

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 12, 2004, regarding Detailed Site Plan DSP-03068 for Fairwood, Phase II, Part 1B (Infrastructure), the Planning Board finds:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for 147 single-family residential dwelling units in the M-X-C Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	M-X-C	M-X-C
Use(s)	Single-family residential	Single-family residential
Acreage	113.25	113.25
Lots	0	147
Parcels	0	8

3. **Location:** The subject detailed site plan covers a portion of land within Phase II, Part 1, of the Fairwood project, which is located southwest of Fairwood Vista Drive, west of the PEPCO easement, and north of John Hanson Highway (US 50).
4. **Surroundings and Use:** The site is bounded to the south by the right-of-way of John Hanson Highway (US 50). To the west of the property are single-family detached residential subdivisions in the R-L Zone and wooded land in the R-E Zone that are beyond the western boundary of Fairwood. To the north of the property are other single-family detached lots of Fairwood in the M-X-C Zone and a rectangularly shaped historic property, Fairview and Cemetery (Historic Site 71A-013), wedging into the subject site. Across Fairview Vista Drive to the northeast of the property is The Trace at Fairwood in the M-X-C Zone. To the east of the property is another portion of the planned single-family detached residential subdivision of Fairwood in the M-X-C Zone. Further east of those single-family lots is the PEPCO easement.
5. **Previous Approvals:** The subject site is Phase II, Part 1, of a larger development with a total acreage of 1,057.69 known as Fairwood, which was rezoned from R-E to M-X-C through Zoning Map Amendment A-9894-C, for 1,799 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office/service/institutional uses, and some other "community space," approved by the District Council on May 9, 1994. The M-X-C Zone requires multistep review and approval. On January 17, 2002, a Comprehensive Sketch Plan, CP-0101, for the site was

approved by the Planning Board (Resolution PGCPB No. 02-17(C)) for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units. On June 6, 2002, a Final Development Plan, FDP-0201, was approved by the Planning Board (Resolution PGCPB No. 02-128) for Phase II, Part 1, consisting of 254.55 acres of land, and Phase I, Part 3, consisting of 8.7 acres of land. On June 6, 2002, a Preliminary Plan, 4-02023, including a Type I Tree Conservation Plan, TCPI/19/02, was approved by the Planning Board (Resolution PGCPB No. 02-126) for 266.33 acres of land known as Fairwood, Phase II, Part 1, Phase I, Part 3, and a portion of Part 2, with a total of 292 single-family lots and 25 parcels. On January 6, 2000, a comprehensive signage program for the entire Fairwood project, DSP-99034, was also approved by the Planning Board (Resolution PGCPB No. 99-243).

In addition to the above approvals, another previous approval covers the entire Fairwood site and is still valid, but is not readily applicable to the review of this case because this application is for an infrastructure detailed site plan. The approval is DSP-01046 (an umbrella architecture scheme), which was approved by the Planning Board on December 20, 2001 (Resolution PGCPB No. 01-258). The site has also an approved Stormwater Management Concept Plan # 26551-2003-00.

6. **Design Features:** This limited detailed site plan for infrastructure covers 113.25 acres of the Fairwood project and shows lot lines for 147 single-family lots along internal curvilinear streets ending at ten cul-de-sacs. This detailed site plan also shows grading, stormwater management, tree conservation areas and utilities such as sewer and water. In addition, the detailed site plan has a graphic detail of the proposed lot design standards and a main entrance feature.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan:** Zoning Map Amendment A-9894-C and the accompanying preliminary development plan were approved by the District Council on May 9, 1994, subject to 22 conditions. Except for Condition 18(b), which requires the dedication of 10 acres of land to M-NCPPC for public parkland to be located along the southwestern border of the site in accordance with master plan recommendations for the Collington West Community Park, none of the other conditions is specifically applicable to the review of this infrastructure detailed site plan. See Finding 9 below for a detailed discussion.
8. **Comprehensive Sketch Plan CP-0101:** Comprehensive Sketch Plan CP-0101 was approved by the Planning Board on January 24, 2002, subject to 15 conditions, of which the following conditions are pertinent to the review of this detailed site plan:
  6. **At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to approval of the Department of Public Works and Transportation and acceptance of maintenance responsibility by the Department of Public Works and Transportation.**

**Comment:** This detailed site plan covers a site west of the PEPCO easement that is away from Church Road. The condition is not applicable to this DSP.

- 9. All conditions relevant to Historic Area Work Permit (HAWP) #12-01 imposed by the Historic Preservation Commission shall be carried out prior to the approval of the relevant Detailed Site Plan which includes the frame and brick barn located in Phase II of the Fairwood development.**

**Comment:** The Historic Preservation Commission approved Historic Area Work Permit HAWP #12-01 in July 2001 including the following conditions that are relevant to the subject DSP:

*(2a) HABS quality documentation of the barn should be provided to the Historic Preservation office.*

*(2b) The stone foundation and the footprint of the barn should be retained for interpretive purposes. A portion of the masonry foundation [should] be retained, preferably the long wall and one short wall at approximately 2 feet high. The remaining wall and piers from the stable portion could be represented by brick pavers.*

*(2e) Materials from the barn should be offered to the Parks Department for their use, or the Newel Post.*

According to the review by the Historic Preservation and Public Facilities Section (Ballo to Zhang, December 16, 2003), the above conditions are being carried out by the applicant. The Historic Preservation staff will receive a copy of the HABS quality document of the frame barn before approval of the subject DSP. The footprint of the frame barn and selected parts of the masonry foundation will be retained and have been correctly noted on the submitted site plans. The applicant is making provisions for salvageable materials and has contacted the Department of Parks and Recreation (DPR). If DPR does not receive the materials for their use, they will be given to the Newel Post.

- 10. Prior to approval of all relevant Detailed Site Plan(s), the applicant shall demonstrate that sight lines and viewsheds from the cemetery to the house and from the house to the cemetery will be maintained despite the presence of the Fairview Drive. Street trees and other landscaping materials shall be planted so as not to block this view.**

**Comment:** The applicant submitted sight line drawings from the cemetery to the house during the review of Preliminary Plan 4-02023 that demonstrate conformance with this condition.

- 11. At the time of the appropriate Detailed Site Plan, should it be determined that landscaping or fencing is required to protect the Environmental Setting, the applicant shall provide historically-compatible landscaping or fencing to be approved by HPC or staff through the HAWP process.**

**Comment:** The Historic Preservation Section has not required any landscaping to protect the environmental setting. No landscaping is required for the subject infrastructure detailed site plan to protect the environmental setting. This condition is applicable to future detailed site plans of the lots that are within close proximity of the environmental setting.

- 12. Prior to the approval of all relevant Detailed Site Plan(s), site plans and architectural drawings for those lots identified at Preliminary Plan shall be referred to the Historic Preservation Commission staff for their comments regarding compatibility with Fairview and its setting (in regard to siting, massing, rooflines, materials) for buildings on those lots.**

**Comment:** Seventeen of the 20 lots that were identified at preliminary plan are within the subject application. However, the site plan shows 19 lots that are directly contiguous to the historic site due to the layout revision in order to address the requirements of CB-51-2002, an ordinance concerning General Aviation Airports and Aviation Policy Areas. The applicant indicated that it is still too early to identify the specific architecture for each of the lots and would like to defer the compliance with this condition to prior to building permit. Since this is a limited detailed site plan for infrastructure only, the staff believes that to fulfill the condition prior to issuance of any building permits is a reasonable request and in general compliance with the intent of the condition. A condition of approval has been proposed in the Recommendation section of this report.

- 13. In the context of the approval of the relevant Detailed Site Plan(s), as part of the community use as shown on the conceptual element plan, the roadbed for the farm lane at the curve near the barn shall be retained, including the steep slopes and the vegetation.**

**Comment:** The site plan shows a note indicating that this lane will be removed in its entirety. The applicant's attorney indicated to the staff that the Rouse Company prefers a landscaped area to a desolate and unsightly roadbed in such a close vicinity of the new development. Since any alternative treatment of the subject area other than the required one in the above condition is subject to the approval of the Historic Preservation Commission, the staff has proposed a condition to delete any reference to the removal of the roadbed in the Recommendation section of this report.

- 15. At the time of all appropriate Detailed Site Plans, noise mitigation measures shall be provided for all impacted residential areas to reduce noise impacts to 65 dBA or less in outdoor activity areas.**

**Comment:** The residential areas within the limits of this infrastructure detailed site plan are located outside of the 65 dBA Ldn noise corridor associated with John Hanson Highway (US 50). According to the review by the Environmental Planning Section (Markovich to Zhang, December 8, 2003), a Phase II Noise Study is not required and no mitigation measures are required either.

9. **Preliminary Plan of Subdivision 4-02023:** The Planning Board approved Preliminary Plan of Subdivision 4-02023 on July 11, 2002, subject to 26 conditions; those which are applicable to this DSP review are as follows:

3. **In accordance with Sections 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and/or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission (Parcel D) and shall be subject to the following [standard conditions of dedication]:...**

**Comment:** The dedication of a 10-acre parkland to M-NCPPC was first decided at the time of Zoning Map Amendment A-9894-C approval in accordance with master plan recommendations for the Collington West Community Park. At the time of Preliminary Plan of Subdivision 4-02023, a specific parcel, Parcel D, of 10 acres was plotted along the west boundary line of Phase II of the Fairwood project, between Portia Promise Court and Quanders Promise Court in Block BB.

As the result of the adoption of CB-51-2002, an ordinance concerning General Aviation Airports and Aviation Policy Areas, most of the Fairwood Project east of the PEPCO easement is within the Aviation Policy Areas (APAs) and is subject to the requirements of CB-51-2002 because of the presence of the Freeway Airport south of John Hanson Highway (US 50). The applicant has made many revisions to the previously approved plans in order to meet the APA purposes and requirements. One of the revisions shown in the subject DSP is to plot out Parcel D. The applicant and the Department of Parks and Recreation (DPR) are discussing relocating the park to the east of the PEPCO easement close to the airport. A preliminary agreement about the proposed land swap between the above two parties has been reached per the DPR staff during the Subdivision Committee review meeting for the preliminary plan east of the PEPCO easement.

According to the comments of the Subdivision staff (Chellis to Zhang, December 15, 2003), the revision to the dedication of the 10-acre parkland will not trigger a resubdivision application. The proposed lotting pattern for the lots on the site of Parcel D will be approved through the approval of this DSP. The staff has proposed a condition of approval to address the relocation of Parcel D that has been incorporated into the Recommendation section of this report.

4. **Prior to approval of the final plat(s) of subdivision or the Detailed Site Plan, whichever occurs first, which includes the following street(s) the applicant shall:**  
...  
c. **Show Goodloes Promise Drive as a 60-foot right-of-way between Fairview Vista Drive and the proposed park access point near Seatons Promise Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.**

**Comment:** The DSP shows the conformance with the width requirement. As the condition

indicates, this requirement will be subject to the final approval of DPW&T at time of the permit.

- 9. At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway should be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the county Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.**

**Comment:** See Finding 8 above.

- 10. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #11337-2002-00 as revised and approved from time to time.**

**Comment:** The DSP complies with the Stormwater Management Concept Approval #26551-2003-00, which is a revision to #11337-2002-00.

- 11. Prior to signature approval, the preliminary plan shall be revised:**

- a. To generally locate the 22-foot wide vehicular ingress and egress easement, across Parcel B, Block BB, to the 9.90-acre parcel containing the Fairview house, Fairview Historic Site #71A-13. A note shall be added to the preliminary plan that the applicant, his heirs, successors and/or assignees shall construct a curb cut at the driveway apron to DPW&T standards at the time of road construction of Fairview Vista Drive and/or My Mollies Pride. The said easement shall be located on the record plat which includes Parcel B.**
- c. To provide a note that entrance features will be specifically located at the time of Detailed Site Plan.**

- f. To provide a note that access easements to stormwater management facilities features shall be located on the Detailed Site Plan.**

**Comment:** The DSP shows the above easement without a correct description of the easement to the Fairview house site. A condition of approval has been proposed in the Recommendation section of this report.

A main entrance feature has been identified at the intersection of Fairview Vista Drive and Goodloes Promise Drive. The signage has been reviewed for compliance with the requirements of DSP-99034. See Finding 11.

The DSP shows the easements graphically without any descriptions. A condition of approval has been proposed in the Recommendation section of this report.

23. **As part of the Detailed Site Plan application a Phase II Noise Study shall be submitted to address noise from US 50. The Phase II Noise Study may contain supporting documentation to revise the location of the 65 dBA contour and shall contain mitigation measures to reduce noise levels to below 45 dBA Ldn for interior noise and 65 dBA Ldn for exterior noise on residential lots.**

**Comment:** Compliance with this condition is addressed in Finding 8.

25. **Prior to the submittal of the Detailed Site Plan for Phase II, Part One of Fairwood the applicant shall examine alternative alignments for the sewer outfalls and provide documentation to the Environmental Planning Section that the PMA impacts identified as Impacts 2, 5, and 8 have been minimized.**

**Comment:** According to a review by the Environmental Planning Section (Markovich to Zhang, February 3, 2004), the proposed PMA impacts identified by this condition were evaluated during the review of DSP-03015. No further information is required with respect to the proposed PMA impacts associated with this application.

10. **Final Development Plan FDP-0201:** Final Development Plan FDP-0201 was approved by the Planning Board on June 27, 2002, subject to seven conditions. The following conditions are pertinent to the review of this DSP.

2. **At the time of submittal of any Detailed Site Plan that impacts the historic site the applicant shall identify the lots that are directly contiguous to the Fairview Parcel of the Community Use areas surrounding the Fairview parcel which may impact the sight lines from Fairview.**

**Comment:** The applicant submitted sight line drawings from the cemetery to the house during the review of Preliminary Plan 4-02023 and identified 20 lots that are directly contiguous to the Fairwood parcel of the Community Use areas surrounding the Fairview parcel. As the result of lot line adjustment as shown in the subject DSP, 19 lots within the boundary of this DSP are identified by the Historic Preservation staff to require special treatments. Special architectural requirements regarding the design, color and materials have been established in order for the development on the contiguous lots to be harmonious with the building on the historic site. A condition of approval has been proposed in the Recommendation section of this report.

4. **Access to the "other residential" area which is Area B within Phase II, Part 1 of the FDP and Parcels F, G, and H on the preliminary plan shall be accomplished through joint-use easements or roadways rather than by means of separate driveways within a short distance. Access to this area shall be reviewed further at the time of Detailed Site Plan.**

**Comment:** The subject DSP covers only a portion of Phase II, Part I, of the FDP. Accesses to all the residential areas are provided through Fairview Vista Drive. The accesses to all the residential

areas shown on the DSP are acceptable. Parcels F, G and H on the preliminary plan are not included in this DSP.

7. **At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the County Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.**

**Comment:** See Finding 8.

11. **Detailed Site Plan DSP-99034:** On January 6, 2000, a comprehensive signage program for the entire Fairwood Project was approved by the Planning Board. DSP-99034 established the development standards for various signage in Fairwood. This DSP includes a main entrance feature located at the intersection of Fairview Vista Drive and Goodloes Promise Drive. The proposed entrance feature has been reviewed for compliance with the requirements of DSP-99034 and complies with the approved sign standards.
12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there is a previously approved Type I Tree Conservation Plan TCPI/19/02.
  - a. The detailed forest stand delineation (FSD) was submitted and approved during the review of the Preliminary Plan of Subdivision, 4-02023. No further information is required with this DSP application.
  - b. The Type II Tree Conservation Plan, TCPII/185/03, submitted with this application has been reviewed and was found to require significant revisions. A review by the Environmental Planning Section of the revised plans indicates that the TCPII is in general conformance with the requirements of the Woodland Conservation Ordinance.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. In a memorandum dated December 22, 2003, the Community Planning Division noted that there are no master plan or general plan issues related to this detailed site plan application.
  - b. In a memorandum dated December 15, 2003, the Subdivision Section staff indicated that the detailed site plan is subject to the conditions of approval of Preliminary Plan 4-02023. The staff listed each condition applicable to this DSP review. See Finding 9 for a detailed discussion.



- c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated December 15, 2003, the staff noted that the site plan is consistent with the approved stormwater management concept.
- d. The Transportation Planning Section in a memorandum dated January 28, 2004, provided a detailed discussion on the applicable conditions attached to the previously approved Comprehensive Sketch Plan, CP-0101, Preliminary Plan of Subdivision 4-02023, and Final Development Plan FDP-0201. The staff concluded that:

“Previous plans for the Fairwood property included a condition which required the applicant to reconstruct, as a sole source contractor, the portion of MD 450 from MD 193 to Bell Station Road. This contribution, valued at \$5.5 million in 1997 dollars, was determined in previous reviews to constitute Fairwood’s entire responsibility to contribute toward road improvements to MD 450. The agreements required by this condition were fully executed prior to the approval of CP-0101, 4-02023, and FDP-0201. Therefore, this condition was not attached to those resolutions. By such execution, the subject property has a contract with the State Highway Administration to make or fund roadway improvements in the area pursuant to a finding of adequate public facilities made in 1997 for 4-97024 and FDP-9701. This finding was supported by a traffic study submitted in 1997 and was upheld by findings made for 4-02023 and FDP-0201. Insofar as the basis for that finding is still valid, and in consideration of the materials discussed earlier in this memorandum, the transportation staff can make a finding that the subject property is in general conformance with the approved final development plan, and with other previously approved plans.”

In a separate memorandum from the Transportation Planning Section dated January 28, 2004, on detailed site plan review for master plan trail compliance, the Trails Planner found that the subject application is consistent with prior approvals and recommended one additional trail connection in addition to those already being proposed. This proposed trail addition would utilize the planned paved stormwater management access road from Quanders Promise Lane and connect to the proposed trail on Parcel G. This connection will link the cul-de-sacs in the southwestern portion of the subject application more directly with the trail network and maintain some of the east-west connectivity intended by the master plan trail. A condition of approval to request the addition has been proposed in the Recommendation section of this report.

- e. The Environmental Planning Section in a memorandum dated February 3, 2004, indicated that the plans as submitted have been found to address the environmental constraints for the site. The staff recommended approval of this application subject to several conditions that have been incorporated into the Recommendation section of this report..
- f. The Historic Preservation and Public Facilities Planning Section in a memorandum dated January 20, 2004, provided an extensive and detailed discussion on this application because Historic Site 71A-013 is surrounded on three sides by the proposed single-family

lots. The staff concluded with three recommendations that have been incorporated into the Recommendation section of this staff report. Regarding the Planning Board's directive that the question of potential slave quarters and slave graves be considered in the review of development applications, the Historic Preservation staff added supplemental language for this case and proposed an additional condition as Condition 5.

- g. The Office of Soil Conservation, Prince George's County, in a memorandum dated November 26, 2003, indicated that there is a currently approved grading and sediment control plan for this property, SC#351-03.
  - h. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
  - i. The Department of Parks and Recreation, in a memorandum dated February 2, 2004, provided a detailed background discussion on the relocation of Parcel D of the Preliminary Plan of Subdivision, 4-02033. The staff proposed two conditions of approval that have been incorporated into the Recommendation section of this report.
  - j. The City of Bowie in a memorandum dated January 28, 2004, asked questions about stormwater management and tree conservation plans. The questions have been resolved during the review.
14. This limited detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/185/03) and further APPROVED Detailed Site Plan DSP-03068 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Delete the note "Existing driveway to be removed" on the site plan at the curve near the existing barn.
  - b. Provide notes regarding the total development cap including the subject detailed site plan for Phase II established by CP-0101.
  - c. Provide a note that the applicant, his heirs, successors and/or assignees shall construct a curb cut at the driveway apron to DPW&T standards at the time of road construction of Fairview Vista Drive and/or My Mollies Pride. A descriptive phrase of "22-foot wide vehicular ingress and egress easement to the Fairview House" shall also be added to the

easement graphic on the site plan.

- d. Show all easements to the stormwater management facilities graphically with proper descriptions.
  - e. Provide an additional trail to connect the planned paved stormwater management access road from Quanders Promise Lane to the proposed trail on Parcel G.
2. Prior to final plat for any portion of the property covered in DSP-03068, an original, special warranty deed for the 20-acre parkland to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to replace Parcel D as approved in Preliminary Plan of Subdivision 4-02023 as parkland shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC.
3. Land to be conveyed to M-NCPPC shall be subject to Conditions 1 through 9 of Exhibit A attached to the memorandum (Asan to Zhang, February 2, 2004).
4. Prior to issuance of any building permit for the lots noted below, the applicant shall submit a revision to the subject detailed site plan (including architecture and masonry samples) for Lots 1, 2, 3, 9, 10, 95, 96, 97, 98, 99, 100, 107, 108, 109, 143, 144, 145, 146 and 147 to the Urban Design Section and the Historic Preservation and Public Facilities Section, as the designee of the Planning Board, for review and approval. Architectural models and materials shall be in conformance with those previously approved on Lots 1, 5 and 66, Block AA, in DSP-03015. The detailed site plan shall address the compatibility with Fairview and its setting (in regard to siting, massing, rooflines, materials) for buildings on those lots. The buildings on the lots shall also observe the followings:
  - a. No more than two exterior sheathing materials on a single dwelling.
  - b. A single masonry material per dwelling for dwellings that employ masonry features.
  - c. All chimneys of masonry construction regardless of their location on the dwelling.
  - d. Brick colors limited to a traditional "red brick" palette. Non-traditional colors such as beige, white, pink, yellow or brown shall not be used.
  - e. Ashlar coursing of rectilinear blocks rather than rubble stone effects for natural or cultured stone exterior finishes to simulate traditional structural masonry.
5. Prior to the issuance of grading permits for the portion of Fairwood covered by this DSP, the applicant shall determine the extent of the land area covered by this DSP which should be the 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, grading and building permits may be issued for any portion of the property excluded from the scope of the Phase I investigation. No grading permits shall be issued for the area subject to the Phase I

investigation until after satisfactory completion of the following:

- a. The Phase I investigation is completed and a determination is made by staff of M-NCPPC that no further investigation is needed.
- b. If it is determined that archeological resources exist in the project area, the applicant shall provide a plan for (1) avoiding and preserving the resource in place, or (2) devising a plan to mitigate the disturbance of the resource by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff concurrence with the investigations and/or report must 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 12, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19<sup>th</sup> day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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