

R E S O L U T I O N

WHEREAS, V.O.B. Limited Partnership is the owner of a 557.57-acre parcel of land known as Beech Tree, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on February 27, 2000, V.O.B. Limited Partnership filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1,653 lots and 46 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00010, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 6, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 6, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00010 with the following conditions:

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

2. All HOA trails shall be a minimum of six-feet wide and asphalt, unless otherwise agreed to by the Department of Parks and Recreation.
3. All trails shall be assured dry passage. If wet areas must be traversed, suitable structures shall be constructed.
4. All trails and sidewalks shall include any necessary curb cuts and be ADA compatible.
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.
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.
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.
8. As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George=s County Department of Public Works and Transportation, and the Prince George=s County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.
9. Prior to signature approval, the preliminary plat shall be revised to:
 - a. Show the location of the site of Pentland Hills and the proposed replication of the footprint of the plantation house.
 - b. Show all existing structures and a note regarding their disposition.
 - c. Show the location of the irrigation pond and the well, or a note stating that neither is to be located within the confines of the current preliminary plat.
 - d. Remove the 20-foot wide WSSC sewer right-of-way from Parcel AG.@ The sewer line connection through Parcel AG@ will be allowed by a permit from the M-NCPPC Department of Parks and Recreation. The WSSC or the applicant shall submit detailed plans for review and approval to M-NCPPC prior to commencement of the work.
 - e. Provide a minimum 20-foot-wide landscape buffer along the Leoning property

for Lots 222 to 235 .

- f. Show a landscape buffer between Presidential Golf Course Drive and the Bowling Heights property.
 - g. A bicycle network shall be included on the internal roads. This network shall be designated either by appropriate bikeway signage and/or pavement markings.
- 10. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department Environmental Engineering Program prior to final plat approval.
 - 11. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay a fee to Prince George=s County of \$201.65 per dwelling unit toward the provision of a fire station and an ambulance.
 - 12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$4,240 per dwelling unit for the elementary, middle and high schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Patuxent Elementary School, James Madison Middle School and Frederick Douglas High School.
 - 13. No building permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or 4 years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision. (In accordance with the exemptions in the guidelines, this condition shall not apply to permits for elderly housing which is operated in accordance with State and Federal Fair Housing Laws.)
 - 14. The applicant shall provide improvements to US 301 and Leeland Road as provided in the Recommended Staging Plan adopted as Finding 24 in the Approval of SDP-9907 on June 8, 2000. This Staging Plan provides for the applicant=s participation in the construction of improvements to US 301 which will equal or exceed the pro-rata participation cost previously identified (\$1,194,805.00) in the approvals of CDP-9706 and Preliminary Plat 4-99026.
 - 15. Prior to the issuance of any building permit, the applicant shall dedicate all rights-of-way for A-61, F-10 and C-58/C-600 (Leeland Road) as identified by the Planning Department.
 - 16. 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 SDP stage:

- \$ Presidential Golf Club Drive, loop road, from Beechtree Parkway to Leeland Road.
 - \$ Road "N," from the intersection of Presidential Golf Club Drive to its intersection with Road AO.@
 - \$ Beech Tree parkway, the entire length other than the divided portion at its eastern limits.
 - \$ Road "D," from Beechtree parkway to Moors Plain Boulevard.
 - \$ Moors Plain Boulevard, from Beechtree parkway to Road "D."
 - \$ The future roadway (the fifth access to Beechtree Subdivision) southeast of the proposed middle school. The exact location of this road (stub connection) needs to be shown on the preliminary plat.
17. The following roadways shall be built to DPW&T's Standard No. 14 (80-foot right-of-way) or as determined by DPW&T and approved by the Planning Board at the SDP stage:
- \$ The future un-named roadway tie-in to Village Drive extended, northeast of the proposed middle school.
 - \$ Moors Plain Boulevard, from Road "D" to Leeland Road.
18. Prior to SDP approval, the applicant and DPW&T shall consider the location of the proposed middle school, the number of lots proposed in Parcels M, N and O, and the density of residences northeast of the commercial/recreational center to determine the necessity for sidewalks on both sides of the right -of-way along the following
- \$ Presidential Golf Club Drive, from Road "N" to Beechtree Parkway.
 - \$ Moors Plain Boulevard, from the recreational center/proposed roundabout to Leeland Road.
19. Prior to the issuance of the 1,993rd building permit for any residential unit of development, 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/US 301 Intersection
- Construct a fourth southbound through lane along US 301 at Leeland

Road to SHA standards.

b. US 301/Swanson Road Intersection

Construct a fourth southbound through lane along US 301 at Swanson
Road to SHA standards

20. The trail shall be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines and the accessibility guidelines in the latest edition of the Americans with Disabilities Act for the Outdoor Development Areas. The exact location of the trail shall be determined at the time of Specific Design Plan review for this plat and approved by DPR. Detailed construction drawings, including grading plan sections, shall be submitted to DPR for review and approval prior to submission of the application for the Specific Design Plan for this plat.
21. Prior to approval of the first specific design plan containing the master plan trail the boundaries and acreage of the right-of-way or easement to be conveyed to M-NCPPC for construction of the master plan trail through Parcel H shall be established. If the applicant elects to provide an easement, the easement shall be reviewed and approved by DPR prior to submission of the final plat. An original deed of easement for the linear park in Parcel H shall be submitted to the Subdivision Section of the Development Review Division along with the Final Plat for Parcel H.
22. The master plan trail right-of-way or easement may be reduced to 30 feet wide in front of Lots 1-4, Block DD, along Lots 1-24, 32-45, 59-80, Block LL, and Lots 23-24, Block KK, in Parcel H, if plans for additional landscaping are approved by DPR prior to signature approval of the preliminary plan.
23. If the master plan trail is located within a 30-foot right-of-way or easement, berming shall be provided on both sides of the trail and the area extensively landscaped. The detailed site and landscape plans of the area, cross sections, sign details, shall be submitted to DPR for review and approval in conjunction with the application for the Specific Design Plan controlling this area.
24. Building permits shall not be approved for residential lots adjoining the M-NCPPC right-of-way easement containing the master plan trail until the portion of the trail adjoining such lots is under construction.
25. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
26. Prior to the issuance of the first residential building permit for the entire Beechtree development, Parcel G shall be conveyed to M-NCPPC.

27. Prior to the issuance of the first residential building permit for the entire Beechtree development, Parcels T and U shall be conveyed to M-NCPPC.
28. Prior to submission of the first final plat for residential lots in the subdivision, the applicant shall enter into the public Recreational Facilities Agreement (RFA) for construction of recreational facilities. The applicant shall submit three original executed RFAs to DPR for their approval three weeks prior to the submission of the final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
29. The recreational facilities on park property shall be designed in accordance with the applicable standards in the Park and Recreation Facilities Guidelines and the accessibility guidelines in the latest edition of the Americans with Disabilities Act for the outdoor development areas.
 - a. Prior to issuance of the 400th building permit the applicant shall submit detailed construction plans and details along with the cost estimates for construction of the park/school site on Parcel U to DPR for review and approval.
 - b. Prior to issuance of the 1,000th building permit the applicant shall submit detailed construction plans and details along with the cost estimates for construction on the park/school site on Parcel T to DPR for review and approval.
 - c. Prior to issuance of the 1,200th building permit the applicant shall submit detailed construction plans and details for construction of the master plan trail immediately adjacent to the west side of the lake within the community to DPR for review and approval.
 - a. Prior to issuance of the 2,000th building permit the applicant shall submit detailed construction plans and details for construction of the balance of the master plan trail through the stream valley park to DPR for review and approval.
30. The subdivider, his successors and/or assigns shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The Beech Tree property is located on the west side of US 301, south of Leeland Road. The property extends as far west as the Penn Central Railroad tracks and south of Dannenhower Road.
1. Environmental Issues and Variation Request C The 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 Leland 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 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 Policy, any highly erodible soils on slopes of 15 percent or greater must be incorporated into stream buffers.

According to the *Geologic Map of the Bristol Quadrangle, Prince George=s, Anne Arundel and Calvert Counties, Maryland*, prepared by the Maryland Geological Survey, the site consists of unconsolidated clays, sands and gravels typical of the Coastal Plain. The extensive plateaus are generally underlain by sediments of the Calvert Formation and contain silty sands of marine origin. Beneath the Calvert Formation, and often exposed at the top of severe slopes, are glauconitic sands, clayey sands and silty-clays of the Nanjemoy Formation. Some marine shell fossils may be found on-site in the Nanjemoy Formation. Sandwiched below the Nanjemoy and above the Aquia is a layer of Marlboro Clay. This massive clay is the cause of many geotechnical problems. The oldest sediments exposed on the site are the glauconitic marine sands of the Aquia Formation. The stream valleys have younger deposits of Alluvium and Terrace Deposits associated with fluvial activity of the Patuxent River.

Of the 1,209 total acres, about 220 acres (18 percent) are currently 100-year floodplain and 207 acres, or 94 percent, of the floodplain are forested. The upland 973 acres, while under agricultural uses since colonial times, have 651 acres of woodlands (67 percent of the upland). The golf course SDP occupies about 308 acres of the Beech Tree development.

During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the mainstem of Collington and Western Branches. 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. Scott Stranko, a biologist with the Maryland Department of Natural Resources (DNR), conjectures that Collington Branch may be the last remaining vestige in Maryland where the Stripeback darter can sustain itself in viable numbers. He further claims that worldwide distribution of the darter is limited to central Virginia and the Western Branch watershed of Maryland. In spite of these findings, anthropogenic activities in both watersheds continue to alter the Stripeback darter=s habitat through erosion and sedimentation processes. A recent analysis of the Western Branch watershed revealed that in-stream habitat for the fish was marginal to suboptimal. Mr. Stranko believes that further increases in impervious surfaces in conjunction with decreasing riparian forest buffers could force the already dwindling population toward extirpation. To that end, staff have worked in a collaborative effort with DNR and the Maryland Department of the Environment (MDE) to determine areas of critical concern. The watershed of the East Branch of the Collington is of importance.

During a meeting on April 30, 1998 with the State, M-NCPPC and the applicant, the incidental taking issue was discussed. According to Jonathan McKnight of the DNR Wildlife and Heritage Division, the proposed lake will not constitute as a taking, providing habitat conditions are replicated, a Habitat Management/Water Quality Plan and Integrated Pest Management Plan are implemented, and the existing hydrologic flow regime is maintained. In short, it is the State=s opinion that if downstream habitat conditions are not damaged, then the proposed lake and golf course can be constructed.

Staff have reviewed 4-00010 with special regard to A-9763-C conditions and the considerations, Planning Board Resolution No. 98-50, and the above recommendations regarding habitat management for the Stripeback Darter. All of the recommendations of Maryland Wildlife and Heritage Division, including a Habitat Management Plan, a Water Quality Plan, an Integrated Pest Management Plan and a Monitoring Program, were adopted and approved as part of SDP-9803 for the golf course. None of the proposed development of 4-00010 modifies the prior approvals.

A-9763-C, 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.

A-9763-C, Consideration 5. The applicant shall demonstrate that the proposed development complies with the Patuxent River Policy Plan criteria.

Planning Board Resolution No. 98-50:

1. **Prior to certificate approval of the Comprehensive Design Plan (CDP), the following revisions shall be made or information supplied:**
 - 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 considerations were intended to address the Patuxent River Policy Plan as adopted by the Prince George=s County Council on April 3, 1984, and reflected in the Section 24-130(b)(5) of the Subdivision Regulations. Section 24-130(b)(5) of the Subdivision Ordinance requires that the Planning Board find:

"Where a property is partially or totally within the Patuxent River Watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area Preservation Area is preserved to the fullest extent possible."

The Patuxent River Primary Management Area Preservation Area (PMAA) is defined in Section 24-101(b)(10) of the Subdivision Ordinance:

"A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which at a minimum includes:

- (A) **All perennial streams and a minimum of 50 feet of preserved or established vegetation on each bank;**
- (B) **The one hundred (100) year floodplain;**
- (C) **All wetlands adjacent to the perennial stream or the one hundred (100) year floodplain;**
- (D) **All areas having slopes of twenty-five percent (25%) or greater abutting or adjoining the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;**
- (E) **All areas having highly erodible soils on slopes of fifteen percent (15%) or greater abutting the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;**
- (F) **Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board."**

The Patuxent River Primary Management Area Preservation Area is to be *preserved to the fullest extent possible* [Section 24-130(b)(5) of the Subdivision Ordinance; emphasis added]. In general this means that all disturbance not essential to the development of the site as a whole is prohibited within the PMAA. "Essential" development includes such features as public utility lines (including sewer and stormwater outfalls), streets and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas and so forth, which do not relate directly to public health, safety or welfare. Any disturbance to the

PMAPA, even for essential development, will require a variation request in accordance with Section 24-113 of the Subdivision Ordinance for each and every instance. The applicant's statement of justification should address the required findings (1)-(4) of Section 24-113(a). Staff examine each occurrence with sequential review featuring avoidance, minimization and mitigation.

Stream buffers are extremely critical in preventing point and nonpoint source pollutants and toxics, particularly those associated with golf courses, from entering into adjacent waterways. Moreover, they help regulate increases in temperature further downstream and play an important role in sustaining fish and other wildlife habitats. The Planning Board considered these issues in detail during the hearings for 4-98063 and 4-99026. Findings regarding the Patuxent River Primary Management Area Preservation Area and specific variation requests are a part of those records.

The current application includes five new variation requests regarding stream buffers, wetland buffers and the Patuxent River Primary Management Area Preservation Area.

Areas 1, 2, 3 and 4 are minimal incursions for the purpose of installing sanitary sewer lines. The sanitary sewer is required for the health of the community. The alignment of a sanitary sewer is constrained by topography and gravity. While following a stream valley is typically an easier design, the applicant has provided an alternative solution with greater design challenges but relatively few impacts. The applicant submitted a letter dated June 6, 2000, which indicates how they believe the variation requests meet the requirements of Section 24-113 of the Subdivision Regulations. Staff of the Environmental Planning Section concur with their analysis.

Area 5 proposes the most significant departure from the requirements of Section 24-130. The alignment of streets is regulated to ensure safety and the general location and number regulated to ensure adequate streets for fire, police and ambulance service to the community. This crossing has an approved by the U.S. Army Corps of Engineers 404 Permit. Failure to grant the variations would pose a hardship to the owner by interfering with implied rights granted by A-9763-C, CDP-9706 and SDP-9803. The applicant submitted a letter dated June 6, 2000, which indicates how they believe the variation requests meet the requirements of Section 24-113 of the Subdivision Regulations. Staff of the Environmental Planning Section concur with their analysis.

The total area of the PRPMAPA on the property is approximately 329.80 acres. During the review of 4-98063, the Planning Board granted variation requests for 19.43 acres of the PRPMAPA (5.9 percent of the PRPMAPA). Of the 19.43 acres, 8.43 acres are woodland that will be replaced by afforesting unwooded areas of the PRPMAPA. During the review of 4-99026, the Planning Board granted variations requests for 2.51 additional acres. As required by the approved Tree Conservation Plan, all woodland areas cleared will need to be replaced on-site by afforesting unwooded areas of the PRPMAPA.

The current variation requests propose to disturb an additional 1.28 acres. As required by

the approved Tree Conservation Plan, all woodland areas cleared will need to be replaced on-site by afforesting unwooded areas of the PRPMAPA. The applicant is thus preserving a minimum of 92.9 percent of the PRPMAPA.

Staff have reviewed each and every instance of proposed impact to the PRPMAPA, including the statement of justification for these impacts. It is clear that the applicant has preserved the Patuxent River Primary Management Area Preservation Area to the extent possible, minimized impacts by reducing those necessary for the reasonable development of the site as approved by the Basic Plan, Comprehensive Design Plan and the Specific Design Plan, and by analyzing impacts by the stringent tests of Section 24-213, shown compliance with Section 24-130(b)(5).

A-9763-C, 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.

Planning Board 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.**
- 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.**
- 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.**

On November 5, 1997, staff received copies of the *Forest Stand Delineation Report for Addition to Belmont, Prince George=s County Maryland*, dated August 1997, prepared by Kevin M. McCarthy of McCarthy & Associates, and a Type I Tree Conservation Plan, prepared by James E. Irre of McCarthy Associates. A revised Type I Tree Conservation Plan was received on January 5, 1998. The Forest Stand Delineation is an amendment to *Forest Stand Delineation Report for Villages of Belmont, Prince George=s County, Maryland*, including Appendix F, *Data Sheets to Accompany the Villages of Belmont Forest Stand Delineation Report*, dated September 1994, prepared by Kevin M. McCarthy of McCarthy & Associates, and includes the area of the site not covered by the previous documents.

Staff have reviewed the Forest Stand Delineation. The plan is quite detailed and identifies the major woodland stands on the site and indicates the location and type of specimen trees. The Forest Stand Delineation meets all of the requirements of the Woodland Conservation Ordinances.

The Type I Tree Conservation Plan, TCPI/73/97, requires a minimum of 314.41 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 (194.8 acres) and 16.23 acres of replacement for proposed disturbance to floodplain woodlands, and a replacement of 103.38 acres for a proposed grading of 413.53 acres of existing woodland. The Tree Conservation Plan showed preservation of 237.42 acres of woodland and a deficit of 76.99 acres.

Staff reviewed the Tree Conservation Plan in detail and could not recommend approval. This recommendation was based upon our analysis of the proposal and the finding that the TCP did not sufficiently conserve the priority conservation areas as defined in the *Prince George=s County Woodland Conservation and Tree Preservation Policy Document* adopted by CB-102-1992 and effective February 1, 1993, and did not meet Considerations 1, 3 and 5 of A-9763-C. Our specific concerns are detailed below.

Consideration 1 of A-9763-C requires preservation on-site and does not suggest that off-site conservation is an option. The site currently contains 650.95 acres of upland woodlands and 207.49 acres of floodplain woodland. There is an adequate amount of on-site priority woodlands to accomplish any woodland requirements by utilizing on-site preservation.

Consideration 1 of A-9763-C seeks preservation along streams, roads and property lines. The TCP made a good effort to conserve woodlands along roads and property lines, but failed to conserve woodlands along streams. The removal of woodlands in stream valleys is contrary to Considerations 3 and 5 of A-9763-C and to three of the Woodland Conservation Criteria priority areas of the *Prince George=s County Woodland Conservation and Tree Preservation Policy Document*:

A Wooded stream corridors with drainage areas greater than or equal to 50

acres and a 50 foot wide nondisturbance buffer measured from the normal flow edges of the stream;@

AWooded slopes equal to or greater than 25%, or greater than 15% when associated with a soils having a K value greater than .35, and having a contiguous coverage of 10,000 square feet or greater;

ALarge contiguous wooded areas and critical woodland habitats as defined in COMAR 08.19.7.2(B);@

This disturbance of a wooded stream valley is also contrary to the Patuxent River Policy Plan as adopted by the Prince George=s County Council on April 3, 1984, and reflected in Section 24-130(b)(5) of the Subdivision Regulations.

Staff were concerned that the removal of woodlands for the proposed golf course included unnecessary intrusions into priority woodlands and the Patuxent River Primary Management Area Preservation Area. Staff are especially concerned about disturbance of the PRPMAPA in this particular area because the Collington Branch contains the Stripeback Darter. Conditions 1.a. and 1.b. were adopted by the Planning Board to address these issues.

The Type II Tree Conservation Plan, TCPII/49/98, requires a minimum of 251.33 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 (196.99 acres) and 23.10 acres of replacement for proposed disturbance to floodplain woodlands, and a replacement of 31.24 acres for a proposed grading of 124.95 acres of existing woodland. The plan provides for 251.33 acres of on-site woodland conservation and preserves an additional 290.04 acres of upland woodland at this time. Some of this woodland will be removed when development occurs for later phases of the project. None of the proposed development of 4-00010 modifies the prior approval of TCPI/73/97.

A-9763-C, 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.

Planning Board Resolution No. 98-50:

- 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.**

On May 6, 1998, Reyanaldo DeGuzman of 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 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 2-10-100-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 two 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 hazards are to be privately maintained. The lake is not part of 4-00010.

Planning Board Resolution No. 98-50:

- 1. Prior to certificate approval of the Comprehensive Design Plan (CDP), the following revisions shall be made or information supplied:**
 - 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.**
 - 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.
6. Prior to CDP certification, the applicant shall submit a Habitat Management Plan to the Natural Resources Division demonstrating that water quality and any species of state concern will not be adversely impacted by the development in accordance with the findings included in the Staff Report.
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.
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.

Staff believe that appropriate conditions with specific goals and sequencing will permit development to proceed in an orderly fashion, but retain safeguards to halt the process before damage is done to the critical habitat. A Habitat Management Plan, including a Water Quality Monitoring Program, an Integrated Pest Management Plan, a Habitat Management Plan for the Stripeback Darter, have been reviewed and approved. None of the proposed development of 4-00010 modifies the prior approvals.

A-9763-C, Consideration 6. The applicant shall prepare a detailed soils study to demonstrate that the property is geologically suitable for the proposed development.

Planning Board Resolution No. 98-50:

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

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

AThe 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.@

It has long been known that 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. Water and sewer lines laid within the Marlboro Clay layer require special fittings. Side-slopes of road cut through Marlboro Clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro Clay is present on a site.

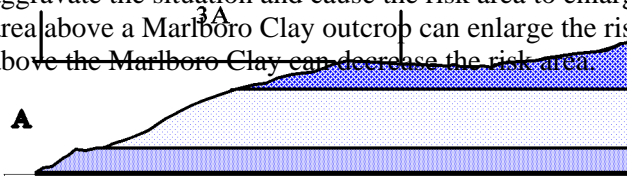
Factor of Safety is a theoretical value: the ratio of Resisting Force to Driving Force. As the Resisting Force increases or the Driving Force decreases, Safety increases. As the Resisting Force decreases or the Driving Force increases, Safety decreases. The Prince George=s County Department of Environmental Resources has set a minimum Factor of Safety of 1.5 for development near slopes affected by Marlboro Clay.

A High Risk Area presents a situation of danger to persons or property. A Low Risk Area presents no danger to persons or property. In large lot development, e.g., the R-A and O-S Zones, no development should occur in High Risk Areas, but such areas may occur within a lot. In small-lot development, i.e., lots with less than 40,000 square feet, no High Risk Area should occur on a lot.

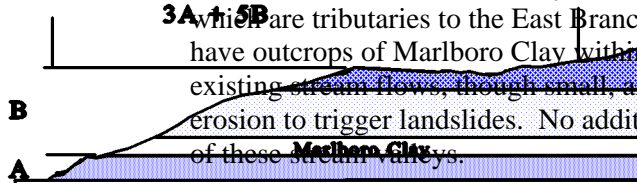
Based upon a Factor of Safety of 1.5, a zone in the area of slopes should be reviewed. The purpose of this Evaluation Zone is to establish areas near slopes that constitute a category of AUnsafe Land@ as regulated by 24-131. As a rule-of-thumb in areas with no Marlboro Clay, structures (including parking lots) should be placed no closer to the toe-of-slope than three times the height of the slope. In areas with Marlboro Clay, the setback should be three times the height from the toe-of-slope to the bottom of the Marlboro Clay plus five times the height from the bottom of the clay to the top of the

slope (Figure 1.) . A site-specific geotechnical report may show that development can be placed closer to the toe-of-slope by better defining the High Risk Area, especially if mitigation measures are taken as part of the development.

The illustration indicating the potential Marlboro Clay outcrop pattern shows a High Risk Area computed by this model. Note that this area is based upon existing conditions. Grading can change the location of the risk area. Grading which removes material at the toe-of-slope or on a Marlboro Clay outcrop can aggravate the situation and cause the risk area to enlarge. Grading which adds material within the risk area above a Marlboro Clay outcrop can enlarge the risk area. Grading which removes material from above the Marlboro Clay can decrease the risk area.



Natural erosion of stream valleys can lead to slope failures. Each of the three streams which are tributaries to the East Branch of the Collington below the proposed dam site have outcrops of Marlboro Clay within the stream bed and active slope failure areas. The existing stream flows, though small, are sufficient that, over time, they can cause enough erosion to trigger landslides. No additional stormwater flow should be directed into any of these stream valleys.



The overall concept of the Comprehensive Design Plan is not affected by the presence of Marlboro Clay, but certain details are. The envelopes for Residential Uses, Public Facilities and structures (including roads) should be viewed as conceptual on the CDP and the Planning Board directed that a note appended on the CDP plan prior to signature certification:

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.@

Prior to the issuance of any grading permit that includes the dam, a Geotechnical Study, following at a minimum 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, the Maryland Department of the Environment, WSSC 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. No residential lots should contain any portion of unsafe land.

Staff have reviewed 4-00010 and determined that Marlboro Clay is a significant factor with regard to slope stability on portions of the site. In some areas special drainage measures and foundation construction methods may be needed.

All other environment-related conditions and considerations of the Basic and Comprehensive Design Plans have been met. A detailed description of these can be found in the Environmental Planning Section memorandum, dated June 22, 2000, attached to this report.

The property is in Water and Sewer Category 3 and will be served by public systems.

4. Community Planning C The *1984 Approved Master Plan for Subregion VI* plan places the property within a number of land use categories, including local activity center and medium-suburban residential land use. The approval of A-9863-C, which set the development potential for the property, was deemed to be in conformance with the master plan recommendations. No master plan issues present themselves. Trails issues, as well as park/school and transportation issues, will be discussed in subsequent sections of this report.
5. Parks and Recreation C In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the above-referenced subdivision will be dedicating 243.69 acres of property to The Maryland-National Capital Park and Planning Commission for parkland. The applicant will dedicate Parcel T (29.68 acres) and Parcel U (35.81 acres). The remaining 178.20 acres (Parcel G) of parkland will be dedicated for the Collington Branch Stream Valley Park.

The previous approval phases contained conditions for trail development that affect the preliminary subdivision plan:

- a. CIP-9706, Condition 11, states AThe trails system shall be expanded to show links from all residential areas to all commercial and recreational elements and school sites The trails shall be for the most part separated from vehicular rights-of-way.@
- b. CIP-9706, Condition 31, states AThe applicant shall construct an 8- to 10-foot-wide asphalt hiker-biker trail through the stream valley park and the community as shown on the Department of Parks and Recreation (DPR) Exhibit B. The trail shall be located in a linear park at least fifty feet in width or in an easement (to M-NCPPC) through property of similar character. A landscaping plan shall be submitted along with the appropriate Specific Design Plan. The trail shall be 8 feet wide where it is adjacent to public roadways. In all other areas, it shall be 10 feet wide.@

- c. 4-98063, Condition 9, requires A Prior to approval of preliminary plans on the outparcels, a 50-foot-wide right-of-way or easement shall be shown through the community to allow the construction of the master plan stream valley park trail from the stream valley to the west side of the planned lake, along the west side of the lake and back to the stream valley, at a location acceptable to the Department of Parks and Recreation. @
- d. CDP-9706, Condition 40, states A The Master Plan hiker-biker trail shall be constructed in phase with construction and the portion of the trail immediately adjacent to the west side of the lake shall be completed prior to issuance of the 1400th building permit; the balance of the length of the trail in the stream valley and in the community shall be completed prior to issuance of the 2200th building permit. Building permits shall not be approved for units on property adjoining the trail until the trail is under construction. @
- e. 4-99026, Condition 19, states A an \$80,000 payment-in-lieu of the construction of the trail south of Outparcel H shall be provided to DPR prior to issuance of 1,801st building permit. @

In addition to conditions for trail development the following conditions related to parkland development that affect above preliminary subdivision plan:

- a. CDP-9706, Condition 36, states A The applicant shall rough grade the land dedicated to the M-NCPPC on the east and west sides of the development, and shall seed and stabilize those sites as needed; and

A Construct on Parcel T prior to 1200th building permit:

- Aa) Softball field
- Ab) Football/soccer field

A Construct on Parcel U prior to 600th building permit:

- Aa) (2) softball fields
- Ab) (2) football/soccer fields @

Additionally, the plan shows a WSSC easement through land to be dedicated to M-NCPPC, and a variation is requested to allow the disturbance. Staff supports the variation to allow the sewer connection, but recommends the easement be removed from the preliminary plat and that all work be permitted through the park permit process.

- 6. Trails C Previous approvals have required both public and private trails in and around Beech Tree. The applicant will be required to provide trails in Beech Tree in accordance with the Adopted and Approved Subregion VI Master Plan and the previously approved Comprehensive Design Zone, A-9763-C, Comprehensive Design Plan, CDP-9706, and

Preliminary Plats 4-98063, and 4-99026.

7. Transportation C On September 9, 1999, the Prince George's County Planning Board approved Preliminary Plat 4-99026 (PGCPB 99-154) which included 698 dwelling units within the Beech Tree subdivision. While that approved application represented 698 dwelling units, the applicant's traffic study findings and analyses were based on the build-out of the entire 2,400 units. In the transportation staff referral for 4-99026 as well as the traffic study, the findings of adequacy were based primarily on Capital Improvement Program (CIP) funded improvements along US 301 as well as monetary contribution from the applicant. For the subject application, the applicant has not provided any new traffic analyses, but rather relied on the previously submitted traffic study that was used in preliminary plat 4-99026. Since the improvements along US 301 are still listed in the current CIP as fully funded, and the applicant is still willing to make a pro rata contribution toward the improvements along US 301, staff recommends that the subject application be approved with all the transportation conditions outlined in the Prince George's County Planning Board Resolution 99-154 for Preliminary Plat of Subdivision 4-99026 with the exception of Condition 17(c) and Condition 18.

The two exceptions are based on the following facts and circumstances:

Condition 17c, PGCPB No. 99-154

Prior to the issuance of any 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:

MD 193/Oak Grove Road Relocated Intersection

- (1) The applicant shall provide a half section of realigned MD 193 from the northern end of the proposed half section within Perrywood to connect to the existing MD 193 north of the realigned Oak Grove Road**
- (2) The extension of the realigned Oak Grove from the end of Perrywood's construction, to the realigned MD 193. The realignment of MD 193 and Oak Grove Road shall provide a thru- and a right-turn lane at the northbound approach, a thru- and a left-turn lane at the southbound approach and a separate left- and right-turn lane on the westbound approach.**
- (3) Provide for the installation of a traffic signal.**

Based on the County's CIP Project FD669781, Watkins Park Road (MD 193) is being re-constructed on its master plan alignment from Keverton Drive to Water Fowl Way. This CIP project, which is funded and under construction, will obviate the need for all of the provisions in Condition 17(c) of PGCPB 99-154.

Condition 18, PGCPB No. 99-154.

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.

On June 8, 2000, the Planning Board approved SDP-9907, which represented the first 130 residential units of the Beech Tree subdivision. As part of that application, the applicant submitted to staff a *Beechtree Staging Report* which identified the number of units and access locations of each phase of development to occur pursuant to PGCPB 99-154. Consequently, Condition 18 of PGCPB 99-154 has been satisfied.

Based on the foregoing discussion, the Transportation Planning Section concludes that adequate transportation facilities will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with similar conditions to those attached to previous approvals.

8. Schools C The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Percentage of Capacity
Patuxent Elementary School	1654 SFD	0.22	363.88	739	0	1102.88	516	213.74%
James Madison Middle School	1654 SFD	0.08	132.32	1102	0	1234.32	864	2142.86%
Frederick Douglass High School	1654 SFD	0.13	215.02	1777	0	1992.02	1200	166.00%

Source: Prince George's County Planning Department, M-NCPPC, January 2000

Since the affected Patuxent Elementary, James Madison Middle and Frederick Douglass High Schools= projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$4,240.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) states that if any affected school=s projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

9. Fire and Rescue C The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Road, has a service response time of 5.25 minutes, which is within the 5.25-minute response time guideline for Parcel V Block Y Lots 1-35; Parcel O Block Z Lots 1-15; Parcel R-4 Block U Lots 1-2, Block P Lots 17-23 Block O Lots 1-11 and Block N Lots 1-14, 50, 57; Parcel R-5 Block V Lots 1-17. All other parcels, blocks and lots are beyond the response time guidelines.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Road, has a service response time of 6.25 minutes, which is within the 6.25-minute response time guideline for Parcel H Block MM Lots 226-235, Block NN Lots 350-354, 369-372; Parcel R-8 Block X Lots 1-46, Block N Lots 1-179, Block O Lots 1-11, Block P Lots 1-49 Block Q Lots 1-21, Block T Lots 1-87 and Block U Lots 1-18; Parcel R-5 Block V Lots 1-17; Parcel V Block Y Lots 1-35; Parcel O Block Z Lots 1-15; Parcel N Block AA Lots 3-11 and Block Z Lots 16-29; Parcel M Block AA Lots 1,2, 12-19, Block BB Lots 1-17 and Block Z Lots 30-51. All other parcels, blocks and lots are beyond the response time guidelines.
 - c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Road, has a service response time of 7.25 minutes, which is within the 7.25-minute response time guideline for Parcel L Block CC Lots 1-32; Parcel M Block BB Lots 1-17, Block Z Lots 30-51, Block AA Lots 1,2 , 12-19, Parcel N Block AA Lots 3-11 and Block Z Lots 16-29; Parcel O Block Z lots 1-15; Parcel V Block Y Lots 1-35; Parcel R-5 Block V Lots 1-17; Parcel R-8 Block X 1-46; Parcel R-4 Block N 1-179, Block O Lots 1-11, Block P Lots 1-49, Block Q Lots 1-21, Block T 1-87, Block U Lots 1-18; Parcel H Block NN 1-373, 1-211 and 226-393, Block MM Lots 1-235, Block DD Lots 94-129, Block HH

Lots 1-11, Block LL 9-80, Block KK Lots 1-48 and Block JJ 1-39. All other parcels, blocks and lots are beyond the response time guidelines.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

Condition 3 of the approved Comprehensive Design Plan (CDP-9702) requires the Countywide Planning Division to calculate the amount of the contribution required to constitute the applicant's fair share toward the provision of the proposed Leeland Road Fire Station and an ambulance to alleviate the above inadequacies. As established when the Planning Board approved Preliminary Plat 4-98063 for the golf course and Preliminary Plat 4-99026 for the first residential phase, staff recommends that the applicant provide a fee of \$71.76 dollars (which is based upon the \$69 fee established by 4-98063 and four percent inflation factor from November 1998 to June 2000) for each of the 4,647.74 residents proposed in the 1,654 dwelling units. The total payment will be \$333,521.82. As in Preliminary Plat 4-99026, payment may be made prior to the issuance of building permits for each dwelling unit. The payment of \$201.65 (\$333,521.82 / 1,654 dwelling units) per dwelling unit should be provided prior to issuance of building permits. The fee amount is based upon the construction cost of the station (\$2,500,000) and the purchase price of the ambulance (\$120,000) times the inflation factor, divided by the total amount of population and employees (37,767) within the service area at buildout. The service area includes those areas that are currently unserved within the response time standards of the proposed Leeland Road Station.

10. Police Facilities C The proposed development is within the District II-Bowie police service area. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, staff concludes that the existing County police facilities will be adequate to serve the proposed Beech Tree development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department C The Prince George's County Health Department reviewed the application and offered the following comments:

The existing residence/office is served by a well and septic system. When the well and septic system become abandoned, the well must be backfilled and sealed in accordance with Code of Maryland Regulations 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department, Environmental Engineering Program. Verification must be provided to the Health Department indicating the septic tank had been backfilled after being scavenged by a licensed scavenger. Note 26 needs to be changed to correctly identify the existing wells on site. (This note has been changed.)

The golf course will be irrigated from a pond, which will be recharged from a deep drilled well. Please locate the irrigation pond and the well used in its

recharge. This is vital to assure that a well head protection area is established around the well.

Existing structures still remain on site. Please locate these structures on the preliminary plan and denote as to whether they will remain or be razed.

Staff concur. If the irrigation pond and well head will affect the lots on the subject portion of the property, their location must be shown on the preliminary plat.

12. Stormwater Management C The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. At the Comprehensive Design Plan stage, Stormwater Management Concept Plan #958009110 was approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Public Utility Easement C The required 10-foot Public Utility Easement is shown on all roads within the subdivision. This easement will be included on the final plat.
14. Historic Preservation C Historic Preservation Section staff has commented on each of the previous development plans:

A-9763 (Basic Plan, December 1988) C Staff pointed out that Beechwood, recommended for Historic Site designation, was located on a 5.6-acre Environmental Setting, adjoining but not included in the developing property. Staff recommended that the developer consider moving the burials from the three cemeteries (of the Hilleary, Hodges and Smith families) located on the larger developing property into one location, if approval can be secured; that archaeological work be undertaken and a report be prepared for the site of Pentland Hills (Historic Site #79-38); and that historic names be incorporated into the development. Basic Plan A-9763 C (with conditions) was approved as Final Conditional Zoning Approval 61-1989 in October 1989.

A-9763 C (Basic Plan revision February 1994) Historic Preservation staff commented that Beechwood, by this time a designated Historic Site (#79-60), was located in the LAC; it was recommended that the cemeteries located on the developing property be consolidated either at the site of one of them (the Hodges family graveyard) or off-site. Staff noted that Phase I and Phase II of the archaeology had been completed (as required in Condition #5 of Zoning Ordinance #61-1989) at Pentland Hills, but that a report must be submitted, with a copy to the Historic Preservation Commission. Staff noted that an Historic Area Work Permit will be required for removal of the Pentland Hills ruins. Finally staff recommended that a security program should be planned for the protection of Beechwood. (This revised Basic Plan was not approved by Council.)

Comprehensive Design Plan 9706 (December 1997) C Staff recommended that the Hilleary, Hodges and Smith family cemeteries be shown on the Beech Tree plans, and that any plans regarding disposition of these burials be referred to the Historic Preservation Section. Applicants must follow guidelines in Article 27, #267 of Annotated Code of Maryland, and Subdivision Regulations 24-135.2. Applicants must also submit (with a copy to the Historic Preservation Section) a report on Phase I and II archaeology at the Pentland Hills site, and must apply for an Historic Area Work Permit for removal of the Pentland Hills ruins. Regarding the Beechwood Historic Site, applicants must confirm or request change to the Environmental Setting, provide a landscape plan for the Environmental Setting, ensure that the Beechwood house is occupied and secured throughout the development process, and prepare a security plan for future preservation.

SDP-9803 (May 1998) C Staff pointed out several errors and omissions in the Specific Design Plan, and recommended that the following graphic additions be required: that the Pentland Hills Historic Site (79-38) be shown on the SDP plats; that the three cemeteries (Hodges, Smith and Hilleary families) be shown on the SDP plats; and that the Beechwood Environmental Setting be shown on the SDP plats as required. Staff also commented that the Phase I/II Archaeological report on the Pentland Hills Site must be reviewed by the Historic Preservation Section for sufficiency, and that the Historic Preservation Section must be informed of plans for incorporating any of the cemeteries into the development plans; staff also reiterated the requirement that, if the applicants propose to demolish the barn located within the Beechwood Environmental Setting, they must either apply for a demolition permit through the standard Historic Area Work Permit process, or apply to the HPC for a change in the boundaries of the Environmental Setting. **(The Phase I/II Archaeological report on the Pentland Hills Site was reviewed by Historic Preservation Commission staff in May 1998 and determined sufficient.)**

Preliminary Plan 4-98063 (October 1998) C Historic Preservation staff pointed out errors in the identification of two cemeteries within this plan, and made recommendations for correction; the revised plan incorporated these corrections. Staff also pointed out that applicants must apply for an Historic Area Work Permit for the demolition of (a) the Pentland Hills Ruins and (b) the barn within the Beechwood Environmental Setting.

- (a) An Historic Area Work Permit (#13-98) for demolition of the Pentland Hills Ruins was issued by the Historic Preservation Commission on December 15, 1998. Conditions (to which the applicants agreed) are donation to the *Newel Post* of any recyclable features; providing information on historic Pentland Hills through the installation of interpretive plaques and the preparation of a brochure; and structural replication *in situ* of the footprint of the Pentland Hills plantation house.

- (b) An Historic Area Work Permit (#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. Conditions (to which the applicants agreed) are before issuance of a grading permit for Hole 13 of the golf course, the owner of Beechwood shall draft and sign an Historic Property Security Agreement for the Beechwood Historic Site; the applicant will complete Phase II archaeology for areas affected by grading and submit findings to the Historic Preservation Commission for review. (A security agreement was drafted and signed by the applicant in August 1999 and awaits action by the M-NCPPC.)

Preliminary Plan 4-99026 (May 1999) C This subdivision showed the large golf course planned for this developing community. In regard to the demolition of the Pentland Hills Historic Site, preservation staff recommended that the applicants work with staff regarding donation to the *Newel Post* of recyclable architectural features from the house and/or outbuildings, prepare an informational plaque and brochure, and install a structural replication of the footprint of the **Pentland Hills** plantation house, all in conformance with HAWP #13-98. Staff also recommended the signing of an Historic Property Security agreement for the Beechwood Historic Site before issuance of a grading permit for Hole 13 of the golf course, and the completion of Phase II archaeological work within Beechwood's Environmental Setting.

SDP-9907 (December 1999) C This SDP involved parts of the larger Beech Tree development that are not close to the Beechwood Historic Site. Historic Preservation staff recommended clearer indications of the boundaries of the Historic Site Environmental Setting and completion of the bufferyard requirements along those boundaries.

With regard to the current application, staff notes that Preliminary Plat Sheet 7 shows Historic Site 79-60 (Beechwood); the proposed development in this area will have no adverse effect on the Historic Site. The Hodges, Smith and Hilleary family graveyards are correctly shown on the plan (on Sheets 5, 6 and 7 respectively). Sheet 10 should indicate the location of the site of Historic Site 79-38 (Pentland Hills), but does not. An Historic Area Work Permit (#13-98) for demolition of the Pentland Hills Ruins was issued by the Historic Preservation Commission on December 15, 1998. Conditions of this permit approval include the installation of an interpretive sign, and the structural replication *in situ* of the footprint of the Pentland Hills plantation house. The location of this planned replication is not shown on the plan.

15. **Urban Design Issues-** The applicant has taken into consideration the design issues specified in Condition 19 regarding views from arterial and collector roadways in designing the layout of the subdivision. However, special attention must be paid to develop some of the subdivisions according to neotraditional layout patterns.

Lots 222 to 235 are very close to the Leoning property line (Sheet 6). As proposed, sufficient area is not available between the lots and the property line to provide landscape screening and buffering from the adjacent properties. The lots must be setback a sufficient distance from the property line to provide landscape buffering. A landscape buffer must be provided along Presidential Golf Course Drive and the Bowling Heights property line (Sheet 9) for buffering from the adjacent properties.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with Circuit Court for Prince George=s County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:ldg