



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-104

File No. SDP-0416/02

## RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on November 1, 2012, regarding Specific Design Plan SDP-0416/02 for Beech Tree, South Village, Sections 4 and 5, the Planning Board finds:

1. **Request:** This application proposes to increase the number of single-family detached lots from 84 to 105. More particularly, the request in this case is to increase the number of single-family detached lots in South Village, Section 4, from 42 to 52 and the number of single-family detached lots in South Village, Section 5, from 42 to 53, for a total of 105 lots.

2. **Development Data Summary:**

South Village, Sections 4 & 5	Existing Approvals	Approved
Zones	R-S	R-S
Uses	Residential	Residential
Acreage in Beech Tree	1,212.06	1,212.06
Acreage (in subject SDP)	41.21	41.21
Lots	84 single-family detached	105 single-family detached

South Village 4	Existing Approvals	Approved
Zones	R-S	R-S
Uses	Residential	Residential
Acreage (in subject SDP)		
Lots	42 detached SFD	52 detached SFD
South Village 5		
Zones	R-S	R-S
Uses	Residential	Residential
Acreage (in subject SDP)		
Lots	42 detached SFD	53 detached SFD
<b>Total Acreage</b>	<b>41.21</b>	<b>41.21</b>

3. **Location:** The Beech Tree project site is located on the west side of Robert Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by

Specific Design Plan SDP-0416. South Village, Sections 4 and 5, is located in the southeastern portion, along the southern boundary of the Beech Tree development.

4. **Surrounding Uses:** The Beech Tree project, as a whole, is bounded to the north by residential and agricultural land use in the R-A (Residential-Agricultural) Zone and Leeland Road; to the east by residential land use in the R-A Zone and Robert Crain Highway (US 301); to the west by residential and agricultural land use in the R-E (Residential-Estate) and R-U (Residential Urban Development) Zones; and to the south by residential land use in the R-A Zone. The subject South Village, Sections 4 and 5, is bounded to the north by other sections of the Beech Tree development; to the west and south by the Beech Tree golf course with residential land use beyond; and to the east by residential land use.
5. **Previous Approvals:** The subject site South Village, Sections 4 and 5, is part of a larger project with a gross residential acreage of 1,200±. The site is known as Beech Tree, which was rezoned from the R-A Zone to the R-S Zone (2.7-3.5) through Zoning Map Amendment (Basic Plan) A-9763-C for 1,765 to 2,869 dwelling units. Basic Plan A-9763-C was approved by the District Council on October 9, 1989 (Zoning Ordinance No. 61-1989), subject to 17 conditions and 14 considerations. On July 14, 1998, Comprehensive Design Plan CDP-9706 for the entire Beech Tree development was approved by the District Council, subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision have been approved: 4-98063 for a golf course (PGCPB Resolution No. 98-311); 4-99026 for 458 lots and 240 apartments (PGCPB Resolution No. 99-154); and 4-00010 for 1,653 lots and 46 parcels (PGCPB Resolution No. 00-127). The site is also subject to the requirements of the approval of SDP-0416, approved by the District Council on September 18, 2006, subject to 15 conditions.

Two specific design plans for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella architecture approval for the Beech Tree development and has been revised several times. To date, 23 SDPs have been approved for the Beech Tree development including 18 for single-family attached and detached lots, one for the golf course, one for the golf club house, and one for the installation of a sewer line. All of the SDPs have been reviewed and approved by the District Council as required by a previous condition of approval, and several SDPs have subsequently been revised. In addition, various types of tree conservation plans have been approved for the above-mentioned preliminary plans of subdivision and specific design plans. The approved site development has an approved Stormwater Management Concept Plan, 34382-2005-00, dated February 7, 2012.

6. **Design Features:** The SDP is approved herein to be modified to allow an increase from 84 single-family detached lots to 105 single-family detached lots.

South Village, Sections 4 and 5, is composed of single-family detached lots in a linear configuration along Pentland Hills Drive, which is named for the included historic site located in

Section 4, and which forms a main spine road. Design for the two villages includes generally double-loading Pentland Hills Drive and the three additional culs-de-sacs that extend southward from it on the western side of the historic site. There is a single-loaded stretch of Pentland Hills Drive on the eastern side of the historic site and an open stretch separating Section 4 from Section 5, which affords views into the golf course located on both sides of the road. The southwestern boundary of South Village, Section 5, is also bordered by the golf course. Section 4 includes 52 units organized in two blocks, with Block F containing 29 units and Block G containing 23 units. South Village, Section 5, contains 53 units with the 53 units included in a single block, Block H.

7. **Zoning Map Amendment (Basic Plan) A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment (Basic Plan) A-9763-C, subject to 17 conditions and 14 considerations. The subject approval does not affect previous findings of conformance to the requirements of this approval. Of the considerations and conditions attached to the approval of A-9763-C, the following condition is directly applicable to the approval of this SDP. The requirement is included in **boldface** type below.

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

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

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

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

The required legible overall plan of the Beech Tree project, including all phase or section numbers and specific design plan numbers, is included on the coversheet of this SDP. Parallel information is included on the accompanying Type II tree conservation plan (TCP II).

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

The subject SDP is in conformance with approved Stormwater Management Concept Plan 34382-2005-00, approved on February 7, 2012.

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

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

9. **Preliminary Plan of Subdivision 4-99026:** Preliminary Plan of Subdivision 4-99026, which covers the subject site, was approved by the Planning Board on October 14, 1999 (PGCPB Resolution No. 99-154), subject to conditions. The relevant conditions of that approval are included in **boldface** type below.
  1. **As part of the submission of a Specific Design Plan (SDP) for any of the High Risk Areas, the applicant, his heirs, successors and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**
  2. **At the Specific Design Plan stage, the applicant, his heirs, successors and/or assigns shall submit a noise study. Residential building envelopes are conceptual in nature and may be shifted at the approval of the Specific Design Plan when the noise study is approved by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels exceeding 65 dBA (Ldn) exterior. Lots which cannot meet the noise level requirements shall be removed.**

The required geotechnical report and noise study were received and reviewed by the Planning Board. The Planning Board found the proposed development feasible as long as the recommendations contained in the geotechnical report are adhered to, and that the submitted noise impacts from US 301, as evaluated in the submitted noise study, would not be a concern with the current approval.

3. **Prior to the approval of the specific design plan, the applicant shall provide appropriate screening between the cart path and Lots 106-110, Block A. If such screening is deemed ineffective, one or more of these lots shall be eliminated.**

Appropriate screening between previous Lots 106-110, Block A, (current Lots 12-15 on Sheet 4) has been provided and elimination of any of these lots is unnecessary.

6. **In accordance to HAWP #13-98, prior to approval of the Specific Design Plan for that portion of the public road within 100 feet of the Pentland Hills site, the applicant, his heirs, successors and/or assigns shall create the structural replication of the footprint of the Pentland Hills plantation house and prepare informational plaques and brochure, all to be reviewed by staff of the Historic Preservation Section for conformance to HAWP #13-98. The applicant, his heirs, successors and/or assigns shall also work with staff regarding donation to the Newel Post of recyclable architectural features from the house and/or outbuildings.**

A condition of this approval requires that, prior to issuance of the first residential building permit connected with SDP-0416-02, the applicant shall complete the replication of the Pentland Hills foundation and install associated interpretive signage within the Pentland Hills environmental setting in conformance with this requirement. The Newel Post has indicated that the applicant has fulfilled his requirements regarding donations.

11. **All internal, HOA trails shall be six feet wide and asphalt. All bikeways shall be designated with striping and/or appropriate bikeway signage.**

There are no internal homeowners association (HOA) trails included in the subject SDP. Therefore, this requirement is inapplicable to the subject project.

14. **The following roadways shall be built to DPW&Ts Standard No. 12 (36-foot pavement within a 60-foot right-of-way) or as determined by DPW&T and as approved by the Planning Board at the Specific Design Plan:**
  - **Presidential Golf Club Drive, loop road, from Beech Tree Parkway to Leeland Road.**
  - **Road "N," from the intersection of Presidential Golf Club Drive to its intersection with Road "O".**
  - **Beech Tree Parkway, the entire length other than the divided portion at its eastern limits.**
  - **Road "D," from Beech Tree Parkway to Moors Plain Boulevard.**
  - **Moors Plain Boulevard, from Beech Tree Parkway to Road "D."**
  - **The future roadway (the fifth access to Beech Tree Subdivision) southwest of the proposed middle school. The exact location of this road (stub connection) needs to be shown on the preliminary plat.**

In a memorandum dated August 15, 2012, the Department of Public Works and Transportation (DPW&T) stated that roads must be designed to their specifications and standards. Conformance

to that requirement and the above condition will be enforced through their separate permitting process.

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

The Planning Board has received the above-required letter, dated June 6, 2012. Any change to either the sequencing of proposed improvements and/or changes to the development thresholds from the original staging plan would require a new staging plan to be submitted to the Planning Board or its designee for review.

21. **All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**

There are no trails included in SDP-0416-02; therefore, this requirement is inapplicable.

6. **In accordance to HAWP #13-98, prior to approval of the Specific Design Plan for that portion of the public road within 100 feet of the Pentland Hills site, the applicant, his heirs, successors and/or assigns shall create the structural replication of the footprint of the Pentland Hills plantation house and prepare informational plaques and brochure, all to be reviewed by staff of the Historic Preservation Section for conformance to HAWP #13-98. The applicant, his heirs, successors and/or assigns shall also work with staff regarding donation to the *Newel Post* of recyclable architectural features from the house and/or outbuildings.**

Historic Area Work Permit (HAWP) 13-98 for demolition of the Pentland Hills ruins was issued by the Historic Preservation Commission on December 15, 1998 with the following conditions:

1. **Donation to the *Newel Post* of any recyclable features**
2. **Installation of interpretive signs and the preparation of a brochure providing information on historic Pentland Hills.**

**3. Structural replication *in situ* of the footprint of the Pentland Hills plantation house.**

Historic Area Work Permit 13-98 expired without completion. As a substitute, the applicant submitted HAWP 27-07 in 2007, which was approved by the Historic Preservation Commission (HPC) on July 17, 2007. Historic Area Work Permit 27-07 for demolition of the Pentland Hills ruins was then issued with four conditions. The HPC reheard the matter on September 18, 2012, reached certain conclusions, and proposed two conditions to fulfill this requirement that have been included in this approval.

10. **Special Purpose Specific Design Plan SDP-9905 for Community Character:** Specific Design Plan SDP-9905 is a special purpose SDP pursuant to Condition 12 of CDP-9706 that was devoted to elements of streetscape including, but not limited to, street trees, entry monuments, signage, special paving at important facilities and intersections, and design intentions in the neotraditional area of the East Village. The SDP also addressed utilizing distinctive landscape treatments to emphasize important focal points, intersections and trail heads, and concentration of a particular species as an identifying feature for particular neighborhoods. The SDP was approved by the Planning Board on October 14, 1999. The subject SDP approval does not affect the previous finding of general conformance to the requirements of SDP-9905 for community character.
11. **Specific Design Plan SDP-9907 for Infrastructure:** Specific Design Plan SDP-9907 is an infrastructure plan for the East Village consisting of 130 single-family detached residential lots. However, SDP-9907 included, for the first time, a staging plan and the accompanying transportation improvements needed for the various development stages of Beech Tree. The Planning Board approved SDP-9907 on June 8, 2000, subject to 14 conditions, of which only the staging and transportation improvement-related conditions are applicable to the review of this SDP as follows:
  11. **If in the future, the sequencing of the subsequent development phases or associated transportation improvements is proposed to be modified, the Recommended Staging Plan shall be revised and resubmitted by the applicant prior to approval of the SDP for which such a change is requested.**

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

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

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

- **Leeland Road**

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

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

According to the applicant, the above-mentioned improvement is included in the Phase II residential development and has been bonded with the Department of Public Works and Transportation (DPW&T), but construction of this project has not yet commenced.

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

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

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

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

The Planning Board is in receipt of a letter dated June 6, 2012 from the applicant which represents a status report of building permits issued in relation to transportation improvements, as required by Condition 11 of SDP-9907. According to the applicant, approximately 825 building permits have been issued. The Planning Board's internal tracking system has revealed that, to date, approximately 1,540 dwelling units have been approved in the SDP applications for the Beech Tree development.

12. **Umbrella Specific Design Plan SDP-0001 for Architecture:** Specific Design Plan SDP-0001 is an umbrella SDP for single-family detached architecture for the entire Beech Tree development. This SDP was approved by the Planning Board on June 8, 2000, subject to three conditions. It was approved with 16 architectural models for the proposed single-family detached units in the East Village, but the approved models can be used in any other portion of the Beech Tree development. Since the approval of SDP-0001, several revisions have been approved.
13. **Specific Design Plans SDP-0416:** Specific Design Plan SDP-0416 for South Village, Sections 4 and 5, was approved by the District Council and on September 18, 2006, subject to 15 conditions, for 84 single-family detached units. The subject approved revision of SDP-0416 does not affect the findings or conditions of the original approval. The 15 conditions attached to the approval of SDP-0416 will remain concurrently applicable. Please note that a proposed first revision was never approved for the project, so there were no requirements from that which warrant evaluation in the subject case.
14. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance as follows:
  - a. The proposed single-family dwelling units are part of a larger project known as Beech Tree, which is the subject of numerous approvals. Therefore, the subject SDP complies with the requirements of the R-S Zone as stated in Sections 27-511, 27-512, 27-513, and 27-514 with regard to permitted uses and regulations, such as general standards and minimum size of property.

b. Section 27-528 requires the following findings for approval of a specific design plan:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

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

As stated in Findings 8 and 15, the proposed SDP conforms to the approved comprehensive design plan and the applicable standards of the 2010 *Prince George's County Landscape Manual*.

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

The subject development will be adequately served within a reasonable period of time as if the subject application is approved with conditions for Phases IV through VI. Those conditions and a condition referring to changes to the sequencing of transportation improvements and/or changes to thresholds identified in these conditions have been included in the subject approval.

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

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

In a memorandum dated August 15, 2012, DPW&T stated that the subject SDP conforms to relevant approved Stormwater Management Concept Plan 34382-2005-00, dated February 7, 2012. Therefore, it may be said that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or other properties.

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

Type II Tree Conservation Plan TCP11-026-12 has been found to meet the requirements of the Woodland Conservation Ordinance if made subject to certain

conditions. As those conditions have been incorporated into this approval, it may be said that the plan conforms to an approved tree conservation plan.

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

The subject project is grandfathered from the requirements of Subtitle 24 of the Prince George's County Code. Therefore, this required finding need not be made.

15. **Prince George's County Landscape Manual:** The project is subject to the requirements of Section 4.1, Residential Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*. All of the appropriate schedules have been included on Sheet 2 of the landscape plan, demonstrating conformance to the requirements for residential single-family detached lots, buffering incompatible uses, and sustainable landscaping requirements.
16. **Woodland and Wildlife Habitat Conservation Ordinance:** The application is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans for the site.
17. **Tree Canopy Coverage Ordinance:** The project is subject to Section 25-128, the Tree Canopy Coverage Ordinance and the applicant has provided the correct schedule on Sheet 3 of the submitted landscape plan. The schedule indicates that 15 percent tree canopy coverage is required based on the site's location in the Residential Suburban Development (R-S) Zone. More particularly, 15 percent of the subject 41.21-acre site equals 6.1815 acres or 269,266 square feet, required in tree canopy. The applicant is indicating that they are providing 11.45 acres or 498,762 square feet in on-site woodland conservation and 76,460 square feet in landscape trees for a total of 575,222 square feet of tree canopy, meeting and exceeding the 269,266-square-foot requirement.
18. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation and Archeological Review**—The subject application was heard by the Historic Preservation Commission (HPC) on September 18, 2012 and they offered the following background, findings, conclusions, and recommendations to the Planning Board for its approval of the subject project:

**Background**

Application SDP-0416-02 Beech Tree, South Village, Sections 4 and 5, is part of the 1,212-acre proposed Beech Tree residential/golf course development that surrounds

Beechwood (Historic Site 79-060), Pentland Hills (Historic Site 79-038), and three family cemeteries: Hilleary Family Cemetery (Historic Site 79-116), Hodges Family Cemetery (Historic Site 79-113), and Smith-Tomlin Family Cemetery (Historic Site 79-114). As part of a Section 106 Review in 1999, the Maryland Historical Trust (MHT) accepted the final report for Phase I/II archeological investigation for specific sites within the development. Review under Section 106 of the National Historic Preservation Act (NHPA) revised was required due to the need for an U.S. Army Corps of Engineers permit.

This application impacts and includes the Pentland Hills historic site, but does not affect the environmental setting of Beechwood or the Hilleary Family Cemetery, the Hodges Family Cemetery, or the Smith-Tomlin Family Cemetery. Built in the 1830s and later, the house at Pentland Hills was of an unusual plan: a frame house with two gambrel-roof sections joined by a perpendicular stair passage. Pentland Hills had a floor plan that was unique in Prince George's County. The south section was built in the 1830s as the home of Benjamin Hodges, on the site of an earlier plantation house of the Whitaker family. Pentland Hills remained in the possession of the Hodges descendants until 1912, at which time it was sold to the Danenhowers, who undertook a major renovation. The house was abandoned in 1960. Nevertheless, because of its unusual character, the house was designated as a historic site in 1981. In ruinous condition, the house was demolished as part of Historic Area Work Permit (HAWP) 27-07 in November 2007.

A condition of Preliminary Plan 4-98063 required a historic area work permit to be granted by the HPC for the demolition of Pentland Hills. Historic Area Work Permit 13-98 for demolition of the Pentland Hills ruins was issued by the HPC on December 15, 1998 with the following conditions:

- 1. Donation to the Newel Post of any recyclable features**
- 2. Installation of interpretive signs and the preparation of a brochure providing information on historic Pentland Hills.**
- 3. Structural replication in situ of the footprint of the Pentland Hills plantation house.**

Historic Area Work Permit 13-98 expired without completion. As a substitute, the applicant submitted HAWP 27-07 in 2007, which was approved by the HPC on July 17, 2007. Historic Area Work Permit 27-07 for demolition of the Pentland Hills ruins was issued with the following conditions:

- 1. The applicant shall replicate the precise location of the foundation footprint of the Pentland Hills house site within the open space associated with the golf course, using interpretive materials to demonstrate the stages of the building's construction. The Historic Preservation Commission shall review and approve the materials and construction techniques to be used.**

2. **The applicant shall prepare text for historical markers or interpretive plaques to be placed both within the Pentland Hills Historic Site Environmental Setting and at the public road nearest to it. The applicant shall consult with the Department of Public Works & Transportation regarding the placement of an interpretive sign within the right-of-way of the nearest public road. The applicant shall also prepare an informational brochure about Pentland Hills and the archeological site to be distributed through the sales center for South Village, Sections 4 and 5, and later, through the development's golf center and community center. The applicant shall produce at least 1,500 brochures per year to be available for a period of at least 3 years, and the brochure shall also be available on the Beech Tree community website. Text for the brochure shall be reviewed and approved prior to the issuance of the Use & Occupancy permit for the sales center for Sections 4 and 5, South Village, Beech Tree. Text for both the plaques and the brochure shall be reviewed and approved by the Historic Preservation Commission.**
3. **The applicant shall retain a preservation consultant or an archeologist to monitor the careful demolition of the main house and document the character of the building foundation as the basis for its reconstruction once the site is re-graded. The consultant shall notify M-NCPPC staff at critical points in the demolition process, so that staff may observe. The applicant's consultant shall provide a report analyzing the evidence generated by the demolition. As part of the monitoring, the applicant shall develop detailed reconstruction plans based on the on-site investigations for staff review. The applicant shall work with staff to develop detailed specifications for the reconstruction of the building footprint and the required interpretive signage to be located within the Environmental Setting for the Pentland Hills Historic Site #79-038.**
4. **The applicant shall complete the work of HAWP #27-07 prior to the issuance of the first building permit associated with SDP-0416, Beech Tree, South Village, Sections 4 & 5.**

The HPC then made the following Findings regarding the subject project:

**Findings**

- (1) The subject designated historic site is Pentland Hills, 79-038, in the county *Historic Sites and Districts Plan*.
- (2) Several conditions from previous applications are relevant to the subject application. Those include CDP-9706, 4-99026, SDP-0113/01, and SDP-0416.

Although these applications deal with different sections of the development, there are a number of conditions common to them. In particular, SDP-0113, Beech Tree, South Village, Phase I, Sections 1-3, and SDP-0416, Beech Tree, South Village, Sections 4 and 5, include conditions that address the reconstruction of the foundation footprint and the installation of interpretive signage within the revised environmental setting.

- (3) Phase I and II archeological investigations of the Pentland Hills site were conducted by MAAR Associates, Inc. at the request of Mark Vogel Companies in 1989. MAAR Associates, Inc. produced a Phase I and II report for Ryko Companies, Inc. in 1998. One Archeological Site, 18PR557, was documented around the Pentland Hills historic site. The consultant recommended that the Pentland Hills site be preserved in place within a historic park where the foundations and artifact-bearing soil layers could be exhibited.

Phase III data recovery archeological excavations were conducted at the Pentland Hills site (18PR557) by R. C. Goodwin and Associates, Inc. in 2006. The Phase III investigations were required by the Maryland Historical Trust through a programmatic agreement. The final Phase III report was approved by the Planning Board in October 2007.

- (4) The applicant's request for a determination of environmental setting for Pentland Hills was reviewed by the HPC at its July 17, 2007 meeting. The HPC resolved that the request to reduce the environmental setting for Pentland Hills (79-038) to 4,100 square feet as depicted on the site plan dated July 17, 2007 be granted.
- (5) Pentland Hills was demolished in September 2007 through HAWP 27-07. The applicant's historic preservation consultant and the Planning Board archeologist observed the careful demolition of the building and recorded the actual dimensions of its footprint. A report detailing the construction techniques used and the evolution of the building for use in the required replication of the foundation was prepared by the applicant's historic preservation consultant and was submitted to the Planning Board in November 2007.
- (6) Mr. Bill Anthony, a representative of the applicant, Mr. Arthur Horne, the applicant's attorney, and Mr. Chris Rizzi, the applicant's engineer, were present at the HPC hearing. On behalf of the applicant, Mr. Horne indicated in agreement with the proposed conditions.

The Historic Preservation Commission then offered the following conclusions:

### **Conclusions**

- (1) Historic Area Work Permit 27-07 has expired. As a result, the applicant was directed to submit a new application for outstanding work associated with the replication of the Pentland Hills footprint and associated interpretive measures.
- (2) The applicant has submitted HAWP 28-12 for reconstruction of the Pentland Hills foundation within the revised 4,100-square-foot environmental setting. The application provides specifications for the type of brick and mortar to be used in the reconstruction, proposed text for the interpretive plaques that will be placed within the environmental setting, and proposed text for the brochure that will be distributed through the development's sales center.
- (3) Specific Design Plan SDP-0416-02 accurately shows the proposed location of the Pentland Hills reconstructed footprint and the proposed locations of interpretive signs.
- (4) All archeological investigations have been completed on the Pentland Hills site, 18PR557.
- (5) The applicant agreed with the proposed conditions.

### **Historic Preservation Commission Recommendations**

The Historic Preservation Commission then stated that they recommend approval of SDP-0416-02, Beech Tree, South Village, Sections 4 and 5, with the following conditions:

- (1) Prior to issuance of the first residential building permit associated with SDP-0416-02, Beech Tree, South Village, Sections 4 and 5, the applicant shall complete the replication of the Pentland Hills foundation and install associated interpretive signage within the historic site's environmental setting through a Historic Area Work Permit application approved by the Historic Preservation Commission.
- (2) Prior to final plat, the applicant shall consult with Historic Preservation Section staff to develop traditional names for the three culs-de-sac included in the subject application, rather than the proposed names, which do not appear to have a historic relationship to the property.

The Historic Preservation Commission's proposed conditions have been included in the subject approval.

- b. **Community Planning**—The subject application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier, and that the development proposal conforms to the 2009 *Approved*

*Subregion 6 Master Plan and Sectional Map Amendment* recommendations for a residential low land use.

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

**Phase I: The golf course**

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

**Phase II: Residential development**

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

**Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards.** [This improvement has not yet begun; however, it has been bonded as per DPW&T.]

**Phase III: Residential development - Building permits #132 - 1,000**

- (3) Prior to the issuance of the one hundred and thirty second (132<sup>nd</sup>) building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
- (a) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone to 2,000 feet south of Trade Zone Avenue. [This improvement has been completed.]
  - (b) Construct internal site connection from Beech Tree Parkway to Leeland Road. [This improvement has been met.]
  - (c) Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301. [SHA is proposing to signalize this intersection, which will allow left turn movements from eastbound Swanson Road to northbound US 301. Consequently, this condition is no longer relevant.]

**Phase IV: Residential development - Building permits #1,001 - 1,500**

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

**Phase V: Residential development - Building permits #1,501 - 1,992**

- (5) Prior to the issuance of the 1,501<sup>st</sup> building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
- (a) Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of

**Leeland Road. This improvement will augment an improvement from a previous phase.**

**Phase VI: Residential development - Building permits #1,993 - 2,400**

- (6) Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.

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

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

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

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

**Leeland Road**

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

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

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

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

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

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

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

18. **Prior to approval of the first Specific Design Plan pursuant to this preliminary plat, the applicant shall prepare a report which will identify the number of units and access locations of each phase of development to occur pursuant to this preliminary plat, identify the transportation improvements**

**to be constructed with each phase, and develop a financing plan and construction schedule for the improvements associated with each phase. This report shall be submitted with the first SDP application submitted pursuant to this preliminary plat and reviewed by DPW&T, SHA and Transportation Planning staff, who shall then report to the Planning Board on the status of the staging of transportation improvements with each phase of development. The report shall be revised and resubmitted by the applicant with any subsequent SDP application where the sequencing of the improvements or development phases is changed from that in the initial report.**

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

The Planning Board is in receipt of a June 6, 2012 letter from the applicant which represents a status report of building permits issued in relation to transportation improvements, as required by Condition 11 of SDP-9907. According to the applicant, approximately 825 building permits have been issued as of this writing. If this application (24 units) is approved, combined with 139 other units that are part of other pending applications, the number of building permits issued will increase to 988. Since the Phase III threshold begins with the 350th permit, and all of the conditions associated with Phase III have been met, the Planning Board concludes that the subject development will be adequately served within a reasonable period of time, if the subject application is approved with conditions for Phases IV through VI.

Regarding the specific change that is being sought with the subject application, the applicant is proposing to construct Pentland Hills Drive, a 3,600-foot-long cul-de-sac within a 50- to 60-foot right-of-way. Based on the proposed design, the first 1,100 feet would be constructed within a 60-foot right-of-way, with 36 feet of pavement (primary residential), while the remaining 2,500 feet would be constructed within a 50-foot right-of-way with 26 feet of pavement (secondary residential). Given the increase in dwelling units that is being proposed, this proposed cul-de-sac (Pentland Hills Drive) will be carrying approximately 945 daily trips (105 x 9). Based on recommendations in the DPW&T Neighborhood Traffic Management Program (NTMP), the maximum desirable average daily traffic (ADT) allowed on a secondary residential street is 600 vehicles per day (approximately 67 dwelling units). Given the proposed loading pattern of Pentland Hills Drive, the 68th dwelling (beginning at the end of the cul-de-sac) would be located at approximately 1,800 feet along Pentland Hills Drive. Consequently, staff is recommending that Pentland Hills Drive be constructed with 36 feet of pavement within a 60-foot right-of-way between Golf Drive and a point approximately 1,800 feet away from its intersection with Golf Drive. The remaining 1,800 feet can be built with 26 feet of pavement within a 50-foot right-of-way.

The Planning Board then concluded that the subject development will be adequately served within a reasonable period of time, as the subject application is approved with the proposed transportation-related conditions.

- d. **Subdivision Review**—The site is subject to approved Preliminary Plan 4-99026, PGCPB Resolution No. 99-154 approved October 14, 1999. The validity period for the preliminary plan was extended to December 31, 2013 pursuant to County Council Bill CB-8-2011. Final plats 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 ask for an extension of the validity period for the preliminary plan beyond December 31, 2013.

The Planning Board then indicated that Conditions 1, 2, 3, 6, 11, 14, 18, and 21 relate to the approval of this application. See Finding 9 for a full discussion of the subject application's conformance to these requirements.

This specific design plan shows 105 single-family dwellings for South Village, Sections 4, and 5, which is less than the 124 single-family lots that were approved under Preliminary Plan 4-99026. At the time of the Subdivision and Development Review Committee (SDRC) meeting on July 20, 2012, it was requested that the applicant provide a tracking sheet exhibit in addition to the one shown on the SDP. This exhibit tracks not only the previously approved SDPs, but also takes into account the multiple SDPs that are pending at the time that each case is being reviewed. The tracking chart exhibit shows the overall total of 1,127 single-family dwellings and 480 townhouse units approved and pending by the various specific design plans for the Beech Tree subdivision, which is less than the maximum allowable dwelling units permitted, 2,351, by Preliminary Plans 4-98063, 4-99026, and 4-00010. The purpose of the pending tracking chart is to verify that the total number of units and the types of units do not exceed the amount allowed by the preliminary plan and the CDP respectively. No townhouses are being proposed in this SDP; however, a condition has been included requiring the tracking chart on the coversheet of the plans be revised to indicate that the maximum number of townhouses allowed in the Beech Tree development is 480.

SDP-0416-02 is in substantial conformance with approved Preliminary Plan 4-99026 as the above comments were addressed. It should be noted that the bearings, distances, lots, and blocks as reflected on the final plats must be shown and match. Failure of the site plan and record plans to match will result in building permits being placed on hold until the plans are corrected.

- e. **Trails**—The Planning Board has reviewed the subject specific design plan (SDP) for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located within the southern portion of the Beech Tree Development, which is bounded by Robert Crain Highway (US 301) on the east, Leeland Road on the north, and the Collington Branch to the west. Beech Tree is within the area covered by the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment*.

One master plan trail impacts the overall Beech Tree development. The 1993 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B) recommends a stream valley trail along Collington Branch. This trail is beyond the scope of the subject application and was addressed through conditions of prior approvals. This trail network was reflected on the comprehensive trail plan approved as part of CDP-9706. This master plan trail will be accommodated through Beech Tree with trail construction on M-NCPPC land, trail construction along internal roadways, and trail construction on homeowners association (HOA) land adjacent to the planned lake. Details regarding the staging, location, and construction of the master plan trail are covered in several conditions for prior approvals. These conditions of approval are reiterated below. The master plan trail will be constructed to the west of South Village in the land along Collington Branch. However, this trail and stream valley will be separated from the subject site by the proposed golf course, making a trail connection unfeasible at this location.

Previously approved SDP-0416 (PGCPB Resolution No. 06-182) included the following conditions of approval related to bicycle and trail facilities:

1. **Prior to certificate approval of this specific design plan, the applicant shall:**
  - f. **Provide standard sidewalks along one side of all internal roads within the subdivision, unless modified by the Department of Public Works and Transportation.**
4. **Prior to the issuance of the 2,000th building permit, the applicant shall submit detailed construction plans and details for construction of the balance of the master plan trail through the stream valley park to DPR for review and approval.**
6. **Prior to the issuance of the 2,200th building permit, the applicant, his heirs, successors, and/or assignees shall have finished construction on the balance of said master plan trail through the stream valley park.**

Approved Preliminary Plan 4-99026 (PGCPB Resolution No. 99-154) also included several conditions related to trail construction:

19. **Prior to signature approval of the preliminary plat of subdivision, the plan shall be modified to show the extension of the master plan stream valley trail to the northern end of Parcel G and to the south to a public trail connection**

to Outparcel H as shown on DPR Exhibit A. The trail connection to the neighborhood at the south end of Outparcel H shall be a six-foot-wide asphalt trail. An \$80,000 payment-in-lieu of the construction of the trail south of Outparcel H shall be provided to DPR prior to the issuance of the 1,801th building permit. These funds shall be placed into an account for the construction of the trail south of Outparcel H.

20. Prior to signature approval of the preliminary plat of subdivision, the plan shall be modified to show the entire trail through Outparcel H and along the western side of the lake within a 50-foot-wide right-of-way or easement to be conveyed to M-NCPPC.
21. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

#### **Sidewalk Connectivity**

Standard sidewalks are reflected along one side of the internal roads within the South Village. This is consistent with prior conditions of approval from both the preliminary plan and SDP. However, it should be noted that the MPOT includes the following policies in the Complete Streets Section (page 33):

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

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

These policies were intended to ensure that pedestrians are accommodated along all new road construction and road retrofit projects within the Developed and Developing Tier. In some of the previously submitted SDP applications for other portions of Beech Tree, the Planning Board has required additional sidewalk connections or sidewalks along both sides of some roads in instances where accommodating pedestrians fully is especially important due to the location of nearby public facilities or due to the need for improved connectivity within the development. In the case of the subject approval, the provision of standard sidewalks along both sides of Pentland Hills Drive is required for the following reasons. One, Pentland Hills Drive is the main north-south road in the south village. This road will accommodate all pedestrians walking elsewhere in the development. And two, sidewalks along this road will accommodate children walking to the dedicated park/school site located just to the north of the subject application along Presidential Golf Drive.

While sidewalks along both sides of roadways benefit all pedestrians, the Federal Highway Administration (FHWA) states that children, elderly pedestrians, and people with disabilities benefit the most. In *Designing Sidewalks and Trails for Access* (Part 1 of 2), FHWA states, "Older adults are more likely to suffer serious consequences or fatalities from falling or traffic crashes than other pedestrians." Statistics indicate that "older pedestrians appear to be at increased risk for crime and crashes at places with no sidewalks, sidewalks on only one side, and places with no street lighting" (FHWA, page 14). Areas with sidewalks on only one side require additional road crossings for older pedestrians, thus increasing their exposure time to traffic. Older pedestrians require additional crossing time, may have slower reflexes, and may have difficulty negotiating curbs. Similarly, young children also require additional crossing time and sometimes lack the necessary judgment to evaluate risks or comprehend warning signs, traffic patterns, or traffic signals. "Like older adults, children rely on public transit and walking more than other people because they cannot drive" (FHWA, page 16).

#### **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 specific design plan as described in Section 27-274(a)(2)(C) of the Zoning Ordinance if the following condition were to be placed on the subject approval.

- (1) Provide standard sidewalks along both sides of Pentland Hills Drive, unless modified by DPW&T.
- f. **Permit Review**—There are no zoning issues connected with the subject proposed revision to SDP-0416.
- g. **Public Facilities**—In accordance with the requirements of Section 27-528(a)(2) of the Zoning Ordinance, the development must be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate county Capital Improvement Program (CIP) or provided as part of the private development.

With respect to fire and rescue services, the subject SDP is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department, and is therefore adequate.

With respect to the CIP, funding for construction of a Beech Tree fire/EMS station on Leeland Road is allocated in the Prince George's County Capital Budget and Program: Fiscal Years 2012–2017. With respect to police facilities, it has been determined that the subject SDP is located in District II, in Bowie and that police facilities therein have been determined to be adequate. With respect to schools, County Council Bill CB-31-2003

established a school facilities surcharge in the amount of \$7,000 per dwelling unit if located between the Capital Beltway (I-95/495) and the District of Columbia boundary or if the dwelling unit is included in a basic or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other dwelling units. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,565 and \$14,682 to be paid at the time of each building permit and are to be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Planning Board hereby makes the following water and sewerage findings: Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval" and that the 2008 *Water and Sewer Plan* places the subject property in water and sewer Category Three, Community System, an appropriate category for the contemplated development.

- h. **Environmental Planning**—The subject property has the following approved cases and plans: Zoning Map Amendments A-9762 and A-9763-C, Comprehensive Design Plan CDP-9706, Type I Tree Conservation Plan TCPI/073/97, Preliminary Plans of Subdivision 4-98063, 4-99026, and 4-00010, Specific Design Plans SDP-9803 and SDP-0416, and Type II Tree Conservation Plan TCPII/049/98-10. These cases and plans are subject to conditions to be implemented during later review processes. Because of the way in which the project has proceeded through the process, all of the preliminary plan cases apply to the specific design plan that is the subject of this review.

The original approach to woodland conservation on the site was preparation of a single overall TCPII, TCPII-049-98, which was updated with each section or phase as it is submitted for review. Because of the large size of the TCPII plan set, this process became unwieldy and, as a result, smaller TCPIIs have been "separated" and separately numbered for easier review and reference. A separated Type II Tree Conservation Plan, TCPII-026-12, is being reviewed with the current application.

Additional reviews were completed by the U.S. Army Corps of Engineers, the Maryland Department of Environment, and the Maryland Department of Natural Resources with the prior SDP approval.

Specific Design Plan SDP-0416 was an application for the development of 84 single-family detached dwellings on 41.86-acres on R-S-zoned land identified as South Village, Sections 4 and 5, approved by the Planning Board subject to conditions. Specific Design Plan SDP-0416-01 has not yet been accepted for review at this time.

The current application is to increase the single-family dwelling yield in South Village, Sections 4 and 5, from 81 single-family dwellings to 105 single-family dwellings.

The application is not subject to the environmental regulations of Subtitles 24 and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012 because the application has an approved preliminary plan and an approved specific design plan.

The application is also not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans for the site.

#### **Site Description**

The overall 1,212-acre Beech Tree site is characterized by gently rolling terrain that steepens to form a vast network of slopes, ravines, and stream valleys. Elevations range from 175 feet at the north terminus, to 25 feet above sea level in the Collington Branch floodplain located in the southwestern corner. The numerous feeder tributaries prevalent throughout the site drain into East Branch, a large intermittent stream that begins its course near Leland Road and flows in a southerly direction to the main stem of Collington Branch. In turn, Collington Branch flows into Western Branch, and finally the Patuxent River. The property is situated within the Patuxent River drainage basin, and is therefore subject to the stringent buffer requirements of the Patuxent River Policy Plan.

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

Highway noise from Robert Crain Highway (US 301) is a known significant noise source. Leeland Road, a designated scenic and historic road is adjacent to the development along the northern boundary.

During the review of CDP-9407 in 1995, 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 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed.

Of the 1,212 total acres, about 220 acres (18 percent) are currently 100-year floodplain and 207 acres (94 percent) of the floodplain is forested. The upland, 973 acres, while under agricultural uses since colonial times, has 651 acres of woodlands (67 percent of the upland).

South Village, Sections 4 and 5 (SDP-0416), occupies about 41.21 acres in the southern area of the Beech Tree development. South Village, Section 4 abuts the golf course on one side, and the Balmoral development to the east and south. South Village, Section 5 is bordered on three sides by the Beech Tree golf course and to the north by homeowner's association land associated with South Village, Section 2. This portion of the Beech Tree development includes significant outcroppings of Marlboro clay.

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

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

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

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

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

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

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

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

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

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

This consideration is reviewed under "Environmental Review" below and is also subject to Conditions 1a and 1b of CDP-9796.

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

This consideration was addressed in Condition 1e of CDP-9706 that requires the approval of a noise study at the time of SDP approval by the Planning Board. The most recent applicable noise study for the Beech Tree development was reviewed with East Village, Sections 11 and 13 (SDP-0902), and will be reviewed in detail later.

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

This consideration is reviewed under "Environmental Review" below.

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

This condition was met by the applicant's acceptance of the staff exhibit, Planning Board findings on CDP-9706, and Condition 1d of PGCPB Resolution No. 98-50, which requires a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for Beech Tree-South Village was submitted with SDP-0416. Marlboro clay will be further evaluated under "Environmental Review" below.

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

- 1. Prior to certificate approval of the Comprehensive Design Plan (CDP), the following revisions shall be made or information supplied:**

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

This condition has been met and the certificate of approval has been issued.

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

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

The current approval meets this requirement. Marlboro Clay will be discussed under "Environmental Review" below.

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

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

The most recent applicable noise study for the Beech Tree development was reviewed with East Village, Sections 11 and 13 (SDP-0902), and will be discussed later.

- f. The applicant shall submit a Habitat Management Plan integrated with the Water Quality Monitoring Program to the Natural Resources Division demonstrating that water quality and any species of state concern will not be adversely impacted by the development.
- g. The applicant shall revise the CDP to show the approximate location of the required on-site wetland mitigation areas.
- h. The applicant shall delineate on the CDP all stream buffers in accordance with the Considerations 3 and 5 of the A-9763-C.

These conditions have been met and the certificate of approval has been issued.

- i. The applicant shall revise the Water Quality Monitoring and Habitat Management Program to reflect the following:
- (1) Reporting must occur biannually, rather than annually. Therefore, the first report shall be submitted within 6 months from the date of initial sampling.
  - (2) Turbidity is to be included in monthly measurements, rather than quarterly.

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

This condition has been met and the certificate of approval has been issued.

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

This condition was carried over from Basic Plan A-9763-C and is incorporated into the approved Type I Tree Conservation Plan, TCPI-073-97. The Planning Board knows of no violations of this condition and has not received requests for permission to selectively remove trees.

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

This condition is addressed to the fullest extent possible as part of each specific design plan application.

- 7. **Every Specific Design Plan for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which**

**are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

The SDP coversheet submitted with the current application satisfies this requirement.

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

The incorrect stormwater management concept approval letter and plan for this application was received by the Planning Board for the subject project. The letter and plan submitted addressed stormwater management requirements for West Village, Sections 2, 4, and 5. Stormwater management will be further discussed under "Environmental Review".

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

The subject approval does not include the lake.

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

The subject approval does not include the golf course. The required detailed integrated pest management (IPM) plan was submitted prior to issuance of the use and occupancy permit for the golf course.

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

This condition was addressed prior to issuance of permits, but the federal and state wetland permits have expired and must be reissued for the work proposed with the current application. This will be discussed under "Environmental Review" below.

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

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

As particularized in Finding 8, the proposed development conforms to the requirements of the relevant comprehensive design plan. Specific Design Plan SDP-9803 is the approval of the golf course, which is not part of the subject development. Therefore, conformance thereto is not required in the instant approval.

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

The incorrect stormwater management concept approval letter and plan for this application was submitted. Stormwater management will be further discussed under "Environmental Review" below.

17. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/78/97). The following note shall be placed on the Final Plat of Subdivision:**

**"Development is subject to the restrictions on the approved Type I Tree Conservation Plan (TCP I-073-97), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."**

The subject SDP is in conformance with the approved TCPI and the previously approved TCPII. The note has not been placed on the final plat of subdivision because the area has not been platted to date.

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

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

See "Environmental Review" below and environmentally-related conditions of approval below.

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

The most recent applicable noise study for the Beech Tree development was reviewed and approved with East Village, Sections 11 and 13 (SDP-0902), and will be reviewed in detail later.

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

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

The timing mechanism of this condition is prior to approval of permits, however, the design of the stormwater management facilities significantly impact the design

of the SDPs. A condition of this approval addresses the issue of the final design of stormwater management facilities.

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

The subject approval does not include the lake.

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

The required U.S. Army Corps of Engineers 404 Permit and Maryland Department of Environment Water Quality Certification were obtained, but have since expired. The required permits must be obtained prior to issuance of any grading permits affecting streams or nontidal wetland areas.

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

The current approval is required to comply with this requirement. Marlboro Clay will be discussed under "Environmental Review" below.

**Specific Design Plan SDP-0416 (PGCPB Resolution No. 06-182)**

1. **Prior to certificate approval of this specific design plan, the applicant shall:**
  - g. **Add a note to the plans stating that no grading or cutting of trees or tree removal shall occur until after approval of the Specific Design Plan by the District Council.**
  - h. **Include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all phase or section numbers, all**

**approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree. Specifically, correct the number and type of units included in Specific Design Plan SDP-0315 and include all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

- l. Applicant shall include the area of the site in the floodplain under the general notes.**
- n. Correct general note 21 to correctly indicate that the development of the subject site is the subject of Preliminary Plan of Subdivision 4-99026, not 4-00010.**
- q. Provide all top and bottom wall elevations for retaining walls.**

These conditions should have been addressed prior to plan certification, and shall be appropriately addressed with the revision of the SDP.

**2. Prior to the issuance of building or grading permits for this section:**

- b. M-NCPPC, Environmental Planning Section shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that the plan is consistent with the Habitat Management Program and that water quality features are provided at all storm drain outfalls. If revisions to the TCPII are required due to changes to the Technical Stormwater Management Plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.**

The stormwater management concept approval letter and plans submitted with this application are the plans for West Village, Sections 2, 4, and 5, and are not applicable to the subject approval.

A condition of this approval requires that prior to certification of the SDP, the correct stormwater management concept approval letter and plans for the subject application shall be submitted.

- 8. The Final Plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location**

**of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:**

**"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 Safety Factor Line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."**

This condition is applicable at the time of final plat once the location of the 1.5 safety factor line is determined for the approved development plan. This will be further discussed under "Environmental Review" below.

9. **If, after the golf course is completed and in use and the adjacent residential areas are completed and occupied, it becomes apparent that errant golf balls are creating an unexpected hazard to persons or property off the golf course by repeatedly leaving the golf course property, the developer and/or golf course operator shall be required to retrofit the golf course with landscape screens or nets, as determined by the Planning Director and in heights and locations specified by the Planning Director, sufficient to prevent the travel of golf balls beyond the lot lines of the site on which the golf facility is located. Such screens or nets shall be continuously maintained so as not to fall into disrepair.**

Although the adjacent residential areas have not been built in this section, the golf course has been constructed and has been in use for some time. The current approval increases the number of residential units built in close proximity to the golf course. In order to avoid future issues related to errant balls, the original errant ball study condition has been brought forward as a condition of this approval.

#### **Environmental Review**

- (1) An approved natural resources inventory (NRI) is not a submittal requirement for this specific design plan because a preliminary plan was previously approved by the Planning Board which provides the necessary grandfathering.

An NRI for South Village, Sections 4 and 5, is not required.

- (2) This site is subject to the provisions of the Woodland Conservation Ordinance because the property has previously approved tree conservation plans. A forest stand delineation and Type I Tree Conservation Plan, TCPI-073-97, were approved with CDP-9407. A Type II Tree Conservation Plan, TCPII-049-98, was initially approved with SDP-9803 for the golf course, which covered the entire Beech Tree site. As each specific design plan is approved for the Beech Tree development, TCPII-049-98 was previously revised. With the approval of SDP-0415-02, a separate Type II Tree Conservation Plan, TCPII-026-12, was developed for the subject SDP.

The current approval clears 28.91 acres on the net tract and 0.79 acre of PMA. The separated TCPII proposes to provide 9.15 acres of on-site preservation and 3.71 acres of afforestation/reforestation, of which 1.56 acres is proposed in natural regeneration on an individual worksheet.

Natural regeneration is not an appropriate afforestation/reforestation methodology on the TCPII due to the proximity to residential structures and the sensitivity of homeowners to the appearance of these areas. Any area proposed as natural regeneration on the plan should be shown as afforestation/reforestation. If these areas begin to naturally regenerate during the development process and, at the time of proposed planting, the applicant documents that successful natural regeneration is occurring, the TCPII can be revised at that time based on sampling data submitted by a qualified professional to show those areas as natural regeneration.

The numbers proposed on the separated worksheet for TCPII-026-12 are not consistent with the numbers shown on the cumulative worksheet for the entire project. A revised TCPII worksheet for TCPII-026-10 is required by condition of this approval which includes any required revisions and is consistent with the overall woodland conservation worksheet provided for the project.

A cumulative tracking of overall woodland conservation on the site for all of the proposed development activities proposed now indicates a total woodland conservation requirement of 324.76 acres for the Beech Tree development based on 1,184.08 acres of gross tract area and 375.71 acres of clearing.

The cumulative woodland conservation worksheet further indicates that, among all activities proposed, 334.09 acres of on-site woodland conservation has been provided. The overall worksheet includes revisions to the golf course to provide additional woodland conservation that has not yet been approved. The conditions of approval were imposed on the overall development that required all woodland conservation to be provided on-site. The on-site woodland conservation currently exceeds the woodland conservation requirement.

The TCPII plan, based on numbers provided in the woodland conservation worksheet, provides for 2.91 acres of on-site woodland preservation and 3.77 acres of on-site afforestation/reforestation, 0.36 acre of which is proposed as natural regeneration. Natural regeneration is not acceptable adjacent to residential lots because these areas are frequently mowed resulting in the elimination of natural regeneration, and must be revised to indicate afforestation/reforestation in these areas; adjacent to residential lots an edge planting treatment of a double row of larger stock, with a minimum of one-inch caliper shall be planted. A permanent tree protection device has been placed along the vulnerable edges of all afforestation/reforestation areas. The area of the ten-foot-wide cart path shall not be credited as preservation. A revised individual woodland conservation and the most current overall woodland conservation summary worksheet for the entire Beech Tree project shall by condition of this approval be included in the plan sheet at the time of certification.

Afforestation/reforestation areas are proposed that overlap with proposed landscaping on the subject plan. When landscaping and woodland conservation areas overlap, the landscaping elements should be shown on the TCPII so coordination can occur between the planting. If landscape materials are provided in lieu of the whip planting proposed for woodland conservation, then the stocking rate shall be equivalent to the requirements of the Woodland Conservation Ordinance of 500 caliper inches per acre.

There are several technical revisions to the TCPII which shall by condition of this approval be made, which include the following:

- (a) The corrected separation note shall be provided on all plan sheets referencing TCPII-026-12 and TCPII-24-12.
- (b) Natural regeneration shall not be included as an afforestation/reforestation methodology on the plans and shall be removed from the legend and the tree table. If natural regeneration occurs before planting occurs on the site, the applicant may submit appropriate sampling information and photographs with a request to revise the afforestation/reforestation areas to natural regeneration areas.
- (c) The correct TCPII number shall be shown on all plan sheets.
- (d) The Tree Table located on each plan sheet shall be revised to provide an area for primary management area (PMA) impacts inside and outside the 100-year floodplain and PMA restoration activity.

- (e) A legend shall be provided on all plan sheets. Elements shall be removed from the legends which are not applicable to the plan sheets, such as landscaping elements, plat lines, soil boundaries, and soil classifications.
  - (f) Retaining walls shall have a ten-foot-wide zone clear of woodland conservation for maintenance purposes at the top of the wall and the bottom of the wall. These areas shall not be credited as woodland conservation and shall be assumed cleared.
  - (g) All proposed retaining walls shall be clearly identified and the top and bottom elevations shall be provided.
  - (h) Reforestation and preservation areas shall not be shown in storm drain or utility easements, and these areas shall be assumed to be cleared.
  - (i) Woodland conservation areas on individual plan sheets shall be labeled by woodland conservation methodology and area in acres.
  - (j) The location of woodland conservation signage shall be shown on the plans.
  - (k) Areas of woodland conservation which are less than 35 feet in width shall be eliminated from the plan.
  - (l) Add a note to indicate that the overall woodland conservation summary sheet includes a proposed revision to the golf course tree conservation plan which has not been approved.
  - (m) Revise the tree conservation name in the signature block to reflect TCPII-026-10.
  - (n) A revised stormwater management concept approval number for the current application shall be included in the notes.
  - (o) Have the revised plan signed by the qualified professional who prepared it.
- (3) Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted Woodland Conservation Ordinance effective on September 1, 2010. The current approval includes the removal of two specimen trees, but is not subject to a variance for the removal of these trees because the site is grandfathered by the approval of TCPI-073- 97 and TCPII-049-98.

- (4) The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River primary management area (PMA) is defined in Section 24-101(b)(10) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. A jurisdictional determination regarding the extent of regulated streams and wetlands has been obtained from the U.S. Army Corps of Engineers and was entered into the record of CDP-9407.

The total area of the PMA on the Beech Tree property is approximately 329.80 acres. During the review of Preliminary Plan 4-98063 for the golf course, the Planning Board granted variation requests for impacts to 19.43 acres of the PMA. Of the 19.43 acres, 8.43 acres is woodland that will be replaced by afforesting unwooded areas of the PMA as shown on the approved TCPII for the golf course. During the review of 4-99026, the Planning Board granted variation requests for 2.51 additional acres. During the review of 4-00010, the Planning Board granted variation requests for 1.28 additional acres. As required by the approved tree conservation plan, all woodland areas cleared will be replaced on-site by afforesting unwooded areas of the PMA.

The total amount of disturbance permitted in the PMA is 23.22 acres. The disturbances proposed by SDP-0416-02 appear to be consistent with those previously approved by the Planning Board with the preliminary plan and SDP-0416. The proposed overall worksheet for the Beech Tree development now indicates that the total clearing in the floodplain is 24.07 acres, with an additional 14.40 acres of PMA impacts outside of the floodplain.

A statement of justification for any additional impacts to the PMA was not submitted with the current application because it is grandfathered from the finding that the plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible, but the Beech Tree development has specific conditions related to approval of PMA impacts and mitigation of PMA impacts on-site which require additional information prior to plan certification.

A condition of this approval requires that prior to certification of the SDP, impacts to the PMA on the site shall be addressed as follows:

- (a) The overall woodland conservation summary worksheet and the individual woodland conservation worksheets associated with this SDP shall be revised to differentiate the quantity of afforestation/reforestation provided inside and outside the PMA.
- (b) An exhibit shall be prepared and submitted that illustrates the area of previously approved PMA impacts and currently proposed impacts to

South Village, Sections 4 and 5, with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit should demonstrate that the Planning Board's approvals of variances with preliminary plan approval have not been exceeded on the current application, and that the amount of PMA mitigation that is being provided towards fulfilling the overall requirements for the Beech Tree development has been maximized to the extent feasible.

- (c) If the acreage of PMA impacts approved with the preliminary plan approval is less than the acreage shown on the current application, a mitigation plan shall be prepared for the current application which identifies potential mitigation sites and the quantity that will require to be addressed in other areas of the Beech Tree development.
- (5) The correct stormwater management concept letter and associated plans for the current application were not submitted with the application.

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

A condition of this approval requires that prior to certification of the SDP, the most current stormwater management concept plans and associated letters shall be submitted so conformance to the current application can be confirmed. All stormwater management facilities should be shown on the SDP and TCPII.

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

- (6) The presence of Marlboro clay presents a special problem for development of the overall Beech Tree site. Consideration 6 of Basic Plan A-9763-C was adopted to address this issue. The greatest concern is the potential for large-scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak

zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during the installation of the base for all roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Side-slopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay.

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

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

The following condition was approved by Planning Board Resolution No. 00-127 for 4-00010:

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

A geotechnical report, dated August 2005, was previously submitted for the South Village (Sections 1 through 5) portion of Beech Tree containing SDP-0416-02, which was reviewed and found to meet all requirements. The Planning Board reviewed SDP-0416-02 and determined that high risk areas do occur on this portion of the Beech Tree site. In some areas, mitigation factors, special drainage measures, road construction, and foundation construction methods may be needed.

A mitigated 1.5 safety factor line has been provided on the SDP and TCPII plan which shows that the development envelope is located outside the area of concern.

The proposed development pattern is feasible as the recommendations contained in the geotechnical report are required by condition of this approval. The Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with County Council Bill CB-94-2004 prior to signature of the final plats and/or during the permit process review.

- (7) Robert Crain Highway (US 301) is a significant source of highway noise. Comprehensive Design Plan CDP-9704 contains the following note:

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

A recent Phase 1 noise study for noise impacts from US 301 was submitted with East Village, Sections 11 and 13, based on the most recent traffic counts and approved Master Plan of Transportation (2009), which was prepared by Staiano Engineering, Inc. and submitted on December 20, 2010. The study indicated that the 65 dBA Ldn exposure on the subject property extended from US 301 to just west of Presidential Golf Drive. Based on the noise contours modeled with the Phase 1 study, it was determined that noise impacts from US 301 will not be a concern with the current application.

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

The Planning Board has reviewed SDP-0416-02 with special regard to A-9763-C and the considerations contained in PGCPB Resolution No. 98-50. All of the recommendations of the Maryland Wildlife and Heritage Division, including a habitat management plan, a water quality plan, and a monitoring program were adopted and approved as part of SDP-9803 for the golf course. Specific Design Plan SDP-0416-02 is downstream of the lake and adjacent to the golf course.

During the revision of SDP-9803 for the golf course, the applicant shall provide evidence that all of the recommendations of the Maryland Wildlife and Heritage Division, including the habitat management plan, the water quality plan, and the monitoring program that were approved as part of SDP-9803 for the golf course have been appropriately implemented and maintained.

From an environmental perspective the Planning Board recommends approval of Specific Design Plan SDP-0416-02 and Type II Tree Conservation Plan TCPII-026-11 subject to the environmentally-related conditions of this approval.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comment regarding needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—DPW&T, noting that the proposed roads in these two sections of the Beech Tree subdivision would be county-maintained, stated that they had no objection to the proposed revision to layout. Additionally, they noted that all right-of-way dedication and roadway improvements would have to be completed in accordance with DPW&T's specifications and standards, the County Road Ordinance, and the Americans with Disabilities Act (ADA). They also stated that the proposed site development is consistent with approved Stormwater Management Concept Plan 34382-2995-00, dated February 7, 2012. DPW&T also offered numerous comments regarding specific design items. Notable among these is that the Leeland Road bridge, just west of US 301, is to be upgraded to major urban collector roadway standards included in the master plan.
- k. **Prince George's County Health Department**—The Prince George's County Health Department, Environmental Engineering Program, stated that they had completed a health impact assessment review of the subject SDP and had no specific comments or recommendations.
- l. **State Highway Administration (SHA)**—In an email dated September 4, 2012, SHA stated that they had no objection to the approval of the subject SDP.
- m. **Potomac Electric Power Company (PEPCO)**—In an email dated July 12, 2012, PEPCO stated that, as per General Note 12 on the plans, a ten-foot-wide public utility easement is necessary along all public rights-of-way. In addition, they stated, however, additional easements may be required for transformers and service equipment.
- n. **Washington Suburban Sanitary Commission (WSSC)**—WSSC stated that the proposed revisions would require an amendment to the approved WSSC project plan for the project. They also mentioned the need to coordinate with other buried utilities and that forest conservation easements are not permitted to overlap existing or proposed WSSC easements. Additionally, they stated that the applicant would have to request a hydraulic planning analysis and follow the system extension permit (SEP) process.
- o. **Verizon**—In an email dated October 17, 2012, a representative of Verizon offered the following plan-related comments:

- (1) Sheet 7: Lots 38, 39, and 8, Parcel M—There is a storm drain in the public utility easement.
- (2) Sheet 4: Between Lots 11 and 15—There is a storm drain in the public utility easement.
- (3) Sheet 3: Lot 8—There is a storm drain in the public utility easement.
- (4) Sheet 5: The storm water management parcel easement conflicts with the public utility easement.
- (5) All sheets: Storm drain easement conflicts with the public utility easement.

In addition, the Verizon representative offered these general comments:

- (1) Public utility easements are not acceptable if they conflict with another easement.
- (2) All public utility easements must be graded at no more than a 4 to 1 slope.
- (3) On all sheets, the storm drain easement conflicts with the public utility easement in various places.

The applicant has been made aware of Verizon's concern regarding easements indicated on the specific design plan. A condition of this approval requires the applicant to resolve any conflicts between the public utility easement and improvements or other easements to the satisfaction of the involved utilities, prior to signature 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 II Tree Conservation Plan (TCPII-026-12), and further APPROVED Specific Design Plan SDP-0416/02 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall revise the plans as follows and/or submit additional documentation as specified:
  - a. Revise the plans consistent with Applicant's Exhibit 3 to show the proposed Pentland Hills Drive (from Presidential Golf Drive) within a 60-foot right-of-way (36-foot width of pavement) and the remainder transitioning to a 50-foot right-of-way (26-foot width of pavement) unless modified by DPW&T.
  - b. Revise the plans to provide standard sidewalks along both sides of Pentland Hills Drive, unless modified by the Department of Public Works and Transportation (DPW&T).

- c. Revise the plans to indicate 480, not 479, as the maximum number of townhouse units to be included in the Beech Tree development.
- d. The Type II tree conservation plan (TCPII) shall be revised as follows:
  - (1) The corrected separation note shall be provided on all plan sheets referencing TCPII-026-12.
  - (2) Natural regeneration shall not be included as an afforestation/reforestation methodology on the plans and shall be removed from the legend and the tree table. If natural regeneration occurs before planting occurs on the site, the applicant may submit appropriate sampling information and photographs with a request to revise the afforestation/reforestation areas to natural regeneration areas.
  - (3) The correct TCPII number shall be shown on all plan sheets.
  - (4) The "Tree Table" located on each plan sheet shall be revised to provide an area for primary management area (PMA) impacts inside and outside the 100-year floodplain, and PMA restoration activity .
  - (5) A legend shall be provided on all plan sheets. Elements shall be removed from the legend which are not applicable to the plan sheets, such as landscaping elements, plat lines, soil boundaries, and soil classifications.
  - (6) Retaining walls shall have a ten-foot-wide zone clear of woodland conservation for maintenance purposes at the top of the wall and the bottom of the wall. These areas shall not be credited as woodland conservation and shall be assumed cleared.
  - (7) All proposed retaining walls shall be clearly identified and the top and bottom elevations shall be provided.
  - (8) Reforestation and preservation areas shall not be shown in storm drain or utility easements, and these areas shall be assumed to be cleared.
  - (9) Woodland conservation areas on individual plan sheets shall be labeled by woodland conservation methodology and area in acres.
  - (10) The location of woodland conservation signage shall be shown on the plans.
  - (11) Areas of woodland conservation which are less than 35 feet in width shall be eliminated from the plan.

- (12) Add a note to indicate that the overall woodland conservation summary sheet includes a proposed revision to the golf course tree conservation plan, which has not been approved.
  - (13) Revise the name in the signature block to reflect TCPII-026-12.
  - (14) A revised stormwater management concept approval number for the current application shall be included in the notes.
  - (15) Have the revised plan signed by the qualified professional who prepared it.
- e. Impacts to the primary management area (PMA) on the site shall be addressed as follows:
- (1) The overall woodland conservation summary worksheet and the individual woodland conservation worksheets associated with this specific design plan shall be revised to differentiate the quantity of afforestation/reforestation provided inside and outside the PMA.
  - (2) An exhibit shall be prepared and submitted that illustrates the area of previously approved PMA impacts and currently proposed impacts to South Village, Sections 4 and 5, with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit should demonstrate that the Planning Board's approvals of variances with preliminary plan approval have not been exceeded on the current application, and that the amount of PMA mitigation that is being provided towards fulfilling the overall requirements for the Beech Tree development has been maximized to the extent feasible.
  - (3) If the acreage of PMA impacts approved with the preliminary plan approval is less than the acreage shown on the current application, a mitigation plan shall be prepared for the current application which identifies potential mitigation sites and the quantity that will be required to be addressed in other areas of the Beech Tree development.
- f. The most current stormwater management concept plans and associated letters shall be submitted, so conformance to the current application can be confirmed. All stormwater management facilities should be shown on the specific design and Type II tree conservation plans.
- g. The technical stormwater management plans for the current specific design plan, if available, shall be submitted and specific information shall be provided about how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development. If the technical plans are not available prior to certification, the plans shall be submitted prior to issuance of grading permits.

- h. The applicant shall revise the plans to remove any conflicts between the public utility easement and improvements or other easements. In the event that any such conflict cannot be reasonably eliminated, it must be resolved to the satisfaction of the involved public utilities.
2. Prior to issuance of the first residential building permit associated with Specific Design Plan SDP-0416-02, Beech Tree, South Village, Sections 4 and 5, the applicant shall complete the replication of the Pentland Hills foundation (Historic Site 79-038) and install the associated interpretive signage within the historic site's environmental setting through a historic area work permit (HAWP) application approved by the Historic Preservation Commission.
3. Prior to approval of a final plat, the applicant shall consult with the Historic Preservation Section, as designee of the Planning Board, to develop traditional names for the three culs-de-sac included in the subject application, rather than the proposed names, which do not appear to have a historic relationship to the property.
4. Prior to issuance of the 1,001st building permit for any residential unit of the development (for Phase IV of the Residential Development, Building Permits 1,001–1,500), the following improvements shall be completed by the applicant:
  - a. Widen southbound Robert Crain Highway (US 301) to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - b. Widen northbound Robert Crain Highway (US 301) to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - c. Widen Leeland Road to provide two exclusive left turn lanes and one free-flowing right turn lane.
5. Prior to issuance of the 1,501st building permit for any residential unit of the development (for Phase V of the Residential Development, Building Permits 1,501–1,992), the following improvement shall be completed by the applicant:
  - a. Widen southbound Robert Crain Highway (US 301) to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.
6. Prior to issuance of the 1,993rd building permit for any residential unit of development (for Phase VI of the Residential Development, Building Permits 1,993–2,400), the following improvements shall be completed by the applicant:
  - a. The applicant shall provide to the Planning Board or its designee a schedule from the Maryland State Highway Administration (SHA) or the Department of Public Works and

Transportation (DPW&T) for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725.

7. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 4 through 6 above shall require the filing of a revision to SDP-9907, and a new staging plan reflecting said changes shall be included with the application.
8. If after the golf course is completed and in use and the adjacent residential areas are completed and occupied, it becomes apparent that errant golf balls are creating an unexpected hazard to persons or property off the golf course by repeatedly leaving the golf course property, the developer and/or golf course operator shall be required to retrofit the golf course with landscape screens or nets, as determined by the Planning Director and in heights and locations specified by the Planning Director, sufficient to prevent the travel of golf balls beyond the lot lines of the site on which the golf facility is located. Such screens or nets shall be continuously maintained so as not to fall into disrepair.

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 Geraldo, with Commissioners Washington, Geraldo and Shoaff voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 1, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29<sup>th</sup> day of November 2012.

**APPROVED AS TO LEGAL SUFFICIENCY**

**M-NCPPC Legal Department**

Date

11/14/12

Patricia Colihan Barney  
Executive Director

By

Jessica Jones  
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj