



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

## DETAILED SITE PLAN

## DSP-03035

Application	General Data
<b>Project Name:</b> East Marlton, Sections 19 and 20  <b>Location:</b> One-half mile southeast of intersection of Croom Road and Mt. Calvert Road.  <b>Applicant/Address:</b> Lake Marlton Ltd. Partnership 24012 Frederick Road Clarksburg, MD 20871-9718	Date Accepted: 09/26/2003
	Planning Board Action Limit: N/A
	Plan Acreage: 98.85
	Zone: RPC, R80, RR
	Dwelling Units: 100
	Square Footage: NA
	Planning Area: 82A
	Tier: Developing
	Council District: 9
	Municipality: NA
	200-Scale Base Map: 212SE12

Purpose of Application	Notice Dates
Detailed Site Plan review for 100 single-family detached residential lots, on remand from the District Council per notice of final decision dated September 22, 2004.	Parties of Record 4/11/05
	Sign(s) Posted on Site: 3/21/05

Staff Recommendation		Staff Reviewer: Lareuse	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

April 13, 2005

**MEMORANDUM**

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Susan Lareuse, Planner Coordinator

SUBJECT: Detailed Site Plan for Infrastructure Only, DSP-03035  
Tree Conservation Plan, TCPII/143/03  
East Marlton, Section 19 and 20  
Response to Order of Remand from the District Council

The Planning Board approved a Detailed Site Plan for East Marlton, Section 19 and 20, on January 8, 2004 (PGCPB No. 03-277). The District Council reviewed the Detailed Site Plan DSP-03035 for East Marlton on February 23, 2004, and remanded the case to the Planning Board. The Planning Board re-approved the case on April 15, 2004. On September 13, 2004, the District Council remanded the case a second time back to the Planning Board.

The Order of Remand dated September 13, 2004 is quoted below and responses are provided.

**REMANDED to the Planning Board at the request of the applicant and other parties to the case, to allow the applicant to revise the site plan to comply with conditions agreed to by the applicant and area residents.**

The applicant submitted revised plans for review by the staff and Planning Board on February 23, 2005, along with the companion case DSP-03033. As of the writing of this report, a draft written agreement between the parties has been submitted to the Planning Department. In addition, on April 11, 2005, staff met with the applicant and a representative of the citizens association and the following sections of the agreement were discussed:

**Sections 19 and 20 (DSP-03035)**

- 3.1 Developer shall submit lots 31-37 on Cliff Rock Road adjacent to the Windy Oaks subdivision to M-NCPPC for approval with each lot containing a minimum of 40,000 square feet.

*Comment:* This has been shown on the revised detailed site plan.

- 3.2 Developer shall submit lots 38-41 fronting on Cliff Rock Road and abutting Croom Road at the rear property line to M-NCPPC for approval with each lot containing a minimum

of 40,000 square feet each. The maximum number of lots abutting to Croom Road shall be four.

*Comment:* This has been shown on the revised detailed site plan.

- 3.3 A minimum buffer of 100 feet shall be maintained along Croom Road. Developer shall attempt to increase the buffer where it will not impact usable rear yard space for the lots abutting to Croom Road. Usable rear yard space shall mean 40 feet of open area behind the rear of a home. An easement shall be recorded in the land records of Prince George's County preserving said buffer area.

*Comment:* Preliminary Plan 4-90093 (Section 19) in PGCPB Resolution No. 90-442 included the following condition of approval:

- “5. All lots along Croom Road shall have a minimum 50-foot and a maximum 100-foot nondisturbance buffer along this right-of-way. A 100-foot buffer shall be maintained on the majority of lots. This buffer may be disturbed for any necessary replanting required by the Type I Tree Conservation Plan.”

The delineation of this nondisturbance buffer is shown on the approved Preliminary Plan 4-93078 and TCPI/48/93, but the protection mechanism was not specified. Croom Road (MD 381) is a designated Maryland Byway and a county-designated historic road. The agreement reached between FOC and the applicant requires a higher standard than previously approved. Current policies recommend that scenic easements delineated adjacent to a historic roadway be protected through delineation on the final plat and appropriate notes.

Recommended Condition for DSP-03035: Prior to certificate approval of the Detailed Site Plan, a minimum nondisturbance buffer of 100 feet shall be delineated along Croom Road. The developer shall attempt to increase the buffer where it will not impact usable rear yard space for the lots abutting Croom Road. Usable rear yard space shall mean 40 feet of open area behind the rear of a home.

Recommended Condition for DSP-03035: At time of final plat, a scenic easement as delineated on the detailed site plan shall be established behind the public utility easement adjacent to Croom Road and a note shall be placed on the final plat as follows:

“Croom Road (MD 381) is a county-designated Historic Road and a state-designated Scenic Byway. 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.”

- 3.4 The developer agrees to delete the following lots from the current site plan submission in Sections 19 and 20.
- a. Section 19—Delete lots 16-19, 24, and 25 (Note: Lots 19 and 25 may be recovered if re-sited to the satisfaction of the FOC).
  - b. Section 20—Delete lots 4 and 5.

*Comment:* A condition has been added to the plans reflecting the above agreement; however, the condition has been modified to include staff's review of re-sited units on Lots 19 and 25.

### **Additional Findings**

1. An archeological assessment was completed for the subject property in 2004 (*Assessment of Archaeological Potential for the Lake Marlton Project Croome, Prince Georges County, Maryland*, Edward Otter and Cynthia Pfanstiehl, 2004). No fieldwork was completed for this assessment. That report recommended a Phase I archeological survey to include pedestrian walkover reconnaissance and subsurface excavations to search for historic or prehistoric archeological sites.
2. The following discussion is taken from the Historic Preservation Section referral dated March 22, 2004, Pearl to Lareuse:

The subject property comprises approximately 401 acres in the Croom area, on the west side of Croom Road (MD 382). This property was part of the plantation known as *Croome*, which was, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, the home place of the Claggett family. None of this property is subject to the Prince George's County Historic Preservation Ordinance (i.e., it is not listed in the Inventory of Historic Resources in the *Historic Sites and Districts Plan*).

The Croome plantation was the home place of Thomas John Claggett (1743-1816) who, as Anglican rector, served St. Paul's Parish from 1780 until his death in 1816. (At that time, St. Paul's Parish included the mission chapel, now known as St. Thomas' Church at Croom.) Thomas John Claggett was one of the most prominent and important personages of his period in Prince George's County and surrounding areas, particularly in guiding the American Episcopal Church through its transition after the American Revolution. Claggett was born in October 1743 in Prince George's County, son of the Reverend Samuel Claggett, who had served parishes in Calvert and Charles Counties. With his father's death in 1756, the younger Claggett inherited the 500-acre plantation, Croome, from which the small village around the mission chapel took its name. After the end of the American Revolution, and the subsequent formation of the Protestant Episcopal Church of the United States in 1789, Claggett remained rector of St. Paul's Parish, serving both the parish church in Baden and the mission chapel in Croom, residing at his *Croome* plantation. In May 1792, the Council of the Protestant Episcopal Church elected Thomas John Claggett as Bishop, and in September of that year he was consecrated at Trinity Church in New York City as the first Bishop of Maryland. He was the first American Episcopal Bishop to be consecrated in the United States; all previous bishops had been consecrated in the British Isles. In 1800 he was appointed chaplain of the U. S. Senate at its first session in the District of Columbia.

After his death in August 1816, Bishop Claggett was interred in a small family cemetery at his *Croome* plantation. Also buried in this cemetery were his wife, Mary Gantt Claggett, and at least two of his daughters, Elizabeth Claggett Young (1787-1864) and Mary Claggett Eversfield (1776-1810), and his son, Samuel Claggett (1783-1824). It is likely that other members of his family were also buried in this family cemetery, and it is also likely that members of the plantation's slave population were buried near the family cemetery. Before her death in 1864, Elizabeth Young, the Bishop's youngest daughter, had the burial ground surrounded by a handsome brick wall, most of which is now demolished. In 1898, the remains of Bishop Claggett and his wife were removed and reinterred at the National Cathedral (then under construction) in Washington, D.C., but the burials and gravestones of the other members of the family remained in place.

In the early 1960s, the cemetery was described as in good condition, with the three-foot-high brick wall intact, marking the boundaries of the cemetery at approximately 50 feet square. Descriptions and photographs taken at that time indicate that, about three or four feet outside the brick wall, an ornamental Victorian fence further defined the family cemetery. By the 1970s, however, the cemetery had been severely vandalized—the brick wall had been reduced to rubble, the fence was largely destroyed, and the remaining tombstones removed or broken.<sup>1</sup> In 1985, the congregation of St. Thomas' Episcopal Church in Croom began proceedings to move the remaining Claggett family burials to the church graveyard, but the project was never carried out.

Records from descendants of the Claggett family indicate that the family cemetery was located very close to the plantation house of Bishop Claggett, “in the rear of the house, not far from the back door....”<sup>2</sup> This house, which was of wood frame construction dating from the 18th century, was destroyed by fire in December 1856. Remains of the house foundation have been observed close to the cemetery.

The developing property is part of the 18th century plantation known as Croome. The plantation house of the Claggett family is known to have been located very close to the family cemetery. The site of the Claggett plantation house has been located, through preliminary investigation of archeological site 18PR398; however, there has been only a Phase IA report on this investigation. The locations of slaves quarters, domestic and agricultural outbuildings, and possible additional burials have not been determined.

3. The Planning Board has recently issued a directive that the possible existence of slave dwellings, slave graves, or Native American presence must be considered in the review of development applications and that potential means for preservation of these resources should be considered.
4. Because the subject property includes land that was once part of the large antebellum plantation known as Croome, Phase I archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials, as well as evidence of prehistoric Native American presence.
5. The Environmental Planning Section has reviewed the information provided in response to the remand of the subject case. At this time the Detailed Site Plan and TCPII under review do not specifically address all of the issues raised by the remand or the previous approval conditions; however, sufficient information has been provided to allow for a response to the remand orders. The purpose of this memo is to provide proposed conditions of approval to address the remand of this case.

The District Council elected to review the detailed site plan again on September 13, 2004, and again remanded the case to the Planning Board on September 22, 2004.

### **Response to Remand**

This case was remanded to the Planning Board for the following purposes:

- a. To allow the applicant to revise the site plan to comply with conditions agreed to by the applicant and area residents; and

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1 The tombstone inscriptions had been recorded by the Daughters of the American Revolution in the 1950s.

2 Unpublished memoirs of Thomas John Chew Williams, Baltimore, MD, 1924, p. 5.

- b. To fulfill the purposes of the Zoning Ordinance.

It is our understanding that the main environmental issues involved in these cases (DSP-03033 and DSP-03035) revolve around the placement of the intersection of Heathermore Boulevard and East Marlton Avenue and the overall desire to reduce the proposed impacts to the sensitive environmental features on the site. The plans as submitted will result in reduced impacts to the Patuxent River primary management area.

#### RECOMMENDATION:

Based on the foregoing evaluation and analyses of the remand order, the Urban Design staff recommends that the Planning Board adopt the previous findings of DSP-03035 as expressed in PGCPB No. 03-277(c)(A) and the additional findings above, and REAPPROVE DSP-03035 and TCPII/143/03 with the previous conditions of DSP-03035 as expressed in PGCPB No. 03-277(c)(A) and the following additional conditions:

1. Prior to certificate approval of the detailed site plan, a minimum nondisturbance buffer of 100-feet shall be delineated along Croom Road. The developer shall attempt to increase the buffer where it will not impact usable rear yard space for the lots abutting Croom Road. Usable rear yard space shall mean 40 feet of open area behind the rear of a home.
2. At time of final plat, a scenic easement as delineated on the detailed site plan shall be established behind the public utility easement adjacent to Croom Road and a note shall be placed on the final plat as follows:

“Croom Road (MD 381) is a county-designated Historic Road and a state-designated Scenic Byway. 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.”
3. Prior to the issuance of any grading permits, a Phase IB (Identification) archeological investigation shall be completed and evidence of M-NCPPC staff concurrence with the investigations and/or report shall be provided.
  - a. If it is determined that archeological resources exist in the project area, the applicant shall provide a plan for:
    - i. Evaluating the resource at the Phase II level, and, if necessary,
    - ii. Conducting Phase III investigations by avoiding and preserving the resource in place or mitigating through Phase III recovery.
  - b. The investigation should follow the standards and guidelines in the Maryland Historical Trust’s *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994). Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The report should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the *American Antiquity* or *Society for Historical Archaeology* style guide, and cite

whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.

4. Prior to signature approval of the plans, the following lots shall be deleted, as stated below:
  - a. Section 19—Delete lots 16-19, 24, and 25 (Note: Lots 19 and 25 may be recovered if resited to the satisfaction of the FOC and the Development Review Division).
  - b. Section 20—Delete Lots 4 and 5.