



# PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

County Administration Building • 14741 Governor Oden Bowie Drive, 4<sup>th</sup> Floor, Upper Marlboro, Maryland 20772  
pgplanning.org/HPC.htm • 301-952-3680

**APPROVED 07/19/22**

## Summary of Actions

Prince George's County Historic Preservation Commission  
Tuesday, June 21, 2022, 6:30 p.m.  
4<sup>th</sup> Floor Board Room, County Administration Building

**THIS MEETING WAS HELD VIRTUALLY VIA GOTOMEETING**

Commissioners Present:	Vice Chair Lisa Pfueller Davidson, Susan Pruden, Nathania Branch-Miles, Donna Schneider, Yolanda Muckle
Commissioners Absent:	Chairman John Peter Thompson, Royal Reff
HPC Counsel:	Bradley Farrar, Esq.
Staff Present:	Howard Berger, Jennifer Stabler, Tom Gross, Daniel Tana, Ashley Hall

<b>Guest: Name/Organization</b>	<b>Agenda Item</b>
Renita Flood-Bennett	D.
Robert Antonetti	C.1.
Patrick Ricker	C.1.

### A. Call to Order

Vice Chair Davidson called the meeting to order at 6:43 p.m. Vice Chair Davidson read introductory remarks about the meeting and procedures into the record. Vice Chair Davidson chaired the meeting. Commissioner Reff had an excused absence. Chairman Thompson could not join the meeting due to technical issues.

### B. Approval of Meeting Summary – May 17, 2022

**MOTION:** Commissioner Schneider moved to approve the May 17, 2022 meeting summary. The motion was seconded by Commissioner Pruden. The motion was approved by roll call vote and without objection (5-0).

## C. Development Referrals

### 1. 4-21049, Case Yergat (contains Magruder-McGregor Family Cemetery, Historic Site 78-010)

Dr. Stabler presented the staff report. The subject application proposes 493 single-family detached lots and 117 single-family attached units for a total of up to 610 dwelling units. The Case and Yergat properties were part of the Dunblane land patent that was granted to Alexander Magruder on June 26, 1671. At his death in 1676, Dunblane was devised to his sons James and John Magruder. James Magruder eventually acquired title to the entire Dunblane land patent and later conveyed it to his brother, Samuel Magruder. Samuel Magruder devised 250 acres of Dunblane to his son John at his death in 1711. John Magruder is believed to have constructed the house on Dunblane around 1723, which remained standing until being destroyed in a gas explosion in 1969. John Magruder devised Dunblane to his son, Nathaniel Magruder. Several enslaved people are mentioned in his will. Nathaniel Magruder died in 1786 and his inventory listed 18 enslaved people on his plantation. Dunblane was inherited by Francis Magruder, and it is presumed that the enslaved people listed in Nathaniel Magruder's will continued to reside on the Dunblane plantation. By the time of the 1790 Census, Francis Magruder held nine enslaved people. In 1800, Francis Magruder held 26 enslaved people and in 1810, 27 enslaved people. The 1798 Federal Direct Tax records described the Dunblane plantation as consisting of 249 acres with a dwelling house, a kitchen, storage related structures, such as a brick store house and meat house and a tenant house that included a kitchen, tobacco sheds, and a slave quarter. Francis Magruder died in 1819 and the 1821 inventory of his estate listed 33 enslaved people. Francis Magruder devised Dunblane to his daughters, Louisa, Eleanor W. and Elizabeth Magruder. The number of enslaved people listed was 35, 13 of whom were engaged in agriculture and one in manufacture. Louisa Magruder died in 1828 and devised her portion of Dunblane to her sister, Eleanor. In the case of the death of Eleanor without children, her estate was to go to their nephew Francis Magruder Bowie. In her will, Louisa Magruder freed one of her enslaved laborers named Tom. She further willed that all male and female slaves over 20 were to be freed six years after her death, all slaves aged 12-19 to be freed after 12 years, and all slaves under 12 to be freed when they reached the age of 25. The 1840 Census enumerates Ellen W. Magruder as the head of household, with one white male age 20-29 and one age 5-9, one other white female age 20-29, and 26 enslaved people. In her will, Eleanor W. Magruder devised to her cousin Eliza Hamilton, wife of Dr. C.B. Hamilton, "all that part of my landed estate which lies on the south side of the public road leading from the long old fields through my plantation to Upper Marlboro on which my dwelling house stands." Eleanor W. Magruder also directed in her will that "a good and sufficient brick wall resting on a granite foundation should be built around the family burying ground." She bequeathed all her slaves, except one, to Dr. C.B. Hamilton, to serve him one year from the time of her decease and then to be free, with the expense of procuring their free papers to be paid out of her estate. Eleanor W. Magruder's inventory enumerates 24 enslaved persons. The Hamiltons likely continued to reside at Dunblane for a time after the death of Eleanor W. Magruder until they moved to Washington, DC. The Hamiltons sold the Dunblane plantation to a relative, George W. Watterston of Louisiana, on April 11, 1849. Although indicated as the owners of the property on the 1861 Martenet Map, the Watterstons do not appear to have resided on the property and likely operated the plantation with tenants. William T. Beall acquired the property in 1904 and farmed the land until he sold the land in 1930 to Charles Raphael and Margaret Ellen Carrick. The land remained in the Carrick family until it was sold to David Carroll Case and Horace G. Baldwin in 1998.

The subject property includes the Magruder-McGregor Family Cemetery (Historic Site 78-010) with interments and tombstones dating from 1810 to 1857. The original eighteenth century Dunblane House was destroyed in 1969. The Dunblane house was a one-and-one-half story, multi-part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. The house stood until a gas explosion in 1969. At its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s. The

Magruder-MacGregor Family Cemetery was evaluated for historic site designation by the Prince George's County Historic Preservation Commission (HPC) on April 19, 2022, along with its environmental setting of 0.3393 acres (44,388 square feet). Section 24-135.02 of the Subdivision Regulations outlines the procedures to follow when a cemetery is located on property that will be subdivided:

(a) When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

1) The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.

Comment: The applicant provided photographs with the Preliminary Plan application showing the staked corners of the cemetery.

2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.

Comment: The applicant has provided an inventory of the Magruder-McGregor Family Cemetery with this application. The inventory includes a map showing the location of the cemetery within the development property, a detailed map showing the current location of all stones, the approximate boundary of the cemetery, a photograph of each stone and a record of the inscriptions on each stone that were readable.

3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.

Comment: The Magruder-McGregor Family Cemetery Historic Site has been placed on Lot DD, which will be used as open space and placed under the ownership of the development's Homeowner's Association (HOA). A super-silt fence should be installed around the Environmental Setting of the cemetery prior to the issuance of a grading permit.

4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.

Comment: At the time of Specific Design Plan, the applicant should provide details of the fencing or wall that will surround the Magruder-McGregor Family Cemetery along with a construction schedule.

5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other arrangements shall include a determination of the following:

- A) Current and proposed property ownership;
- B) Responsibility for maintenance;
- C) A maintenance plan and schedule;
- D) Adequate access; and
- E) Any other specifications deemed necessary by the Planning Board.

Comment: The Preliminary Plan indicates that the development's Homeowner's Association will retain ownership of the Magruder-McGregor Family Cemetery and that it will be responsible for its maintenance. At the time of Specific Design Plan the applicant should provide a maintenance plan and schedule, and a plan for the future care and maintenance of the Magruder-McGregor Family Cemetery. The applicant should also demonstrate that the required funding for perpetual maintenance will be provided to the Homeowner's Association. The applicant should also provide an access road or path to the cemetery to be shown on the Preliminary Plan. Some of the stones have been removed from their original positions and should be restored to their original locations.

(b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.

Comment: A super-silt fence should be installed around the cemetery prior to issuance of a grading permit, leaving a sufficient buffer. Proof of installation of the fence shall be provided to Historic Preservation staff prior to issuance of the grading permit for the area around the Magruder-McGregor Family Cemetery.

A Phase I archeological survey was conducted on the five parcels comprising the Woodside Village property (Wholey, Suit, Yergat, A. Bean, and Case) from February to April 2005 and January to May 2007. Twelve archeological sites were identified on the overall property. Six archeological sites, 18PR898, 18PR899, 18PR900, 18PR901, 18PR902, and 18PR903 were recorded on the Yergat and Case properties.

Historic Preservation staff concurred with the Phase I report's findings that no further work is necessary on sites 18PR899, 18PR902 and 18PR903. In addition, staff concurred that Phase II investigations were necessary on sites 18PR898, 18PR900, and 18PR901. The previous applicant submitted four copies of the final reports for the Case and Yergat properties. The reports were accepted by Historic Preservation staff on March 28 and April 8, 2008.

Phase II archeological investigations were completed on the Case property by the previous applicant's archeological consultant. However, the draft Phase II report was never submitted to Historic Preservation staff. The applicant retained another consultant to perform additional Phase II investigations on sites 18PR900 and 18PR901 to determine if intact deposits or features in each site were present. In consultation with Historic Preservation staff, no Phase II investigations were conducted on site 18PR898 on the Yergat property. Phase II investigation of sites 18PR900 and 18PR901 on the Case property were completed in October 2021. A diffuse scatter of metal artifacts was identified on the east end of site 18PR900 where the eighteenth century Dunblane house was located before being destroyed in a gas explosion in 1969. An area west of a small drainage on the western side of site 18PR900 yielded artifacts dating from the eighteenth through twentieth centuries. The bulk of the material recovered in the western portion of the site dates from the late eighteenth through the first half of the nineteenth centuries. Due to the lack of intact deposits or features and extensive twentieth century disturbance, no further work was recommended on sites 18PR900

and 18PR901. Historic Preservation staff concurred that no additional archeological investigations were necessary on either site.

The Magruder family held many enslaved people on the subject property during their occupation of the site. The Magruder family cemetery does not appear to be large enough to have included burials of enslaved people. Therefore, it is possible that a separate burial ground for the enslaved people exists on the larger property. In March 2022, the applicant retained a consultant to use cadaver dogs to search for human remains outside the Magruder-McGregor burial ground to determine whether additional burials were located outside of what was believed to be the limits of the family cemetery.

A Phase I archeology survey was conducted on the Yergat property in February 2005, with additional investigations in April 2007. Two historic archeological sites, 18PR898 – a late nineteenth to twentieth century tenant site – and 18PR899 – a late nineteenth to twentieth century artifact scatter – were identified on the property. Due to the large number of artifacts recovered and the large size of the site, Phase II evaluation was recommended for site 18PR898 to determine its eligibility to the National Register of Historic Places. No further work was recommended for site 18PR899 due to its lack of intact deposits, lack of structural debris, and lack of evidence for structures at this location. After a site visit to the area of site 18PR898 on March 15, 2022, staff concluded that the large artifact scatter represented by site 18PR898 was the result of manuring the agricultural fields with refuse brought into the site from Washington, DC. Therefore, staff concluded that no additional archeological investigations were necessary on site 18PR898.

On November 15, 2021, the District Council approved A-9973-02, to separate the basic plan and approve up to 661 dwelling units on only two parcels, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions that supersede the prior basic plan for these two parcels. Conditions 3, 4, 5, 6, 7, 8, and 15 are relevant to Historic Preservation and Archeology concerns:

3. Prior to approval of any preliminary plan of subdivision, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards. Comment: The final reports for the Phase II investigations have not been submitted and this condition applies until satisfied.

4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:

- a. Avoiding and preserving the resource in place; or
- b. Phase III Data Recovery investigations and interpretation.

Comment: None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations are recommended on any of the archeological sites. This condition has been satisfied.

5. If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the Guidelines for Archeological Review before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.

Comment: Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties. This condition has been satisfied.

6. Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the HPC and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur, prior to issuance of the first building permit for development.

Comment: This condition is still outstanding and should be carried forward until satisfied.

7. Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder-McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.

Comment: This condition is still outstanding and should be carried forward until satisfied.

8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder-McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the HPC.

Comment: This condition is still outstanding and should be carried forward until satisfied.

15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder-McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:

a) An inventory of existing cemetery elements.

b) Measures to protect the cemetery during development. A-9973-02.

c) Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder-McGregor family) cemetery.

d) Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.

Comment: This condition is still outstanding and should be carried forward until satisfied.

Based on the historic significance of the Dunblane property and its association with the Magruder family, the Magruder-McGregor Family Cemetery (Historic Site 78-010) should be protected and maintained throughout the development process. A plan for the long-term maintenance and preservation of the site by the development's Homeowner's Association should be developed for the cemetery by the applicant and submitted with the Specific Design Plan. Since the Magruder-McGregor Family Cemetery was designated a Prince George's County Historic Site, the buffering provisions of the Prince George's County Landscape

Manual apply, and careful consideration should be given to the character of fencing, lighting, and landscape features to be introduced at the time of the submission of a Specific Design Plan that includes these features. Three hard copies and three digital copies of the final Phase II report for the Case property should be submitted prior to signature approval of the associated Preliminary Plan of Subdivision.

A cadaver dog survey was conducted around the Magruder-McGregor Family Cemetery (Historic Site 78-010) in March 2022. Several areas to the west of the family cemetery were identified as probable burial sites. These areas were marked in the field and were included within the Environmental Setting of the Magruder-McGregor Family Cemetery. These outlying burials are likely those of some of the people who were enslaved on the subject property by the Magruder family in the eighteenth and nineteenth centuries. Historic Preservation staff should monitor any grading near the Magruder-McGregor Family Cemetery to ensure that any burials not identified in previous surveys are not disturbed. The artifacts recovered from Phase I and Phase II investigations conducted on the Case Property and Phase I investigations on the Yergat property by Greenhorne & O'Mara (now Stantec) archeologists under the previous owner, were never curated with the Maryland Archaeological Conservation (MAC) Lab in Calvert County. The applicant should contact Stantec archeologists about curating the artifacts recovered from the previous investigations on the Case and Yergat properties at the MAC Lab.

Historic Preservation staff recommended that the HPC recommend to the Planning Board approval of 4-21049 Case Yergat (Woodside Village), with the following conditions:

1. Prior to signature approval of the Preliminary Plan, the applicant shall revise the plan to provide an access path to the Magruder-MacGregor Family Cemetery Historic Site (78-010) from a nearby sidewalk or trail and to show the location of the required interpretive signage within the Environmental Setting.
2. Prior to approval of the grading permit for the portion of the development adjacent to the Magruder-McGregor Family Cemetery, the applicant shall contact Historic Preservation Staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.

Mr. Robert Antonetti, the applicant's attorney, thanked Dr. Stabler for her thorough report and presentation, and indicated that the applicant is interested in protecting the historic asset on the property. He indicated that he and the applicant agree with staff's recommendations.

**MOTION:** Commissioner Schneider moved that the HPC recommend to the Planning Board approval of 4-21049, Case Yergat (Woodside Village), with the following conditions:

1. Prior to signature approval of the Preliminary Plan, the applicant shall revise the plan to provide an access path to the Magruder/MacGregor Family Cemetery Historic Site (78-010) from a nearby sidewalk or trail and to show the location of the required interpretive signage within the Environmental Setting.
2. Prior to approval of the grading permit for the portion of the development adjacent to the Magruder Family Cemetery, the applicant shall contact Historic Preservation Staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.

Commissioner Pruden seconded the motion. The motion was approved by roll call vote and without objection (5-0).

**D. Update from Department of Parks & Recreation**

Mr. Gross presented the monthly update from the Department of Parks & Recreation.

**E. Commission Staff Items**

**1. HAWP Staff Sign Offs**

There were no further questions.

**2. Properties of Concern**

Mr. Gross presented a brief description of the list of Properties of Concern.

**3. Referrals Report**

There were no further questions.

**4. Correspondence Report – No Correspondence Report**

**5. New Business/Staff Updates**

Public comments followed and were off the record.

**MOTION:** Commissioner Schneider moved to adjourn. The motion was seconded by Commissioner Pruden. The motion was approved by acclamation and without objection (5-0). The meeting adjourned at 7:12 p.m.

Respectfully submitted,



Ashley Sayward Hall  
Planning Technician III  
Historic Preservation Section