

DATE: February 15, 2012

TO: Historic Preservation Commission

FROM: Howard Berger, Supervisor
Jennifer Stabler, Archeology Planner Coordinator
Historic Preservation Section

RE: **Preliminary Plan 4-11028, Salubria Center**
(includes Salubria Historic Site #80-002)

Background

The subject property comprises 43.79 acres east of Oxon Hill Road and west of Indian Head Highway in Oxon Hill, Maryland. The subject property is zoned M-X-T, with a proposed mixed use of retail, office and hospitality. Preliminary Plan 4-11028 proposes a subdivision of the subject property into eight parcels to accommodate a development of approximately 460,000 square feet (see Attachment 1) of retail and hotel uses. Oxon Hill Manor, identified in the Prince George's County *Inventory of Historic Resources* as #80-001, is located to the west of and adjacent to the subject property.

The subject property contains Salubria, identified in the Prince George's County *Inventory of Historic Resources* as #80-002. The property was designated as a Prince George's County Historic Site on July 17, 1981. Salubria was built circa 1830 by Dr. John H. Bayne, a prominent physician, agriculturalist, and the first superintendent of the county's public schools. Salubria was home to five generations of the Bayne family until its sale in 1984.

The main house at Salubria was a 2½-story frame dwelling with kitchen wing and doctor's office. The main house was severely damaged by fire in the 1980s and 1990s. The immediate grounds of the main house included a number of outbuildings: a freestanding kitchen, a well house, a milk house/dairy, and a building identified through local tradition as a guest house/slave quarter. Of these, the milk house/dairy is believed to date to at least the middle of the nineteenth century. The other outbuildings present when the property was designated as a historic site, specifically the kitchen, the well house, and a large portion of the guest house/slave quarter, are believed to be the result of an early- to mid-twentieth century building program. An examination of a 1937 aerial photograph of the property indicates that the building, known as the kitchen, does not appear to have been constructed as of that date. The demolition of the guest house/slave quarter in 2003 revealed selected elements that appeared to be nineteenth century building materials; the majority of this building was of twentieth century construction techniques and materials. The southern portion of the building, within which the older building material was found, stood on a rubble stone foundation that remains in place. The actual age and historic use of the guest house/slave quarter is not known at this time.

The parcel on which Salubria is located was zoned M-X-T in 1994. The M-X-T zone provides for a variety of residential, commercial, and employment-related uses and mandates at least two out of the following three use categories: 1) retail; 2) office; 3) residential. The property is subject to a number of

zoning conditions and the applicant has recently sought relief from two conditions that affect the character of the development of the Salubria property. A discussion of how those conditions affect the property is addressed herein.

The historic site's environmental setting of 2.7 acres was established in 1995 through the Historic Preservation Commission's review of a development proposal. Through different corporate entities, the current owner has held the property since 1999.

In September 2003 the HPC received a Historic Area Work Permit (HAWP) application for the Salubria property (#13-03). This application involved the proposed demolition of all but one of the substantially deteriorated structures within the historic site's environmental setting including: (1) the main house; (2) the adjacent kitchen to the northeast; (3) the well house; and (4) the one-and-one-half-story frame house known as the guest house/slave quarter. At that time, the current applicant pledged to retain and safeguard the milk house/dairy and the foundation of the guest house/slave quarter which were also to remain, until a plan for their relocation and/or reconstruction would be developed.

Findings

Historic Preservation

1. On June 8, 2010 the Prince George's County District Council approved the Prince George's County *Historic Sites and Districts Plan* with amendments per CR-51-2010 (Draft 2). The following language relevant to the Salubria Historic Site was inserted into the plan by the District Council (page 144):

Preservation in place that incorporates into any construction any significant features – identified through required studies – is allowed if the significant site features with appropriate interpretive elements are not relocated to a more publicly accessible site.

2. Through the submission of HAWP #14-11 on April 19, 2011, the applicant requested to: (1) receive approval to conduct Phase II archeological investigations within the 2.7-acre Environmental Setting of the Salubria Historic Site (#80-002; (2) remove any remaining structures and foundations within the Environmental Setting, and (3) delete Salubria from the Prince George's County *Historic Sites and Districts Plan*. As submitted, the subject application also included a "mitigation proposal" to address the proposed removal of above- and below-ground features within the Environmental Setting and the elimination of the setting itself .
3. As submitted, HAWP #14-11 included a request to eliminate the Salubria Historic Site Environmental Setting. At a meeting with the applicant on April 29, 2011, the applicant was advised that this element of their application was outside the purview of the HAWP process and that an additional application process would be required. On April 29, 2011, the applicant submitted an *Application for a Change of Environmental Setting* that included a description of the property, a summary of HPC actions affecting the property to date, a statement of current conditions, and a mitigation proposal.
4. All of the environmental setting's above-ground features including the main house, kitchen, well house, guest house/slave quarter were the subject of limited investigation prior to their careful removal. Above-ground features still remaining include only the milk house/dairy, which is in ruinous condition, and what is believed to be the older portion of the foundation of the guest

house/slave quarter.

5. At the public hearing on May 17, 2011, the HPC received presentations from staff, from the applicant's representatives, and testimony from the public. At the hearing, Historic Preservation Section staff described the details of the application and recommended to the HPC that the approval of the applicant's proposed removal of below- and above-ground features, as well as the potential elimination of the Salubria Historic Site Environmental Setting (Finding 7, items 2 and 3 above) were inappropriate prior to the HPC approval of and the applicant's completion of the proposed Phase II archeology investigations, as described in "Work Plan, Phase II Archeological Evaluation of Site 18PR692, Prince George's County, Maryland," prepared by Kimberly A. Snyder, RPA, Thunderbird Archeology, April 8, 2011. The applicant's presentation outlined the rationale for the multi-part HAWP application and highlighted a footnote in the June 2010 *Approved Historic Sites and Districts Plan* that addresses the subject property as the basis for the formulation of the application before the HPC.

At its May 17, 2011 meeting, the HPC voted to approve only the Phase II archeological investigations as outlined in HAWP #14-11 with one condition: "The applicant shall contact Historic Preservation staff 48 hours prior to the commencement of Phase II field investigations so that staff has the opportunity to observe all stages of the work." The remaining two elements of the application were not approved.

6. On September 13, 2011 the applicant submitted an assessment of the condition of the milk house/dairy building at Salubria by preservation consultant Daniel Filippelli (dated August 27, 2011). Mr. Filippelli's assessment concluded that:

The milk house at Salubria exhibits rot throughout and the building is in varying stages of collapse. Little original material remains for restoration for either the original building design or for any of its framing members due to the extensive rot throughout the building and its individual framing members. Restoration would require complete dismantling, reconstructing/replacing all framing members and rebuilding the foundation upon which it rests. The result would therefore be a reproduction of the original building. The building is unstable and should be removed....

7. At a public meeting held on January 4, 2012, the Prince George's County Historic Preservation Commission (HPC) reviewed two items affecting the Salubria Historic Site (#80-002). These items included (1) an Application for a Change to an Environmental Setting and (2) an associated conceptual site plan application, CSP-11006, Salubria Center, for the redevelopment of the historic site, and additional property, as an outlet mall.

At the public hearing, the HPC received a presentation from staff, a presentation from the applicant, and comments from the public. The HPC voted 6-0 in favor of a motion to eliminate the environmental setting and the historic site designation according to the language provided below. As part of its six-hour hearing with substantial public testimony and discussion, the Historic Preservation Commission was only able to review limited information about the associated conceptual site plan application. Because the HPC did not receive a full staff presentation, testimony from the applicant or comments from the public on the application, it was unable to make recommendations to the Planning Board on the conceptual site plan application.

The HPC concluded that in its current state, the Salubria historic site and its 2.7-acre environmental setting could no longer be found to meet the historic site designation criteria of

Subtitle 29-104. The HPC also concluded that in this case, the value of archeological investigation is enhanced in the face of the complete elimination of the physical evidence of habitation. After the consideration of the application, the staff presentation, the applicant's testimony, and public testimony, the Historic Preservation Commission voted 6-0 in favor of a motion (summarized here) to eliminate the environmental setting and the historic site designation of Salubria (#80-002) with conditions: (1) requiring Phase III archeological investigation before the ultimate destruction of the site, and (2) that the applicant continue to consult with individuals and community organizations interested in commemorating the history of the property, prior to the removal of the property from the *Inventory of Historic Resources* associated with the *Approved Historic Sites and Districts Plan*.

8. Preliminary plan application 4-11028 proposes a layout of eight parcels designed to accommodate a mixed-use development of retail, dining, office and hospitality uses of approximately 460,000 square feet along with supporting infrastructure, including parking, grading, utilities, and landscaping on 43.79 acres (see Attachment 1). The applicant's submitted plan is based on the elimination of the Salubria historic site's current 2.7-acre environmental setting with the completion of Phase III archeological investigations as approved by the HPC through its actions on the applicant's proposal to eliminate the historic site designation and the associated environmental setting.
9. The applicant's plan is also based on the revision or removal of two zoning conditions for the subject property approved by the District Council in 1994 (A-9882-C). One of those conditions, Condition 3, directly affects the property that includes the Salubria Historic Site. Condition 3 requires a 100-foot landscape buffer along Oxon Hill Road within the developing property; the presence of this buffer directly affects the views to and from the Oxon Hill Manor Historic Site (#80-001).

Through an appeal to the Zoning Hearing Examiner held on December 7, 2011, the applicant has petitioned to reduce the required 100-foot landscape buffer along the property frontage on the east side of Oxon Hill Road to 20 feet and to remove substantial amounts of existing woodland in the vicinity of the Oxon Hill Manor frontage. Approval of this petition would render development on the subject property substantially more visible from this important historic site.
10. The southern portion of the subject property is substantially wooded and this is an appropriate location to retain woodland and provide for a transition from the vicinity of the Beltway, the entrance to National Harbor, and the vicinity of Oxon Hill Manor and the residential neighborhoods to the south. Planned road improvements to Oxon Hill Road and the development of the subject property will render that development substantially more visible from the Oxon Hill Manor Historic Site (#80-001).
11. In a memorandum dated November 14, 2011, Historic Preservation Section staff recommended that the requirement to provide a 100-foot landscaped buffer on the eastern edge of Oxon Hill Road and the southern edge of the developing property (as approved through A-9882-C) be retained in order to preserve the wooded character of this important gateway to National Harbor, Oxon Hill Manor Historic Site, and the residential communities to the south on Oxon Hill Road for the reasons articulated by the District Council in 1985 and in 1994. However, the Planning Department's recommendations to the Zoning Hearing Examiner have suggested that the District Council could revise the 100-foot buffer requirement along Oxon Hill Road as follows:

Where existing woodland is located along Oxon Hill Road, a minimum 50-foot wide woodland preservation area shall be retained as a buffer to preserve the rural character of, and compatibility with, the adjacent Oxon Hill Manor historic site. If, at the time of Detailed Site Plan, it is determined that the existing woodland cannot be utilized, the applicant shall establish a minimum 35-foot wide buffer to be planted with four shade trees, twelve evergreen trees and twenty shrubs per 100 linear feet of property line adjacent to the street.

12. Action on the applicant's request to modify the 100-foot landscape buffer requirement has not been taken by the District Council.
13. A public hearing on Conceptual Site Plan CSP-11006, Salubria Center, was held by the Prince George's County Planning Board on January 12, 2012. The Planning Board adopted a number of conditions regarding the disposition of the Salubria historic site, including a condition that reflected the HPC's decision on the matter of the proposed elimination of the Salubria historic site and its environmental setting. This condition was agreed to again by the applicant at the Planning Board hearing.

Archeology

14. A Phase I archeological investigation conducted by R. Christopher Goodwin and Associates, was completed within the current 2.7-acre environmental setting of Salubria in October 2003 through HAWP #16-03. The final report, *Cultural Resources Investigations for the Environmental Setting at Salubria (Site 18PR692), 6900 Oxon Hill Road, Oxon Hill, Prince George's County, Maryland* (Fehr et al., R. Christopher Goodwin & Associates, Inc.) was completed on June 8, 2004. Staff received the report on June 22, 2004.
15. Phase I archeological investigations were conducted on the Rivercrest Center property (45.89 acres comprising part of Parcel A & Parcel 18) in January 2006 by Thunderbird Archeology. The Phase I survey on this portion of the subject property outside of the Salubria environmental setting resulted in the expansion of the site boundary of 18PR692 and the identification of two new archeological sites, 18PR808 and 18PR809. Site 18PR808 measured 15 by 15 meters and is interpreted as a late-eighteenth- or early-nineteenth-century domestic site. Due to the low artifact yield and the degree of disturbance around the site from the construction of roads and a sewer line, no further work was recommended.

Site 18PR809 was identified in the southeastern part of the property on several terraces next to Carey Branch. This site measures 167 by 84 meters and contained prehistoric and historic artifacts. Several of the shovel test pits reached deep, buried plow zones containing both historic and prehistoric artifacts. This site was interpreted as a Late Woodland (AD 800-1600) camp or village associated with the occupation identified at site 18PR692 upslope. The site was not believed to retain sufficient integrity and no further work was recommended by the applicant's consultant.
16. Historic Preservation staff concurred with the Phase I report's findings and conclusions that no further work was necessary on the expanded area of site 18PR692 outside of the Salubria environmental setting and 18PR808. However, staff did not concur with report's recommendation that no further work was necessary on site 18PR809. Staff recommended that Phase II

- investigations be conducted on site 18PR809.
17. Phase II investigations were conducted on sites 18PR692 and 18PR809 in August 2011 by Thunderbird Archeology. Investigations at site 18PR692 were carried out under HAWP #14-11; 18PR809 was outside of the historic site's environmental setting and did not require HAWP approval. The Phase II archeological investigations of site 18PR692 revealed extensive modern disturbance around the twentieth century kitchen that was demolished in 2003 and around the tenant house to the east of the dairy. No intact cultural deposits were noted in these areas. However, several areas of the site did retain stratigraphic integrity. Part of the farm's domestic yard space contained intact cultural deposits near the well and dairy and to the north near a former garage building. Seven cultural features were also identified and three of those represented intact features associated with the nineteenth century occupation of Salubria. These included a terra cotta pipe extending from the well to the dairy, part of the brick foundation of the main house and another foundation trench or drip line associated with the house. Other artifact concentrations identified in the Phase II investigations could possibly represent other ancillary buildings that were no longer extant in the early twentieth century.

Although a portion of site 18PR692 was disturbed by modern activities, several areas did contain intact cultural deposits and features. The historic component of site 18PR692 was found by the consultant to meet National Register Criteria A, B, and D and local criteria A, B, C and D. Phase III archeological data recovery was recommended by the applicant's consultant for the portions of site 18PR692 that retain stratigraphic integrity. The prehistoric component of site 18PR692 was diffuse and no intact prehistoric features were noted. The prehistoric materials recovered in the Phase I and II studies appear to represent several camp sites dating to the Late Woodland and other periods. The prehistoric component was found to not meet the National Register or local criteria and no further work was recommended by the consultant.

18. Thunderbird's Phase II archeological investigations were conducted at site 18PR809 in August 2011. A mixture of historic and prehistoric artifacts was recovered from the Phase II investigations of site 18PR809. Intact prehistoric cultural features were identified in the central part of the lower terrace/floodplain area to the west of Carey Branch, in test unit 207. No historic features were noted. Due to the lack of intact historic features or cultural deposits, no further work was recommended on the historic component of site 18PR809. The upper terrace and the southern and northern portions of the lower terrace/floodplain areas also lacked prehistoric integrity. However, an area measuring 30 m north-south by 45 m east-west in the lower terrace/floodplain contained deeply buried, intact Native American features from a short-term resource processing and procurement site dating to the Late Woodland period (AD 1300-1700). Therefore, the portion of site 18PR809 as shown in Exhibit 56 of the draft report is recommended eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion D. In addition, the portion of site 18PR809 identified in Exhibit 56 meets the Prince George's County criteria for Phase III treatment under Criteria A (rarity), B (research value), C (public value) and D (site integrity). Phase III archeological data recovery is recommended for the portion of site 18PR809 identified in Exhibit 56 if it cannot be avoided by proposed development.
19. In compliance with the HPC's decision to eliminate the Salubria historic site and environmental setting, a Phase III scope of work for archeological site 18PR692, prepared by Dr. James G. Gibb, was submitted by the applicant on February 8, 2012 as a revision to HAWP #14-11. Historic Preservation staff recommended certain changes to the work plan and a revised plan was submitted by the applicant on February 14, 2012 (Attachment 2).

Conclusions

Historic Preservation

1. Since its designation in 1981, there have been substantial changes to the Salubria property including the reduction in the historic site's environmental setting from approximately 22 to 2.7 acres, as well as the deterioration and subsequent demolition of the main house, the kitchen, the well house, and the guest house/slave quarters (as well as a noncontributing 20th century garage northeast of the main house). At this time, of the property's historically significant buildings, only the milk house/dairy remains, and is in ruinous condition. Partial foundations for the main house and the guest house/slave quarter are extant.
2. Although the original intent of development conditions for the property was the retention of as many historic features as possible within an environmental setting, with the march of time, unchecked deterioration of the remaining structures, and changes in economic climate that affected development opportunities for the property, the physical integrity of above-ground resources diminished. A series of HAWP application approvals was intended to address unsafe conditions and the removal of substantially deteriorated features in a careful manner that would allow for the retention of above-ground features still in reasonable condition and provide for archeological investigations to enhance the understanding of the historic site. The intent of potential archeological investigations was clear – to provide data for interpretation of the site with or without the retention of the historic site's environmental setting.
3. The applicant's preliminary plan for Salubria Center is based on the now-authorized removal of the Salubria historic site and its environmental setting. To partially mitigate the elimination of the historic site, the applicant proposes two potential locations within the developing property for commemorative/interpretive features focused on the history and significance of the Salubria property. The plans also include the preservation-in-place of archeological site 18PR809 in the Primary Management Area (PMA).
4. With the completed and ongoing development at National Harbor, and other construction in the vicinity of Oxon Hill Road and Oxon Hill Manor, the retention of existing woodland on Oxon Hill Road and the provision of appropriate landscape screening should remain an important feature of planning for the development of the subject property.
5. The milk house/dairy was evaluated by preservation consultant Daniel Filippelli in August 2011, and was found to be beyond salvage. Most of the framing members were rotted to the point that the building could not be restored, but would have to be completely reconstructed. Therefore, staff concludes the milk house/dairy's above ground features should be dismantled in a manner that allows for the documentation of structural techniques and the interior and exterior of the foundation should be investigated archeologically.
6. The Historic Preservation Commission determined at its January 4, 2012 meeting that the Salubria historic site and its 2.7-acre environmental setting could no longer be found to meet the historic site designation criteria of Subtitle 29-104, and voted to remove the property from the *Inventory of Historic Resources* with the following conditions:
 - a) *Prior to the removal of the Salubria environmental setting and historic site designation from the Inventory of Historic Resources, that Phase III limited*

Archeological Investigations be conducted on five (5) designated sites: the midden, the slave/tenant house, the main house, the possible garden/gardeners' quarters and the dairy building and the area around it, and that these investigations be based on a Phase III work plan submitted by the applicant that shall be approved through a revision to HAWP #14-11.

- b) *The applicant shall work with the community, specifically June Dillard and the African American Heritage Preservation Group (AAHPG) and the Broad Creek Historic District Local Advisory Committee (BCHDLAC), to create a formal memorandum of agreement that provides measures to memorialize and commemorate the Salubria story.*

Archeology

7. Historic Preservation staff concludes that the work plan submitted as a revision to HAWP #14-11 is appropriate to recover potentially significant features and information contained in archeological site 18PR692. Staff further concludes that based on the Planning Board's adopted Archeology Guidelines, the Phase III work plan can be approved as a revision to HAWP #14-11. The applicant's submission of the Phase III work plan for archeological site 18PR692, once approved, will satisfy Condition No. 5 of PGCPB Resolution No. 12-04.
8. Staff concurs with the Thunderbird Phase II report's conclusions and recommendation that no further work is necessary on the historic component of site 18PR809 or portions of the prehistoric component located outside of the boundaries outlined in Exhibit 56 of the draft Phase II report. Staff concurs with Thunderbird's conclusions and recommendations that the portion of site 18PR809, as shown on Exhibit 56 in the Phase II report, is eligible for inclusion in the National Register of Historic Places under Criterion D, as it has the potential to yield significant information relevant to the settlement and subsistence patterns of aboriginal peoples in the region during the Late Woodland Period. Staff also concurs with Dr. Gibb's conclusion that the portion of site 18PR809 outlined in Exhibit 56 of the Phase II report meets Criterion D for listing in the National Register of Historic Places and local criteria for historic significance. The applicant's project design preserves 18PR809 in place.
9. The applicant's intention to preserve-in-place 18PR809 is appropriate. The applicant should provide a plan for ensuring the preservation of site 18PR809 in perpetuity, including its ultimate ownership and long-term maintenance.
10. The curated artifact collection and associated documentation of Phase I, II and III studies for sites 18PR692 and 18PR809 should be deposited at the Maryland Archaeological Conservation Lab at the Jefferson Patterson Park in Calvert County, Maryland. All artifacts should be washed and cataloged according to *Technical Update No. 1 of The Standards and Guidelines for Archeological Investigations in Maryland, Collections and Curation Standards* (2005).
11. The final location and nature of the public interpretive measures for prehistoric archeological site (18PR809) and the Salubria Historic Site (#80-002, 18PR692), and the timing of their installation, should be reviewed by the Planning Board and the HPC prior to the Planning Board's approval of the relevant detailed site plan application.

Staff Recommendations

Staff recommends that the Historic Preservation Commission forward the following conditions to the Planning Board for its review and approval of Preliminary Plan 4-11028, Salubria Center:

1. Prior to Planning Board approval of any detailed site plan the applicant shall provide a plan for on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the Salubria property based on the findings of the Phase I, Phase II, and Phase III archeological investigations and other research on the property. The location and wording of the signage and public outreach measures shall be subject to approval by the Planning Board or its designee.
2. Prior to final plat, the applicant shall establish a perpetual conservation easement around archeological site 18PR809. The associated TCP II shall be revised to show the location of the archeological site and a note shall be added to the plat indicating that any ground disturbance within the easement area must be reviewed and approved by Historic Preservation staff.
3. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
 - a) provide a final report detailing the Phase II and Phase III investigations at sites 18PR692 and 18PR809 and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
 - b) install a super-silt fence around the boundaries of archeological site 18PR809 and provide proof of that installation and its placement to Historic Preservation staff for review and approval. The fencing shall remain in place until all construction activities within the Salubria Center property are completed.
4. Prior to the opening of the Outlet Center, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures.
5. Applications affecting the subject property shall accommodate the required 100-foot landscape buffer until that requirement is revised by the District Council action. Should the District Council revise this requirement, every effort shall be made to retain existing woodland within the subject property in order to mitigate views of the new development from the Oxon Hill Manor Historic Site (#80-001).

Attachments:

- (1) Preliminary Plan 4-11028, Salubria Center
- (2) Revision to HAWP #14-11, Phase III work plan for archeological site 18PR692

c: 4-11028, Salubria Center
MIHP Inventory File, Salubria, #80-002
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