

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 20, 2012, regarding Specific Design Plan SDP-0617/01 for Beech Tree, West Villages 2, 4, and 5, the Planning Board finds:

1. **Request:** The subject application is a revision to Specific Design Plan SDP-0617, including increasing the number of single-family detached lots from 113 to 139 and the number of single-family attached lots from 43 to 52, for a total of 191 lots in the Residential Suburban Development (R-S) Zone.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-S	R-S
Uses	Vacant	Single-family detached and attached residential units
Acreage (Beech Tree/subject SDP)	1,212.06 / 53.37	1,212.06 / 53.37

**Lot Tabulation as Approved**

West Village, Section 2		
Block C	Single-family, Lots 6–29	24 units
Block F	Single-family, Lots 7–18	12 units
Subtotal		36 units
West Village, Section 4		
Block A	Single-family, Lot 9	1 unit
Block C	Single-family, Lots 30–69	40 units
Block F	Single-family, Lots 19–38	20 units
Subtotal		61 units
West Village, Section 5		
Block I	Single-family, Lots 1–16	16 units
Block J	Townhouse, Lots 1–43	43 units
Subtotal		59 units
<b>Total</b>	<b>113 single-family detached and 43 single-family attached units</b>	<b>156 units</b>

**Lot Tabulation as Proposed**

West Village, Section 2		
Block C	Single-family, Lots 6–38	33 units
Block F	Single-family, Lots 7–38	32 units
Block I	Single-family, Lots 17–21	5 units
Subtotal		70 units
West Village, Section 4		
Block C	Single-family, Lots 39–80	42 units
Block I	Single-family, Lots 22–36	15 units
Subtotal		57 units
West Village, Section 5		
Block I	Single-family, Lots 1–8, 13–16	12 units
Block J	Townhouse, Lots 1–52	52 units
Subtotal		64 units
<b>Total</b>		<b>191 units</b>

3. **Location:** The Beech Tree project site is located on the west side of Robert Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by SDP-0617-01, West Village, Sections 2, 4, and 5, is located in the west central portion of the subdivision.

4. **Surroundings and Use:** The Beech Tree project, as a whole, is bounded to the north by residential and agricultural land use in the R-A (Residential-Agricultural) Zone and Leeland Road; to the east by residential land use in the R-A Zone and Robert Crain Highway (US 301); to the west by residential and agricultural land use in the R-E (Residential Estate) and R-U (Residential Urban Development) Zones; and to the south by residential land use in the R-A Zone. The subject sections of the West Village are surrounded immediately to the west by the Collington Branch stream valley park; to the north by the Beech Tree golf course, vacant land labeled “not a part of this application,” and North Village, Section 1; to the east by the Beech Tree lake; and to the south by West Village, Section 1, and the Beech Tree golf course.
5. **Previous Approvals:** The subject site, West Villages 2, 4, and 5 are part of a larger project with a gross residential acreage of 1,212.06. The site is known as Beech Tree, which was rezoned from the R-A Zone to the R-S Zone (2.7–3.5) through Zoning Map Amendments A-9763 and A-9763-C for 1,765 to 2,869 dwelling units. Zoning Map Amendment A-9763-C was approved by the District Council on October 9, 1989 (Zoning Ordinance No. 61-1989), subject to 17 conditions and 14 considerations. On July 14, 1998, Comprehensive Design Plan CDP-9706 for the entire Beech Tree development was approved by the District Council, subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision have been approved: 4-98063 for a golf course (PGCPB Resolution No. 98-311); 4-99026 for 458 lots and 24 parcels (PGCPB Resolution No. 99-154); and 4-00010 for 1,653 lots and 46 parcels (PGCPB Resolution No. 00-127), which covers the subject site (SDP-0617-01). The site is also subject to the requirements of the approval of SDP-0617, approved by the District Council on March 10, 2008, subject to 14 conditions. A Planning Board designee application to reconfigure the townhouse layout and reduce the number of single-family attached units from 43 to 42 is currently pending.

Two specific design plans for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella architecture approval for the Beech Tree development and has been revised several times. To date, 21 SDPs have been approved for the Beech Tree development including 18 for single-family attached and detached lots, one for the golf course, one for the golf club house, and one for the installation of a sewer line. All SDPs have been reviewed and approved by the District Council as required by a previous condition of approval and several SDPs have subsequently been revised. In addition, various types of tree conservation plans have been approved for the above-mentioned preliminary plans of subdivision and specific design plans. This SDP also has an approved Stormwater Management Concept Plan, 4305-2005-00, which will be valid through October 11, 2014.

6. **Design Features:** The SDP increases the single-family detached residential lot count from 113 to 139 and the single-family attached residential lot count from 43 to 52, primarily by reducing the amount of green space in the central area of the single-family detached lots of West Villages, Sections 2 and 4 and in the northern portion of the townhome West Village, Section 5. The basic

configuration of the road system remains largely the same with the conversion of a cul-de-sac to a through street, the addition of a connector road and cul-de-sac to the single-family detached villages, and the addition of a segment of road to the townhomes in West Village, Section 5, to provide access to the additional two sticks of townhome units. The single-family detached units in the western portion of the subject site remain accessed via an internal loop street which eventually reconnects with Lake Forest Drive. The townhouse section that is located east of Lake Forest Drive and west of the Beech Tree lake now consists of eleven (instead of the original nine) building sticks and has three (instead of the original two) accesses off Lake Forest Drive. In the northern portion of this section, four building sticks now flank the entrance drives to this section. In the southern portion of the section, the townhouse units are accessed from Lake Forest Drive via Littleton Place, an elongated horseshoe-shaped street designed to provide a central area of open space. The units in the rest of the section are accessed through an internal street that is parallel to Lake Forest Drive. The most northern driveway into the townhouse section, Kettlebaston Lane, ends at a stormwater management (SWM) pond. Several breaks in the lotting pattern allow for views into open space areas.

The models for the single-family detached houses will be chosen from those approved under the umbrella architecture approval, Specific Design Plan SDP-0001, for Beech Tree or its revisions. Information including specific model and building footprint will be shown at the time of building permit. In addition, in order to be consistent with the District Council’s recent approvals for Beech Tree, a condition regarding façade and side wall treatment that was prescribed by the District Council for single-family detached homes contained in the original approval remains applicable, as all previous requirements are in force. The models for the single-family attached houses are those approved with previously approved SDPs with the addition of the following:

Model*	Builder	Square Footage	Building Height	Lot coverage	Garage Size
Norwood	Ryan/NV Homes	2,925	35 feet	910 square feet	20.04 feet by 18.5 feet
Lismore	Lennar	2,468	34 feet	960 square feet	19.21 feet by 19.17 feet
Lafayette	Ryan	2,156	34 feet	864 square feet	19.67 feet inches by 19.67 inches (standard) and 19.79 feet inches

\*All models have two-car garages

Recreational facilities for this portion of the Beech Tree development include a ten-foot trail and a pavilion with benches, both along the lakefront.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment A-9763-C, subject to 17 conditions and 14 considerations. The subject request does not affect previous findings of conformance to the requirements of this approval. Of the considerations and conditions attached to the approval of A-9763-C, the following is directly

applicable to the review of this SDP. The requirement is included in **boldface type** below, followed by staff comment.

**Condition 16. The District Council shall review all Specific Design Plans for Beech Tree.**

The case will be transmitted to the District Council for mandatory review at the conclusion of the Planning Board approval process.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 was approved with 49 conditions. The subject request does not affect previous findings of conformance to the requirements of this approval. Of the conditions attached to the approval of CDP-9706, the following is directly applicable to the review of this SDP. The requirement is included in **boldface type** below, followed by Planning Board comment.

- 6. Every Specific Design Plan for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

The required legible overall plan of the Beech Tree project, including all phase or section numbers and specific design plan numbers, is included on the coversheet of this SDP. A condition of this approval requires that parallel information is included on the accompanying Type II tree conservation plan (TCPII).

- 7. Every Specific Design Plan for Beech Tree shall adhere to Stormwater Management Plan #958009110 or any subsequent revisions. The applicant shall obtain separate Technical Stormwater Plan approvals from DER for each successive stage of development in accordance with the requirements set forth in Concept Plan #958009110 prior to certificate approval of any SDP.**

The subject SDP is in conformance with approved Stormwater Management Concept Plan 4305-2005-00.

**17. The District Council shall review all Specific Design Plans for Beech Tree.**

The case will be transmitted to the District Council for mandatory review at the conclusion of the Planning Board approval process.

9. **Preliminary Plan of Subdivision 4-00010:** Preliminary Plan of Subdivision 4-00010, which covers the subject site, was approved by the Planning Board on July 6, 2000 (PGCPB Resolution No. 00-127), subject to 30 conditions. The relevant conditions of that approval are included in **boldface type** below, followed by Planning Board comment:

1. **The applicant, his heirs, successors and/or assigns shall have finished construction on the following improvement in phase with construction in accordance with the following schedule:**
  - a. **Prior to issuance of the 1,400th building permit, an 8-to 10-foot wide asphalt master plan hiker-biker trail immediately adjacent to the west side of the lake within the community [as agreed to by the Department of Parks and Recreation (DPR) and as required by CDP-9706 DPR]. As recommended by DPR, this trail shall be 8 feet wide where it is adjacent roadways and 10 feet wide in all other locations. As recommend by DPR, this trail shall be 8 feet wide where it is adjacent to roadways and 10 feet wide in all other locations.**
2. **All HOA trails shall be a minimum of six-feet wide and asphalt, unless otherwise agreed to by the Department of Parks and Recreation.**
3. **All trails shall be assured dry passage. If wet areas must be traversed, suitable structures shall be constructed.**
4. **All trails and sidewalks shall include any necessary curb cuts and be ADA compatible.**

Conformance to Conditions 1 through 4 has been reviewed by the Planning Board. A ten-foot hiker/biker trail is indicated along the western side of the lake in accordance with Condition 1a. The Planning Board hereby finds that a second trail connection which would be required between Wellingborough Court and the ten-foot hiker/biker trail around the lake to conform to Condition 8a of the approval of SDP-0617 is impractical and not warranted because connections are provided to the trail immediately north of the subject SDP and at one point from the southern portion of the townhouse section of the subject SDP and because providing the connection would cause the removal of some of the woodland currently indicated as being preserved. The project is required to conform to Conditions 2, 3, and 4 above, however by condition of this approval.

5. **Prior to approval of building or grading permits, the Environmental Planning Section shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.**
8. **As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be**

**made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

Conformance to Conditions 5 and 8 has been reviewed by the Planning Board. The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDPs. Based on the information submitted by the applicant, the Planning Board determined that sufficient information had been provided to address any concerns with the current application. With regard to Condition 6, the Planning Board stated that the subject application does not include the lake, which has already been constructed.

- 14. The applicant shall provide improvements to US 301 and Leeland Road as provided in the Recommended Staging Plan adopted as Finding 24 in the Approval of SDP-9907 on June 8, 2000. This Staging Plan provides for the applicant's participation in the construction of improvements to US 301 which will equal or exceed the pro-rata participation cost previously identified (\$1,194,805.00) in the approvals of CDP-9706 and Preliminary Plat 4-99026.**
- 20. The trail shall be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines and the accessibility guidelines in the latest edition of the Americans with Disabilities Act for the Outdoor Development Areas. The exact location of the trail shall be determined at the time of Specific Design Plan review for this plat and approved by DPR. Detailed construction drawings, including grading plan sections, shall be submitted to DPR for review and approval prior to submission of the application for the Specific Design Plan review for this plat and approved by DPR. Detailed construction drawings, including grading plan sections, shall be submitted to DPR for review and approval prior to submission of the application for the Specific Design Plan for this plat.**
- 25. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**

Conformance to Conditions 14, 20, and 25 has been reviewed by the Planning Board. Condition 14 makes the staging plan contained in Finding 24 of the approval of SDP-9907 a requirement. All requirements remain concurrently applicable; the applicant will have to provide the improvements to US 301 and Leeland Road as required in the staging plan. The Planning Board stated that the applicant is in conformance with the requirements of the staging plan. As for Conditions 20 and 25, the Planning Board stated that they had reviewed the subject SDP for conformance to the relevant requirements and determined that the SDP conforms.

- 10. Special Purpose Specific Design Plan SDP-9905 for Community Character:** Specific Design Plan SDP-9905 is a special purpose SDP pursuant to Condition 12 of CDP-9706 that was devoted to elements of streetscape including, but not limited to, street trees, entry monuments, signage,

special paving at important facilities and intersections, and design intentions in the neo-traditional area of the East Village. The SDP also addressed utilizing distinctive landscape treatments to emphasize important focal points, intersections and trail heads, and concentration of a particular species as an identifying feature for particular neighborhoods. The SDP was approved by the Planning Board on October 14, 1999. The subject SDP revision does not affect the previous finding of general conformance to the requirements of SDP-9905 for community character.

11. **Specific Design Plan SDP-9907 for Infrastructure:** Specific Design Plan SDP-9907 is an infrastructure plan for the East Village consisting of 130 single-family detached residential lots. However, SDP-9907 included, for the first time, a staging plan and the accompanying transportation improvements needed for the various development stages of Beech Tree. The Planning Board approved SDP-9907 on June 8, 2000, subject to 14 conditions, of which only the staging and transportation improvement-related conditions are applicable to the review of this SDP, as follows:

11. **If in the future, the sequencing of the subsequent development phases or associated transportation improvements is proposed to be modified, the Recommended Staging Plan shall be revised and resubmitted by the applicant prior to approval of the SDP for which such a change is requested.**

**Otherwise, with each subsequent SDP, the applicant shall provide evidence, in the form of a letter to the Planning Department, of (1) the aggregate number of building permit issuances for residential units, (2) the Phase within which the number of units for the proposed SDP would fall, and (3) the status of the associated transportation improvements. This letter shall be compared to the Staging Plan for transportation improvements in effect at that time in order to evaluate the adequacy of transportation facilities for report to the Planning Board.**

By letter dated June 6, 2012, the applicant provided evidence to fulfill the above three specific requirements. The review by the Planning Board indicates that the proposed development will be adequately served within a reasonable period of time by transportation improvements.

12. **Prior to the issuance of any residential building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100% funded in a CIP/CTP or otherwise provided by the applicant, heirs, successors or assigns:**

- **Leeland Road**

**Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards.**

- 13 **The applicant shall provide right-of-way dedication and improvements along Leeland Road as required by DPW&T.**



According to the applicant, the above-mentioned improvement is included in the Phase II residential development and has been bonded with the Department of Public Works and Transportation (DPW&T).

The applicant also indicates in the letter that the proposed dwelling units will be developed during Phase III residential development and will fall into the building permit range of 132 through 1,000. Per the staging plan as approved with SDP-9907, the following improvements are required:

- 3. Prior to the issuance of the one hundred and thirty second (132nd) building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Trade Zone to 2,000 feet south of Trade Zone Avenue.**
  - b. Construct internal site connection from Beech Tree Parkway to Leeland Road.**
  - c. Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

On July 7, 2005, the Planning Board approved SDP-0410 (PGCPB Resolution No. 05-157) with nine conditions, including the above Condition 3 as its Condition 6. However, in its review of the Planning Board's action on SDP-0410, the Prince George's County Council, sitting as the District Council, on November 28, 2005, affirmed the Planning Board's approval with some modification to this condition. In its final decision, the District Council increased the threshold for which certain transportation infrastructure must be completed from 132 residential building permits to 350 residential building permits. The new revised condition, pursuant to the Council's action, now reads as follows:

- 6. Prior to issuance of the 350th building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**
  - b. Construct internal site connection from Beech Tree Parkway to Leeland Road.**

**c. Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

The Planning Board is in receipt of a July 20, 2011 letter from the applicant, which represents a status report of building permits issued in relation to transportation improvements, as required by Condition 11 of SDP-9907. According to the applicant, approximately 752 building permits have been issued (including 746 built and occupied homes). The Planning Board's internal tracking system has revealed that, to date, approximately 1,540 dwelling units have been approved in the SDP applications for the Beech Tree development.

12. **Umbrella Specific Design Plan SDP-0001 for Architecture:** Specific Design Plan SDP-0001 is an umbrella SDP for single-family detached architecture for the entire Beech Tree development. This SDP was approved by the Planning Board on June 8, 2000, subject to three conditions. It was approved with 16 architectural models for the proposed single-family detached units in the East Village, but the approved models can be used in any other portion of the Beech Tree development. Since the approval of SDP-0001, several revisions have been approved.

Of the three conditions attached to the approval of SDP-0001, none are applicable to the approval of this SDP. Since the architectural models to be used in the subject approval will be chosen from the previous approval or its several revisions, the subject approval is therefore in general conformance with SDP-0001.

13. **Specific Design Plan SDP-0617:** Specific Design Plan SDP-0617 was approved by the Planning Board on September 13, 2007 for 113 single-family detached and 43 single-family attached units. Such approval, as is required by a previous condition of approval, was subsequently affirmed by the District Council on March 10, 2008, subject to 14 conditions. The subject application is its first revision. Each relevant requirement of that approval is listed below in **boldface** type, followed by Planning Board comment:

7. **The applicant and the applicant's heirs, successors and/or assignees shall provide the following transportation related improvements:**

**Phase IV: Residential Development—Building Permits #1,001–1,500**

- (a) **Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
- (1) **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
  - (2) **Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**

- (3) **Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.**

**Phase V: Residential Development—Building Permits #1,501–1,992**

- (b) **Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - (1) **Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.**

**Phase VI: Residential Development—Building Permits #1,993–2,400**

- (c) **Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.**
- (d) **Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions a. through d. above will require the filing of an SDP application, and a new Staging Plan reflecting said changes must be included with the application.**

See Finding 18d for the Planning Board's analysis and finding of full conformance with the requirements of this condition.

8. **The applicant and the applicant's heirs, successors and/or assignees shall provide the following trails related improvements:**
  - (a) **Prior to issuance of the 2,000th building permit the applicant shall submit detailed construction plans and details for construction of the balance of the master plan trail through the stream valley park to DPR for review and approval.**
  - (b) **Prior to issuance of the 2,200th building permit, the applicant shall have finished construction on the balance of the said master plan trail through the stream valley park.**

See Finding 18f for the Planning Board's analysis and finding of full conformance with the requirements of this condition.

12. **At least 90 percent of the single-family detached units shall have a full front façade (excluding gables, windows, trim and doors) constructed of brick, stone or stucco or shall be treated with a full width front porch. Any side elevation which directly faces the public street shall be designed with materials and details in a manner consistent with the front elevation. In the event the opposite side of such dwelling unit is not highly visible from the public street and, as a result, the homeowner chooses not to display such treatment, the side yard of such unit shall be planted with an evergreen buffer. A side elevation which is highly visible from the public street as a result of being angled on a corner lot or a projecting forward from the neighboring house more than 20 feet, shall display significant architectural features which contribute to the aesthetic of the unit. Significant architectural features include, but are not limited to, bay projections, wrap-around porches, sunrooms, conservatories, pergolas and other architectural embellishments consistent with the architecture defined on the front elevation of the unit.**
13. **No two units located next to or across the street from each other may have identical front elevations.**
14. **The developer, its heirs, successors, and/or assigns shall insure that each builder maintains in the appropriate sales office(s) copies of its currently approved architecture (including all exterior elevations of all approved models), copies of currently approved Site Plans, Landscape Plans and plans for recreational facilities appropriate for that portion of the property being developed, as well as the corresponding approved Comprehensive Sketch Plan and Subdivision Plan.**

The Planning Board has made Conditions 12, 13, and 14 conditions of the subject approval.

14. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance as follows:
  - a. The proposed single-family dwelling units are part of a larger project known as Beech Tree, which is the subject of numerous approvals. Therefore, the subject SDP is in general compliance with the requirements of the R-S Zone as stated in Sections 27-511, 27-512, 27-513, and 27-514 with regard to permitted uses and regulations, such as general standards and minimum size of property.
  - b. Section 27-528 requires the following findings for approval of a specific design plan.
    - (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.**

As stated in Findings 8 and 15, the proposed SDP conforms to the approved comprehensive design plan and the applicable standards of the *Prince George's County Landscape Manual*.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

The Planning Board has concluded that the subject development will be adequately served within a reasonable period of time if the subject application is approved with conditions for Phases IV through VI. Those conditions have been included in this approval.

As with other public facilities such as fire engine, ambulance, paramedic, schools, and police services, the Planning Board finds that the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Prince George's County Capital Improvement Program (CIP) or provided as part of the private development.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

In a memorandum dated August 23, 2012, DPW&T, Office of Engineering, stated that the proposed site development is consistent with approved SWM Concept Plan 48088-2006-02 dated November 21, 2011.

- (4) The Plan is in conformance with an approved Tree Conservation Plan.**

As indicated in Finding 17 below, a Type II Tree Conservation Plan, TCPII-021-10/01, is being approved with this SDP revision. Type II Tree Conservation Plan TCPII-021-10/01 as conditioned has been found to meet the requirements of the Woodland Conservation Ordinance according to the review by the Planning Board.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

The subject project has an approved preliminary and specific design plan, it is exempt from the requirements of Subtitle 24, and this required finding need not be made.

15. **Prince George's County Landscape Manual:** The proposed construction of single-family houses in the R-S Zone is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the project is subject to the requirements of Section 4.1, Residential Requirements, for one-family detached lots; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets.
  - a. The subject SDP includes 54 dwelling units, of which 41 lots are smaller than 9,500 square feet and 13 lots are between 9,500 and 20,000 square feet. Per Section 4.1 of the Landscape Manual, the number of trees required for the 41 smaller lots totals 82 shade and 82 ornamental or evergreen trees, calculated at a rate of two shade and two ornamental or evergreen trees per lot. Also, in accordance with Section 4.1 of the Landscape Manual, the number of trees required for the 13 larger lots totals 39 shade trees and 26 ornamental or evergreen trees. The applicant has provided 132 shade trees, 62 ornamental trees, and 49 evergreen trees, which meets and exceeds these requirements. Further, 54 shade trees are required and have been located in the front yard. Lastly, the requirement that 54 shade trees must be located on the south and/or west side of the residential structure has been met by providing 30 shade trees in this location and double-counting, as allowed by a provision of the Landscape Manual, shade trees planted on the south and/or west side and within 30 feet of a residential structure, which are also located in the front yard.
  - b. The subject SDP is consistent with the requirements of Section 4.9 of the Landscape Manual requiring minimum requirements of native plant materials.
16. **Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance because the property has previously approved tree conservation plans. The application, however, is not subject to the current requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the previous approvals provide grandfathering. The Planning Board has reviewed the project for conformance with the relevant requirements of the Woodland Conservation Ordinance and hereby approves it, with conditions. The subject application conforms to all applicable requirements regarding woodland conservation.
17. **Tree Canopy Coverage Ordinance:** The subject specific design plan is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. A schedule demonstrating conformance to the requirements of the ordinance has been included on a landscape detail sheet. More specifically, the tree canopy coverage requirement of ten percent for the 53.37-acre site, or 5.337 acres (232,480 square feet), is indicated to have been met by provision of 12.53 acres (545,806.8 square feet) of on-site woodland conservation. In addition,

the applicant has provided 108,525 square feet of landscape trees. The on-site woodland conservation and landscape trees together provide 654,332 square feet of tree canopy, meeting and exceeding the requirement.

18. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The proposed revision would have no effect on identified historic sites, resources, or districts.
- b. **Archeological Review**—Specific Design Plan SDP-0617-01, Beech Tree, West Villages 2, 4, and 5 is part of the ±1212-acre proposed Beech Tree residential/golf course development that surrounds both Beechwood Historic Site (79-060) and Pentland Hills Historic Site (79-038) and three family cemeteries: Hilleary Family Cemetery (79-116), Hodges Family Cemetery (79-113), and Smith-Tomlin Family Cemetery (79-114). As part of a Section 106 Review in 1999, the Maryland Historical Trust (MHT) accepted the final report for Phase I/II archeological investigation for specific sites within the development. Section 106 of the National Historic Preservation Act (revised NHPA) was required due to the need for an Army Corps of Engineers (ACOE) permit.

This application does not impact or include the Pentland Hills historic site, the Beechwood historic site, or the Hilleary Family Cemetery, the Hodges Family Cemetery or the Smith-Tomlin Family Cemetery. This application does include archeological site 18PR573, a seventeenth to eighteenth-century artifact concentration and possible structure, as well as an Archaic to Early Woodland prehistoric short-term camp; and archeological site 18PR577, a twentieth century domestic artifact scatter and farmstead.

The Planning Board hereby makes the following findings regarding the archeologically-related aspects of the project:

- (1) A Phase I archeological survey was conducted from September to December 1998 for approximately 200 acres of the proposed Beech Tree Development. Archeological Sites 18PR573 and 18PR577 were identified in the area included within SDP-0617-01 and will be impacted by this proposal.

Site 18PR573 was identified on a terrace overlooking East Branch and was located in an agricultural field and a wooded area, in the area of West Village, Section 5. The site measured about 393.6 by 55.6 feet (120 by 170 m). The small number of prehistoric artifacts recovered indicates brief episodes of lithic reduction during the Late Archaic to Early Woodland period (3,000–500 BC), probably representing short-term encampments. The historic component of 18PR573 contained architectural and domestic artifacts dating from the late seventeenth through eighteenth centuries. The low density of brick on the surface

of the agricultural field suggested that the site represents a wooden building with a brick chimney. The artifact scatter extended to the north and east of the main concentration, indicating possible outbuilding locations. No further work was recommended on the prehistoric component of Site 18PR573. However, Phase II archeological evaluation was recommended on the historic component of 18PR573 if the site could not be avoided. As part of the Section 106 review, Phase II evaluation of Site 18PR573 was required to determine its eligibility for listing in the National Register of Historic Places and the Maryland Register. The final Phase II report was submitted to MHT and ACOE in 2001. The Planning Board did not receive a copy of that report.

Phase III data recovery investigations were recommended on Site 18PR573 and ACOE and MHT concurred. A Phase III data recovery plan for Site 18PR573 was approved by MHT in November 2005. Phase III data recovery investigations were completed on Site 18PR573 in 2006. On November 22, 2006, MHT received a copy of the end of fieldwork summary letter on the conclusion of archeological data recovery field efforts for Site 18PR573. Based on the information presented in the letter, MHT agreed that the consultant completed the fieldwork component of the data recovery plan for Site 18PR573. MHT also had no objection to the commencement of project construction activities in the vicinity of Site 18PR573 while the archeological consultant proceeded with completion of the laboratory processing, analyses, and report preparation phases of the data recovery efforts. The applicant has not submitted the site report for the Phase III data recovery investigations for Site 18PR573 to ACOE, MHT, or the Planning Board, and the artifact collection has not been curated with the Maryland Archaeological Conservation Lab in Calvert County. Public interpretive measures were also a component of the Phase III data recovery plan and have not been implemented.

Archeological Site 18PR577 consisted of three depressions that probably represent a kitchen (Feature 1); a root cellar, well, or silo (Feature 2); and a dwelling. To the south of the house site are several concrete footers for a former barn, along with tin roofing. None of the buildings are still standing. However, excavation of shovel test pits (STPs) around the dwelling site indicated that an intact yard midden is present. Artifacts recovered suggest that the dwelling and barn were built in the late nineteenth or early twentieth century. The Phase I report notes that no recent disturbance was evident around the site and that intact deposits probably can be found in the features and the yard midden around the house. However, no further work was recommended on the site because it dated to the first half of the twentieth century, which was felt to limit its research potential. ACOE and MHT concurred with the Phase I report recommendation that no further work was necessary on Site 18PR577.

The Planning Board's conclusions regarding the archeology-related aspects of this SDP follow:



- (1) The applicant should submit a copy of the final Phase II report for Site 18PR573 to the Planning Board.
- (2) The applicant submitted the approved Phase III data recovery plan for Site 18PR573 and a draft Phase III report to the Historic Preservation Section for review and comment on August 1, 2012. The applicant should develop language for interpretive signage that discusses the historical development of the tract on which Site 18PR573 is located and the findings of the Phase I, II, and III investigations that were conducted on the site.
- (3) No further archeological investigations will be necessary on Site 18PR577.

The Planning Board by condition of this approval requires:

- (1) Prior to any ground disturbance or the approval of any grading permits, the applicant shall provide a final report detailing the Phase III archeological investigations at Site 18PR573 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, Maryland. Proof of disposition of the artifacts shall be provided to the Planning Board or its designee.
- (2) Prior to issuance of the 50th building permit, the applicant shall provide language for an interpretative sign that discusses the results of the Phase I, II, and III archeological investigations at Site 18PR573 and the historical background of the tract on which it is located.
- (3) Prior to the 100th building permit, the applicant shall install the interpretive sign and provide a photograph of the placement of the sign to the Planning Board or its designee.

- c. **Community Planning**—The subject application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and that the development proposal conforms to the 2009 *Subregion 6 Master Plan and Sectional Map Amendment* recommendations for a residential low land use. However, the addition of single-family houses into open space is of concern. While this proposal is within the approved number of lots for the whole development, the loss of this large area of green space may have a negative effect. This green/open space is one of just a few open spaces that is not either golf course or stream valley park and adds value to the surrounding houses that back up to it.

- d. **Transportation Planning**—On Thursday June 8, 2000, the Planning Board approved SDP-9907 (PGCPB Resolution No. 00-111). As part of the application for SDP-9907, the applicant submitted a staging plan which identified the transportation improvements needed for the various development stages of the Beech Tree subdivision. In reviewing the proposed staging and the associated road improvements, and after further consultation with the applicant, the Maryland State Highway Administration (SHA), and DPW&T, the Planning Board concurs with the proposed staging report, with modifications:

**Phase I: The Golf Course**

- (1) **Prior to issuance of the first building permit for the golf course clubhouse, the developer shall have begun construction of the improvements listed below:**
- (a) **Lengthen the northbound US 301 left turn lane at Swanson Road as required by SHA.** [*This improvement has been met.*]
  - (b) **Construct a 500-foot-long southbound deceleration lane (include taper) along US 301 at Swanson Road as may be required by SHA.** [*This improvement has been completed.*]
  - (c) **Construct a 500-foot-long southbound acceleration lane (including taper) along US 301 feet from Swanson Road as may be required by SHA.** [*This improvement has been completed.*]

**Phase II: Residential Development**

- (2) **Prior to issuance of any residential building permit, the following improvements shall be placed, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors, and/or assignees:**
- (a) **Leeland Road**—Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards. [*This improvement has not yet begun; however, it has been bonded as per DPW&T.*]

**Phase III: Residential Development—Building Permits #132–1,000**

- (3) **Prior to issuance of the 132nd building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**

- (a) **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.** [*This improvement has been completed.*]
- (b) **Construct internal site connection from Beech Tree Parkway to Leeland Road.** [*This improvement has been met.*]
- (c) **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.** [*SHA is proposing to signalize this intersection, which will allow left turn movements from eastbound Swanson Road to northbound US 301. Consequently, this condition is no longer relevant.*]

**Phase IV: Residential Development—Building Permits #1,001–1,500**

- (4) **Prior to issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - (a) **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
  - (b) **Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**
  - (c) **Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.**

**Phase V: Residential Development—Building Permits #1,501–1,992**

- (5) **Prior to issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - (a) **Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.**

**Phase VI: Residential Development—Building Permits #1,993–2,400**

- (6) **Prior to issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements**

**in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by SHA or DPW&T to the Planning Department.**

Specific Design Plan SDP-9907 was approved with 14 conditions including the following that relate to transportation:

- 11. If in the future, the sequencing of the subsequent development phases or associated transportation improvements is proposed to be modified, the Recommended Staging Plan shall be revised and resubmitted by the applicant prior to approval of the SDP for which such a change is requested.**

**Otherwise, with each subsequent SDP, the applicant shall provide evidence, in the form of a letter to the Planning Department, of (1) the aggregate number of building permit issuances for residential units, (2) the Phase within which the number of units for the proposed SDP would fall, and (3) the status of the associated transportation improvements. This letter shall be compared to the Staging Plan for transportation improvements in effect at that time in order to evaluate the adequacy of transportation facilities for report to the Planning Board.**

- 12. Prior to the issuance of any residential building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100% funded in a CIP/CTP or otherwise provided by the applicant, heirs, successors or assigns:**

**Leeland Road**

**Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards.**

- 13. The applicant shall provide right-of-way dedication and improvements along Leeland Road as required by DPW&T.**

On July 7, 2005, the Planning Board approved SDP-0410 (PGCPB Resolution No. 05-157) with nine conditions, including the following:

- 6. Prior to issuance of the 132nd building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**

- a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**
- b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
- c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

However, in its review of the Planning Board's action on SDP-0410, the Prince George's County Council, sitting as the District Council on November 28, 2005, affirmed the Planning Board's approval with some modification to Condition 6. In its final decision, the Council increased the threshold for which certain transportation infrastructure must be completed from 132 residential building permits to 350 residential building permits. The new revised condition pursuant to the Council's action now reads as follows:

6. **Prior to issuance of the 350th building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**
  - b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
  - c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

On September 9, 1999, the Planning Board approved Preliminary Plan of Subdivision 4-99026) for Beech Tree (PGCPB Resolution No. 99-154,) with 22 conditions, including the following:

18. **Prior to approval of the first Specific Design Plan pursuant to this preliminary plat, the applicant shall prepare a report which will identify the number of units and access locations of each phase of development to occur pursuant to this preliminary plat, identify the transportation improvements to be constructed with each phase, and develop a financing plan and construction schedule for the improvements associated with each phase. This report shall be submitted with the first SDP application submitted pursuant to this preliminary plat and reviewed by DPW&T, SHA and Transportation Planning staff, who shall then report to the Planning Board on the status of**

**the staging of transportation improvements with each phase of development. The report shall be revised and resubmitted by the applicant with any subsequent SDP application where the sequencing of the improvements or development phases is changed from that in the initial report.**

The Planning Board understands that, pursuant to Condition 18 of the original preliminary plan, any change to either the sequencing of proposed improvements and/or changes to the development thresholds from the original approved report (staging plan), would require a new staging plan being submitted to staff for review.

The Planning Board is in receipt of a June 6, 2012 letter from the applicant, which represents a status report of building permits issued in relation to transportation improvements, as required by Condition 11 of SDP-9907. According to the applicant, approximately 825 building permits have been issued as of this writing. As this application (35 units) has been approved, combined with 104 other units that are part of other pending applications, the number of building permits issued will increase to 964. Since the Phase III threshold begins with the 350th permit, and all of the conditions associated with Phase III have been met, the Planning Board concludes that the subject development will be adequately served within a reasonable period of time, as the subject application is approved with conditions for Phases IV through VI.

The Planning Board concluded that the subject development will be adequately served within a reasonable period of time, as the subject application is approved with the following conditions:

**Phase IV: Residential Development—Building Permits 1,001–1,500**

- (1) Prior to issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
  - (a) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - (b) Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - (c) Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.

**Phase V: Residential Development—Building Permits 1,501–1,992**

- (2) Prior to issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:

- (a) Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.

**Phase VI: Residential Development—Building Permits 1,993–2,400**

- (3) Prior to issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by SHA or DPW&T to the Planning Department.
  - (4) Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 1 through 3 above will require the filing of a SDP application, and a new staging plan reflecting said changes must be included with the application.
- e. **Subdivision Review**—The subject property is located on Tax Map 85 in Grid B-2, is 50.93 acres, within the Residential Suburban Development (R-S) Zone, and is known as West Village, Sections 2, 4, and 5 within the Beech Tree Subdivision. The site plan shows the entire property boundaries and acreage of the Beech Tree Subdivision. The applicant submitted a specific design plan (SDP) to increase single-family lots from 113 to 139 and to increase townhouse lots from 43 to 52 units in the West Village, Sections 2, 4, and 5.

Further, they noted that the site is subject to approved Preliminary Plan 4-00010, and its approving resolution was adopted by the Planning Board on July 6, 2000 (PGCPB No. 00-127). The validity period for the preliminary plan was extended to December 31, 2013 by County Council Bill CB-8-2011. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan will be required. The applicant may ask for an extension of the validity period for the preliminary plan beyond December 31, 2013. The resolution contains 30 conditions; Conditions 1, 2, 3, 5, 8, 11, 12, 14, 20, and 25 are relevant to the subject project. Please see Finding 9 for a full discussion of these conditions.

This SDP shows 139 single-family dwellings and 52 townhouses for West Village, Sections 2, 4, and 5, while the Preliminary Plan 4-00010 was approved for 191 single-family and 43 townhouse lots. The tracking chart shows the overall total of 1,109 single-family and 424 townhouse dwelling units approved by the various SDPs including this SDP for the Beech Tree Subdivision, which is less than the 1,632 single-family and 479 townhouse lots that were approved under Preliminary Plans 4-98063 and 4-00010. It appears there are minor errors with the tracking chart. The tracking chart should be revised to reflect the correct approved number of units for North

Village, Sections 1, 2, and 3; North Village, Sections 4 and 5; and West Village, Sections 2, 4, and 5. The applicant has two other SDPs pending for different villages in Beech Tree. The applicant should provide an exhibit of the tracking chart that includes the other pending SDPs to ensure that the overall lots for the pending SDP will not exceed the overall total single-family (detached) and townhouse lots approved by the preliminary plans.

Lots 1 through 16 were recorded in Plat Book MMB 234@56 on July 13, 2011. The record plat contains ten notes, and the applicable conditions that relate to the review of this application are discussed in the preliminary plan conditions cited above and discussed in Finding 9. The SDP proposes a change in the layout of Lots 1–16; therefore, a new final plat to reflect this approved SDP is required prior to building permits. The remaining residential lots in West Village, Sections 2, 4, and 5, have not been platted, which is required prior to building permits.

Currently, no public utility easements (PUE) are shown on the individual lots. Section 24-128(b)(12) of the Subdivision Regulations requires that for private roads, a ten-foot-wide PUE be indicated adjacent to the right-of-way. The SDP should be revised to include PUEs on the individual lots. The location of the SWM facilities is an area of concern that requires additional review. Conditions 1(b), (2), and (3) of the original SDP (PGCPB Resolution No. 07-175) required that DPR review and approve the location of the SWM pond and outfall. The stormwater outfall is being proposed in a location other than that approved in SDP-0617. The Department of Parks and Recreation (DPR) should review the location of the SWM outfall to ensure it does not negatively impact the 50-foot-wide master-planned trail easement.

Failure of the site plan and record plats to match will result in building permits being placed on hold until the plans are corrected. SDP-0617-01 is in substantial conformance with approved Preliminary Plan 4-00010, as the plan comments are satisfactorily addressed and the following condition has been included in the approval:

- (1) Prior to certificate approval of the subject SDP, the plan shall be revised to:
  - a. Show the ten-foot-wide public utility easement along all rights-of-way.
  - b. Revise the tracking chart to reflect the correct number of approved units.
  - c. Show the Liber and Folio (31724/176) for the hiker/biker trail easement.
  - d. Submit an exhibit containing a tracking chart that includes all pending SDPs.
- f. **Trails**—The Planning Board has reviewed the SDP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation*



(MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements, and offers recommendations below.

The subject application is located within the southeastern portion of the Beech Tree development. This development is bounded by Robert Crain Highway (US 301) on the east, Leeland Road on the north, and Collington Branch to the west. Beech Tree is within the area covered by the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* and is also covered by the MPOT. The villages under consideration are located east of the required master plan trail along the Collington Branch stream valley and west of the lake. Previous conditions of approval which addressed bicycle and pedestrian facilities along internal roads are summarized below.

Previously approved SDP-0617 (PGCPB Resolution No. 07-175) included several recommendations for bicycle and pedestrian accommodations. Only conditions or sub-conditions directly related to trail or pedestrian facilities are copied below.

- 1. Prior to certificate approval of this specific design plan, the applicant shall**
  - a. Revise the site plan and landscape plan as follows:**
    - (3) Provide standard sidewalks along one side of all internal roads within the subject application.**
    - (8) Revise the plans to show a fifty-foot-wide easement along the master plan trail from the north to the south of this SDP project area.**
    - (9) Extend the limit of disturbance to include the master plan trail and easement.**
  - b. Provide the following revisions to be reviewed and approved by the Department of Parks and Recreation:**
    - (1) Show two trail connectors from the community included in this SDP to the master planned trail. These connectors shall be provided at the eastern portion of Littleton Place and the T-intersection of Wellingborough Court and Kettlebaston Place. These trails shall be included as part of the Master Planned trail easements and detailed construction drawings shall also be provided.**
    - (3) Relocate the outfall south of the stormwater management pond (WV-05) to avoid the impact on the fifty-foot wide master planned trail easement.**

- (4) Provide adequate landscaping along the master planned trail easement.**
- 8. The applicant and the applicant's heirs, successors and/or assignees shall provide the following trails related improvements:**
  - a. Prior to issuance of the 2,000th building permit the applicant shall submit detailed construction plans and details for construction of the balance of the master plan trail through the stream valley park to DPR for review and approval.**
  - b. Prior to issuance of the 2,200th building permit, the applicant shall have finished construction on the balance of the said master plan trail through the stream valley park.**
- 9. Prior to the final plat for any portion covered in this SDP, the applicant shall enter into maintenance and public use agreements with the Department of Parks and Recreation for the perpetual maintenance of the master planned trail and easement areas.**

Approved Preliminary Plan 4-00010 (PGCPB Resolution No. 00-127) included the following conditions of approval related to trail and sidewalk facilities. Only conditions that pertain to pedestrian or trail facilities are copied below.

- 1. The applicant, his heirs, successors and/or assigns shall have finished construction on the following improvement in phase with construction in accordance with the following schedule:**
  - a. Prior to issuance of the 1,400th building permit, an 8- to 10-foot-wide asphalt master plan hiker-biker trail immediately adjacent to the west side of the lake within the community [as agreed to by the Department of Parks and Recreation (DPR) and as required by CDP-9706 DPR ]. As recommended by DPR, this trail shall be 8 feet wide where it is adjacent to roadways and 10 feet wide in all other locations.**
  - b. Prior to issuance of the 2,200th building permit, the applicant, his heirs, successors and/or assigns shall have finished construction on the balance of said master plan trail through the stream valley park... A bicycle network shall to be included on the internal roads. This network shall be designated either by appropriate bikeway signage and/or pavement markings.**

2. **All HOA trails shall be a minimum of six-feet wide and asphalt, unless otherwise agreed to by the Department of Parks and Recreation.**
3. **All trails shall be assured dry passage. If wet areas must be traversed, suitable structures shall be constructed.**
4. **All trails and sidewalks shall include any necessary curb cuts and be ADA compatible.**
9. **Prior to signature approval, the preliminary plat shall be revised to:**
  - g. **A bicycle network shall be included on the internal roads. This network shall be designated either by appropriate bikeway signage and/or pavement markings.**

Regarding the provision of sidewalks, it should be noted that the MPOT includes the following policies in the Complete Streets Section (page 33):

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The submitted SDP includes sidewalks on only one side of most of the internal roads, consistent with the requirements of earlier approvals. However, it appears that roads within the townhouse portion of the application include sidewalks along both sides of most roads. Lake Forest Drive, which is the main north-south road in this portion of Beech Tree, also includes sidewalks along both sides.

Prior conditions of approval are still applicable. Modifications to the plan necessary for conformance with prior approvals, as well as appropriate additional recommendations for the internal pedestrian network, are included as conditions of approval, except as modified by additional findings.

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a SDP as described in Section 27-274(a)(2)(C) of the Zoning Ordinance as the following conditions as appropriate are included in the subject approval.

- (1) Provide high visibility crosswalks at all intersections along Lake Forest Drive, unless modified by DPW&T.
- (2) Prior to approval of the first building permit in Block B:
  - (a) The trail connection location shall be posted at 200-foot intervals and inspected by the M-NCPPC trails coordinator.
  - (b) The signage shall be approved by the trails coordinator prior to posting and shall state at a minimum: "Future location of a public trail."
  - (c) The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed toward the lots of the subdivision and the public street.
  - (d) The height of the signage shall be determined by the trails coordinator in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trails coordinator, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted at certain locations along the proposed trail.
- (3) Prior to approval of building permits for Block J, Lots 7–13, 17–20, and 43–52, the Declaration of Covenants shall be revised to ensure that they include language notifying the homeowners of the location of a public trail adjacent to the lots referenced above.
  - (a) The Declaration of Covenants shall include the Master Plan Public Trail Disclosure Notice.
  - (b) The contract purchasers of Lots 7–13, 17–20, and 43–52 of Block J shall sign a disclosure notice of the public trail location.
  - (c) The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the public trail.
- (4) Relocate the outfall east of the SWM pond (West Village, Section 5) to avoid the impact on the 50-foot-wide master-planned trail easement.

The previously required trail connection near Wellingborough Court was eliminated due to the close proximity of other existing or planned trail connections to both the north and the south of this location, the desire to retain existing woodlands around the lake, and the need to retain sufficient buffers between trails and private residential lots.

- g. **Permit Review**—There were no permit review issues connected with the subject application.
- h. **Public Facilities**—The Planning Board has reviewed this SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance which states that:

**The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

More specifically, the Planning Board, with respect to fire and rescue services, stated that the subject site is within the seven-minute response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department; that a new two-bay fire/EMS station on Leeland Road is allocated in the Prince George's County CIP for Fiscal Years 2012–2017. The Planning Board also stated that the police facilities in the project's District II have been determined to be adequate, that a school facilities surcharge will ensure adequate schools, and the location of the site within sewer Category 3, Community System, by the 2008 *Water and Sewer Plan*, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.

- i. **Environmental Planning**—The Planning Board has reviewed the revised SDP and tree conservation plan for Beech Tree, West Village, Sections 2, 4, and 5 and hereby approves SDP-0617-01 and TCPII-021-10/01 subject to conditions.

The overall Beech Tree development is subject to the following approved cases and plans: A-9762, A-9763-C, CDP-9706, TCPI-073/97, 4-98063, 4-99026, and 4-00010. Because of the way in which the project has proceeded through the process, all of the preliminary plan cases apply to all of the specific design plans that are the subject of this review. West Village, Sections 2, 4, and 5, is also subject to approved Specific Design Plan SDP-0617 and previously approved Type II Tree Conservation Plan TCPII-049-98 for the overall site, which has been updated with each section or phase as it is submitted for specific design plan. A separate Type II Tree Conservation Plan, TCPII-021-10, for Sections 2, 4, and 5 was approved on August 3, 2010.

A proposed revision (-01) to the specific design plan, SDP-0617-01, and Type II Tree Conservation Plan TCPII-021-10-01 was initially withdrawn prior to a final decision, but has been resubmitted and is being hereby appropriate.

An -02 Planning Board designee revision to the Specific Design Plan, SDP-0617-02, and Type II Tree Conservation Plan TCPII-021-10/01 is proposed for the townhouse section layout of West Village, Sections 2, 4, and 5, with a resulting net decrease of one lot,

resulting in a total of 111 single-family detached dwellings and 42 single-family attached dwellings. That application is pending.

The current application is the resubmittal of the -01 revision to the specific design plan to increase the single-family detached lot yield from 113 to 139 dwelling units, and to increase the single-family attached dwellings from 43 to 52 units.

The subject application is grandfathered from the provisions of Subtitles 24 and 27 that came into effect on September 1, 2010 and February 1, 2012 because of the previous preliminary plan approval. Further, they stated that the application is grandfathered from the provisions of Subtitle 25, Division 2 that came into effect on September 1, 2010 and February 1, 2012 because of prior approvals of a TCPI and TCPII for the subject property.

The Planning Board then described the site overall as the 1,184.08-acre Beech Tree site characterized by gently rolling terrain that steepens to form a vast network of slopes, ravines, and stream valleys. Elevations range from 175 feet at the north terminus, to 25 feet above sea level in the Collington Branch floodplain located in the southwest corner. The numerous feeder tributaries prevalent throughout the site drain into East Branch, a large intermittent stream that begins its course near Leeland Road and flows in a southerly direction to the main stem of Collington Branch. In turn, Collington Branch flows into Western Branch, and finally the Patuxent River. The property is situated within the Patuxent River drainage basin, and is therefore subject to the stringent buffer requirements of the Patuxent River Policy Plan.

According to the 1967 *Prince George's County Soil Survey*, the soils on the site primarily belong to the Collington-Adelphia-Monmouth, Westphalia-Evesboro-Sassafras, and Westphalia-Marr-Howell associations. The soils are characterized as deep; nearly level to strongly sloping; well drained to moderately well drained; formed in upland areas from sediments containing glauconite; and well drained to excessively well drained on moderately sloping to steeply sloping land. Portions along the southeast and northwest are comprised of Sandy Land, a miscellaneous soil type consisting of fine sandy sediments formed along the steep slopes of stream valleys. The Westphalia and Sandy Land soils have erodibility factors in excess of 0.35 and are thus considered highly erodible. In accordance with the Patuxent River Policy Plan and the Subdivision Regulations, any highly erodible soils on slopes of 15 percent or greater must be incorporated into stream buffers. The site also contains a massive Marlboro clay layer. This massive clay layer is the cause of many geotechnical problems.

Highway noise from Robert Crain Highway (US 301) is a known significant noise source. The CSX railroad runs adjacent to the western property boundary, which may result in noise and/or vibration impacts. Leeland Road, which runs along the northern boundary of the Beech Tree development, was designated a scenic road in the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for*

*Planning Areas 71A, 71B and 74B.* The water and sewer categories are W-3 and S-3. There are extensive areas of wetlands on the site.

During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed.

Of the 1,184 total acres, about 220 acres (18 percent) are 100-year floodplain and 207 acres (94 percent) of the floodplain is forested. The upland 973 acres, while under agricultural uses since colonial times, has 651 acres of woodlands (67 percent of the upland).

The West Village, Sections 2, 4, and 5, SDP-0617, occupies about 53.37 acres in the southwest area of the Beech Tree development. It is located in the Developing Tier and entirely within the 2005 *Approved Countywide Green Infrastructure Plan*, including regulated areas and evaluation areas.

#### **Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans.

#### **Zoning Map Amendment A-9763-C**

**Condition 1. There shall be no grading or cutting of trees on the site prior to approval of the Comprehensive Design Plan, except on a selective basis with written permission of the Prince George's County Planning Board.**

This condition was met and carried over in the approval of Type I Tree Conservation Plan TCPI-073-97.

**Consideration 1. The applicant shall prepare a tree stand delineation plan for the approval of the Planning Board. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation (FSD) was approved as part of TCPI-073-97 with CDP-9706. Conditions 1a and b of CDP-9706 further addressed this consideration. These conditions were met prior to certificate approval of the CDP.

**Consideration 2. The applicant will prepare a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.**

This consideration was carried over in Conditions 6 and 8 of CDP-9706 and is implemented during stormwater management concept approval and technical stormwater management plan review.

**Consideration 3. A minimum 50-foot-wide undisturbed buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes, and areas of erodible soils.**

This consideration is reviewed in the Planning Board below and is also subject to Conditions 1a and b of CDP-9706. The minimum stream buffer within the Developing Tier has recently been increased to 75 feet and the primary management area (PMA) has been expanded to include all slopes 15 percent or greater, but these changes will not be applied to this case since a preliminary plan and SDP were previously approved by the Planning Board.

**Consideration 4. The applicant shall prepare a noise study for approval by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels from exceeding 65 dBA (Ldn) exterior and 45 dBA (Ldn) interior.**

This consideration was addressed in Condition 1.e. of CDP-9706 that requires approval of a noise study at the time of SDP approval by the Planning Board. A noise study was reviewed and approved with SDP-9907, East Village, Phase 1. The subject property is located on the western side of the Beech Tree development, and at its closest point is more than 3,500 feet separated from US 301, which is the transportation noise source of concern.

To the west of this property are the CSX railroad tracks, which have the potential for being a source of noise and vibration. No structures are proposed within the 100-foot-wide vibration setback from the railroad tracks. A 300-foot minimum lot depth is required adjacent to a transit right-of-way and has been provided. Preliminary Plan 4-00010 was reviewed which indicates that the lot depths proposed were greater than 300 feet, and no variation to the lot depth requirement was requested. Possible noise impacts from the railroad were previously evaluated with the -01 revision to the SDP, and are not affected by the current revision proposed.



**Consideration 5. The applicant shall demonstrate that the proposed development complies with the Patuxent River Policy Plan criteria.**

The preservation of the PMA to the fullest extent possible would address this consideration; however, it appears that impacts beyond those previously approved have been shown on subsequent SDPs. See the Environmental Review section below for a discussion of the need for a detailed assessment of the PMA impacts approved.

**Consideration 6. The applicant shall prepare a detailed soils study to demonstrate that the property is geologically suitable for the proposed development.**

This condition was met by the applicant's acceptance of the Planning Board's findings on CDP-9706, and Condition 1.d. of PGCPB Resolution No. 98-50, which required a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for this portion of the Beech Tree project was submitted with previously approved SDP-0617, and it was determined that this section of the development was geologically suitable for the development proposed.

**Comprehensive Design Plan CDP-9706 (PGCPB Resolution No. 98-50)**

- 1. Prior to certificate approval of the Comprehensive Design Plan (CDP), the following revisions shall be made or information supplied:**
  - a. The CDP and the Tree Conservation Plan shall be revised or notes shall be added to refine the design of the golf course (with particular attention to holes 4, 5, and 6) to minimize disturbance to stream valleys, maintain contiguous woodland, maintain woodland on steep and severe slopes, and conserve critical habitat areas.**
  - b. The Type I Tree Conservation Plan shall be revised to ensure that all woodland conservation requirements are met on-site. Off-site woodland conservation or the use of fee-in-lieu is not permitted. Note 12 shall be removed from the TCP. Revision of this condition may be permitted by the Planning Board or District Council in its review of Type II Tree Conservation Plans concurrent with review of Specific Design Plans.**
  - c. The CDP shall have a note added indicating that at the time of Specific Design Plan the road access to the southernmost pod of South Village shall be studied to determine if it should be shifted to the east as shown on the staff exhibit.**

**d. The following note shall be placed on the CDP:**

**“The envelopes and road crossings shown on this plan are conceptual and may be modified at time of approval of the Specific Design Plan to minimize risks posed by Marlboro Clay. Prior to the approval of any SDP which contains a High Risk Area, a Geotechnical Study, following the *Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments* prepared by the Prince George’s County Unstable Soils Taskforce, shall be submitted for review and approval by the Natural Resources Division and the Prince George’s County Department of Environmental Resources to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-297 of the Building Code.”**

**e. The following note shall be placed on the CDP:**

**“The residential building envelopes are conceptual in nature and may be shifted at the approval of the Specific Design Plan when a noise study is approved by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels exceeding 65 dBA (Ldn) exterior.”**

**f. The applicant shall submit a Habitat Management Plan integrated with the Water Quality Monitoring Program to the Natural Resources Division demonstrating that water quality and any species of state concern will not be adversely impacted by the development.**

**g. The applicant shall revise the CDP to show the approximate location of the required on-site wetland mitigation areas.**

**h. The applicant shall delineate on the CDP all stream buffers in accordance with the Considerations 3 and 5 of the A-9763-C.**

**i. The applicant shall revise the Water Quality Monitoring and Habitat Management Program to reflect the following:**

- (1) Reporting must occur biannually, rather than annually. Therefore, the first report shall be submitted within 6 months from the date of initial sampling.**

- (2) **Turbidity is to be included in monthly measurements, rather than quarterly.**
- (3) **Water chemistry is to be conducted on a bimonthly basis, and in addition to the base flow monitoring, shall include at least three storm events that are roughly twice the volume of base flow conditions during the baseline phase, construction phase, and each year of the operations monitoring phase for the listed pollutants.**
- (4) **Habitat assessment shall occur twice a year, rather than once a year.**
- (5) **Two thermographs shall be installed onsite to measure water temperature during the baseline, construction and post construction phases outlined in the Water Quality and Habitat Management Report. The temperature gages shall be installed at the outfall of the lake and further south in East Branch, near its confluence with Collington Branch.**

The above conditions were met and the CDP was certified.

3. **There shall be no grading or cutting of trees on the site prior to approval of the Specific Design Plan, except on a selective basis with written permission from the Prince George's County Planning Board or designee.**

This condition was carried over from A-9763-C and incorporated into the approved Type I Tree Conservation Plan, TCPI-073-97. The Planning Board knows of no violations of this condition.

6. **Prior to approval of building or grading permits, the Natural Resources Division shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Natural Resources Division shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.**

The location of storm drain outfalls is generally determined during the specific design plan; waiting to review the outfalls under approval of the grading permits would result in an avoidable delay in construction and possible requirements for plan revision. This condition should be addressed to the fullest extent possible as part of the current application, and will be discussed in the Environmental Review section of this resolution.

Every SDP for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all

phase or section numbers, all approved or submitted SDP numbers, and all approved or submitted tree conservation plan numbers.

The SDP cover sheet has been revised to satisfy this requirement in accordance with all approvals that have occurred since the original plan approval.

- 8. Every Specific Design Plan for Beech Tree shall adhere to Stormwater Management Concept Plan #958009110 or any subsequent revisions. The applicant shall obtain separate Technical Stormwater Concept Plan approvals from DER for each successive stage of development in accordance with the requirements set forth in Concept Plan #958009110 prior to SDP or Preliminary Plan approval, whichever comes first.**

The above condition requires the applicant to obtain a separate stormwater management concept approval for each successive stage of development prior to SDP or preliminary plan approval. A revised stormwater management concept letter and associated plan (48088-2006-02) was submitted on June 26, 2012, which was approved for West Village, Sections 2, 4, and 5 on May 16, 2012.

- 9. Prior to issuance of any grading permit which includes the lake, the applicant shall demonstrate to the satisfaction of the Natural Resources Division that a lake of at least 25 (plus or minus) acres can be maintained.**

The subject application is adjacent to the lake. This condition was previously addressed with the issuance of the grading permit for construction of the lake.

- 10. Prior to approval of the Specific Design Plan for the golf course, the applicant shall submit to the Natural Resources Division an Integrated Pest Management (IPM) Plan in accordance with Maryland Department of the Environment (MDE) and Department of Natural Resources (DNR) criteria. The IPM shall include protocols on how nutrients, pests and toxics will be managed on a routine basis as part of the overall maintenance and upkeep of the golf course and lake. The IPM shall be approved by the Natural Resources Division prior to the issuance of the Use and Occupancy permit for the golf course.**

Although this site is adjacent to the golf course, there is not a direct nexus between the current approval and the integrated pest management (IPM) plan. The IPM plan was approved prior to issuance of the use and occupancy permit for the golf course.

- 22. Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate to the Natural Resources Division that all applicable conditions of the state wetland permit have been honored.**

The requirement for valid wetland permits and a demonstration that all wetland permit requirements have been addressed and maintained will be discussed in the Environmental Review section of this approval.

**Preliminary Plan of Subdivision 4-98063 (PGCPB Resolution No. 98-311)**

- 1. Development of this site shall be in conformance with the approved Comprehensive Design Plan, CDP-9706, and the approved Specific Design Plan, SDP-9803, including all conditions thereto. Any discrepancies between the approved preliminary plat and the approved SDP shall be corrected by the submission of a revised SDP for approval by the Planning Board prior to the issuance of any permits.**

Conformance of the SDP with the approved CDP, beyond specific environmental conditions, has been determined by the Planning Board. See Finding 8.

- 2. Development shall be in conformance with Stormwater Management Concept Plan, #958009110.**

Copies of the current valid stormwater management concept approval letter and plans have been submitted. Conformance with this condition will be addressed in the Environmental Review section of this approval.

- 17. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI-078-97). The following note shall be placed on the Final Plat of Subdivision:**

**“Development is subject to the restrictions on the approved Type I Tree Conservation Plan (TCPI-078-97), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”**

Conformance with approved TCPI-078-97, the subsequent overall TCPII-049-98, and the separated TCPII-021-10 will be discussed in the Environmental Review section of this approval.

All notes required at the time of final plat will be addressed when the plats are submitted for review.

**Preliminary Plan of Subdivision 4-99026 (PGCPB Resolution No. 99-154)**

- 1. As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors, and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

The Planning Board's comments and conditions of approval relative to the presence of Marlboro clay are addressed in the Environmental Review section of this approval.

- 2. At the Specific Design Plan stage, the applicant, his heirs, successors, and/or assigns shall submit a noise study. Residential building envelopes are conceptual in nature and may be shifted at the approval of the Specific Design Plan when a noise study is approved by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels exceeding 65 dBA (Ldn) exterior. Lots which cannot meet the noise level requirements shall be removed.**

A noise study was previously reviewed and approved with SDP-9907, East Village, Phase 1, which addressed noise impacts from US 301, a master-planned freeway. It was determined that the West Village was outside of the noise impact zone for US 301.

Possible noise impacts related to the CSX railroad tracks located adjacent to West Village, Sections 1, 3, and 6 were evaluated with that application. No noise impacts from the railroad were identified for West Village, Sections 1, 3, and 6 which is located closer to the railroad tracks than the current application.

**Preliminary Plan of Subdivision 4-00010 (PGCPB Resolution No. 00-127)**

- 5. Prior to approval of building or grading permits, the Environmental Planning Section shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.**

The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDPs. Based on information submitted by the applicant, the Planning Board has

determined that sufficient information has been provided with the current approval to address any concerns with the current approval.

- 6. Prior to issuance of any grading permit which includes the lake, the applicant, his heirs, successors, and/or assigns shall demonstrate to the satisfaction of the Natural Resources Division that a lake of at least 25 (plus or minus) acres can be maintained.**

The subject approval does not include the lake, which has already been constructed.

- 7. Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate that all applicable conditions of the State wetland permit have been fulfilled.**

An Army Corps of Engineers (ACOE) 404 Permit and Maryland Department of Environment (MDE) water quality certification were obtained, but have since expired. The submittal of a valid wetlands permit will be required prior to issuance of any further permits which impact streams or wetlands on the subject property.

A condition of this approval shall read:

“Prior to issuance of any grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit valid copies of all required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.”

- 8. As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George’s County Department of Public Works and Transportation, and the Prince George’s County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

See the Environmental Review section comments and recommended conditions below.

**Conformance with Conditions of Approval for SDP-0617**

The following conditions of an environmental nature were approved by the Planning Board in PGCPB Resolution No. 07-175, and are addressed below.

- 1. Prior to certificate approval of this specific design plan, the applicant shall:**

**a. Revise the site plan and landscape plan as follows:**

- (5) Provide all approved or submitted Tree Conservation Plan numbers (including revisions) on the coversheet.**

It is assumed that Type II Tree Conservation Plan TCPII-049-98 was revised to fulfill these conditions prior to certificate approval. A separated TCPII was previously approved for SDP-0617 on August 3, 2010. With the current approval, a revision to the separated TCPII is required, which will be discussed in the Environmental Review section of this approval.

- 3. Prior to issuance of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Public Works and Transportation (DPW&T). The Environmental Planning Section shall work with DPW&T and the applicant to ensure that the plan is consistent with the Habitat Management Program and that water quality is provided at all stormdrain outfalls. If revisions to the TCPII are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.**

In order to evaluate conformance with this condition, a copy of the technical stormwater management plans must be submitted for review by the Planning Board. This will be further discussed in the Environmental Review section of this approval.

A condition of this approval shall read:

“Prior to certification of the revised SDP, a copy of the technical stormwater management plans for the subject portion of the development shall be submitted along with a statement of how the technical stormwater management plans are consistent with the habitat management plan, and how water quality has been addressed for all stormdrain outfalls. If the technical stormwater management plans are not consistent with the habitat management plan, or do not provide the level of water quality treatment indicated in the habitat management plan, the associated plans shall be revised as appropriate prior to SDP certification.”

- 4. Prior to issuance of grading permit, each grading permit shall show required on-site wetland mitigation areas.**

The submittal of valid wetlands permits shall be required prior to issuance of any further grading permits within the Beech Tree development, along with any wetlands mitigation plans. If the subject Type II tree conservation plan is affected by wetlands mitigation areas, then it shall be revised to show them.



A condition of this approval shall read:

“Prior to certification of the SDP, the approved wetland mitigation plans for the entire Beech Tree development shall be submitted, so that it can be determined if the subject TCPII is affected, and the subject TCPII shall be revised to show the location of any on-site wetland mitigation areas.”

- 10. No grading or cutting of trees or tree removal on the site (covered by SDP-0617) shall occur until after the final approval of this specific design plan by the District Council.**

This condition was carried over from A-9763-C and is incorporated into the approved Type I Tree Conservation Plan, TCPI-073-97. The Planning Board knows of no violations of this condition.

- 11. Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate to the M-NCPPC Environmental Planning Section that all applicable conditions of the state wetland permit have been addressed.**

The submittal of valid wetlands permits shall be required prior to issuance of any further grading permits within the Beech Tree development, along with any wetlands mitigation plans. All affected Type II tree conservation plans shall be revised to show any on-site wetland mitigation areas and demonstrate that all applicable conditions of the state wetland permit must be addressed.

### **Environmental Review**

- (1) This site is subject to the provisions of the Woodland Conservation Ordinance because the property has previously approved tree conservation plans. A forest stand delineation (FSD) and Type I Tree Conservation Plan, TCPI-073-97, were approved with CDP-9407. A Type II Tree Conservation Plan, TCPII-049-98, was initially approved with SDP-9803 for the golf course, which covered the entire Beech Tree site. As each SDP is approved for the Beech Tree development, TCPII-049-98 has been revised.

With the approval of SDP-0617, a separated Type II Tree Conservation Plan, TCPII-021-10, was approved. The current application proposes further revisions to the SDP and TCPII.

There are several technical revisions to the TCPII which need to be made, which include the following:

- (a) The TCP approval block shall be revised to show the correct format for the TCP number and include all previous approvals of the plan.
- (b) The M-NCPPC approval block shall be revised to include all previous approvals of the plan.
- (c) The TCP separation note on all sheets shall be revised to state:

“TCPII-021-10 was separated from TCPII-049-98 with the approval of SDP-0617.”
- (d) The tree protection device details shall be labeled as “temporary” or “permanent” consistent with the labeling in the plan legend.
- (e) The notation under the split-rail fence detail shall be revised to state:

“Split-rail fence to be located along vulnerable edges for all areas of afforestation/reforestation.”
- (f) A legend shall be provided on all plan sheets.
- (g) All woodland conservation areas shall be labeled by methodology and area.
- (h) Natural regeneration shall be removed from the plan and replaced with afforestation/reforestation areas.
- (i) The location of tree conservation signage shall be indicated on each plan sheet where a permanent tree protection device (split-rail fence) is not provided.
- (j) Natural regeneration shall be removed from the tree table indicated on each sheet and redistributed to afforestation/reforestation.
- (k) A Summary Tree Table shall be provided in the plan set which summarizes the information from individual tree tables.
- (l) The graphic symbol for the edge planting treatment shall be included in the legend, and further details shall be provided on the appropriate plan sheet which describes the edge planting treatment and its appropriate implementation.
- (m) The edge treatment shall be provided whenever afforestation areas are located directly adjacent to residential lots.

- (n) All woodland conservation areas shall be a minimum of 35 feet in width and 2,500 square feet in area.
- (o) A “clear zone” a minimum of ten feet from the top and the bottom of a retaining wall shall be maintained as a work and maintenance zone.
- (p) No retaining walls, which are structures, shall be included in a woodland conservation area.
- (q) At the east end of Littleton Place, a pavilion and benches have been proposed within a woodland preservation area. The pavilion is a structure which is not acceptable in a woodland conservation area. The woodland that was previously preserved shall be counted as cleared as well as a ten-foot-wide maintenance and clearing zone around the edge of the pavilion.
- (r) In areas where the recreational facilities are directly adjacent to woodland conservation areas, specifically the pavilion area and adjacent to the hiker/biker trail, a low protective fencing detail similar to that to be provided on the golf course shall be provided, and indicated on the plan and in the legend to protect adjacent areas from the excessive clearing of understory.
- (s) After the revised areas for the woodland conservation areas located on-site have been determined, the individual TCPII worksheet and the overall woodland conservation summary table shall be revised to reflect how the requirement for the site is being met. The overall woodland conservation summary sheet included on the TCPII plan sheet includes all plans and plan revisions approved and certified to date.

Prior to certification of the SDP, the TCPII shall be revised as follows:

- (a) The TCP approval block shall be revised to show the correct format for the TCP number, and include all previous approvals of the plan.
- (b) The M-NCPPC approval block shall be revised to include all previous approvals of the plan.
- (c) The TCP separation note on all sheets shall be revised to state:

“TCPII-021-10 was separated from TCPII-049-98 with the approval of SDP-0617.”
- (d) The tree protection device details shall be labeled as “temporary” or “permanent” consistent with the labeling in the plan legend.

- (e) The notation under the split-rail fence detail shall be revised to state:  

“Split-rail fence to be located along vulnerable edges for all areas of afforestation/reforestation.”
- (f) A legend shall be provided on all plan sheets.
- (g) All woodland conservation areas shall be labeled by methodology and area.
- (h) Natural regeneration shall be removed from the plan and replaced with afforestation/reforestation areas.
- (i) The location of tree conservation signage shall be indicated on each plan sheet where a permanent tree protection device (split-rail fence) is not provided.
- (j) Natural regeneration shall be removed from the tree table indicated on each sheet and redistributed to afforestation/reforestation.
- (k) A Summary Tree Table shall be provided in the plan set which summarizes the information from individual tree tables.
- (l) The graphic symbol for the edge planting treatment shall be included in the legend, and further details shall be provided on the appropriate plan sheet which describes the edge planting treatment and its appropriate implementation.
- (m) The edge treatment shall be provided whenever afforestation areas are located directly adjacent to residential lots.
- (n) All woodland conservation areas shall be a minimum of 35 feet in width and 2,500 square feet in area.
- (o) A “clear zone” a minimum of ten feet from the top and the bottom of a retaining wall shall be maintained as a work and maintenance zone.
- (p) No retaining walls, which are structures, shall be included in a woodland conservation area.
- (q) The woodland that was previously preserved in the area of the pavilion shall be counted as cleared as well as a ten- foot-wide maintenance and clearing zone around the edge of the pavilion.

- (r) In areas where the recreational facilities are directly adjacent to woodland conservation areas, specifically the pavilion area and adjacent to the hiker/biker trail, a low protective fencing detail similar to that to be provided on the golf course shall be provided and indicated on the plan and in the legend.
  - (s) After the revised areas for the woodland conservation areas located on-site has been determined, the individual TCPII worksheet and the overall woodland conservation summary table shall be revised to reflect how the requirement for the site is being met. The overall woodland conservation summary sheet included on the TCPII plan sheet shall include all plans and plan revisions approved and certified to date.
  - (t) Have the revised plan signed and dated by the qualified professional who prepared it.
- (2) The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River primary management area (PMA) preservation area is defined in Section 24-101(b)(22) of the Subdivision Regulations and is an area to be preserved in its natural state to the fullest extent possible. A jurisdictional determination regarding the extent of regulated streams and wetlands was obtained from the U.S. Army Corps of Engineers and was entered into the record of CDP-9407.

The total area of PMA on the Beech Tree property is approximately 329.80 acres. During the review of Preliminary Plan 4-98063 for the golf course, the Planning Board granted variation requests for impacts to 19.43 acres of the PMA. Of the 19.43 acres, 8.43 acres was woodland that was to be replaced by afforesting unwooded areas of the PMA as shown on the approved TCPII for the golf course. During the review of 4-99026, the Planning Board granted variation requests for 2.51 additional acres.

During the review of 4-00010, the Planning Board granted variation requests for 1.28 additional acres. As required by the approved tree conservation plan, all woodland areas cleared must be replaced on-site by afforesting unwooded areas of the PMA.

The total amount of disturbance permitted in the PMA under previous approvals appears to be 23.22 acres. The most recently signed overall worksheet for the Beech Tree development (signed May 9, 2012 for North Village, Sections 4 and 5) indicates that the current total clearing in the floodplain is 24.07 acres, with an additional 14.69 acres of PMA impacts outside of the floodplain, and exceeds the total impact area previously justified and approved. It is noted that the most recently approved overall woodland conservation worksheet did not include the approved quantities for TCPII-021-10, so the worksheet will need to

be corrected prior to using it as the basis for future revisions. The disturbances proposed by SDP-0617-02 are consistent in quantity with those previously approved by the Planning Board with SDP-0617, but the total amount of disturbance does not appear to be in conformance with the quantity of impacts approved with the preliminary plan.

The preliminary plan approval also indicated that mitigation for disturbance to the woodlands in the PMA be provided through reforestation/afforestation in the PMA. The woodland conservation summary worksheet and the individual woodland conservation worksheets do not currently indicate whether afforestation/reforestation is occurring inside or outside of the PMA. The worksheets by condition of this approval shall be updated to address whether the required PMA afforestation has occurred in the PMA.

A condition of this approval shall read:

“Prior to the certification of the SDP:

- “(a) The overall woodland conservation summary worksheet and the individual woodland conservation worksheet for this SDP shall be revised to indicate the quantity of afforestation provided inside and outside the PMA.
- “(b) An exhibit shall be prepared and submitted that illustrates the area of approved PMA impacts with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit must demonstrate that the Planning Board’s approval of variances with preliminary plan approvals has not been exceeded on subsequent SDPs, and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan.
- “(c) If the acreage of variances approved with the preliminary plan approvals are not in substantial conformance with the approved acreage, a mitigation plan shall be prepared for the on-site restoration of PMA impacts in excess of those approved by the Planning Board which identifies which SDPs will require revision to provide mitigation, and the quantity of mitigation proposed on each SDP.
- “(d) The schedule shall be prepared indicating which SDPs and their associated TCPs will be revised to provide required mitigation for PMA impacts in excess of those approved on the preliminary plan. The schedule shall also identify which SDPs associated with the Beech Tree development provide additional on-site

woodland conservation to eliminate the existing woodland conservation shortage.”

- (3) During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the mainstem of Collington and Western Branches.

The Planning Board has reviewed SDP-0512 with special regard to A-9763-C and the considerations (PGCPB Resolution No. 98-50). All of the recommendations of the Maryland Wildlife and Heritage Division, including a habitat management plan, a water quality plan, and a monitoring program were adopted and approved as part of SDP-9803 for the golf course. Specific Design Plan SDP-0617 is adjacent to the lake, and adjacent to the golf course.

A condition of this approval shall read:

“Prior to certification of the SDP, provide a report and associated evidence that demonstrates that the recommendations of the Maryland Wildlife and Heritage Division, including the habitat management plan, the water quality plan, and the monitoring program that were adopted and approved as part of SDP-9803 for the golf course have been appropriately implemented and maintained.”

- (4) On May 6, 1998, the Prince George’s County Department of Environmental Resources (DER) approved Stormwater Management Concept Plan 988005250. The approval was based on the existing conditions of the 100-year floodplain and covers the construction of the lake, golf course, maintenance building, club house, and associated parking.

The approval required 2-year-storm, 10-year-storm, and 100-year-storm attenuation for the entire site. The on-site lake was to be designed for 2-, 10-, and 100-year control for all contributory areas and is to overcompensate for all areas that do not drain directly into the lake.

The submittal of state wetland permits was required prior to approval of the SDP for the golf course.

Because of the presence of Marlboro clay, infiltration was not permitted. A detailed under drain system was to be provided with each concept plan. All storm drains through Marlboro clay are to convey the 100-year storm and be rubber gasketed. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter.

A valid Stormwater Management Concept Approval (48088-2006-02) and associated plans were submitted with this application.

To conform to a previous condition of approval, prior to approval of building or grading permits, the Planning Board is required to review all technical stormwater management plans approved by DER. Water quality measures are required to be provided at all storm drain outfalls. The location of storm drain outfalls is generally determined during SDP review; waiting to review the outfalls under approval of the grading permits would result in an avoidable delay in construction and possible requirements for plan revision. This condition should be addressed to the fullest extent possible in the current approval.

A condition of this approval shall read:

“Prior to certification of the SDP, the technical stormwater management plans, if available, shall be submitted, and specific information shall be provided about how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development. If the technical plans are not available prior to certification, the plans shall be submitted prior to issuance of grading permits.”

- (5) Marlboro clay presents a special problem for development of the overall Beech Tree site. Consideration 6 of A-9763-C was adopted to address this issue. The greatest concern is the potential for large-scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during the installation of the base for all roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Side slopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay.

The Planning Board directed that the following note be appended onto CDP-9407:

**“The envelopes shown on this plan are conceptual and may be modified at time of approval of the Specific Design Plan to minimize risks posed by Marlboro clay. Prior to the approval of any SDP which contains a High Risk Area, a Geotechnical Study, following the “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by the Prince George’s County Unstable Soils Taskforce, shall be submitted for review and approval by the Natural Resources Division and the Prince George’s County Department of**



**Environmental Resources to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 24-297 of the Building Code.”**

The following condition was approved by PGCPB Resolution No. 00-127 for Preliminary Plan 4-00010:

- 8. As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George’s County Department of Public Works and Transportation, and the Prince George’s County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

A geotechnical report, dated March 2006, was previously submitted for the portion of the Beech Tree site containing SDP-0617, which was reviewed and found to meet all requirements. The Planning Board reviewed SDP-0617 and determined that high risk areas do not occur on this portion of the Beech Tree site. In some areas, special drainage measures, road construction, and foundation construction methods may be needed.

DPW&T may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

- j. Prince George’s County Fire/EMS Department**—The Prince George’s County Fire/EMS Department offered information on needed access, private road design, and the location and performance of fire hydrants.
- k. Department of Public Works and Transportation (DPW&T)**—DPW&T stated that they were not opposed to the project and that the proposed site development is consistent with approved Stormwater Management Concept Plan 48088-2006-02, dated November 21, 2011.
- l. Prince George’s County Health Department**—The Environmental Engineering Program of the Prince George’s County Health Department stated that they had completed a health impact assessment review of the specific design plan “01” revision submittal for Beech Tree West Village, Sections 2, 4, and 5, and has no specific comments or recommendations.

- m. **State Highway Administration (SHA)**—In an email received September 4, 2012, a representative of SHA stated that they had no objection to M-NCPPC approval of SDP-0617-01, Beech Tree, West Village, Sections 2, 4, and 5.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In an email sent on July 25, 2012, WSSC offered numerous comments on needed coordination with other buried utilities, forest conservation easements not being permitted to overlap with their easements, and the need for the project to request a hydraulic planning analysis, following their system extension permit process.
- o. **Verizon**—Verizon did not comment on the subject application.
- p. **Baltimore Gas and Electric (BG&E)**—BG&E did not comment on the subject application.

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-021-10/01), and further APPROVED Specific Design Plan SDP-0617/01 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan, the applicant shall revise the site plan and landscape plan as follows and/or submit additional documentation as specified:
  - a. Show the ten-foot-wide public utility easement along all public rights-of-way.
  - b. Revise the tracking chart to reflect the correct number of approved units.
  - c. Show the Liber and Folio (31724/176) as a general note for the hiker/biker trail easement.
  - d. Submit an exhibit containing a tracking chart that includes all pending specific design plans.
  - e. Provide crosswalk treatments at all intersections along Lake Forest Drive consistent with previous approvals within the Beechtree subdivision, unless modified by the Department of Public Works and Transportation (DPW&T).
  - f. Relocate the outfall east of the stormwater management pond (West Village, Section 5) to avoid overflow across the 50-foot-wide master-planned trail easement.
  - g. The technical stormwater management plans for the subject portion of the development, if available, shall be submitted and specific information shall be provided about how

water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development. Additionally, the submission shall include a statement of how the technical stormwater management plans are consistent with the habitat management plan. If the technical stormwater management plans are not available prior to certification, it is acceptable that they shall be submitted prior to issuance of grading permits, and information provided at that time regarding how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development and how the technical stormwater management plans are consistent with the habitat management plan.

- h. If wetlands are impacted within the area of the instant SDP, the approved wetland mitigation plans for the entire Beech Tree development shall be submitted, so that it can be determined if the subject Type II tree conservation plan (TCPII) is affected, and the subject TCPII shall be revised to show the location of any on-site wetland mitigation areas.
  - i. The overall woodland conservation summary worksheet and the individual woodland conservation worksheet for this specific design plan shall be revised to indicate the quantity of afforestation provided inside and outside the primary management area.
  - j. An exhibit specific to the area of this SDP, shall be prepared and submitted that illustrates the area of approved primary management area (PMA) impacts with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit must demonstrate that the Planning Board's approval of variances with preliminary plan approvals has not been exceeded on subsequent specific design plans, and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan.
  - k. If the acreage of variances approved with the preliminary plan approvals specific to the area of this SDP, are not in substantial conformance with the approved acreage, a mitigation plan shall be prepared for the on-site restoration of primary management area impacts in excess of those approved by the Planning Board.
  - l. If within the area of the this SDP it is determined that there are PMA impacts that exceed those approved in the preliminary plan then a schedule shall be prepared indicating which specific design plans (SDPs) and their associated tree conservation plans will be revised to provide required mitigation for primary management area impacts in excess of those approved on the preliminary plan.
2. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
- a. Provide a final report detailing the Phase III archeological investigations at Site 18PR573 to Historic Preservation staff and, to 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, Maryland, the applicant shall provide proof of disposition of the artifacts to Historic Preservation staff.

- b. If the technical stormwater management plans are not available prior to certification, the applicant shall provide them prior to any ground disturbance or approval of any grading permits together with information: (1) a statement explaining how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development; and (2) how the technical stormwater management plans are consistent with the Habitat Management Plan prior to issuance of grading permits.
3. Prior to issuance of the 50th building permit for units contained within this SDP, the applicant shall provide language for an interpretative sign that discusses the results of the Phase I, II, and III archeological investigations at Site 18PR573 and the historical background of the tract on which it is located.
4. Prior to the 100th building permit for units contained within this SDP, the applicant shall install the interpretive sign and provide a photograph of the placement of the sign to Historic Preservation staff.
5. Prior to approval of building permits for Block J, Lots 7–13, 17–20, and 43–52, the Declaration of Covenants shall be revised to ensure that they include language notifying the homeowners of the location of the existence of a public trail adjacent to the lots referenced above.
  - a. The Declaration of Covenants shall include the Master Plan Public Trail Disclosure Notice.
  - b. The contract purchasers of Lots 7–13, 17–20, and 43–52 of Block J shall sign a disclosure notice of the public trail location.
6. Prior to approval of the first building permit in Block B:
  - a. The trail connection location shall be posted at 200-foot intervals and inspected by the Maryland-National Capital Park and Planning Commission (M-NCPPC) trails coordinator.
  - b. The signage shall be approved by the trails coordinator prior to posting and shall state at a minimum: “Future location of a public trail.”
  - c. The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed toward the lots of the subdivision and the public street.
  - d. The height of the signage shall be determined by the trails coordinator in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trails coordinator, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted.

7. Prior to issuance of any grading permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit valid copies of all required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.
8. Prior to certification of the specific design plan, the Type II tree conservation plan (TCPII) shall be revised as follows:
  - a. The TCP approval block shall be revised to show the correct format for the TCP number and include all previous approvals of the plan.
  - b. The Maryland-National Capital Park and Planning Commission (M-NCPPC) approval block shall be revised to include all previous approvals of the plan.
  - c. The TCP separation note on all sheets shall be revised to state:

“TCPII-021-10 was separated from TCPII-049-98 with the approval of SDP-0617.”
  - d. The tree protection device details shall be labeled as “temporary” or “permanent,” consistent with the labeling in the plan legend.
  - e. The notation under the split-rail fence detail shall be revised to state:

“Split-rail fence to be located along vulnerable edges for all areas of afforestation/reforestation.”
  - f. A legend shall be provided on all plan sheets.
  - g. All woodland conservation areas shall be labeled by methodology and area.
  - h. Natural regeneration shall be removed from the plan and replaced with afforestation/reforestation areas. However, if natural regeneration begins to occur before planting has started, the applicant may submit additional site sampling to the Environmental Planning Section to demonstrate that regeneration has occurred and the TCP II may be revised to reflect natural regeneration at that time.
  - i. The location of tree conservation signage shall be indicated on each plan sheet where a permanent tree protection device (split-rail fence) is not provided.
  - j. Natural regeneration shall be removed from the tree table indicated on each sheet, and redistributed to afforestation/reforestation.

- k. A Summary Tree Table shall be provided in the plan set which summarizes the information from individual tree tables.
  - l. The graphic symbol for the edge planting treatment shall be included in the legend, and further details shall be provided on the appropriate sheet which describes the edge planting treatment and its appropriate implementation.
  - m. The edge treatment shall be provided whenever afforestation areas are located directly adjacent to residential lots.
  - n. All woodland conservation areas shall be a minimum of 35 feet in width and 2,500 square feet in area.
  - o. A “clear zone” a minimum of ten feet from the top and the bottom of a retaining wall shall be maintained as a work and maintenance zone.
  - p. Retaining walls, which are structures, shall not be counted as woodland conservation area.
  - q. The woodland that was previously preserved in the area of the pavilion shall be counted as cleared as well as a ten-foot-wide maintenance and clearing zone around the edge of the pavilion.
  - r. In areas where the recreational facilities are directly adjacent to woodland conservation areas, specifically the pavilion area and adjacent to the hiker/biker trail, a temporary wooden protective fence shall be provided, and indicated on the plan and in the legend.
  - s. After the revised areas for the woodland conservation areas located on-site have been determined, the individual TCPII worksheet, and the overall woodland conservation summary table shall be revised to reflect how the requirement for the site is being met. The overall woodland conservation summary sheet included on the TCPII plan sheet shall include all plans and plan revisions approved and certified to date.
  - t. The revised plan shall be signed and dated by the qualified professional who prepared it
9. Prior to approval of the final plat, the liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the public trail.
10. At least 90 percent of the single-family detached units shall have a full front façade (excluding gables, windows, trim and doors) constructed of brick, stone or stucco or shall be treated with a full width front porch. Any side elevation which directly faces the public street shall be designed with materials and details in a manner consistent with the front elevation. In the event the opposite side of such dwelling unit is not highly visible from the public street and, as a result, the homeowner chooses not to display such treatment, the side yard of such unit shall be planted with

an evergreen buffer. A side elevation which is highly visible from the public street as a result of being angled on a corner lot or a projecting forward from the neighboring house more than 20 feet, shall display significant architectural features which contribute to the aesthetic of the unit. Significant architectural features include, but are not limited to, bay projections, wrap-around porches, sunrooms, conservatories, pergolas and other architectural embellishments consistent with the architecture defined on the front elevation of the unit.

11. No two units located next to or across the street from each other may have identical front elevations.
12. The developer, its heirs, successors, and/or assigns shall insure that each builder maintains in the appropriate sales office(s) copies of its currently approved architecture (including all exterior elevations of all approved models), copies of currently approved Site Plans, Landscape Plans and plans for recreational facilities appropriate for that portion of the property being developed, as well as the corresponding approved Comprehensive Sketch Plan and Subdivision Plan.
13. Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
  - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - c. Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.
14. Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
  - a. Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.
15. Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.
16. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in conditions 13 through 15 above will require the filing of a revision to SDP-9907, and must include a new Staging Plan reflecting said changes.

17. Prior to signature approval, the applicant shall revise all images of the SDP to reflect consistency with the actual layout.

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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo and Bailey voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Washington absent at its regular meeting held on Thursday, September 20, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of October 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj