



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-27

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-13037

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on March 27, 2014 regarding Detailed Site Plan DSP-13037 for BeechTree Commercial Center, the Planning Board finds:

1. **Request:** The subject application is for infrastructure and rough grading only for a future commercial shopping center in the C-S-C Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant/Historic House and Barn	Infrastructure/Historic House and Barn
Acreage	28.00	28.00
Lots/Parcels	3	19
Building square footage/GFA	0	0

3. **Location:** The overall BeechTree site is located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The subject commercially-zoned property is located in the actual southwestern quadrant of the intersection of US 301 and Leeland Road, east of Moores Plains Boulevard, and north and south of the platted, but unconstructed, Effie Bowie Drive.
4. **Surrounding Uses:** The adjacent properties are all zoned Residential Suburban Development (R-S). The subject property is bounded to the north by the public right-of-way of Leeland Road, and beyond it by land zoned Rural Residential (R-R) developed with single-family detached homes and land zoned Employment and Institutional Area (E-I-A) in the Collington South industrial subdivision; to the west by the public right-of-way of Moores Plains Boulevard and beyond it by land zoned R-S, in the BeechTree subdivision, and developed with townhomes and a golf course; to the south by land zoned R-S, in the Beech Tree subdivision, and developed with a golf course; and to the east by the right-of-way of US 301, and beyond it by undeveloped and residentially-developed land in the Open Space (O-S) Zone.
5. **Previous Approvals:** The overall BeechTree development was the subject of the following approved cases and plans: Zoning Map Amendments A-9762 and A-9763-C; Comprehensive Design Plan CDP-9706; and Type I Tree Conservation Plan TCP I/73/97. Subsequently, the subject property was rezoned from Local Activity Center (L-A-C) to C-S-C by the January 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, and is, therefore, no longer

subject to conditions related to the comprehensive design zone approvals for the overall Beech Tree development. A Preliminary Plan of Subdivision, PPS 4-09041 (PGCPB Resolution No. 11-02(C)), was approved by the Planning Board on January 13, 2011 for a commercial/retail development on the subject property, subject to 43 conditions of approval.

The site also has an approved Stormwater Management Concept Plan, 27465-2007-01, which is valid until November 4, 2016.

6. **Design Features:** The subject 28.0-acre property is zoned Commercial Shopping Center (C-S-C), consists of three parcels and lots, and is surrounded on three sides by platted, constructed public rights-of-way. The property currently has two existing structures known as Beechwood Historic Site (79-60), located in the southwest corner, and its associated barn, located in the northeast corner. The applicant is proposing to retain the existing historic site and develop the remainder of the property into an integrated shopping center. The subject application is for infrastructure only and proposes to grade the entire site, outside of the historic environmental setting, install utilities and multiple stormwater ponds, and construct the private right-of-way of High Street, which runs north/south through the middle of the site, and the public, platted right-of-way of Effie Bowie Drive, which runs east/west through the southern portion of the site. The plan proposes 19 parcels of varying sizes to be served by access easements off of High Street and Effie Bowie Drive. No building footprints, landscaping or signage is shown on the plan or proposed with the subject application.
7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance. The subject application is in conformance with the requirements of the following sections of the Zoning Ordinance:
 - a. Section 27-461, Uses Permitted, as no uses are proposed with this application.
 - b. Section 27-462, Regulations, because it does not propose any building floor area or other structures, except for underground utility pipes, roads and stormwater features.
 - c. Section 27-274, Design Guidelines, because it does not propose any site development, except for underground utility pipes, roads and stormwater features.
 - d. Section 27-568, Number of parking spaces required, as no use that requires parking is proposed.
 - e. Sections 27-613 and 27-614 regarding building-mounted and freestanding signs, as no signs are proposed with this application.
8. **Conformance to Preliminary Plan of Subdivision 4-09041:** Preliminary Plan of Subdivision 4-09041 was approved and the resolution (PGCPB Resolution No. 11-02(C)) was adopted on February 10, 2011 and corrected on July 5, 2011. The Planning Board approved the preliminary

plan with 43 conditions, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:

- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 27465-2007-00 and any subsequent revisions.**

In a memorandum dated February 13, 2014, the Department of Permitting, Inspections and Enforcement (DPIE) indicated that the DSP is consistent with approved Stormwater Management Concept Plan 27465-2007-01, dated November 4, 2013.

- 3. At the time of final plat, the applicant shall grant a ten-foot PUE along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision. The PUE shall remain free and clear of site improvements unless express permission is granted by all of the affected utility companies. The ten-foot PUE along the private street may be relocated within the street if permission is granted by all affected utility companies prior to approval of the DSP.**

The detailed site plan does not show a ten-foot-wide public utility easement (PUE) along the proposed High Street private right-of-way. A ten-foot PUE should be shown on both sides of the right-of-way. Alternatively, the PUE along the private street may be relocated within the street with express permission from all of the affected utility companies. The applicant should submit an approved and color coded utility plan for an alternative PUE prior to approval of the DSP. A condition has been included in this approval regarding this issue.

- 6. At the time of final plat approval, the applicant shall dedicate rights-of-way along Leeland Road, Effie Bowie Drive, and US 301 in accordance with the approved preliminary plan of subdivision.**

The detailed site plan shows the required dedication to Leeland Road and US 301 in accordance with the approved preliminary plan of subdivision. The portion of Effie Bowie Drive within the limits of this DSP was dedicated to the Department of Public Works and Transportation (DPW&T) by a plat recorded on December 5, 2013, in Plat Book MMB 239-60, entitled Parcel One – Beech Tree Commercial Center.

- 9. Prior to the issuance of a grading or building permit for any lot south of Effie Bowie Drive a DSP shall be approved by the Planning Board or its designee for the Beechwood Historic Site (#79-60) environmental setting. A detailed site plan shall not be required for the lot containing the Beechwood Historic Site if it is to be used as a residence, however, all exterior rehabilitation or site modifications related to the Beechwood Historic Site lot shall be referred to the Historic Preservation Commission for review and approval through the HPC's Historic Area Work Permit (HAWP) process**

prior to issuance of any grading or building permits. Notwithstanding, a detailed site plan and variance will be required for a disturbance to any historic or specimen tree on the Beechwood Historic Site lot not approved as part of preliminary plan 4-09041.

The subject application was submitted in fulfillment of this requirement. However, given that this DSP is for infrastructure and rough grading only, future DSP revisions will be necessary prior to the issuance of any fine grading or building permits. The applicant should also submit a Historic Area Work Permit (HAWP) application for the grading and infrastructure improvements proposed through Detailed Site Plan DSP-13037 within the historic environmental setting. The HAWP application must be reviewed and approved by the Historic Preservation Commission (HPC) before the issuance of a grading permit for the same work. A variance for the removal of historic and specimen trees was approved with PPS 4-09041 based on the proposed development at that time. It appears no additional trees are proposed to be removed with the subject DSP.

- 10. Prior to the approval of any grading permit for parcels north of Effie Bowie Drive, a DSP shall be reviewed by the Historic Preservation Commission and approved by the Planning Board.**

The subject application was submitted in fulfillment of this requirement. However, given that this DSP is for infrastructure and rough grading only, future DSP revisions will be necessary prior to the issuance of any fine grading or building permits. Because the grading on parcels north of Effie Bowie Drive will include the area currently occupied by the tobacco barn to be relocated to the Beechwood Historic Site environmental setting, the applicant should include detailed plans for both the dismantling of the barn and its relocation and reconstruction within the environmental setting in the HAWP application required for grading within the environmental setting.

- 11. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

A general note is provided demonstrating that an automatic fire suppression system shall be provided for all new proposed buildings. However, this note should be revised to reference Condition 11. A condition has been included in this approval regarding this issue.

- 15. Unless modified by DPW&T the applicant shall:**

- a. Provide striped or decorative crosswalks, within the right-of-way, at all approaches to both traffic circles (Moore's Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).**

- b. Construct an eight-foot-wide sidepath, within the right-of-way, along the subject property's frontage of Leeland Road west of High Street.**

These facilities do not appear to be indicated on all the DSP plan sheets. Therefore, a condition has been included in this approval requiring these to be shown prior to certification.

- 19. The Type 2 tree conservation plan (TCP2) shall be approved with the detailed site plan (DSP) and shall include an invasive species management plan to address the invasive plant populations identified in the priority preservation woodlands located in Stand 1 and as identified on the NRI.**

A type II tree conservation plan (TCP2) was submitted with the subject application and the Planning Board found to approve it. However, an invasive species management plan, to address the invasive plant populations identified in the priority preservation woodlands located in Stand 1, was not included with the TCP2. Therefore, a condition has been included in this approval requiring this to be provided prior to certification.

- 20. Prior to the approval of the DSP, Beech Tree C-S-C shall demonstrate compliance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, by the addition of a tree canopy coverage schedule to the landscape plan.**

Conformance with the Tree Canopy Coverage Ordinance is discussed in Finding 11 below.

- 24. Prior to the approval of the first detailed site plan for the property, the applicant, his heirs, successors and/or assigns, shall provide examples of signage and other interpretive and commemorative measures describing the history and significance of the Beechwood property including its agricultural, social and cultural heritage as well as the Hilleary Family cemetery. The location, quantity, and character of any required interpretive measures shall be determined by the Historic Preservation Commission and the Planning Board as part of their review and approval of the first detailed site plan for the property.**

The applicant submitted an interpretive signage plan for the Beechwood property and proposes two interpretive signs that will be installed in the vicinity of the Beechwood house. The signs focus on three themes: the historic evolution of the Beechwood house; the individuals historically associated with the property; and tobacco farming on the property and in Prince George's County. This condition also suggests that information be provided on the Hilleary Family Cemetery that was moved from the property in 2012. Therefore, the applicant should include mention of the findings from the excavation and relocation of the cemetery on one of the interpretive signs. Although the requirements of

Condition 24 have been met by the applicant's submittal of January 30, 2014 (R. Christopher Goodwin & Associates, Inc., June 20, 2013), this material should also be made readily available to the general public through posting to the BeechTree development's website. A condition has been included in this approval regarding this issue.

- 25. The DSP shall ensure that underground utilities or stormwater management conveyances shall not be installed within delineated critical root zones of specimen or historic trees to be retained within the environmental setting of the historic site.**

The DSP and TCP2 show the location of a stormwater management conveyance pipe crossing the environmental setting of the historic site and affecting specimen and historic trees on the site. Although these trees were approved with the PPS to be removed for the development of a parking lot in this location, the layout has changed and development is no longer proposed in this area, with the exception of the pipe, which was never proposed on the TCP1.

The TCP2 now shows the location of this 24-inch stormwater management splitter pipe located on the west side of the historic structure and within the environmental setting, running across a wooded hillside. Previously, this area was proposed to be developed as a parking lot and commercial structures, and all trees were proposed to be removed. As part of the current development scheme, the specimen/historic trees are now being removed solely for the diversion of a small amount of stormwater when other locations for connection would allow for retention of a considerable number of trees, which would provide buffering of the historic site from the surrounding development as required by the memorandum of agreement (MOA) with the Maryland Historic Trust (MHT), as discussed in Finding 12f(3) below. Alternative designs for the location of this pipe should be explored to minimize disruption within the environmental setting prior to certification. Therefore, a condition has been included in this approval requiring this to be done prior to certification of the DSP.

- 26. The final plat shall reflect a 20-foot scenic easement outside the 10-foot PUE along Leeland Road.**

The existing ten-foot public utility easement (PUE) and the existing 20-foot scenic easement along Leeland Road are shown within the right-of-way which is being dedicated as a condition of the PPS approval, and must be relocated onto the adjoining private property prior to DSP approval. A condition has been included in this approval regarding this issue.

- 27. The detailed site plan(s) shall address the protection of significant environmental areas on-site; the retention and protection of specimen/historic trees and their critical root zones on one lot with the**

**historic site to support conservation and management of the resource;
sensitive treatment of the environmental setting of the historic site;
appropriate lotting patterns to retain one-acre of contiguous unencumbered
area on a lot for development; and the location of any utility easements
which may impact the retention or conservation of specimen and historic
trees.**

This condition has not been fully addressed. The outstanding issue is the location of the utility easements which may impact the retention or conservation of specimen and historic trees. The TCP2 shows a stormdrain pipe bisecting the historic Beechwood site through a large cluster of historic trees. While these trees were approved for removal under a variance approved at the time of PPS, the proposed removal was for the development of a parking lot which could not be avoided or minimized to preserve more trees. Since that approval, the proposed development has changed as a result of the easement agreement between the applicant and MHT. The easement over the site ensures the long-term preservation of the environmental setting of the Beechwood historic site. The location of the pipe, which was not part of the variance justification, should be relocated if possible. Therefore, a condition has been included in this approval requiring this to be done prior to certification of the DSP.

- 28. Roadway improvements on Leeland Road shall be carried out in accordance with the "Design Guidelines and Standards for Scenic and Historic Roads" prepared by the Department of Public Works and Transportation (DPW&T).**

Roadway improvements on Leeland Road, a designated scenic road, are subject to approval by the Department of Public Works and Transportation (DPW&T) in accordance with "Design Guidelines and Standards for Scenic and Historic Roads." This condition remains valid and will be enforced by DPW&T at the time of the issuance of permits.

- 29. Prior to approval of the detailed site plan, an inventory of significant visual features shall be submitted for evaluation of the frontage of the subject property related to scenic Leeland Road, and appropriate treatment identified at that time.**
- 30. The detailed site plan(s) shall address views from Leeland Road and the preservation, conservation, and enhancement of the scenic road elements. The detailed site plan shall address the following:**
- a. Views from the scenic road;**
 - b. Preservation, conservation, and/or enhancement of the key scenic elements identified in the inventory;**

- c. **Conservation enhancement of the key scenic element of the site;**
- d. **Landscape buffers and planting areas along and adjacent to the right-of-way;**
- e. **The placement of buildings and site features; and**
- f. **Entrance features.**

In response to the two above conditions, the required inventory of significant visual features for the evaluation of the frontage of the subject property related to scenic Leeland Road was not submitted with the current application so the required evaluation and recommendations could not be made. Evaluation of the right-of-way and viewshed of a scenic and/or historic road requires the submittal of an "Inventory of Significant Visual Features." Inventory information may be included on the forest stand delineation or tree conservation plan for the site if appropriate, or in a separate document, and may include text, photographs, or other items which provide information necessary to evaluate visual quality. Additionally, the DSP did not address views from Leeland Road relative to the scenic road elements. Therefore, conditions have been included in this approval requiring the inventory to be submitted and evaluated prior to approval of a DSP for buildings. A separate condition requires treatments to be determined and shown on that DSP to demonstrate conformance with Condition 30. If the recommended treatment for the scenic easement is not in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* for buffering special roadways, an approved application for Alternative Compliance will be required prior to certification of the DSP.

32. **The detailed site plan for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At the time of DSP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on the DSP:**

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The aforementioned note should be added to the DSP in accordance with this condition.

34. **At the time of detailed site plan review, careful consideration shall be given to the preservation of at least the critical root zones of the specimen and historic trees that are required to be preserved. Fragmentation of root zone areas and the use of retaining walls shall be minimized.**

Because the site contains a significant number of specimen and historic trees that are required to be preserved, and because the current design shown for utilities and grading results in considerable impacts to the critical root zones of trees to be preserved, a specimen/historic tree preservation plan is needed as part of the detailed site plan and TCP2 review process to designate what methods will be implemented to ensure that the trees required to be preserved will survive long-term.

The first step is to prepare a design that provides careful consideration to the preservation of the existing trees. The second step is to provide a tree preservation plan that will ensure long-term survival of the designated trees. Therefore, conditions have been included in this approval requiring this plan to be provided prior to certification of the DSP and TCP2.

- 35. Prior to signature approval of the TCP2, a detailed tree preservation plan shall be prepared and submitted for review as part of the final TCP2. The tree preservation plan shall include the methods to be implemented to ensure long-term survival of the specimen and historic trees required to be preserved. These methods shall include, but not be limited to, appropriate tree protective devices, tree care treatments, and watering during droughts.**

A detailed tree preservation plan was not submitted with the TCP2 for the preservation, long-term management and viability of the specimen and historic trees which are required to be preserved. A condition has been included in this approval regarding this issue.

- 36. If woodland conservation credit is claimed for the preservation of specimen or historic trees, a bond equal to the amount of removal and replacement of the specimen or historic trees shall be posted per Section 25-122(d) of the County Code.**

Woodland conservation credit is proposed for the preservation of 1.86 acres of critical root zone related to the preservation of specimen and historic trees. A condition of approval has been included requiring that, prior to issuance of grading permits for the subject property, a bond equal to the amount of removal and replacement of all specimen or historic trees to be removed shall be posted per Section 25-122(d) of the Prince George's County Code.

- 37. Prior to issuance of the first grading permit impacting the vicinity of the tobacco barn at the northeast corner of the property, the applicant shall either relocate the tobacco barn to an area within the Environmental Setting of Beechwood Historic Site (#79-060) or seek to integrate and preserve the existing barn as a themed feature within the proposed shopping center. If the barn is utilized as a themed feature within the proposed shopping center, the applicant shall be allowed to continue to display fabric signage from the side(s) of the structure to advertise the site. In the event that the barn is**

relocated within the Beechwood Historic Site's environmental setting, a Historic Area Work Permit (HAWP) shall be required.

The subject DSP indicates that the existing tobacco barn is to be relocated within the Environmental Setting of Beechwood Historic Site. Further satisfaction of this condition, by plans for the reconstruction of the barn within the Beechwood environmental setting in a HAWP application, will be required prior to issuance of the grading permit impacting the tobacco barn area.

- 38. Prior to issuance of any grading permit, the applicant shall secure the required authorization from the Maryland State's Attorney office to relocate the Hilleary Family Cemetery (18PR978), as well as any required permit from the County Health Department, and ensure that proof of notice of the relocation of the cemetery is published in a local newspaper according to the requirements of the Maryland State's Attorney office.**
- 39. Prior to the issuance of any grading permit, the applicant, his successors and/or assigns, shall submit a plan for the relocation of the cemetery to the Historic Preservation Section. The plan shall indicate the re-interment location of the Hilleary Family Cemetery and demonstrate acceptance of the remains by the new cemetery.**

The Historic Preservation Section indicated that the two above conditions have been satisfied as the cemetery was moved from the subject property in September and October of 2012 and transferred to the Trinity Episcopal Church cemetery in Upper Marlboro and were reinterred in November 2012 and April 2013.

- 42. Prior to acceptance of the first detailed site plan, a final technical stormwater plan shall be prepared and submitted to DPW&T, the Prince George's Soil Conservation District, and M-NCPPC for review and comment. The final technical plan shall demonstrate the use of environmental site design techniques to the maximum extent practicable. After comments from all agencies have been received and addressed, the detailed site plan shall be revised to reflect the proposed plan.**

A stormdrain and paving plan for the BeechTree Commercial Center was approved by George Holmes from the DPW&T on April 22, 2013, and submitted with the subject application.

- 43. Prior to acceptance of the first detailed site plan a stream and/or wetland restoration package shall be resubmitted that is at least generally equivalent to, or a greater benefit than, the total of all impacts proposed. The package will be evaluated as part of the detailed site plan review and a recommendation shall be made to the Planning Board.**

The current application, which is the first detailed site plan for the subject property, was accepted for processing without the required stream and wetland restoration package. The stream and/or wetland restoration package is required to be at least generally equivalent to, or a greater benefit than, the total of all impacts proposed and approved at time of preliminary plan. No additional impacts are proposed with the current application. Conditions have been included in this approval requiring this to be submitted and evaluated prior to issuance of a grading permit for the subject property.

9. **Prince George's County Landscape Manual:** Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering within the C-S-C Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with the requirements of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area or GFA on the subject property. Conformance with the Landscape Manual will be reviewed and enforced in the future with further development of the subject property.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO), Subtitle 25, Division 2, effective September 1, 2010, because a new preliminary plan and TCP1 were approved for the site after the effective date. The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland.
 - a. **Tree Conservation**—A Type I Tree Conservation Plan (TCPI/073/97) was previously approved with the CDP which included this parcel.

A revised Type 1 Tree Conservation Plan, TCP1-011-10, limited to Parcel 16 was submitted and approved with PPS 4-09041. The new TCP1 plan is separated from the TCP1 previously approved for the Comprehensive Design Zone and from the CDP conditions of approval requiring that all woodland conservation be provided on the overall BeechTree site.

The Type 2 Tree Conservation Plan (TCP2-001-14) has been reviewed with the current application. The woodland conservation requirement for this site is 4.20 acres (15 percent of the net tract area), plus additional acres due to clearing, for a total requirement of 8.56 acres. The TCP2 proposes to meet the requirement with 0.58 acres of on-site preservation of woodlands, 3.72 acres of on-site woodland conservation credit for the retention of Specimen/Historic Trees and 4.26 acres of off-site woodland conservation.

To meet the woodland conservation requirements, a hierarchy of priorities has been established in Division 2 of Subtitle 25, in Section 25-121(b). This site contains priority areas for preservation. In addition, before the off-site option can be considered, all on-site priority areas must be evaluated for preservation and/or habitat enhancement as described

in Section 25-122, Conservation Method Priorities. Because the site contains priority areas for preservation, and on-site preservation is the highest priority for meeting the woodland conservation requirements, the preservation of on-site resources was the first consideration in the design of the site.

A high priority for preservation on this site is the specimen and historic trees located within the environmental setting of the Beechwood historic site, a 5.3 acre parcel located on the south side of Effie Bowie Drive. An extensive table of 117 specimen and/or historic trees located on the overall site was provided and evaluated in conjunction with a Subtitle 25 variance request.

With the preliminary plan approval, a variance for the removal of 88 specimen/historic trees was approved, and six additional trees were proposed to be further reviewed for retention at the time of detailed site plan. Specimen and historic trees may be credited as woodland conservation credit, based on twice the square footage of the critical root zone area (CRZ) of the retained trees, if they are not within a designated woodland preservation area, and if the site has been designed to ensure their long-term viability.

The TCP2 requires a variety of revisions to be in compliance with the requirements of the Environmental Technical Manual (ETM), conditions of approval applicable at time of detailed site plan, and to be found in conformance with the approved TCP1. Multiple conditions of approval have been included in this approval requiring these technical revisions to the TCP2.

- b. **Environmental Impacts**—This site contains regulated environmental features that are required to be protected. Impacts to these features are prohibited unless the Planning Board finds the regulated environmental features have been preserved and or restored to the fullest extent possible. Generally impacts to regulated environmental features that are not associated with essential development activities are not supported. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts.

Two areas of impact were evaluated at the time of preliminary plan. For Area A, located in the southwest corner of the subject property, the Planning Board approved impacts to the PMA for a culvert to carry stormwater flowing across a nontidal wetland area under Moores Plains Boulevard.

The current site design shows the total disturbance of the delineated PMA on this site for the construction of stormwater management facilities, commercial buildings, construction of a drive aisle, and parking facilities. The Environmental Technical Manual provides guidance regarding avoidance and minimization of impacts to the PMA.

The second proposed area of PMA impacts was Area B, located along the western boundary adjacent to existing Moores Plains Boulevard. Area B includes approximately 77,265 square feet of PMA associated with 4,840 square feet of non-tidal wetlands and 430 linear feet of stream for development of the site and construction of a stormwater management basin.

At the time of preliminary plan, a plan was submitted that showed a stream stabilization project that is needed downstream to the west of the subject property. The US Army Corps of Engineer (USACE) identified the need for this stream enhancement project downstream because the channel is already degraded and "head cutting" (the severe erosion of a stream from downstream to upstream locations) is occurring. This project was needed whether the proposed shopping center was built or not, and was a requirement of the nontidal wetlands permits for the overall property, and not a result of the additional impacts proposed to nontidal wetlands, wetlands buffer and stream buffers delineated as the PMA. It does not adequately address the need for a comprehensive stream mitigation package should the impacts proposed be approved.

The Planning Board decision was to allow all requested impacts to Area B as quantified above, subject to Condition 43 of the PPS, which is discussed in Finding 8 above.

11. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage (TCC) Ordinance. The requirement for the subject property is ten percent of the gross tract area or 2.8 acres (121,968 square feet) based on the C-S-C zoning. The submitted site plan for infrastructure does not show any proposed plantings, but claims that on-site woodland conservation satisfies the TCC requirement. A review of the Tree Conservation Plan indicates this is correct; however, the amount shown in the TCC schedule does not match the amount shown on the TCP worksheet. Therefore, a condition has been included in this approval requiring the TCC schedule be revised to reflect the correct area of on-site woodland conservation.
12. **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 Prince George's County Historic Preservation Commission (HPC) reviewed the subject detailed site plan application at its February 18, 2014 meeting, and forwarded the following findings, conclusions and recommendations to the Planning Board. The Historic Preservation Commission voted 6-0-1 in favor of the following findings and recommendations.

The developing property includes the Beechwood Historic Site (79-060) and associated significant archeological features (Site 18PR579), its environmental setting, and a historic frame barn located at the northeast corner of the developing property. The barn is outside the boundary of the Beechwood Historic Site environmental setting, but is subject to

conditions requiring its relocation to an area within the environmental setting. The current Beechwood Historic Site Environmental Setting of 5.3 acres was revised July 21, 2009 through the Historic Preservation Commission's review of a previous development application, CDP-0603, Beech Tree L-A-C.

Historic Preservation Findings

- (1) The Beechwood Historic Site (79-060) is a two-story, hip-roof frame dwelling of Neo-classical style built in 1913. The house is distinguished by its monumental Tuscan portico and Colonial Revival interior details. Beechwood was built on the site of George Hilleary's eighteenth-century plantation house, which was destroyed by fire in 1913. In the twentieth century, Beechwood was the home of prominent Prince George's County genealogist, Effie Gwynn Bowie. Bowie was the author of what is still the standard reference source for county genealogy, *Across the Years in Prince George's County*, originally published in 1947. The house is an outstanding example of Neo-classical domestic architecture; its environmental setting includes both mature trees and ornamental plantings. The historic Hilleary family cemetery was located north of the house near Leeland Road, but was relocated in September and October of 2012. An early twentieth century frame barn is located near the intersection of Leeland Road and Robert S. Crain Highway (US 301). When the Beechwood property was sold out of the Bowie family in 1987, it included 154.9 acres. The current environmental setting, 5.3 acres, was established on July 21, 2009 through the review by the HPC of a previous development application that was not reviewed or approved by the Prince George's County Planning Board.
- (2) The corrected resolution (PGCPB Resolution No. 11-02(C)) for the Preliminary Plan of Subdivision, 4-09041, associated with the subject DSP includes a number of conditions that are relevant to the subject application.
- (3) The corrected resolution (PGCPB Resolution No. 11-02(C)) for the Preliminary Plan of Subdivision, 4-09041, associated with the subject detailed site plan includes a number of conditions with potential impacts on the Beechwood Historic Site environmental setting that are focused on environmental, rather than historic preservation, issues. Conditions 20, 25, 27, 29, and 34, are addressed in Finding 8 above.

Archeology Findings

- (1) Phase I and II archeological investigations were conducted around Beechwood in 1999 and one archeological site was delineated, 18PR579. Diagnostic artifacts dating from the late eighteenth through the twentieth centuries were recovered. Two distinct artifact clusters were identified to the west of Beechwood (Locus A) and around Beechwood (Locus B). Four features were noted in Locus B. In the area where the eastern wing of the original house once stood, portions of a granite wall forming part of the basement of the wing were identified. An ash-filled pit feature was also identified on the eastern side of Beechwood and contained material dating to the early nineteenth century. A second pit feature contained early nineteenth century material and a post hole and mold feature was filled sometime after the mid-nineteenth century.
- (2) Archeological Site 18PR579 was evaluated for its eligibility for inclusion in the National Register of Historic Places and the Maryland Register of Historic Places. Both Loci A and B were found to possess sufficient stratigraphic integrity and intact features to distinguish discrete activity areas and to place them within a temporal framework. Therefore, both Loci A and B were determined to be eligible for listing in the National Register of Historic Places. The terrace area to the south of Beechwood lying outside of Area B was not considered to be a contributing element of the archeological site. Phase III investigations were recommended for both Locus A and Locus B if these areas could not be avoided by future construction.
- (3) Locus A was situated where an entrance road into the Beech Tree development was planned. Therefore, Phase III mitigation was required in that area in April 2001. Five archeological features were identified in Locus A and are associated with the post-1913 occupation of Beechwood. Locus A appears to have served as the primary facility for the movement of agricultural products to vehicles for transportation to market.
- (4) Conditions 38 and 39 of approved Preliminary Plan of Subdivision 4-09041 (PGCPB Resolution No. 11-02(C)) have been satisfied and do not need to be carried forward with the subject application.

Historic Preservation Conclusions

- (1) Conditions 9, 10, 24 and 37 of the approved Preliminary Plan of Subdivision 4-09041 (PGCPB Resolution No. 11-02(C)) must be satisfied before the approval of the subject detailed site plan application.
- (2) Conditions 40 and 41 of approved Preliminary Plan of Subdivision 4-09041 (PGCPB Resolution No. 11-02(C)) address requirements that cannot be met until

later in the development process and must be carried forward with the subject application.

- (3) At the February 18, 2014 HPC meeting, the applicant's counsel, Mr. Robert Antonetti, Esq., agreed with the report and recommendations. Mr. Antonetti requested that a statement of clarification – "(other than for infrastructure proposed in DSP-13037)" - be added to Condition 1 after the words "building permit" in the first sentence and to Condition 2 after the words "grading permit" in the first sentence. The HPC was in agreement with the proposed statement of clarification. That change is reflected in the proposed conditions.

The applicant's consultant archeologist submitted corrections to the interpretive panels. Historic Preservation staff agreed with the corrections and the HPC approved the corrected panels.

Archeology Conclusions

- (1) The Hilleary Family Cemetery (archeological site 18PR978), containing 15 individuals, was moved from the subject property in September and October of 2012. Forensic analysis was conducted by the Smithsonian Institution. The 15 individuals and all headstones and footstones were transferred by a local funeral home to the Trinity Episcopal Church cemetery in Upper Marlboro and were reinterred in November 2012 and April 2013. Conditions 38 and 39 of PGCPB Resolution No. 11-02(C) have been satisfied.
- (2) Phase I archeological investigations were conducted within the 28-acre Beech Tree L-A-C parcel in 1999. One archeological site, 18PR579, was identified around Beechwood Historic Site. No further archeological investigations are necessary outside of the environmental setting of Beechwood Historic Site.
- (3) Phase II archeological investigations around Beechwood revealed at least four intact cultural features to the east of the house. This area was found to possess sufficient stratigraphic integrity and intact features to distinguish discrete activity areas and to place them within a temporal framework. Locus B of Site 18PR579 was found to be eligible for listing in the National Register of Historic Places. The current application does not propose any disturbance of the archeological site east of the house. However, there will be considerable grading on the west side of Beechwood. The grading within the Beechwood environmental setting should be monitored by a professional archeologist. If any unanticipated discoveries are made, all construction involving subsurface disturbance will immediately be halted.

Historic Preservation Commission Recommendations

Based on approved PPS 4-09041 Beechtree Commercial Center (PGCPB Resolution No. 11-02(C)) the Historic Preservation Commission recommends that the Planning Board approve DSP-13037 with the following conditions (current preliminary plan condition numbers are referenced below):

- (1) Prior to the issuance of a grading or building permit (other than for infrastructure proposed in DSP-13037) for any lot south of Effie Bowie Drive, a DSP shall be approved by the Planning Board, or its designee, for the Beechwood Historic Site (79-60) environmental setting. A detailed site plan shall not be required for the lot containing the Beechwood Historic Site if it is to be used as a residence, however, all exterior rehabilitation or site modifications related to the Beechwood Historic Site lot shall be referred to the Historic Preservation Commission for review and approval through the HPC's Historic Area Work Permit (HAWP) process prior to issuance of any grading or building permits. Notwithstanding, a detailed site plan and variance will be required for a disturbance to any historic or specimen tree on the Beechwood Historic Site lot not approved as part of preliminary plan 4-09041.
- (2) Prior to the approval of any grading permit (other than for infrastructure proposed in DSP-13037) for parcels north of Effie Bowie Drive, a DSP shall be reviewed by the Historic Preservation Commission and approved by the Planning Board.
- (3) Prior to issuance of the first grading permit impacting the vicinity of the tobacco barn at the northeast corner of the property, the applicant shall either relocate the tobacco barn to an area within the Environmental Setting of Beechwood Historic Site (79-060) or seek to integrate and preserve the existing barn as a themed feature within the proposed shopping center. If the barn is utilized as a themed feature within the proposed shopping center, the applicant shall be allowed to continue to display fabric signage from the side(s) of the structure to advertise the site. In the event that the barn is relocated within the Beechwood Historic Site's environmental setting, a Historic Area Work Permit (HAWP) shall be required.
- (4) The applicant shall be required to submit semi-annual condition reports for the Beechwood Historic Site (79-060) to the HPC staff for review. These reports are to be filed April 1st and October 1st each year beginning in 2011 and will be required until the issuance of a Use & Occupancy permit for the Historic Site. Within 15 days of the receipt of the semi-annual reports, the HPC staff shall acknowledge in writing to the applicant the receipt of the report, its adequacy, the potential need for on-site inspection, and any required remedies necessary to avoid the initiation of demolition-by-neglect based on documented conditions. The applicant's semi-annual condition reports shall include photographs and written descriptions of conditions at the property including but not limited to: security and stabilization measures already in place and potentially necessary to address current conditions; the general architectural and structural integrity of roof, exterior walls

and carpentry details and paint film, foundations and steps; the general condition of interior details including but not limited to interior carpentry such as floors, walls, ceilings and stairs with specific attention to water infiltration and vermin- or insect-related damage or deterioration. Other conditions to be noted should include but are not limited to: the condition of existing landscape features and topography and any affects from grading or construction activities in the vicinity of the Historic Site; the inappropriate or unauthorized storage of vehicles or building materials or trash within the Historic Site's Environmental Setting (other than the existing contractor storage on the property, which shall not be enlarged). The Historic Preservation Section staff shall certify that the required semi-annual reports are received and accepted prior to the approval of any concurrent applications for the property as a whole.

- (5) Prior to the issuance of the building permit representing 60 percent or 180,000 square feet of the total floor area approved for the proposed shopping center, the applicant, and the applicant's heirs, successors and/or assignees, shall submit the HAWP for the rehabilitation of the Beechwood Historic Site. The HAWP shall be approved prior to the issuance of a Use & Occupancy permit for the first 180,000 square feet or 60 percent of the total square footage of the development.
- (6) Grading within the Beechwood Historic Site (79-060) environmental setting shall be monitored by a professional archeologist. In the event that previously unidentified historic properties are discovered during grading, all construction involving subsurface disturbance will be immediately halted in the area of the discovered resource and the area immediately surrounding the resource where further subsurface deposits may reasonably be expected to occur. Construction in the affected area may continue after the resource has been properly documented, and with permission, of the Planning Department archeologist.
- (7) In addition to the interpretive signage required by Condition 24 of PPS 4-09041 BeechTree Commercial Center (PGCPB Resolution No. 11-02(C)), the applicant shall ensure that this interpretive information be made readily available to the general public through posting on the BeechTree development's website no later than the issuance of the first grading permit for the C-S-C property that is the subject of DSP-13037.
- (8) Prior to certification of the detailed site plan for the area north of Effie Bowie Drive, and as part of the submission of a Historic Area Work Permit, the applicant shall provide a landscape plan for the area around the stormwater management pond in the southeast area of the Beechwood House environmental setting.

Discussion regarding PPS conditions of approval has been incorporated into Finding 8 above. The suggested conditions that duplicate PPS conditions of approval have not been

included in this DSP approval, as they remain valid and applicable, if they have not been already addressed, without need for duplication. The additional recommended conditions have been included in this approval, with some minor adjustments to timing as appropriate.

- b. **Community Planning**—This development proposal is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier. The subject property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 and below dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on all future plans.

This proposal includes rough grading and construction of stormwater management infrastructure, in anticipation of future commercial development. No other land development is proposed at this time. There are no planning issues with the current application. However, consistent with the Preliminary Plan of Subdivision 4-09041, a DSP is required for all future proposed commercial uses to address site design, and building massing/design.

- c. **Transportation Planning**—An analysis of transportation-related conditions of the approved PPS, has been included in Finding 8 above. The Planning Board found the proposed site layout acceptable and deems the site plan to be acceptable from the standpoint of transportation.
- d. **Subdivision Review**—An analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-09041 is discussed in detail in Finding 8 above.

The subject property is composed of an acreage parcel recorded by deed in Liber 9791, Folio 547 on September 16, 1994; Parcel 1, Plat One – Beech Tree Commercial Center, recorded on December 5, 2013 in Plat Book MMB 239-60; and Lot 1, Sedalia Acres, recorded on October 16, 2013 in Plat Book NLP 135-38; all in the Land Records of Prince George's County. The property is located on Tax Map 85 in Grids C-1 and C-2, and is approximately 28 acres. The property is improved with an existing historic house and an existing barn, which will be relocated to the historic site. The applicant has submitted a detailed site plan for infrastructure and rough grading of the site for a 300,000-square-foot commercial shopping center use.

The site is the subject of Preliminary Plan 4-09041 for the Beech Tree C-S-C Parcel. The Prince George's County Planning Board adopted the resolution of approval (PGCPB Resolution No. 11-02(C)) on February 10, 2011. The validity period for the preliminary plan was extended to December 31, 2015, pursuant to County Council Bill CB-70-2013. A final plat for the subject property must be accepted by The Maryland-National Capital

Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan is required. The applicant may request an extension of the validity period for the preliminary plan beyond the validity date.

The following are subdivision-related conditions:

- (1) Prior to certification of the revision to the detailed site plan the following technical corrections should be required:
 - (a) General Note 14 shall be revised to demonstrate conformance to Condition 11 as shown: "All structures shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association, Condition 11 of PGCPB Resolution No. 11-02(C), and all other applicable laws."
 - (b) The following note shall be added to the general notes in accordance with Condition 32: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - (c) The site plan shall provide proposed lot lines and dimensions (including proposed bearings and distances, in feet) for all proposed parcels in accordance with Section 27-282(e)(13) of the Zoning Ordinance.
 - (d) The site plan shall show a ten-foot PUE along both sides of the proposed High Street private right-of-way free and clear of proposed site improvements. Alternatively, the PUE along the private street may be relocated within the street with express permission from all of the affected utility companies. The applicant must submit an approved and color coded utility plan, prior to DSP approval, if an alternative PUE is being proposed along this right-of-way.
 - (e) Label the proposed right-of-way width for the High Street private right-of-way.
 - (f) The site plan shall graphically demonstrate denial of access along the following sections of road, in accordance with Section 24-128(b)(9) of the Subdivision Regulations:
 - i. Moores Plains Boulevard between Leeland Road and Effie Bowie Drive
 - ii. Leeland Road between Moores Plains Boulevard and US 301
 - iii. The entire property frontage along US 301

- (g) The site plan shall demonstrate the relocation of the existing ten-foot PUE and the existing 20-foot scenic easement along Leeland Road, to accommodate the required dedication to DPW&T and the Maryland State Highway Administration (SHA).
- (h) Remove the designation of "Prop." from Effie Bowie Drive on Site Plan Sheet 1.

Detailed Site Plan DSP-13037 is in substantial conformance with the approved Preliminary Plan of Subdivision 4 09041, if the above comments are addressed. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

These conditions have been included in this approval.

- e. **Trails**—The Complete Streets Section of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

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 Comprehensive Design Plan CDP-9706, for the Beech Tree subdivision, also included a Comprehensive Trails Plan. This plan includes the master plan trail along Collington Branch and Homeowner's Association feeder trails on private open space land. No trail connections are included in the subject application.

Preliminary Plan of Subdivision 4-00010, for the Beech Tree subdivision, did not include the subject site, but did cover all of Beech Tree immediately around the commercial center. Sidewalks are provided along one side of most of the internal roads of Beech Tree. Moores Plains Boulevard includes a six-foot-wide sidewalk along the west side. This sidewalk currently ends at the traffic circle at the proposed Effie Bowie Drive. The submitted TCP shows the sidewalk being continued along the west side of Moores Plains Boulevard to Leeland Road.

Sidewalks also appear to be shown along both sides of the roads within the commercial center, as well as along the frontages of the commercial space. This includes both sides of High Street and both sides of Effie Bowie Drive, west of High Street. In order to link the existing wide sidewalk along Moores Plains Boulevard with the proposed commercial center (per Condition 11 of the CDP), curb cuts and either striped or decorative crosswalks are recommended across all intersecting roads at both traffic circles (Moores Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).

The MPOT also recommends a sidepath along Leeland Road. This will connect to existing and planned sidepaths along both Oak Grove Road and Church Road. However, it should be noted that the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* did not include a master plan recommendation for this section of Leeland Road. At the time of the earlier approvals for plans A-9763-C, CDP-9706, and 4-00010, no master plan trail recommendations were made for Leeland Road. Prior approvals did have several conditions related to trails and sidewalks. Zoning Map Amendment A-9763-C included the following consideration related to trail connections:

Consideration 11

The trails system shall be designed to link all residential areas to all commercial and recreational elements of the proposed development.

Approved Comprehensive Design Plan CDP-9706 included the following condition related to trail connections:

- 1(i) The trails system shall be expanded to show links from all residential areas to all commercial and recreational elements and school sites within the proposed development. The trails shall be for the most part separated from vehicular rights-of-way.**

Preliminary Plan of Subdivision 4-09041 (PGCPB No. 11-02(C)) included the following conditions of approval related to sidewalk and trail facilities:

- 1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:**
 - b. Provide a note that a standard sidewalk shall be provided along the subject site's entire frontage of Moores Plains Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).**
- 15. Unless modified by DPW&T, the applicant shall:**

- a. **Provide striped or decorative crosswalks, within the right-of-way, at all approaches to both traffic circles (Moores Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).**
- b. **Construct an eight-foot-wide sidepath, within the right-of-way, along the subject property's frontage of Leeland Road west of High Street.**

These facilities do not appear to be indicated on all the plan sheets. Therefore, the conditions of approval from the preliminary plan are reiterated below with the plans to be modified prior to certification. The previously required sidewalk, crosswalks, and sidepaths should be shown on the certified detailed site plan. Pedestrian routes through the areas of surface parking will be evaluated at the time of DSP for the actual shopping center.

Conclusion

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 detailed site plan as described in Section 27-285 of the Prince George's County Code if the application were to be approved with the following conditions:

In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall make the following revisions to the plans prior to certification:

- (1) Provide a standard sidewalk along the subject site's entire frontage of Moores Plain Boulevard, unless modified by DPW&T.
- (2) Provide striped or decorative crosswalks at all approaches to both traffic circles (Moores Plain Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).
- (3) Construct an eight-foot-wide sidepath along the subject property's frontage of Leeland Road, west of High Street, unless modified by DPW&T.

These conditions have been included in this approval.

- f. **Environmental Planning**—An analysis of the site plan's conformance with environmentally-related conditions of approval of Preliminary Plan of Subdivision 4-09041, is discussed in detail in Finding 8 above. An analysis of the site's conformance

with the WCO, is discussed in detail in Finding 10 above. The following is a summary of the other environmental comments:

- (1) A revised Natural Resources Inventory, NRI-005-07-01, was approved on March 24, 2011. A revised NRI was required because CB-26-10, effective September 1, 2010, revised the minimum stream buffers and primary management area (PMA) requirements. The revised NRI shows the 75-foot-wide minimum stream buffer required in the Developing Tier, the location of all slopes 15 percent or greater, and a revised delineation of the PMA to include all appropriate features. The evaluation of specimen, champion, and historic trees on the site was also required to conform to the requirements of the Environmental Technical Manual (ETM), and the critical root zone for the specimen and historic trees was expanded to 1.5 feet of critical root zone for every one-inch of diameter at breast height. The environmental features and PMA shown on the DSP and TCP2 are in conformance with the approved NRI for the subject property.
- (2) Wetland alteration permits, which were originally issued for the impacts proposed with the overall BeechTree development in 1999, expired in 2007. The wetland permits issued in 1999 did not include disturbance to wetlands located on the subject property, which were first delineated on an NRI approved in 2007. No previous comprehensive design zone approval took into consideration the location of these wetlands and their required buffers because these approvals preceded the delineation of the newly identified wetlands on Parcel 16.

The applicant made application to USACE for reissuance of these wetland alteration permits for the overall BeechTree site in 2007, and included impacts to the wetlands proposed on Parcel 16. These wetland permits have not been approved as of the date of this approval. As identified by the Historic Preservation Section, issues have arisen with regard to the issuance of wetland permits related to the appropriate conservation of the Beechwood historic site under the Section 106 review process.

USACE issuance of wetland alteration permits is required for wetland alteration, but it does not necessarily override local authority to protect and preserve regulated environmental features in accordance with local ordinances. In accordance with the PPS condition, prior to issuance of any permits for the subject property, all required state and federal wetlands permits shall be submitted and evidence must be provided that all applicable conditions of the state wetland permit have been honored.

- (3) At the time of preliminary plan, the Historic Preservation Commission (HPC) had approved a development plan which included the development of structures and site development features within the 5.3 acre environmental setting of the historic site south of Effie Bowie Drive. Disturbance and the removal of specimen/historic

trees within the environmental setting was assumed at that time in accordance with the development scheme approved by the HPC, and as a result a substantial quantity of specimen/historic trees located on the west side of the environmental setting were granted a variance for removal based on grading associated with the development of commercial structures and a parking lot adjacent to Moores Plains Boulevard.

During the re-approval process for the granting of the Joint Federal/State Wetland Permit for the BeechTree Development, including the Leeland Shopping Center (C-S-C) (95-65502-7, 200763250/N63266 and 200962709/N62832) the Maryland Historic Trust, the USACE and the developer of BeechTree entered into a memorandum of agreement (MOA) which was executed by all parties as of December 20, 2012. The MOA indicates that as a condition of re-approval for Section 404 wetlands for the BeechTree development, a preservation easement for the entire 5.3 acre environmental setting for Beechwood will be conveyed to the Maryland Historical Trust no later than six months after the execution of the MOA. The MOA further limits construction within the easement area to elements shown on Exhibit "C", subject to approval of MHT for design location and archeology impacts. The allowed improvements include the following:

- "1. Underground water and sewer line for the Beech wood House'
- "2. Three (3) proposed underground storm water drains;
- "3. A portion of the above ground stormwater management pond shown on Exhibit C at the southeastern portion of the easement area;
- "4. Grading associated with the construction of Effie Bowie Drive;
- "5. Relocation and reconstruction of one (1) tobacco barn, which may include a new roof and lap siding."

These restrictions on development within the environmental setting as protected under the MOA will require much more limited grading impacts to the existing topography and provide the potential for the retention of more specimen/historic trees, which were previously proposed for removal for new construction that is no longer approvable. This also allows for greater flexibility in the placement of allowed utilities and the relocated tobacco barn to provide for additional tree retention. At this time, no copy of the executed easement was provided.

- (4) During the review of CDP-9407 in 1995 for the overall BeechTree development, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of the Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940's. Even

though it has been documented in Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed.

Although the subject property is no longer part of the area covered by the CDP for the overall Beech Tree development, it is located upstream of and feeding into Lake Presidential. Because of this location, protection of the water quality and control of water quantity are of importance on this site as they contribute to the overall quality of the rare, threatened or endangered (RTE) habitat related to a fish of concern. It is acknowledged that the Stripeback Darter does not migrate any further north than the dam of Lake Presidential; however, the lake provides a water control function which is beneficial to this fish's habitat downstream.

In lieu of developing a separate RTE management plan for the site, it was recommended that any development go forward under the previous agreement made in the Habitat Management Plan and the Water Quality Monitoring Program developed in conjunction with the Environmental Planning Section and the Maryland Department of Natural Resources.

The Final BeechTree Surface Water Quality Monitoring (Report #20: July 2009 to December 2009) for East Branch, was submitted on January 29, 2010. The data was collected in accordance with the methodology outlined in Surface Water Quality Monitoring and Habitat Management Program (prepared by McCarthy & Associates, Inc. and dated May 1998, revised) and as approved by the Maryland Department of Natural Resources in a memorandum dated October 8, 1998 from Ray C. Dintamin, Jr. to Dave Boellner, Maryland Department of the Environment (MDE).

The habitat assessment field data sheets in the final report indicate that for Station No. 2 (the testing station downstream of the subject property) several important factors were ranked as marginal. These included: bottom substrate/available cover, bottom substrate/characterization, poor variability, sediment deposition, channel flow status, bank vegetative cover, and bank stability. The report summary provides the following conclusions:

"During the second half of 2009, Maryland experienced an above average rainfall. Base flow levels at both stations remained stable through late-summer and into the winter. Physio-chemical data for the year had remained generally within previously observed ranges."

"During the past 11 years the East Branch has seen above average rainfall, drought, the construction of the golf course as well as the construction of the lake. The physio-chemical data that has been collected during that time revealed that the East Branch has generally remained within acceptable limits, with the exception of a few brief periods of time.

Turbidity exceeded MDE's normal limits only a few select times while the project was under construction. Dissolved oxygen was below MDE's acceptable limits numerous times during the two severe drought cycles Maryland has experienced in the past 11 years. In addition, drought also played a significant role in decreasing the density and numbers of macro-invertebrate species with the stream system. Very little has changed in the way of physical effects on the stream. Since the creation of the lake, the East Branch no longer dries up during the summer months. On the other hand, flow volumes have increased which has caused some minor bank erosion along a few stream bends."

Considering the overall high quality of the Collington Branch and Eastern Branch watersheds, the protection of sensitive environmental features on the site related to water quality is key to, at a minimum, maintaining the water quality and habitat of the identified RTE fish species. At the time of preliminary plan review, an extension of the habitat and water quality monitoring program for a minimum of five years to allow for the on-going habitat monitoring during construction and post-construction was considered. At the time of PPS, the Planning Board found, based on comments by the applicant's expert witness, Jeffrey M. Boltz, Ph.D, that the development of the project with the design and implementation of an appropriate stormwater quality management program would not impact the quality or quantity of water discharged in the portion of the East Branch that has suitable habitat for the Stripeback Darter and extended monitoring was not required.

- (5) Marlboro clay presents a special problem for development of the overall BeechTree site. Consideration 6 of the original A-9763-C rezoning application was adopted to address this issue. The greatest concern was 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, and special engineering treatments may be required.

A geotechnical report, dated March 2006, was previously submitted for the C-S-C portion of the BeechTree site, which was reviewed and found to meet all requirements. High risk areas do not occur on this portion of the BeechTree site, although in some areas special drainage measures, road construction, and foundation construction methods may be needed. The Prince George's County Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with CB-94-2004 during the permit process review.

- (6) According to the Prince George's County Soil Survey, the principal soils on this site are in the Bibb and Westphalia soil series. Westphalia soils pose no particular problems related to land development. Bibb soils are hydric and present

development problems related to high water table and flooding. This information is provided for the applicant's benefit. A soils report may be required by DPW&T during the permit review process.

- (7) Leeland Road was designated a scenic road in the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, and has the functional classification of a collector. Improvements within the right-of-way of a scenic road are subject to approval by the DPW&T under the "Design Guidelines and Standards for Scenic and Historic Roads." Roadway design criteria will be determined for the roadway by DPW&T with consideration for the scenic features of the site. Design decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards. This issue is reflected in Condition 28 of the PPS approval.

Other PPS conditions required the delineation of a 20-foot-wide scenic road easement outside of the 10-foot-wide public utility easement (PUE) along Leeland Road, and a note on the plans stating that the full width and location of any scenic road easement may be modified at the time of DSP.

The DSP and TCP2 plans do not show the location of the 20-foot-wide scenic easement correctly delineated, as no PUE along the right-of-way is shown. No information or justification has been submitted to support a change to the delineation of the scenic easement with the current application, which is for rough grading and infrastructure, including utilities. Therefore, a condition has been included in this approval requiring this prior to certification of the DSP.

- (8) Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing the spill-over of light from one property to the next, and a reduction in glare from light fixtures. This is of particular concern on a commercial site such as the subject application, because of the nearby residential uses and the adjacent uses in the Rural Tier which will be directly impacted. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas. The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

The issue will be addressed in the review of future DSP revisions that include proposed lighting.

- g. **Prince George's County Fire/EMS Department**—In a memorandum dated February 6, 2014, the Prince George's County Fire/EMS Department provided standard

comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire Department at the time of issuance of permits.

- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 13, 2014, DPIE indicated that US 301 is a state-maintained roadway and will need to be coordinated with the state. The Department of Public Works & Transportation will require frontage improvements along Leeland Road. They also indicated that the roadway layout and right-of-way dedications shown did not reflect the correct Effie Bowie Drive or US 301. The DSP is consistent with approved Stormwater Management Concept Plan 27465-2007-01, dated November 4, 2013.

The plans were revised following DPIE's review and there are various conditions of approval included regarding showing dedication and rights-of-way correctly.

- i. **Prince George's County Police Department**—In a memorandum dated January 28, 2014, the Police Department indicated that they had reviewed the subject application and there are no crime prevention through environmental design (CPTED) recommendations at this time.
- j. **Prince George's County Health Department**—In a memorandum dated March 5, 2014, the Health Department indicated that they had reviewed the subject application and had no comments. Another review will be completed once the Health Department receives plans with a more detailed proposal.
- k. **Department of Environmental Resources (DER)**: In an e-mail dated February 21, 2014, DER indicated they had no comments on the subject application.
- l. **Maryland State Highway Administration (SHA)**: In a memorandum dated January 15, 2014, SHA indicated that the DSP was acceptable and that the developer needs to conform to the Planning Board resolution for off-site road improvements under Phase V on SHA roads.

Transportation issues are discussed further in Finding 12(c) above.

- m. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated January 17, 2014, WSSC provided a standard response on issues such as pipe, meter and easement requirements. WSSC indicated that the proposed site development was previously submitted to them and is a conceptually approved project.
- n. **Verizon**—In an e-mail dated January 30, 2014, Verizon Communications commented that they would like to request that at this site, a ten-foot-wide public utility easement (PUE) be included adjacent, parallel, and contiguous to the right-of-way along all roadways dedicated for public street purposes, free and clear of any surface obstructions.

A condition has been included in this approval requiring this to be done prior to certification.

- o. **Baltimore Gas and Electric (BG&E)**—BG&E did not provide comments on the subject application.
- 13. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
- 14. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

The Planning Board found that the regulated environmental features of the site have been preserved and/or restored to the fullest extent possible in conformance with PMA impacts approved at the time of preliminary plan, if Condition 43 of PGCPB Resolution No. 11-02(C) is complied with, as conditioned in this approval.

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 2 Tree Conservation Plan (TCP2-001-14) and further APPROVED Detailed Site Plan DSP-13037 for the above-described land, subject to the following conditions:

- 1. Prior to signature approval, the following revisions shall be made to the detailed site plan or the following information shall be provided:
 - a. Revise the Tree Canopy Coverage schedule to reflect the correct area of on-site woodland conservation.
 - b. Provide a standard sidewalk along the subject site's entire frontage of Moores Plains Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
 - c. Revise the plan to show striped or decorative crosswalks at all approaches to both traffic circles (Moores Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).

- d. Revise the plan to show an eight-foot-wide sidepath along the subject property's frontage of Leeland Road, west of High Street, unless modified by DPW&T.
- e. General Note 14 shall be revised to read as follows:

“All structures shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association, Condition 11 of PGCPB Resolution No. 11-02(C), and all other applicable laws.”
- f. The following note shall be added to the general notes:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
- g. The site plan shall be revised to clarify the number of proposed parcels and provide proposed lot lines and dimensions (including proposed bearings and distances, in feet) for all proposed parcels.
- h. The site plan shall show a ten-foot-wide public utility easement (PUE) along both sides of the proposed High Street private right-of-way, free and clear of proposed site improvements. Alternatively, the PUE along the private street may be relocated within the street with express permission from all of the affected utility companies. The applicant should submit an approved and color coded utility plan, prior to DSP approval, if an alternative PUE is being proposed along this right-of-way.
- i. Label the proposed width for the High Street private right-of-way.
- j. The site plan shall graphically demonstrate denial of access along the following sections of road, in accordance with Section 24-128 (b) (9) of the Subdivision Regulations:
 - (1) Moores Plains Boulevard between Leeland Road and Effie Bowie Drive
 - (2) Leeland Road between Moores Plains Boulevard and High Street
 - (3) The entire property frontage along US 301
 - (4) Leeland Road between High Street and US 301

- k. The site plan shall demonstrate the relocation of the ten-foot-wide PUE and the separate, exclusive, 20-foot-wide scenic easement along Leeland Road to accommodate the required dedication to DPW&T and Maryland State Highway Administration (SHA). The full width and location of any scenic road easement may be modified at time of detailed site plan for buildings related to the shopping center subject to approval of Alternative Compliance for the requirements of Section 4.6 for Buffering Development from Special Roadways of the Landscape Manual.
 - l. Remove the designation of "Prop." from Effie Bowie Drive on Site Plan Sheet 1.
 - m. Alternative routing and/or methods for the placement of the 24-inch stormwater splitter pipe shall be evaluated to minimize impacts to the environmental setting due to grading and removal of existing vegetation.
2. Prior to signature approval, the following revisions shall be made to the tree conservation plan or the following information shall be provided:
- a. A detailed tree preservation plan shall be provided on the TCP2. The plan shall include the management methods and maintenance to be implemented to ensure long-term survival of the specimen and historic trees required to be preserved. These methods shall include, but not be limited to, appropriate tree protective devices, tree care treatments, and watering during droughts.
 - b. All applicable standard TCP2 notes shall be included on the plan sheet, and the final notes shall be renumbered in sequence.
 - c. Note 1 shall be revised to include the DSP application number and the second sentence of the note shall be removed.
 - d. Note 3 shall be revised to indicate that the "Department of Permits, Inspections and Enforcements (DPIE) shall be contacted."
 - e. Note 7 shall correctly state that "the site is adjacent to a designated scenic road."
 - f. The TCP2 number shall be added to the approval block on all plan sheets in the correct hyphenated format.
 - g. The C-S-C zoning line on the cover sheet shall be correctly shown.
 - h. A Subtitle 25 variance note describing the approved variance for removal of specimen/historic trees shall be added under the Specimen/Historic Tree table.

- i. The tree conservation signage detail shall be relabeled “temporary tree conservation signage” and shall be revised in conformance with details for construction signage provided in the Environmental Technical Manual.
- j. The standard details and notes related to permanent woodland conservation signage shall be added to the plan sheet.
- k. The soils layer shall be removed from all plan sheets.
- l. A woodland conservation table shall be added to all plan sheets, and a woodland conservation summary table shall be added to the notes and detail sheet.
- m. The woodland preservation area shall be labeled by methodology and area.
- n. Permanent woodland conservation signage shall only be placed along the edge of the woodland preservation area and not in the middle.
- o. Sheet 5 of 6 of the TCP2 shall be revised as follows:
 - (1) The “critical root zone” feature in the legend shall be relabeled “Critical Root Zone Management Area (CRZMA) for Specimen/Historic Trees” and a shading or pattern shall be added to the plan to identify the area.
 - (2) The full limits of the CRZMA shall be delineated on the plan including all trees to be retained and credited for woodland conservation credits, the area shall be shaded or patterned, and labeled “Specimen/Historic Tree Area” for the area of the CRZMA.
 - (3) Grading into the CRZMA for construction of the forebay closest to the Beechwood historic site shall be eliminated or minimized to the fullest extent possible.
 - (4) Specimen/historic tree credit shall not be allowed for areas of grading impacts into the CRZMA, such as for stormwater management, roads, or utilities, unless the Specimen/Historic Tree Management and Maintenance Plan provides specific techniques or methodologies for protection during grading and site restoration post-construction.
- p. The woodland conservation worksheet shall be revised to reflect all revisions to the plan.
- q. The plan shall be signed and dated by the qualified professional who prepared it.

- r. A copy of the recorded easement agreement between the Maryland Historic Trust (MHT), the US Army Corps of Engineer (USACE), and the developer of BeechTree shall be submitted. Note 30 on the coversheet of the TCP2 shall be revised to add the following:

“As a condition of the approval of Section 404 permits on this site by the USACE, the 5.3 acre environmental setting for Beechwood located on the south side of Effie Bowie Drive is subject to an easement held by the Maryland Historic Trust and recorded at Liber _____ Folio _____.”
 - s. The TCP2 shall be revised to include an invasive species management plan to address the invasive plant populations identified in the priority preservation woodlands located in Stand 1, and as identified on the NRI, including but not limited to Japanese honeysuckle, multiflora rose, and microstegium.
- 3. Grading within the Beechwood Historic Site (79-060) environmental setting shall be monitored by a professional archeologist. In the event that previously unidentified historic properties are discovered during grading, all construction involving subsurface disturbance will be immediately halted in the area of the discovered resource and the area immediately surrounding the resource where further subsurface deposits may reasonably be expected to occur. Construction in the affected area may continue after the resource has been properly documented, and with permission, of the Prince George’s County Planning Department archeologist.
 - 4. In addition to the interpretive signage required by Condition 24 of Preliminary Plan of Subdivision 4-09041, BeechTree Commercial Center (PGCPB Resolution No. 11-02(C)), the applicant shall ensure that this interpretive information be made readily available to the general public through posting on the BeechTree development’s website, no later than the issuance of the first grading permit for the subject application.
 - 5. At the time of a future detailed site plan revision for the area north of Effie Bowie Drive, and as part of the submission of a historic area work permit, the applicant shall provide a landscape plan for the area around the stormwater management pond in the southeast area of the Beechwood historic site environmental setting, to be reviewed by the Historic Preservation staff.
 - 6. Prior to the issuance of grading permits for the subject property, a bond equal to the amount of removal and replacement of all specimen or historic trees to be removed shall be posted per Section 25-122(d) of the Prince George’s County Code.
 - 7. The stream and/or wetland restoration package shall be bonded and implemented with the first grading permit associated with Detailed Site Plan DSP-13037.
 - 8. Prior to issuance of a grading permit for the subject property, the following shall occur:
 - a. A stream and/or wetland restoration package shall be resubmitted that is at least generally equivalent to, or a greater benefit than, the total of all impacts approved at the time of PPS

for Area B, which is approximately 77,265 square feet of PMA associated with 4,840 square feet of nontidal wetlands and 430 linear feet of stream.

- b. The stream and/or wetland restoration package will be evaluated, and a recommendation shall be made for approval by the Planning Director as designee of the Planning Board.
 - c. The appropriate DSP or SDP (if located on another section of the Beech Tree development) and associated TCP2 shall be revised to include the approved stream and/or wetland restoration package.
9. Prior to approval of the first detailed site plan for the buildings related to the shopping center the following shall occur:
- a. The required inventory of significant visual features shall be submitted for evaluation of the frontage of the subject property related to scenic Leeland Road.
 - b. An evaluation of the significant visual features shall be submitted indicating the best methodology for conservation of significant visual features to the fullest extent possible.
 - c. The detailed site plan and TCP2 shall be designed to address views from Leeland Road and the preservation, conservation, and enhancement of any existing scenic road elements. Appropriate treatments for the scenic road and scenic easement shall be determined in consultation with the appropriate staff. The detailed site plan and TCP2 shall address the following:
 - (1) Views from the scenic road;
 - (2) Preservation, conservation, and/or enhancement of the key scenic elements identified in the inventory;
 - (3) Conservation enhancement of the key scenic elements of the site;
 - (4) Landscape buffers and planting areas along and adjacent to the right-of-way;
 - (5) The placement of buildings and site features; and
 - (6) Entrance features and signage.

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Geraldo voting in favor of the motion, and with Commissioner Hewlett recused at its regular meeting held on Thursday, March 27, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of April 2014.

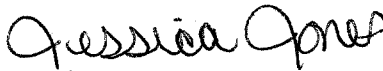
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 4/1/14

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj