

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 July 20, 2006, regarding Specific Design Plan SDP-0416 for Beech Tree South Village 4 and 5, the Planning Board finds:

1. **Request:** The subject application is for approval of 84 single-family detached dwelling units in the R-S Zone.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-S	R-S
Uses	Vacant	Single-family detached
Acreage (in the subject SDP)	41.86	41.86
Total Lots	0	84
South Village Section 4 (SV4)	0	42
North Village Section 5 (SV5)	0	42

3. **Location:** The Beech Tree project site is located on the west side of Robert Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by SDP-0416, South Village, Sections 4 and 5, is in the southern area of the Beech Tree development.
4. **Surroundings and Use:** South Villages 4 and 5 of the Beech Tree development are surrounded by vacant land to the south, environmentally sensitive land owned by M-NCPPC to the west and by other portions of the Beech Tree development to the north and east.

The overall Beech Tree development, however, is bounded on the north by Leeland Road, on the east by Robert Crain Highway (US 301), on the south and west by various residentially zoned properties (including R-A, Residential-Agricultural; R-E, Residential-Estate; and R-U, Residential Urban Development).

5. **Previous Approvals:** The subject site covers 84 single-family detached dwelling units of a larger project with a gross residential acreage of 1,194. The site is known as Beech Tree, which was rezoned from the R-A Zone to the R-S (2.7-3.5) Zone through Zoning Map Amendments A-9763 and A-9763-C, for 1,765 to 2,869 dwelling units. Basic Plan A-9763-C was approved (Zoning Ordinance No. 61-1989) by the District Council on October 9, 1989, subject to 17 conditions and

14 considerations. On July 14, 1998, a 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 subdivisions have been approved. They are 4-98063 for the golf course; 4-99026 for 458 lots and 24 parcels (PGCPB No 99-154); and 4-00010 (PGCPB No 00-127) for 1,653 lots and 46 parcels. Preliminary Plan of Subdivision 4-99026 is directly relevant to the subject site.

Two general specific design plans for the entire site have 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 approval for architecture for the entire Beech Tree development. To date, SDP-0001 has been revised three times and the fourth revision is currently under review. In addition, there are ten other approved specific design plans for the Beech Tree development. They are SDP-9803 for the golf course; infrastructure SDP-9907 for the East Village for 130 single-family residential lots; infrastructure SDP-9908 for extending the sewer line from the East Village area to Parcel G; SDP-0111 for the East Village, Phase II, Section I, for 129 single-family residential lots; SDP-0112 for the East Village, Phase II, Section II, for 49 single-family residential lots; SDP-0113 for the South Village, Phase I, Sections 1, 2, and 3 for 93 single-family residential lots; SDP-0314 for 46 townhouse units on 7.3 acres of land known as East Village Section 10; SDP-0315 for 39 townhouse units on 11 acres of land known as East Village Section 4; SDP-0316 for 49 single-family residential lots in East Village, Section 9; and SDP-0406 for 169 single-family detached and attached dwelling units in North Village, Sections 1,2 and 3. In addition, various types of tree conservation plans also have been approved for the above-mentioned preliminary plans of subdivision and specific design plans. This SDP also has an approved stormwater management concept plan # 8004950-2000-00, which covers the entire Phase III of Beech Tree development. SDP-0409 was approved also for 65 units in Beech Tree, North Village, Sections 4 and 5.

6. **Design Features:** The SDP proposes to develop 84 single-family detached houses. The house lots are planned primarily along a single road, Pentland Hills Drive, leading southward from Presidential Golf Drive. The northern portion of the property covered by this specific design plan is called "South Village 4" and the southern part is called "South Village 5." Three culs-de-sac lead off this main spine road that itself ends in a cul-de-sac, providing additional frontage for the lots. The main road offers some breaks in the lotting pattern that affords views into the open space of the golf course that surrounds this portion of the subdivision. The proposed lot sizes of single-family detached houses range in size from 8, 768 to 16,849 square feet. Of that mix, 25 of the lots are smaller than 10,000 square feet, 38 are between 10,000 and 12,000 square feet and 21 measure greater than 12,000 square feet. Seven of the lots are of a pipe stem configuration.

The models for single-family detached houses will be chosen from those approved under the architecture umbrella specific design plan SDP-0001 for Beech Tree, as revised. Detailed information such as type of model and specific building footprint would be required at time of building permit by a recommended condition below.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment A-9763-C, subject to 17 conditions and 14 considerations. The following conditions and considerations attached to the approval of A-9763 are applicable to the review of this SDP:

Condition 14. Housing prices in 1989 dollars shall not be lower than the ranges of:

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+

Since these figures reflect 1989 dollars, construction after 1989 requires that the District Council review and approve dollar amounts for construction at any later year. These dollar amounts shall be reflective of the dollars for the year in which the construction occurs.

Comment: This condition was carried forward in modified form in Condition 15 of Comprehensive Design Plan CDP-9706. The applicant previously submitted a letter from ERR Economic Consultants (Patz to Adams, December 8, 1999) stating that the base price of the proposed 130 single-family houses to be built in the East Village will not be lower than \$225,000 in 1989 dollar values. Per the applicant, the similar assessment for other parts of Beech Tree will be updated annually. Since no information regarding the proposed single-family detached houses in this SDP has been provided, the applicable part (for single-family detached houses) of the above condition has been carried forward in the recommendation section of this report.

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

Comment: Pursuant to this condition, staff shall ensure that the subject specific design plan is placed on the District Council's agenda after the Planning Board takes action on the subject application.

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

Comment: This condition was met by applicant's acceptance of the staff exhibit, staff report findings on CDP-9706, and Condition 1.d of PGCPB Resolution 98-50, which requires a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for this portion of the Beech Tree project was submitted with the SDP and the Environmental Planning Section, in their comments dated April 12, 2006, stated that a geotechnical report, dated August 2005, for this portion of the Beech Tree site has been reviewed and found to meet all the requirements.

Consideration 12. Traditional names of the property, owners and family homes shall be considered for use within the proposed development.

Comment: The main street in the specific design plan is Pentland Hills Drive, named for one of the two historic properties located in the Beech Tree development and is, therefore in compliance with Consideration 12. However, it is unclear to staff if the three culs-de-sac included in the subject specific design plan—Coniston Circle, Birdsgreen Way and Harestock Lane—are traditional names of the property, owners or family homes. Therefore, a condition below requires that the applicant demonstrate that they are or, at a minimum, that the applicant considered use of traditional names of the property, owners and family homes for culs-de-sac.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 as approved includes a maximum of 2,400 dwelling units, of which 1,680 are single-family detached, 480 are single-family attached, and 240 are multifamily units, on approximately 1,194 acres located on the west side of US 301, south of Leeland Road. The housing is to be organized in four distinct villages (North, South, East, and West). An 18-hole championship golf course will be integrated into the residential communities. A 30-acre lake has been built in the Eastern Branch stream valley and will serve as a central focal point of the golf course and of the development as a whole. The comprehensive design plan for Beech Tree is also proposed to include the following: a club house for the golf course, a recreation center with pool and tennis courts for the homeowners, 136 acres dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the Collington Branch stream valley park, 12.5 acres dedicated to M-NCPPC for a community park, 211 acres dedicated as homeowners open space, 11 acres set aside for a private equestrian facility, a 35-acre site to be conveyed to the Board of Education for a middle school site, and a 17-acre site for an elementary school. None of the above amenities is included in the subject SDP.

Comprehensive Design Plan CDP-9706 was approved with 49 conditions; the conditions applicable to the subject SDP that warrant discussion are as follows:

5. **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.**

Comment: This condition has been carried forward as a condition of approval.

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.**

Comment: The SDP is in partial compliance with the condition regarding overall plan, phasing, and section numbers. A condition of approval prior to certification has been proposed in the Recommendation section of this report to require the applicant to provide aforementioned information and ensure its accuracy.

- 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.**

Comment: In comments dated November 10, 2005, the Department of Environmental Resources stated that the subject specific design plan does not show the layout of the stormdrain system, which was approved under stormwater concept #34382-2005. A condition below requires that prior to signature approval of the plans that the applicant provide evidence that stormwater concept #34382-2005 is a revision of Stormwater Management Plan #958009110 and that the subject specific design plan conforms to it.

- 11. 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.**

Comment: Since the subject land area is surrounded by the golf course, the above condition has been brought forward in the recommendation section of this report.

- 14. Prior to approval of each Specific Design Plan for residential use, the applicant shall demonstrate to the satisfaction of the Planning Board and the District Council that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):**

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+

In order to ensure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each Specific Design Plan shall include a condition requiring that, prior to approval of each building permit for a

dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).

Comment: See above Finding 7 for more discussion.

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

Comment: Pursuant to this condition, staff shall ensure that the subject design plan is scheduled for a District Council hearing after the Planning Board takes action on the subject application.

23. All structures shall be fully equipped with a fire suppression system built in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable county laws and regulations.

Comment: General note 16 on the coversheet of the plans ensures that all structures will be sprinklered in accordance with the above requirement.

45. No grading or cutting of trees or tree removal shall occur until after approval of the Specific Design Plan by the District Council.

Comment: This condition has been carried forward as a condition of approval for the subject specific design plan.

48. During the SDP approval process, traditional names of the property, owners and family homes shall be considered for use within the proposed development.

Comment: The main street in the specific design plan is Pentland Hills Drive, named for one of the two historic properties located in the Beech Tree development and is, therefore, in compliance with Condition 48. However, it is unclear to staff if the three culs-de-sac included in the subject specific design plan—Coniston Circle, Birdsgreen Way and Harestock Lane—are traditional names of the property, owners or family homes. Therefore, a condition below requires that the applicant demonstrate that they are or, at a minimum, that the applicant considered use of traditional names of the property, owners and family homes for culs-de-sac.

9. Preliminary Plan of Subdivision 4-99026: Preliminary Plan of Subdivision 4-99026 covers the subject site. A resolution formalizing the above approval,(PGCPB No. 99-154) was adopted by the Planning Board on October 14, 1999. The preliminary plan was valid until October 14, 2005. However, on October 27, 2005, the Planning Board granted a one-year extension based on a request dated October 14, 2005. Therefore, the preliminary plan remains valid until October 14, 2006, or until final plats are approved for the subject lots. Please see Finding 16 Subdivision Section's comments for further discussion of the relevant preliminary plan.

10. **Special Purpose Specific Design Plan SDP-9905 for Community Character:** SDP-9905 is a special purpose specific design plan pursuant to Condition 12 of Comprehensive Design Plan CDP-9706 that was devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, special paving at important facilities and intersections, and design intentions in the neo-traditional area of the East Village. The SDP also addressed utilizing distinctive landscape treatments to emphasize important focal points, intersections and trail heads, and concentration of particular species as an identifying feature for particular neighborhoods. The SDP was approved by the Planning Board on October 14, 1999. The subject specific design plan is in general compliance with Special Purpose Design Plan SDP-9905 for community character.
11. **Infrastructure Specific Design Plan SDP-9907:** SDP-9907 is an Infrastructure Specific Design 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.

Comment: By a letter dated January 4, 2006 (Rizzi to Burton), the applicant provided the evidence to fulfill the above three specific requirements. Subsequently, in a memorandum dated December 19, 2005, the Transportation Planning Section 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.**

Comment: On July 10, 2006, the Transportation Planning Section verbally informed Urban Design staff that the above conditions have been complied with by the applicant.

- 3. Prior to the issuance of the one hundred and thirty second (132nd) building permit**
12. **Umbrella Specific Design Plan SDP-0001 for Architecture:** SDP-0001 is an umbrella specific design plan for architecture for the entire Beech Tree development. This SDP was approved by the Planning Board on June 8, 2000, subject to three conditions. Original SDP-0001 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 portions of the Beech Tree development. Since the approval of SDP-0001, three additional approvals have been granted by the Planning Board, and at the time of writing of this staff report, a fourth revision to SDP-0001 is pending approval by the Urban Design Section.

Of three conditions attached to the approval of SDP-0001, none of them is applicable to the review of this SDP. The four revisions are all Planning Director-designee level cases. No conditions are attached to the approvals. Since the architectural models to be used in the subject approval will be either chosen from the previous approvals or included in a new revision to SDP-0001, the subject application is therefore in general conformance with SDP-0001 and its revisions.

13. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of Zoning Ordinance as follows:

The proposed 84 single-family dwelling units are part of a larger project known as Beech Tree, which is the subject of numerous approvals. Therefore, the subject SDP is in general compliance with the requirements of the R-S Zone as stated in Sections 27-511, 512, 513 and 514 with regard to permitted use and other regulations such as general standards and minimum size of property.

14. **Landscape Manual:** The proposed construction of single-family detached houses in the R-S Zone is subject to Section 4.1, Residential Requirements. The overwhelming majority of the lots are subject to the requirements of 4.1 c, which is applicable to one-family detached lots measuring between 9,500 to 20,000 square feet. These lots must be planted with a minimum of two major shade trees and one ornamental or evergreen tree per lot. Three lots in the subdivision (Lots 7 and 8 of Block F and Lot 26 of Block H) measure greater than 20,000 square feet and

therefore are required to be planted with three major shade trees and two ornamental or evergreen trees per lot. Although the project is not technically subject to the requirements of Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*, its standards have been used as a guide in the review of the subject project for development in a comprehensive design zone.

15. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has previously approved tree conservation plans. A Forest Stand Delineation and Type I Tree Conservation Plan, TCP I/73/97, were approved with Comprehensive Design Plan CDP-9407. A Type II Tree Conservation Plan, TCP II/49/98, was initially approved with Specific Design Plan SDP-9803 for the golf course; however, it covers the entire site. As each specific design plan for the development is approved, TCP II/49/98 must be revised. The revised Type II Tree Conservation Plan, TCP II/49/98-10 has been submitted for the subject specific design plan and reviewed by the Environmental Planning Section. In a memorandum dated April 12, 2006, the Environmental Planning Section stated that the Type II Tree Conservation Plan, TCP II/49/98-10, conforms to the approved Type I Tree Conservation Plan and meets the requirements of the Woodland Conservation Ordinance. Therefore, it may be said that the subject project meets the requirements of the Woodland Conservation Ordinance.
16. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In comments dated December 8, 2005, the Historic Preservation Planning Section stated the following:

Application SDP-0416 Beech Tree, South Village, Sections 4 and 5 is part of the 1,212±acre proposed residential/golf course development which surrounds both Beechwood Historic Site (79-060) and Pentland Hills Historic Site (79-038) and three family cemeteries: Hilleary, Susan Hodges and Smith Family. As part of a Section 106 Review in 1999, the Maryland Historical Trust (MHT) accepted the final report for Phase I/II Archeological Investigation for specific sites within the development. Section 106 of the National Historic Preservation Act, revised (NHPA), was required due to the need for an Army Corps of Engineers permit.

A condition of Preliminary Plan 4-98063 (1998) required two historic area work permits (HAWPs) to be granted by the Historic Preservation Commission:

- Historic Area Work Permit (HAWP 1-99) for demolition of the tobacco barn within the Environmental Setting of the Beechwood Historic Site was issued by the Historic Preservation Commission on February 16, 1999. (The actual 5.6-acre Historic Site is located within a 25-acre Local Activity Center (L-A-C) which will be part of a future development, and is not part of the subject specific design plan.) Conditions for the issuance of the HAWP are:
 - Draft and sign a historic property security agreement for the Beechwood Historic

Site before issuance of a grading permit for Hole 13 of the golf course

- Complete Phase II archaeology for areas affected by grading and submit findings to the Historic Preservation Commission for review.
- 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:
 - Donation to the *Newel Post* of any recyclable features
 - Installation of interpretive signs and the preparation of a brochure providing information on historic Pentland Hills
 - Structural replication *in situ* of the footprint of the Pentland Hills plantation house.

This application does impact the Pentland Hills Historic Site, but does not affect the Environmental Setting of Beechwood or the Hilleary family cemetery, Susan Hodges family cemetery or Smith family cemetery.

Findings

1. This application impacts the Pentland Hills Historic Site, as the road is less than 100 feet from the Pentland Hills house site.
2. This applicant must meet the conditions of Historic Area Work Permit (HAWP 13-98): “prior to the approval of the Specific Design Plan for that portion of the public road within 100' of the Pentland Hills house site:
 - 1) The applicant shall assist volunteers from the Newel Post, the Prince George’s County Architectural Salvage Depot, in determining whether any historic building fabric might be safely salvaged from the Historic Site prior to its demolition. The salvage effort shall be conducted with representatives of the Newel Post and the demolition contractor to facilitate safe and reasonable removal of historic building fabric. Any materials salvaged from the property shall be delivered and donated by the applicant to the Newel Post.
 - 2) The applicant shall replicate the precise location of the foundation footprint of the Pentland Hills house site within the open space and the public road right-of-way, with the approval of the Department of Public Works & Transportation, 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.

- 3) The applicant shall prepare text for historical markers or interpretive plaques to be placed both at the Pentland Hills site and at the public road nearest to it; the applicant shall also prepare an informational brochure about Pentland Hills and the archeological site to be distributed through the sales center for the Beech Tree development and later, through the development's community center. Text for both the plaques and the brochure shall be reviewed and approved by the Historic Preservation Section/M-NCPPC.
 - 4) The applicant shall submit a letter of commitment outlining the intent to fulfill Conditions 2 and 3 above. The letter shall provide the estimated timing of the installation of the historical markers and/or interpretive plaques within the completion schedule for the golf course and the nearest public road.”
3. The Environmental Setting for Pentland Hills should be redetermined to include only the immediate area around the foundation footprint of the Pentland Hills house site and the area where the interpretive sign will be placed at the public road. The 84±acre Environmental Setting is part of Parcel 21, which was configured in 2001.

Conclusions

The applicant needs to satisfy the conditions of HAWP 13-98, concerning the replication of the precise location of the foundation footprint of the Pentland Hills house site within the open space and the public road right-of-way using interpretive materials to demonstrate the stages of the building's construction; the preparation of text for historical markers or interpretive plaques to be placed both at the Pentland Hills site and at the public road nearest to it and an informational brochure about Pentland Hills and the archeological site to be distributed through the sales center for the Beech Tree development and later, through the development's community center, and provide a letter of commitment outlining the intent to fulfill the above conditions.

The four conditions of approval suggested by Historic Preservation staff have been included in the Recommendation section of this report.

Archeological Review— In a memorandum dated December 6, 2005, the staff archeologist stated the following:

Phase I archeological survey is recommended by the Planning Department on the above-referenced property. Both Collington Branch and East Branch run through this property. Numerous prehistoric archeological sites are known to exist in similar settings. Seventeen prehistoric and historic period archaeological sites have been located within the property to date (18PR557, 18PR564, 18PR565, 18PR567, 18PR568, 18PR569, 18PR570, 18PR571, 18PR572,

18PR577, 18PR573, 18PR574, 18PR575, 18PR576, 18PR578, and 18PR579). In addition, the historic resources Beechwood (PG 79-60) and Pentland (PG 79-38) are located on the property, as well as three cemeteries.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The Staff Archeologist's suggested conditions have been included in the Recommendation Section of this report.

Community Planning—In comments dated December 7, 2005, the Community Planning Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and that the application is in conformance with the land use recommendations of the Subregion VI Study Area Master Plan (1993).

Transportation—In a memorandum dated December 19, 2005, the Transportation Planning Section stated that the subject project is well within the schedule for required transportation improvements established in the approval of the preliminary plan of subdivision. More specifically, all required improvements for Phase II have been completed, 178 building permits have been issued and improvements required by the next phase need not be completed until the issuance of the 350th building permit. Further they stated that they will continue to monitor the release of permits in relation to specific required improvements as outlined in SDP-9907.

Subdivision—In revised comments dated June 23, 2006, the Subdivision Section offered the following comment:

The property is the subject of Preliminary Plan 4-99026, and PGCPB Resolution 99-154. The Planning Board granted a one-year extension to the six-year expiry of the preliminary plan, which now remains valid until October 14, 2006, or until a final record plat is approved for the subject lots.

The property is subject to the conditions contained in the resolution of approval. That resolution contains 22 conditions. The following conditions relate to the review of this specific design plan. Staff comments have been provided where appropriate:

- 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 assignees 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.

Subdivision Section Comment: The Environmental Planning Section should determine if any of the lots proposed are impacted by the 1.5 safety factor line.

Urban Design Comment: In their comments dated April 12, 2006, the Environmental Planning Section stated that a geotechnical report dated August 2005, for this portion of the Beech Tree site had been reviewed and found to meet all requirements. They noted that some problem areas are located within the subject project area. A recommended condition below will ensure that contemplated development will not be negatively impacted.

2. **At the specific design plan stage, the applicant, his heirs, successors and/or assignees 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.**

Urban Design Comment: In their comments dated April 12, 2006, the Environmental Planning Section stated that they would not require any further action regarding the above condition with regard to the subject specific design plan.

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 assignees 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 assignees shall also work with staff regarding donation to the *Newel Post* of recyclable architectural features from the house and/or outbuildings.**

Comment: This SDP contains the public road within 100 feet of the historic site.

Urban Design Comment: Compliance with the requirements of HAWP 13-98 is ensured by the inclusion of recommended conditions in this regard below.

14. **The following roadways shall be built to DPW&T's 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:**

Road “N” from the intersection of Presidential Golf Club Drive to its intersection with Road “AO.”

The future roadway (the fifth access to Beechtree Subdivision) southwest of the proposed middle school. The exact location of this road (stub connection) needs to be shown on the preliminary plan.

Comment: The site plan should be revised to label the ultimate right-of-way of each public street on each sheet of the site plan. The Transportation Planning Section should review for conformance.

- 18. Prior to approval of the first Specific Design Plan pursuant to this preliminary plan, 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 plan, 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 plan 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.**

Comment: The applicant should provide evidence of conformance with this condition.

Urban Design Comment: The Transportation Planning Section in their comments dated December 19, 2005 indicated that the applicant has complied with the above condition. Plan comments;

1. General Note 21 incorrectly indicates that the development of this area of the site is the subject of 4-00010.
2. The applicable preliminary plan (4-99026) approved 124 single-family dwelling units within the area that this SDP covers and proposes only 66 units.
3. The Lot Standard Table should be revised to add the minimum lot width at the front street line.
4. The “previously approved” SDP table, ensuring that the development of the entire Beech Tree conforms to the restriction on types and numbers of dwelling unit, is not correct and must clearly indicate the number of townhouses versus single-family dwellings, and provide totals to ensure that errors in the approval of dwelling units do not occur.

5. Lots 7 and 8 do not meet the minimum lot width at the front street line established with the CDP, of 25 feet.
6. The Development Data table has question marks where the amount of floodplain should be listed, this is unacceptable.

Where appropriate, the Subdivision Section's comments have been included as conditions in the Recommendation Section of this report.

Trails—In a memorandum dated February 3, 2006, the senior trails planner recommended triggers for the submission of detailed construction plans and details for construction of the balance of the master plan through the stream valley park to DPR for review and approval and for completion of construction of same. The senior trails planner also recommended standard sidewalk along one side of all internal roads. These recommendations are reflected in the conditions below.

Parks—In comments dated November 9, 2005, the Department of Parks and Recreation stated that they had no comment on the subject specific design plan at this time.

Permits—In a memorandum dated October 26, 2005, the Permit Review Section offered numerous comments that have either been addressed through revisions to the plans or by inclusion in the Recommendation section of this report.

Public Facilities—In a memorandum dated December 2, 2005, the Public Facilities Section stated that whereas existing paramedic and police service to the proposed project would be within response time guidelines, fire engine and ambulance service are beyond response time guidelines. Deficiencies with respect to fire engine and ambulance service, addressed in Condition (3) of the relevant comprehensive design plan have been brought forward in the recommendation section of this report.

Environmental Planning—In a memorandum dated April 12, 2006, the Environmental Planning Section offered the following:

Background

The subject property has the following approved cases and plans: A-9762, A-9763-C, CDP-9706, TCP I/73/97, 4-98063, 4-99026, 4-00010, SDP-9803, SDP-9907, SDP-9908, SDP-0111, SDP-0112, SDP-0113, SDP-0314, SDP-0315, SDP-0316, SDP-0406, SDP-0409, SDP-0410, SDP-0412, SDP-0415, SDP-0421 and TCPII/49/98-09. 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 all of the specific design plans that are the subject of this review. The TCPII will be updated with each section or phase as it is submitted. Additional reviews have been completed by the US Army Corps of Engineers, the Maryland Department of Environment, and the Maryland Department of

Natural Resources.

Site Description

The 1,212.06-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 southwest corner. The numerous feeder tributaries prevalent throughout the site drain into East Branch, a large intermittent stream that begins its course near Leeland Road and flows in a southerly direction to the mainstem 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 "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 composed 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 Ordinance, 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 US 301 is a known significant noise source. There are no scenic or historic roads impacted by the development proposed in the subject plans. The water and sewer categories are W-3 and S-3. There are extensive areas of wetlands on the site.

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

Of the 1,212 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).

The South Village, Sections 4 & 5, SDP-0416, occupies about 28.73 acres in the southern area of the Beech Tree development.

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.

A-9763-C

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

This condition was met and carried over in the approval of the Tree Conservation Plan, TCP I/73/97.

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 was approved as part of TCPI/73/97 with the CDP. Conditions 1.a. and 1.b. of CDP-9706 further addressed this consideration. These conditions were met prior to the 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 will be 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 in Environmental Review section below and is also subject to Conditions 1.a. and 1.b. 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 1.e. for the CDP-9706 that requires the approval of a noise study at time of SDP approval by the Planning Board. A noise study was reviewed and

approved with East Village, Phase 1, SDP-9907. This consideration is reviewed in detail later in this memorandum. See the Environmental Review Section comments below.

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

This consideration is reviewed in Environmental Review section 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 applicant's acceptance of the staff exhibit, staff report findings on CDP-9706, and Condition 1.d. of PGCPB Res. 98-50, which requires a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for this portion of the Beech Tree project was submitted with the SDP.

Planning Board Resolution No. 98-50 for CDP-9706

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.**

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

- 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.**

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

- 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 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.”

This condition has been met and the certificate of approval has been issued. A noise study was reviewed and approved with East Village, Phase 1, SDP-9907. This condition is reviewed in detail later in this memorandum. See the Environmental Review Section comments and recommended conditions 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.”

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

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.

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

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

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

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

This condition has 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 A-9763-C and is incorporated into the approved Tree Conservation Plan, TCP I/73/97. To date the Environmental Planning Section knows of no violations of this condition and no 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 will be addressed to the fullest extent possible as part of the current applications.

- 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.**

A recommended condition below ensures complete compliance with 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.**

This condition has been addressed and the required approvals have been obtained.

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

The subject application does not contain a 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 application does not include the golf course; however, it should be noted that an IPM Plan was submitted prior to the approval of the SDP for the golf course. The submitted IPM Plan has not been approved because it does not contain a significant amount of detailed information that is required for review and approval. Prior to the issuance of the Use and Occupancy permit for the golf course a detailed IPM shall be submitted and approved.

- 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 will be addressed prior to the issuance of permits.

Planning Board Resolution No. 98-311 for 4-98063

- 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.**

The subject SDP is in conformance with the approved CDP.

Development shall be in conformance with the stormwater management concept plan.

The subject SDP is in conformance with applicable stormwater concept approvals.

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/78/97), 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. The note has not been placed on the final plat of subdivision because the area has not to date been platted.

Planning Board Resolution No. 99-154 for 4-99026

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

See the Environmental Review Section comments and recommended conditions below.

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

A noise study was reviewed and approved with East Village, Phase 1, SDP-9907. No lots in this application are significantly impacted by traffic-generated noise.

Planning Board Resolution No. 00-127 for 4-00010

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. Staff has recommended a condition to address 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 application 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.**

A Corps of Engineers 404 Permit and Maryland Department of Environment Water Quality Certification have been obtained. Copies are in the Environmental Planning Section files. This condition will be addressed prior to the issuance of any permits.

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

See the Environmental Review Section comments and recommended conditions below.

Environmental Review

1. This site is subject to the provisions of the Woodland Conservation Ordinance because the property has previously approved tree conservation plans. A Forest Stand Delineation and Type I Tree Conservation Plan, TCP I/73/97, were approved with CDP-9407. A Type II Tree Conservation Plan, TCP II/49/98, was initially approved with SDP-9803 for the golf course; however, it covers the entire site. As each Specific Design Plan is approved for the Beech Tree development, TCP II/49/98 will be revised. The revised Type II Tree Conservation Plan, TCPII/49/98-10, revises the Key Sheet, sheets 40, 41, 43, 44 and 46 of the 46-sheet plan.

The revised Type II Tree Conservation Plan, TCP II/49/98-10, requires a minimum of 298.52 acres of woodland conservation for the proposed development of the entire site. This figure has been calculated by summing the 20 percent baseline requirement of the R-S Zone (191.94 acres), 23.46 acres of replacement for proposed disturbance to floodplain woodlands, clearing of 16.54 acres in the Patuxent River Primary Management Area, and a replacement of 83.52 acres for a proposed total of 298.52 acres of existing woodland. The plan provides for 358.83 acres of on-site woodland conservation and 16.34 acres of reforestation, and 14.68 acres of afforestation, for a total of 389.85 acres. Some of this woodland will be removed when development occurs for later phases of the project. The Type II Tree Conservation Plan, TCPII/48/98-10, conforms to the approved Type I Tree Conservation Plan and meets the requirements of the Woodland Conservation Ordinance.

Comment: No further action is required at this time with regard to this Specific Design Plan.

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 Preservation 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 TCP II for the golf course. During the review of Preliminary Plan 4-99026, the Planning Board granted variations requests for 2.51 additional acres. During the review of 4-00010, the Planning Board granted variations 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 is consistent with those previously approved by the Planning Board.

Recommended Condition: Prior to issuance of grading permits, each grading permit shall show required on-site wetland mitigation areas.

Highway noise from US 301 is a known significant noise source. 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.”

During the review of East Village, Phase 1, SDP-9907 and SDP-9908, a noise study was submitted. Based upon that noise study, the Environmental Planning Section determined that the distance provided from the highway by the intervening HOA parcels and the golf course mitigated the projected highway noise. The finding is incorporated in Prince George’s County Planning Board Resolution No. 00-111. The area of SDP-0416 is farther from US 301 and exterior noise is expected to be less than that which will be experienced in the area of East Village, Phase 1, SDP-9907.

Comment: No further action is required at this time with regard to this Specific Design Plan.

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

Staff has reviewed SDP-0416 with special regard to A-9763-C and the Considerations, Planning Board Resolution No. 98-50. All of the recommendations of 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.

Comment: None of the proposed development of SDP-0416 modifies the prior approvals. No further action is required at this time with regard to these Specific Design Plans.

On May 6, 1998, the Prince George’s County Department of Environmental Resources

approved Stormwater Management Concept 988005250. The approval is based on existing conditions of the 100-year floodplain and covers the construction of the lake, golf course, maintenance building, club house and associated parking.

The approval requires 2-year-storm, 10-year-storm and 100-year-storm attenuation for the entire site. Because of the presence of Marlboro clay, infiltration is not permitted. All lots must be located so that the 1.5 safety factor line is off of the lots. A detailed underdrain system is to be provided with each concept plan. The on-site lake is to be designed for 2-10-and 100-year control for all contributory areas and is to overcompensate for all areas that do not drain directly into the lake. State wetland permits must be obtained prior to approval of the Specific Design Plan. A floodplain approval is required for the lake. There shall be a minimum 50-foot buffer between the 100-year floodplain and residential lot lines. All stormdrains through Marlboro clay are to convey the 100-year storm and be rubber gasketed. All flows in yard areas are to be picked up at 2-cubic-feet per second. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter. All water quality ponds shall be reviewed for safety issues. The proposed cart bridge at hole #16 is to clear the water surface elevation by one foot. Proposed forebays or water quality ponds to serve as playable hazard are to be privately maintained.

None of the proposed development of SDP-0416 modifies the prior approvals.

Recommended Condition: Prior to approval of building or grading permits, 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 stormdrain outfalls. If revisions to the TCPII are required due to changes to the Technical Stormwater Management Plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.

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

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

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

The following condition was approved by Prince George’s County Planning Board Resolution No. 00-127 for 4-00010:

“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, for this portion of the Beech Tree site has been reviewed and found to meet all requirements. Staff have reviewed SDP-0416 and determined that high risk areas do occur on this portion of the Beech Tree site; however, the proposed grading will mitigate most of the problem areas. The SDP clearly shows that the only remaining area of unsafe land is not near any proposed development. In some areas special drainage measures, road construction, and foundation construction methods may be needed.

Recommended Condition: 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.”

Department of Environmental Resources (DER)—In comments dated November 10, 2005, the Department of Environmental Resources stated that the site plan for Beech Tree, South Village, Section 4 and 5 SDP-0416, does not show the layout of the stormdrain system, which was approved under stormwater management concept 34382-2005. A condition below, in the

recommendation section of this report, ensures that the prior to signature approval, either the specific design plan or the stormwater concept shall be revised so that the two dovetail.

Prince George's County Fire Department—In a memorandum dated May 3, 2006, the Prince George's County Fire Department offered comment on required access, the design of private roads and requirements regarding fire hydrants.

Department of Public Works and Transportation (DPW&T)—At the time of this writing, DPW&T has not offered comment on the subject project.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated November 22, 2005, WSSC stated that a water and sewer extension will be required for the project. In addition, they noted that Project #DA2453Z99 is an approved project within the limits of the proposed site and offered contact information to receive additional information from WSSC regarding the project. Lastly, they stated that the current plans are in agreement with their latest sketch.

Maryland State Highway Administration (SHA)—In a letter dated December 5, 2005, SHA stated that their review of the submitted plan is complete and that, based on the information provided, they have no objection to Specific Design Plan SDP-0416. Further, they asked that staff include their recommendation in the staff report to be presented to the Planning Board.

11. **Conformance of the Proposed Specific Design Plan with the findings for Approval of a Specific Design Plan (Section 27-528 (a) of the Zoning Ordinance, Planning Board Action):**

The plan conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

Comment: As more specifically described in Finding 8 above, the subject detailed site plan conforms to the requirements of Comprehensive Design Plan CDP-9706. Additionally and as more particularly described in Finding 14 above, the proposed project is in conformance with the relevant requirements of the *Landscape Manual*.

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.

Comment: In a memorandum dated December 2, 2005, the Public Facilities Section stated that whereas existing paramedic and police service to the proposed project would be within response time guidelines, fire engine and ambulance service are beyond response time guidelines. Deficiencies with respect to fire engine and ambulance service, addressed in Condition (3) of the relevant comprehensive design plan have been brought forward in the recommendation section of this report. In addition, in a memorandum dated December 19, 2005, the Transportation Planning Section stated that the subject project is well within the schedule for required transportation improvements established in the approval of the preliminary plan of subdivision. More

specifically, all required improvements for Phase II have been completed, 178 building permits have been issued and improvements required by the next phase need not be completed until the issuance of the 350th building permit. Further, they stated that they will continue to monitor the release of permits in relation to specific required improvements as outlined in SDP-9907. Therefore, it may be said that 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.

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

Comment: In comments dated November 10, 2005, the Department of Environmental Resources stated that the site plan for Beech Tree, South Village, Section 4 and 5, SDP-0416, does not show the layout of the stormdrain system, which was approved under stormwater management concept 34382-2005. Staff, however, is suggesting a condition that would require that prior to signature approval, either the specific design plan or the stormwater concept be revised so that the two are consistent. Therefore, with the proposed condition, it may be said that there will be adequate provision made for draining surface water so that there are no adverse effects on either the subject or the adjacent properties.

The Plan is in conformance with an approved Tree Conservation Plan.

Comment: In a memorandum dated April 12, 2006, the Environmental Planning Section recommended approval of Tree Conservation Plan TCPII/49/98-10, subject to conditions. Those conditions have been included in the recommendation section of the report. If the Planning Board adopts the findings of this report and approves the plan in accordance with staff's recommendation, it may be said that the subject application is in conformance with an approved tree conservation plan.

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/49/98-10), and further APPROVED Specific Design Plan SDP-0416 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan, the applicant shall:
 - a. Submit a letter of commitment providing the estimated timing of the installation of the historical markers and/or interpretive plaques acceptable to the Historic Preservation Section, describing:
 - (1) Plans and timing for the replication of the precise location of the foundation footprint of the Pentland Hills house site within the open space and the public road right-of-way, with the approval of the Department of Public Works and

Transportation, 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) Text for the historical markers or interpretive plaques to be placed both at the Pentlands Hills site and at the public road and an informational brochure about Pentland Hills and the archeological site to be distributed through the development's community center. Text for both the plaques and the brochure shall be reviewed and approved by the Historic Preservation Section/M-NCPPC.
- b. Correct reference to "Leeland Drive" on the plans to "Leeland Road".
- c. Clearly identify Pentland Hills historic site on the plans.
- d. Add block names wherever a block or a portion of a block appears on a given sheet.
- e. Demonstrate that the proposed names of the culs-de-sac are traditional names of the property, owners and family homes or that due consideration was given to such names prior to assigning names to the culs-de-sac.
- f. Provide standard sidewalks along one side of all internal roads within the subdivision, unless modified by the Department of Public Works and Transportation.
- 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.
- i. Correct all references to townhomes or multifamily housing in the plans to appropriately read single-family dwelling units, when referring to the subject of this specific design plan.
- j. Confirm that the acreage covered by the subject specific design plan is 84 and make reference to that acreage consistent throughout the plans.
- k. Correct the lot tabulation so that the summation of the subtotals of the two villages and three blocks in fact equals 84 units and make reference to the number of units requested as part of this specific design plan consistent throughout the application.
- l. Applicant shall include the area of the site in the floodplain under the general notes.

- m. A note shall be added to the plans stating that Pentland Hills Drive from the intersection of Presidential Golf Club Drive to its intersection with the most southern cul-de-sac that is the subject of this specific design plan shall be built to DPW&T's Standard No. 12 (36 foot pavement within a 60-foot right-of-way) or as determined by DPW&T.
 - 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.
 - o. Revise the Lot Standard Table to add the minimum lot width at the front street line.
 - p. Redesign lots, if necessary, so that they meet the minimum lot width requirement of 25 feet, established in the applicable comprehensive design plan.
 - q. Provide all top and bottom wall elevations for retaining walls.
 - r. The site plan shall be revised to label the ultimate right-of-way of each public street on each sheet of the site plan. Such revision of the site plan shall be reviewed for accuracy by the Transportation Planning Section as designee of the Planning Board.
2. Prior to the issuance of building or grading permits for this section:
- a. The applicant shall apply to the HPC for a redetermination of the Environmental Setting for Pentland Hills.
 - 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.
 - c. Show all building setbacks from the shortest distance between the dwelling (including any options) and the property lines.
 - d. Phase I archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the

report. The report shall be reviewed and approved by the Staff Archeologist as designee of the Planning Board. Further archeological investigations shall be completed if determined necessary by the Staff Archeologist.

- e. The applicant shall assist volunteers from the Newel Post, the Prince George's County Architectural Salvage Depot, in determining whether any historic building fabric might be safely salvaged from the historic site prior to its demolition. The salvage effort shall be conducted with representatives of the Newel Post and the demolition contractor to facilitate safe and reasonable removal of historic building fabric. Any materials salvaged from the property shall be delivered and donated by the applicant to the Newel Post.
3. Prior to the issuance of any building permits for the subject SDP the applicant shall provide the following:
 - a. A fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Proposed Leeland Road Station and acquisition of an ambulance. The fair share fee is \$201.65 per dwelling unit for the lots proposed beyond response time standards for ambulance service.
 - b. Applicant shall provide information regarding actual percentage of lot coverage, per lot, on the plans.
 4. Prior to the issuance of each building permit for a particular lot the applicant shall provide the following:
 - a. Detailed information for each specific lot shall be provided as required, such as type of model and specific building footprint.
 - b. The applicant shall demonstrate that the price of the dwelling unit will not be lower than \$225,000 for a single-family detached house (in 1989 dollars).
 5. 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.
 7. At least 90 percent of the single-family detached units shall have a full front façade (excluding gables, windows, trim and doors) constructed of brick, stone or stucco or shall be treated with a full width front porch. Any side elevation that directly faces the public street shall be designed with materials and details in a manner consistent with the front elevation. In the event the opposite side of such dwelling unit is not highly visible from the public street and, as a result, the homeowner chooses not to display such treatment, the side yard of such unit shall be planted with

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

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.

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.
10. 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 not yet begun.)
11. Prior to the 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 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.
12. Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:

- a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
 - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road
 - c. Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.
13. Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.
14. 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.
15. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in conditions 10 through 14 above will require the filing of a SDP application, and a new Staging Plan reflecting said changes must be included with application.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Eley, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, July 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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