as shown on the plan(s), must remain undisturbed for sewage disposal purposes. Any sewage disposal area(s) located within 50 feet of the planned extent of grading activity or other soil disturbance must be field staked or otherwise protected. Required protective measures must be field verified by the Health Department prior to approval of any grading or building permit application. In accordance with Subtitle 22 of the Prince George's County Code, the sewage disposal area for each lot is sized to accommodate a specified sewage flow based on the size and use of the proposed building for that lot. Any change in the projected sewage flow or change to the designated sewage disposal area may require additional percolation testing. Detailed information on the sewage disposal limitations applicable to these lots may be obtained from the Prince George's County Health Department, Division of Environmental Health.
16. 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.