

R E S O L U T I O N

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 January 3, 2008, regarding Specific Design Plan SDP-0619 for Bealle Hill Forest, the Planning Board finds:

1. **Request:** The subject application is for approval of 79 single-family detached dwelling units in the R-L Zone. Included in the application are the site plans, landscape plans, and architectural elevations.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-L	R-L
Uses	Vacant	79
Acreage	101.44	101.44
Single-family detached units	0	79
Single-family attached units	0	0
Total	0	79 Single-family detached

3. **Location:** This development is located on the north side of Berry Road, southeast of Manning Road East, and west of Bealle Hill Road, in Planning Area 84 and Council District 9. The site is undeveloped and predominately wooded.
4. **Surroundings and Use:** The surrounding properties are zoned R-R and R-A and are developed with single-family residences. The Bellevue National Historic Site is located central to the site and is surrounded on three sides by the subject property. A long driveway to the historic site from Menk Road bisects the northern portion of the property.
5. **Previous Approvals:** On September 14, 1993, the District Council approved the Subregion V Master Plan and Sectional Map Amendment (SMA), which included the Comprehensive Design Zone Application A-9874 for the subject property. This action rezoned the property from the R-A Zone to the R-L Zone for the subject property as stated in Council Resolution CR-60-1993 with 13 conditions and four considerations. Subsequent to the rezoning of the property to the R-L Zone, the southern 53.5 acres of the site were sold to the Maryland State Highway Administration in association with the construction of MD 228.

On February 26, 1998, the Planning Board approved Comprehensive Design Plan CDP-9503.

On June 30, 2003, the Planning Director approved a request to revise the basic plan to reduce the size from 155 to 102.44 acres and to reduce the development potential from 155 to 82 single-family detached units, in accordance with Section 27-197(a)(5).

On February 15, 2007, the Planning Board approved Preliminary Plan of Subdivision 4-06069.

6. **Design Features:** The project has three distinct portions of the land area proposed for development, the first pod being located at the northern most end of the property, with service from Manning Road near its intersection with Menk Road. The second area is accessed from an existing subdivision street known as Farm House Road. The third portion of the development is accessed from another existing subdivision street, known as Rolling Tree Road. The plan proposes a large lot development component within the southern portion of the site, in accordance with the purposes of the R-L Zone.

The following recreational facilities are included within the project:

One tot-lot
One preteen lot

ARCHITECTURAL MODEL DATA

The following architectural models for Ryan Home products are proposed:

Model	Base Finished Area (Sq. Ft.)*
*Avalon	2,935
*Balmoral	3,983
*Waverly	3,187
*Oberlin	2,632
Monarch	4,948
Savoy	1,944
Tolstoy	3,596
*Courtland	2,877
*Highgrove	3,576
Victoria	2,909
Zachary	2,249

*Units reviewed and approved by the Historic Preservation Commission

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9874:** This case rezoned approximately 155 acres of land in the R-A Zone to the R-L Zone. The following conditions were attached to the approval and warrant discussion:

1. **Prior to the issuance of building permits, the applicant shall resurface Menk Road from its intersection with MD 373 to the applicant's property line.**

Comment: This condition requires the resurfacing of Menk Road. This condition is enforceable at the time of building permit.

2. **The applicant shall complete a traffic signal warrant study for the intersection of MD 373 and Bealle Hill Road (south) at the time of Specific Design Plan (SDP). If a traffic signal is found warranted at that time by the State Highway Administration (SHA), then the applicant shall be responsible for his pro rata share of the costs for the design and construction of the traffic signal. The pro rata share shall be based upon the applicant's percentage contribution to peak hour traffic. Prior to the issuance of building permits, if said traffic signal has not been constructed, the applicant shall pay his pro rata share of the costs of the traffic signal to the appropriate governmental agency.**

Comment: This condition requires the completion of a traffic signal warrant study at the intersection of MD 373 and Bealle Hill Road (southerly intersection). This study was submitted and is under review by the State Highway Administration as of November 16, 2007.

3. **At the time of Specific Design Plan, if MD 228 Relocated has been constructed and opened to traffic between MD 210 and the Charles County line, and assuming that traffic patterns on MD 228 Relocated have stabilized to the satisfaction of the SHA, then the applicant shall complete a traffic signal warrant study for the intersection of MD 228 Relocated and Bealle Hill Road. If SHA determines that a signal is warranted, then the applicant shall be responsible for his pro rata share of the cost, based on the applicant's percentage contribution to peak hour traffic, for the design and construction of the traffic signal. Prior to the issuance of building permits, if said traffic signal has not yet been constructed, the applicant shall pay his pro rata share of the costs for the traffic signal to the appropriate governmental agency.**

Comment: This condition requires, if MD 228 has been constructed and opened to traffic, that a traffic signal warrant study at the intersection of MD 228 and Bealle Hill Road be completed. MD 228 is open to traffic, and that signal has long been installed and operational. This condition is no longer applicable.

4. **A buffer area of 100 feet (including the rural lane) shall be established surrounding the Bellevue Historic Site to protect the view from the historic site. Future Comprehensive**

and/or Detailed Site Plan and subdivision plans shall permit the creation of an outlot for the purpose of conveyance to the owner of the historic site.

Comment: The subject specific design plan application is in compliance with the establishment of a 100-foot-wide buffer surrounding the Bellevue Historic Site.

- 5. Immediate access, beginning at the outside edge of the buffer, to Bellevue should remain as a rural lane rather than being finished as a subdivision street.**

Comment: The required 100-foot buffer surrounding the Bellevue Historic Site is depicted on the submitted plans, which also call for the retention of the historic entry lane to Bellevue to be maintained as a rural unpaved lane.

- 6. At the time of Specific Design Plan, the applicant shall address siting, height, size, style, design, and materials for units adjacent to Bellevue for the purposes of insuring compatibility with the historic site.**

Comment: In compliance to Condition 6, the submitted application also includes sight-line studies of the views from the Bellevue Historic Site to adjacent new construction. The submittals demonstrate that although the historic site and the proposed architectural elevations share similar elevations, existing intervening woodland within the 100-foot buffer will substantially obscure the view of the new construction for much of the year

- 7. Prior to approval of the Phase II Comprehensive Design Plan, a Type I Tree Conservation Plan shall be submitted to the Natural Resources Division for review. A minimum of 25% of the net tract area shall be placed in a conservation easement.**

Comment: A Type I Tree Conservation Plan, TCPI/087/95, was approved with CDP-9503.

- 8. A stormwater concept plan shall be approved by the Watershed Protection Branch of the Department of Environmental Resources prior to the approval of the Phase II Comprehensive Design Plan (CDP).**

Comment: A approved stormwater management concept plan, CSD 988004150, was approved prior to the approval of the CDP.

- 9. In conjunction with the approval of the CDP, buffers shall be established along all perennial streams and wetlands in accordance with criteria set forth in Section 24-130 of the Prince George's County Code.**

Comment: The Type I Tree Conservation Plan, TCPI/087/95, approved with CDP-9503 shows all of the buffers required by Section 24-130 of the Subdivision Regulations.

- 10. A 100-year floodplain study shall be approved by the Watershed Protection Branch of the Department of Environmental Resources prior to the approval of the Phase II Specific Design Plan. The study should include proposed ultimate channel conditions.**

Comment: A 100-year floodplain study, FPS 200454, approved by Prince George's County on June 17, 2005 was submitted with this application. This study is based upon the ultimate land-use conditions. The limits of the 100-year floodplain are correctly shown on the SDP and TCP II.

- 11. The applicant shall establish a 50-foot buffer from the 100-year floodplain and the 100-year water surface elevation of proposed stormwater management ponds to lot lines.**

Comment: The SDP and TCP II show buffers to lot lines from the 100-year floodplain and the 100-year water surface elevation of proposed stormwater management ponds of at least 50 feet.

- 12. The applicant shall provide 7.77 acres of public parkland suitable for active recreation in the southwest quadrant of the subject property.**

Comment: On June 30, 2003, the Planning Director approved a revision to the basic plan to reduce the size of the basic plan from 155 to 101.44 acres of land, which subsequently reduced the development potential from 155 to 82 single-family detached units. In the reduction of the basic plan, the area of land referred to in the condition above was deleted from the application. The reason for the reduction of the basic plan was because the area of land located south of MD 228 was conveyed to the State of Maryland.

- 13. No dwelling units may be constructed unless and until the Board of Education finds adequate capacity for affected schools as identified by the Board of Education.**

Comment: This condition has been superseded by current adequate facility laws that require a payment at the time of building permit issuance. The 2007 fiscal year numbers for residential surcharge payments for schools is \$13,151.00 per unit for this location.

Considerations:

- 1. Protection of specimen trees shall be a design consideration of the CDP.**

Comment: Specimen trees were identified on the forest stand delineation and are proposed to be preserved to the extent possible. Eighteen of the 26 specimen trees on this portion of the property are proposed to be saved.

- 2. The applicant shall consider the use of audible alarms, fencing, and private security to prevent crime during the construction phase of the project.**
- 3. The applicant shall consider establishment of a Neighborhood Watch Program and**

encourage membership of all residents.

Comment: Prior to signature approval of the plans, the applicant shall demonstrate conformance to the above, to the extent possible.

- 4. The applicant shall address specific screening in the buffer area along the Bellevue Historic Site in order to assure protection of the plantation house which is most proximate to the southern boundary.**

Comment: The additional landscape screening to be provided as shown on the landscape plan at the outer edges of the buffer will buffer the views into the lower portions of the new single-family detached units.

8. The amendment to the Basic Plan, A-9874-C/01 was approved with conditions required to be fulfilled prior to signature approval of the plans and do not warrant discussion.
9. **Comprehensive Design Plan CDP-0504:** Comprehensive Design Plan CDP-0504 was approved by the Planning Board on February 26, 1998. The following conditions of approval warrant discussion:
 - 1. The applicant shall provide 7.77 acres of public parkland suitable for active recreation in the southeast quadrant of the subject property (south of MD 228) or amend the Basic Plan to delete Condition 12 in accordance with Section 27-197 of the Zoning Ordinance.**

Comment: On June 30, 2003, the Planning Director approved a revision to the basic plan to reduce the size of the basic plan from 155 to 101.44 acres of land, which subsequently reduced the development potential from 155 to 82 single-family detached units. In the reduction of the basic plan, the area of land referred to in the condition above was deleted from the application. The reason for the reduction of the basic plan was because the area of land located south of MD 228 was conveyed to the State of Maryland.

- 3. Prior to approval of the preliminary plat of subdivision and the specific design plans, each plan must demonstrate conformance to Section 24-130 in regard to required buffers along perennial streams and wetlands.**

Comment: The approved preliminary plan, the SDP, and the TCPII show all of the features required by Section 24-130 of the Subdivision Regulations. Five impacts to these features were reviewed and approved by the Planning Board as part of the review of 4-06069. Impacts are discussed in detail in the Environmental Review section below in Finding 14.

- 4. Prior to specific design plan approval, a 100-year floodplain study, including the ultimate channel conditions, shall be approved by DER.**

Comment: A 100-year floodplain study, FPS 200454, approved by Prince George's County on June

17, 2005, was submitted with this application. This study is based upon the ultimate land-use conditions. The limits of the 100-year floodplain are correctly shown on the SDP and TCPII.

- 6. Prior to the issuance of building permits within the subject property, the following improvements at the intersection of MD 210 and MD 373/Livingston Road shall (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:**

- a. The construction of an eastbound right-turn lane along Livingston Road approaching the intersection.**
- b. The construction of a second left-turn lane from westbound MD 373 onto southbound MD 210.**

These improvements should be designed to the satisfaction of the DPW&T and/or the SHA.

Comment: This condition requires off-site road improvements at the MD 210/MD 373 intersection. These improvements have been superseded by and subsumed into Condition 8 of the preliminary plan. In any regard, this condition is enforceable at the time of building permit.

- 7. Prior to the issuance of building permits within the subject property, the following improvements at the intersection of MD 373 and Menk Road shall (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:**

- a. The construction of a westbound left-turn lane along MD 373 approaching the intersection.**
- b. The construction of a two-lane approach along northbound Menk Road approaching the intersection in order to provide exclusive left-turn and right-turn lanes.**

These improvements should be designed to the satisfaction of the DPW&T and/or the SHA.

Comment: This condition requires improvements at the MD 373/Menk Road intersection if deemed necessary by further study at the time of preliminary plan. Appropriate conditions were imposed regarding Menk Road and this intersection at the time of preliminary plan; therefore, there is no need to carry this condition forward.

- 8. The CDP shall be revised to reflect a street connection between the subject property and existing Farmhouse Road.**

Comment: This condition requires a street connection between the site and Farmhouse Road. This connection is reflected on the SDP.

- 9. The CDP shall be revised to reflect a street connection between the subject property and existing Rolling Tree Road.**

Comment: This condition requires a street connection between the site and Rolling Tree Road. This connection is reflected on the SDP.

- 10. Prior to the approval of a Preliminary Plat of Subdivision for the subject property, the applicant shall determine the alignment of a potential street connection across the adjacent Bellevue Subdivision (identified as property owned by Palumbo) to Bealle Hill Road. Prior to the approval of the Specific Design Plan, the applicant shall provide evidence that a Final Plat of Subdivision has been approved for the adjacent property reflecting the alignment and road connection to Bealle Hill Road. Prior to the release of the 55th building permit for the subject property, the road shall be constructed in its entirety and open to traffic.**

Comment: The preliminary plat of subdivision and the SDP revised the layout from what was shown on the CDP and removes a connection to Bealle Hill Road, therefore, this condition is no longer applicable.

- 11. Prior to the issuance of any permits which impact wetland buffers, streams, Waters of the U.S. or Waters of the State, the applicant will provide the Natural Resources Division with evidence that all Federal and State approvals have been obtained.**

Comment: This condition will be carried over as a condition of this approval.

- 12. Prior to the approval of a Preliminary Plat of Subdivision, the wetlands shall be flagged in field on lands north of MD 228.**

Comment: The wetlands were flagged in the field prior to submittal of the preliminary plan. The wetlands are shown on the specific design plan and the Type II tree conservation plan.

- 13. Noise related impacts will be fully determined at the time of SDP submittal. The plan may require mitigation measures for habitable structures identified within noise contours above 65 dBA (ldn).**

Comment: A noise study addressing traffic-generated noise from Berry Road was reviewed as part of 4-06069. Noise impacts are discussed in detail in Finding 14 below, in the Environmental Review section.

- 14. All future submittals shall identify the historic site as Bellevue Historic Site (#84-20) either in a text reference or on a drawing and indicate the acreage of the**

Environmental Setting as well as the acreage of any buffering land to be conveyed to the owner of the Historic Site, which would enlarge the Environmental Setting.

Comment: Although the subject application identifies the “Bellevue National Historic Site, 84-020,” all future references to the historic site should be corrected to identify “Bellevue, Prince George’s County Historic Site 84-020.”

- 15. All future submittals shall identify and locate any historic burials found within the Belle Oaks property. For any location within Belle Oaks Village which might contain burial grounds, appropriate means of protecting and securing the burials, such as appropriate fencing and lighting, shall be undertaken. If the burials are to be relocated, all applicable County and State regulations shall be followed.**

Comment: Condition 15 should be carried forward and included as a condition of approval for the subject application.

- 16. The proposed 100-foot buffer around the Historic Site shall be delineated on all future submittals.**

Comment: The subject application complies with Condition 16 and the requirement to delineate the 100-foot buffer surrounding the Bellevue Historic Site on all future submittals.

- 17. At the time of Specific Design Plan review, a review of proposed Urban Design Guidelines shall be conducted by the Historic Preservation Commission with reference to buildings and sites adjacent to or within view of the Historic Site. The purpose of this review is to ensure the use of traditional materials and construction methods including but not limited to the use of horizontal board siding, divided-light windows, window shutters, brick chimneys and traditional roof forms.**
- 18. Specific Design Plan review shall ensure that the architecture of buildings to be constructed on lots south of the Historic Site, north of the Historic Site and opposite its entry lane, and west of the Historic Site, are given detailed consideration. Special emphasis shall be placed on the design and materials of building elevations facing the Historic Site.**

Comment: The subject application complies with Conditions 17 and 18 of CDP-9503. The applicant has specified a series of house models that display traditional massing, scale and detailing executed with modern materials. The selection of exterior materials available to homebuyers reflects traditional color schemes and detailing. However, the submitted architecture should be revised to provide for: (1) no more than one brick type and color shall be used per building; (2) the use of only traditional two-panel louvered shutters, rather than the flat panel shutters shown in the submitted drawings; (3) all wood-burning fireplaces, if selected, shall be of masonry construction to match the brick of the façade or foundation; (4) gas fireplaces shall not employ exterior boxes and shall only employ an exterior vent.

- 19. In lieu of reforestation of the buffer area surrounding the Bellevue Historic Site (#84-20), at the time of Specific Design Plan (SDP) review, the applicant shall provide a detailed plant list, planting scheme and fence elevations for any supplemental plantings within the buffer area to ensure the compatibility within the adjacent Historic Site and its Environmental Setting. Plant materials used within the buffer area shall be substantial in size and character to ensure proper screening upon installation and during the course of construction adjacent to the Historic Site.**

Comment: The character of proposed fencing in the vicinity of the Historic Site will have a substantial impact on the character of the approach to Bellevue once the adjacent development is completed. All fencing should be of traditional design and materials typical of a rural and agricultural environment. Because the retention of the unpaved entry lane to the historic site is required, the character of fencing in the vicinity will become an important aspect of the new approach to the property. The fencing along the rear lot lines of Lots 5, 6, 7 and 8 in Block D should be of a single type, such as an unpainted board-on-board design that will screen the view to the rear yards of the adjacent new structures. Therefore, the submitted plans should be revised to include: (1) the design and materials of the proposed "split rail" livestock fence to ensure that it is of a traditional rural character compatible with the Bellevue Historic Site, and (2) the design and materials of a proposed unpainted board-on-board fence across the rear lot lines of Lots 5, 6, 7, and 8, and the side lot line of Lot 8 in Block D, to ensure that it is of a traditional rural character compatible with the Bellevue Historic Site. Landscaping is in accordance with the condition above.

- 21. Prior to the approval of the Specific Design Plan, brick entrance features shall be provided at all street entrances to the subdivision.**

Comment: The primary entrance features are shown on the plans at Manning Road. Secondary entrance piers are shown at Rolling Tree Road and Farmhouse Road.

- 22. Prior to the approval of the Final Plat of Subdivision, if the 100-foot buffer around the Historic Site is to be conveyed to the owner of the Historic Site, an easement shall be erected within the buffer, to protect the landscaping within the buffer and to prevent future subdivision of the 100-foot buffer area.**

Comment: Condition 22 should be carried forward and included as a condition of approval for the subject application.

- 24. All Specific Design Plans shall demonstrate a buffer of 50 feet between the 100-year floodplain and the limits of disturbance and between the 100-year water surface elevation of all stormwater management ponds and any lot lines.**

Comment: The SDP and TCPII show buffers to lot lines from the 100-year floodplain and the 100-year water surface elevation of proposed stormwater management ponds of at least 50 feet.

25. **The stormwater management (SWM) ponds shall be designed to fit harmoniously into the site by means by naturalistic contours and grading in keeping with the general topography of the site. The ponds shall be designed as an amenity with special attention to the appearance of landscaping and of inlet and outlet structures, which shall be clad with attractive masonry if they cannot be substantially screened from view from adjacent streets and dwelling units with berms and plants. If a dam is required for this SWM pond, the outlet structure shall be located in the dam embankment, if determined to be feasible by the Department of Environmental Resources.**

Comment: The grading proposed in the design of the stormwater management ponds fit well into the site and will appear naturalistic. In order to address the specifics relating to the inlet and outlet structures, the technical stormwater management plans should be submitted for review and approval prior to signature approval.

26. **The following condition shall be incorporated in the Type II Tree Conservation Plan to be submitted at the time of Specific Design Plan:**

Clearing of understory in the wooded common areas is permissible, providing all healthy plants greater than or equal to two inches in diameter at breast height remain intact. In addition, plant removal shall be performed manually, without the use of heavy machinery and/or chemicals that could threaten the tree's habitat.

Comment: This language does not reflect the requirements of the Forest Conservation Act, the state law upon which the local ordinance is based. It must be revised to reflect that invasive and exotic species can be removed, but not the understory.

Recommended Condition: Prior to certification of the SDP, the TCPII shall be revised to contain the following note: "Clearing of invasive or exotic plants in the understory in the wooded common areas is permissible. In addition, plant removal shall be performed manually, without the use of heavy machinery and/or chemicals that could threaten the tree's habitat."

10. **Preliminary Plan 4-05050:** The following relevant conditions of approval are included in bold face type below, followed by staff comment:

6. **The preliminary plan shall be revised to reflect the P-501 facility along the frontage of the subject property. The right-of-way dedication on this plan shall demonstrate 60 feet of right-of-way adjacent to Lot 7 of Eschinger. Either side of Lot 7 the right-of-way may transition back to a more conventional dedication of 30 feet from the property line.**

Comment: This condition requires that the preliminary plan be revised to adequately reflect the master plan alignment for P-501, a new primary residential street needed to connect this

neighborhood to MD 373. All existing streets connecting to MD 373 have substandard existing rights-of-way. Due to the placement of the existing residence on Lot 7 of Eschinger subdivision (owned by Melvin and Ana Alvarez, per the submitted specific design plan), additional dedication or acquisition cannot occur to complete the P-501 roadway without acquiring the entire lot. The condition clearly states that 60 feet of right-of-way must be demonstrated next to this lot, and the current revised plan shows a full 60 feet of dedication.

7. **Menk Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
 - a. **Provide needed improvements along Menk Road to allow two-way traffic per DPW&T standards, and provide needed lighting at the MD 373/Menk Road intersection.**

Comment: This condition requires the provision of needed safety improvements along Menk Road along with improved lighting at the MD 373/Menk Road intersection. This condition is enforceable at the time of building permit.

8. **MD 210 at MD 373: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
 - a. **Provide a right-turn lane, a through lane, and a double left-turn lane along the westbound approach to the MD 373/MD 210 intersection.**

Comment: This condition requires off-site road improvements at the MD 210/MD 373 intersection. This condition is enforceable at the time of building permit.

9. **Prior to the issuance of the first building permit for the Belle Oak Estates subdivision, the applicant, his heirs, successors or assigns shall:**
 - a. **Transfer ownership of Parcels B, D and F to The Archeological Conservancy in order to provide for the perpetual protection of this portion of Archeological Site 18PR290 (including Locus 1). This transfer acknowledges: (1) the existing right-of-way to the Bellevue Historic Site (84-020) that traverses Parcel F; and (2) the 100' limit of disturbance line within Parcel E along the northern property boundary with the Bellevue Historic Site (84-020).**

- b. Transfer ownership of Parcels C and E to the owner of the Bellevue Historic Site (84-020) in order to provide for the perpetual protection of that portion of Archeological Site 18PR290 known as Locus 2, and to ensure its continued association and conveyance with the Historic Site.**

Comment: This condition has been incorporated into the recommendation section of this report.

- 12. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**

Comment: The plans propose one tot-lot and one preteen lot. The plans should be revised to provide a pedestrian trail connection so that the future residents will be able to walk between the three sections of the development to access all the recreational facilities directly and conveniently.

- 13. The applicant shall allocate appropriate and developable areas for the private recreational facilities on Home Owners Association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the preliminary plan by the Planning Board.**

Comment: One of the playgrounds is located behind lots and is not visible from the street. This play area is located in the northern portion of the development, within Phase One of the project, and should be relocated from behind the rear of Lot 9 to a location near the stormwater management pond and within view from the street and the units proposed along Sweet Talie Road. This will provide for monitoring of the activities within the play area by neighbors and residents. Reconfiguration of Lot 9 will be required in order to achieve this result but should not result in a loss of lots.

Staff recommends a reconfiguration of the lotting pattern and the open space in order to incorporate the playground so it is visible from the street. Further, the plans do not clearly depict which of the playground areas are the tot-lot and the pre-teen. Likewise, it is important that the plans have properly sited age-appropriate equipment.

- 14. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**

Comment: This requirement is recommended as a condition of approval.

- 15. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

Comment: The RFA must include a timing element for the construction of the recreational facilities. The playground in the first phase of development (that area accessed via Manning Road) should be completed in phase with that portion of the development; therefore, a separate timing element should be established for that facility. A timing element for that playground would be reasonable to establish as prior to the release of the 17th building permit in the first phase. The other playground should be completed prior to the issuance of 50 percent of the building permits; i.e., prior to the 40th building permit overall.

11. **Zoning Ordinance:** The subject SDP is in general compliance with Sections 27-514.08 through Section 27-515.10, Purposes, Uses, Regulations, and Uses Permitted of the Zoning Ordinance for Development in the R-L (Residential Low) Comprehensive Design Zone.
12. **Landscape Manual:** The project is subject to the *Landscape Manual* provisions for Section 4.1, Residential Requirements. The Planning Board finds that the submitted landscape plans are in accordance with the relevant provisions of the *Landscape Manual* because the Subject Property will satisfy minimum planting requirements regarding trees.
13. **Woodland Conservation Ordinance:** The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved Type I Tree Conservation Plan.

The Forest Stand Delineation (FSD) indicates 17 forest stands totaling 111.90 acres and 28 specimen trees. The high number of forest stands is related to changes in land use. In 1938 much of the property was in agricultural use and the only significant woodland areas were associated with the stream valleys. By 1965 large areas had become woodland after the agricultural use was abandoned and a portion of the site was being actively mined for sand and gravel. The 1993 air photo shows that there were no active agricultural uses and the former fields and gravel pit site had reverted to woodland. The priority woodlands on the site are those associated with the stream valleys. The woodlands associated with the former mining area contain Virginia pines that are subject to windfall when a new edge is created by clearing; however, the TCP II shows the clearing of almost all of this problem area.

The Type II Tree Conservation Plan, TCP II/082/07, has been reviewed. The plan proposes clearing 46.86 acres of the existing 90.96 acres of upland woodland, clearing 0.19 acre of the existing 20.94 acres of woodland within the 100-year floodplain, and no clearing of woodland off-site. The woodland conservation threshold for the site is 25.72 acres and the woodland conservation requirement, based upon the proposed clearing, is 37.07 acres. The plan proposes to meet the requirement by providing 37.48 acres of on-site preservation. An additional 6.62 acres of woodland will be preserved on-site that is not part of any requirement.

Because this is a comprehensive design zone and the residential lots are small, no portion of any lot should be encumbered with a restrictive easement. Woodland conservation areas are restrictive because they severely limit the use of the land. Although the plan provides at least 40 feet of cleared

area behind every residential structure without clearing any part of any stream buffer, some woodland is retained on some of the lots. In order to give property owners on R-S-zoned lots full use of the small lots, all woodland on the lots must be calculated as cleared. The woodland conservation areas shown meet the intent of the Woodland Conservation Ordinance and the *Countywide Green Infrastructure Plan* by preserving almost all of the sensitive environmental features on the site and avoiding forest fragmentation.

Recommended Condition: Prior to certification of the SDP, the SDP and TCPII shall be revised to:

- a. Show 40-foot-wide easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Bealle Hill Road.
- b. Revise the plan to calculate all woodland on lots in the R-S Zone as cleared and revise the legend and the patterns to illustrate and label these areas.
- c. Revise the worksheet as needed.
- d. Have the revised signed and dated by the qualified professional who prepared the plan.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—The subject specific design plan, Bealle Hill Forest (formerly known as Belle Oak Estates and before that, Bellewood Preserve) includes 79 building lots within approximately 112.75 acres south of Livingston Road, east of Bealle Hill Road, and north of Berry Road near the Prince George's/Charles County boundary. The developing property surrounds on three sides (north, west and south) the Bellevue Historic Site (84-020) located at 200 Manning Road East, Accokeek. The historic site, which is accessed from the north by a long, unpaved lane, currently includes a largely wooded 5.1 acre environmental setting (Parcel 195, Tax Map 161). Bellevue is also listed in the National Register of Historic Places.

Bellevue, built c.1840, is a Tidewater-form frame plantation house with a side-hall and double-parlor plan and Greek Revival-style interior trim. The house is notable for its exterior brick chimneys and pent and its attached kitchen wing, probably built at the same time as the main block. The house was built for local planter John H. Hardisty and is an important example of the types of houses associated with successful early 19th-century plantations in the county. The house was built soon after Hardisty's purchase of a 450-acre farm in 1839. This land had been part of two early land patents, Strife and Ridge, and the identification of the property as Bellevue dates to Hardisty's purchase.

The subject specific design plan application identifies a series of street names for the community that bear little or no relationship to the history of the property or vicinity. The applicant should be directed to work with Historic Preservation staff to identify names for streets that more appropriately reflect the history of the property and its environs.

Archeological Review—The applicant has conducted investigations of the property in an effort to determine the location and existence of historic graveyards and other features of potential archeological interest.¹ Three archeological studies have been completed to date by Applied Archaeology and History Associates, Inc.: a Phase IA archeological archival study was completed in June 2004; Phase IB survey excavations were completed in July and August 2004; and more extensive Phase II archeological excavations were completed in June 2005.

- a. Four archeological sites were identified in the Phase I survey:
 - Bealle Hill Site (18PR290), an extension of a previously identified prehistoric site that yielded dense concentrations of prehistoric artifacts. Also, three historic structures and a possible historic cemetery were defined. Additional work was recommended, including remote sensing in the area of the possible cemetery and additional archeological excavations at the site.
 - Belle Oaks I (18PR717), a stand of cedar with associated vegetation interpreted as a possible historic period cemetery. Further work, including remote sensing, was recommended for this site.
 - Belle Oaks II (18PR718), a dense accumulation of paving stones, sheet metal, and canning jars, and is interpreted as a collapsed twentieth-century storage structure.
 - Belle Oaks III (18PR719), an Archaic Period [dating to 10,000–3,000 Before Present] prehistoric site with a cobble hearth on its surface. This site is located in the proposed open space and will not be affected by the proposed development.
- b. Subsequent to Phase II investigations and in consultation with the Maryland Historical Trust, sites 18PR717 and 18PR718 were determined to be part of and were subsumed into site 18PR290. Three loci within site 18PR290 were determined to be significant and worthy of protection.
 - *Locus 1* (an area 450 feet by 400 feet) is located north of the Bellevue Historic Site. This area is identified as a prime location for Archaic Period (10,000-3,000BP) occupation, and the artifacts included stone tools and the stone debris from tool making. The major portion of the site extends along a ridge above a tributary to Mattawoman Creek to the east of the entrance lane into Bellevue Historic Site and is located within Parcel F. A small portion of the site extends to the west of the entrance lane and lies within Parcel D. The applicant has agreed to donate Parcels D and F to the Archeological Conservancy, a nationwide nonprofit organization

¹ A 1897 deed for the property includes the following description: “360.91 acres of land called Bellevue formerly Strife and Ridge excepting two graveyards containing together ½ acre with exit and entry to and from the same.” Prince George’s County Land Records, JWB 40:603; 24 May 1897.

dedicated to acquiring and preserving the best of our nation's remaining archeological sites. Founded in 1980, it now has over 23,000 members. The organization's headquarters are in Albuquerque, New Mexico, and its Eastern Regional Office is located in Frederick, Maryland. Mr. Andrew Stout is the Conservancy's Eastern Regional Director, with responsibilities for acquiring and maintaining archeological sites along the eastern seaboard. The Conservancy protects sites by acquiring the land on which they rest and preserving them for posterity.

- The site directly south of Bellevue Historic Site (an area 600 feet by 125 feet) was identified as *Locus 2*. Excavations and a ground-penetrating radar (GPR) survey were conducted in this area. Prehistoric and late nineteenth and twentieth century artifacts, and a possible burial pit, were identified here. The GPR identified one anomaly that is a possible burial. The feature was left in place and was not disturbed. Locus 2 and the possible grave shaft lie within Parcel C. The applicant has agreed to transfer ownership of Parcel C to the owner of the Bellevue Historic Site in order to provide for perpetual protection of that portion of archeological site 18PR290.
 - *Locus 3*, located south of the Bellevue Historic Site (an area 300 feet by 125 feet), yielded stone artifacts and Woodland Period (3,000BP–approximately 1,600 AD) prehistoric ceramics. Locus 3 lies on another ridge south of Bellevue Historic Site and is an extension of a large prehistoric occupation on the eastern side of the Bealle Hill Forest property. This portion of site 18PR290 lies within Parcel B. The applicant has agreed to donate Parcel B to the Archeological Conservancy.
- c. The applicant has applied for an Army Corps of Engineers wetlands permit. Therefore, this project will have to be reviewed by the Army Corps of Engineers and the Maryland Historical Trust to assess its effects on historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.
- d. A draft report detailing the Phase II investigations on the Bealle Hill Forest property has not been received. This draft will have to be reviewed by Historic Preservation staff, the Maryland Historical Trust, and the Army Corps of Engineers.

Conclusions

- a. The three areas of Archeological Site 18PR290 identified as significant within the developing property should be protected through a measure consistent with the Planning Board's initiative to encourage preservation in place as the preferred alternative to disturbance of archeological resources. An appropriate measure would be the transfer of property to an entity or owner capable of ensuring protection in perpetuity. Therefore, Condition 9 of the approved preliminary plan of subdivision should be carried forward and included as a condition of approval for the subject application.

- b. Archeological Site 18PR290 (Loci 1 and 3): The Archeological Conservancy has agreed to the developer's proposed donation of Parcels B, D and F in order to protect two of the three identified significant areas of archeological site 18PR290. In accepting this donation, the Conservancy will acknowledge both the presence of the existing right-of-way to the Bellevue Historic Site and a 100-foot limit of disturbance line along the northern property boundary with the Bellevue Historic Site (84-020).
- c. Archeological Site 18PR290 (Locus 2): The applicant has agreed to transfer to the owner of Bellevue, Parcel C to the south of, and Parcel E to the north of and adjacent to the Historic Site's environmental setting. Parcel C is larger than the area referenced in the documents identifying two cemeteries historically associated with Bellevue. It is anticipated that Parcels C and E will formally become a part of the Bellevue Historic Site environmental setting by subsequent formal action of the Historic Preservation Commission.
- d. Archeological Site 18PR719: This archeological site is located in a conservation area, Parcel A, in the southwestern portion of the subject property. Parcel A will be dedicated to the Bealle Hill Forest Homeowners Association. A conservation easement will be placed over this parcel, ensuring the protection of the archeological site. This area is bordered by deep ravines and is inaccessible for any road. Therefore, the Archeological Conservancy did not request that this site be dedicated to their organization.
- e. The final Phase IA and Phase IB reports have been received and accepted by Historic Preservation staff. A draft copy of the Phase II report will be provided by the applicant to Historic Preservation staff, the Maryland Historical Trust, and the Army Corps of Engineers for their review and comment. Comments from all interested agencies will be addressed in the final report. Two copies of the final report will be provided to Historic Preservation staff and two copies will be provided to the Maryland Historical Trust.
- f. The Army Corps of Engineers and the Maryland Historical Trust will have to determine whether the applicant has complied with Section 106 of the National Historic Preservation Act.

Community Planning—The following was provided from the Community Planning Division for this case:

- a. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- b. This application is generally in conformance with the suburban estate and low density planned neighborhood land use recommendations of the 1993 Subregion V Approved Master Plan and SMA.

Transportation Planning Section— Access and circulation is acceptable and is consistent with the

preliminary plan. The subject property is required to make roadway improvements in the area pursuant to a finding of adequate transportation facilities made in 2007 for Preliminary Plan of Subdivision 4-06069 and in consideration of the findings and conditions associated with Basic Plan A-9874 and Comprehensive Design Plan CDP-9503. These findings were supported by a traffic study submitted in 2006. Insofar as the basis for the findings is still valid, and in consideration of the scope of this application, the transportation staff can make a finding that the subject property is in general conformance with the approved preliminary, comprehensive design, and basic plans. The Transportation Planning Section also finds that the subject application will be served by adequate transportation facilities within a reasonable period of time.

Subdivision Section—This site was the subject of Preliminary Plan 4-06069, which was approved by the Planning Board on January 11, 2007, for 85 lots and six open space parcels. The resolution of approval, PGCPB Resolution No. 07-010, was adopted by the Board on February 15, 2007. The preliminary plan approval will remain valid until February 15, 2009, or until a final plat is approved.

The subject SDP generally conforms to the preliminary plan. It proposes 79 lots and seven open space parcels. The lotting pattern is somewhat different than that shown on the approved preliminary plan but does not vary the development proposal to any significant degree. Lots 1-3 in Block A have been removed, as have six lots in Block C.

Of note is the newly created Parcel G that was previously part of lots along Street B. It is proposed to be conveyed to the adjoining historic site. This parcel is not depicted on the approved preliminary plan, but appears to be intended to provide a required buffer to the new development. Staff does not have a problem with this proposal, so long as it is clearly understood that the adjoining newly configured lots will not be required to be encumbered by a second buffer if Parcel G is now to be an “enlargement” of the historic site.

Public Facilities—The Historic Preservation and Public Facilities Planning Section has reviewed this specific design plan and made the following findings:

Fire and Rescue Service

The existing engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 5.04 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 5.04 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Allentown Fire Station, Company 47, located at 10900 Ft. Washington Road has a service travel time of 9.65 minutes, which is beyond the 7.25-minute travel time guideline.

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

Police Facilities

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District V Clinton.

School Facilities

The applicant is requesting approval for 79 dwelling units in this SDP application; these units are proposed to generate 19 elementary students, 6 middle school students, and 10 elementary school students.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

Transportation—The Transportation Section also reviewed the plans for pedestrian connections and recommends the following:

Street G and Street H are accessed via Manning Road and are completely separated from the rest of the development and proposed recreational facilities. Staff recommend the provision of a trail connection linking Street G with Farmhouse Road (Street E). This would allow for pedestrian access between the two portions of the development and allow residents along Streets G and H to access the

recreation facilities elsewhere in the development. A possible alignment of the trail connection is marked in red on the attached plan. This alignment connects the two streets while avoiding the environmental buffer.

SIDEWALK CONNECTIVITY:

Existing roads in the vicinity of the subject site are open section with no sidewalks. This includes Manning Road, Menk Road, and Bealle Hill Road (which abut the subject site) and Rolling Tree Road, which is shown continuing onto the subject property. The latest plans reflect sidewalk construction on both sides of all internal streets.

RECOMMENDATION:

- a. Provide standard sidewalks along both sides of all internal roads unless modified by DPW&T.
- b. Provide a six-foot-wide asphalt trail connection between Street G and Street E. This trail shall be constructed completely on HOA land, including minimum 15-foot-wide open space windows between lots on both streets.

Environmental Planning—The Environmental Planning Section has reviewed the revised specific design plan for Belle Oaks Estates, SDP-0619, and the Type II Tree Conservation Plan, TCPII/082/07, stamped as received by the Environmental Planning Section on November 16, 2007. The Environmental Planning Section recommends approval of SDP-0619 and TCPII/082/07 with conditions.

The Environmental Planning Section previously reviewed applications A-9874 and CDP-9503 for the subject property. A Type I Tree Conservation Plan, TCPI/087/95, was approved with CDP-9503. Preliminary Plan 4-06069 and TCPI/87/95-01 were approved with conditions by PGCPB Resolution No. 07-10. The current application is for 79 single-family homes and private recreational facilities in the R-A and R-L Zones.

The 112.75-acre property in the R-A and R-L Zones is located on the north side of Berry Road and west of Bealle Hill Road. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. Berry Road, a designated expressway, is an adjacent source of traffic-generated noise. The proposed development is not a noise generator. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species on this property or on adjacent properties. Bealle Hill Road is a designated historic road. This property is located in the Mattawoman Creek watershed in the Potomac River basin. The site is in the Developing Tier according to the adopted General Plan.

Environmental Review

- a. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Leonardtown, Mattapex, and Sunnyside series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey."

Maps prepared by the Maryland Geological Survey indicate that portions of the property were mined before 1973. These gravel pit areas are of concern. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability was submitted. The soils report is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations.

A preliminary geotechnical report, dated July 30, 2003, was submitted with the preliminary plan and an addendum was received on March 3, 2006. The report notes an area of 6.5 feet to more than 10 feet of fill associated with the former sand and gravel pit. The report notes that the existing fill materials are not suitable to serve as pavement subgrades and should be removed and replaced with controlled fill.

Comment: This information is provided for the applicant's benefit. The Prince George's County Department of Public Works and Transportation will require a soils report in conformance with CB-94-2004 during the permit process review.

- b. Berry Road, a designated expressway, is an adjacent source of traffic-generated noise. For residential uses, outdoor activity areas must have noise levels of 65 dBA Ldn or less to be in conformance with Maryland standards. The outdoor activity areas on the impacted lots are the areas within 40 feet of the rears of the affected houses. The interiors of all structures must have noise levels of 45 dBA Ldn or less to be in conformance with state standards. The model used by the Environmental Planning Section is not an appropriate model to predict the location of the 65 dBA Ldn noise contour because it does not account for the type of topography on this site. The unmitigated 65 dBA Ldn ground level noise contours and the 65 dBA Ldn upper level noise contours are shown on Preliminary Plan 4-06069 and TCPI/87/95-01.

Based upon the layout shown on the TCPI, there will be no significant impact from traffic-generated noise on any of the proposed outdoor activity areas. Based upon the layout shown on the TCPI, there will be significant impact from traffic-generated noise on the upper levels of proposed Lots 2-8, Block A; however, this can be mitigated with use of proper building materials.

The approval of 4-06069 requires that the following note be placed on the final plat:

"Prior to the approval of all building permits for lots with the 65 dBA noise contour associated with traffic-generated noise from Berry Road, a certification by a professional engineer with competency in acoustical analysis shall be placed on the

building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.”

By a slight reconfiguration from the layout shown on 4-06069, the SDP has eliminated the lots that could be impacted by traffic-generated noise.

Comment: No further action regarding traffic-generated noise is required.

- c. Bealle Hill Road is a designated historic road. Development will have to conform to “Design Guidelines and Standards for Scenic and Historic Roads.” A visual inventory was not submitted; however, the appropriate treatment for development along this type of roadway was established during the approval of recent subdivisions. The preliminary plan and Type I tree conservation plan show a 40-foot scenic easement adjacent and contiguous to the proposed ten-foot public utility easement along the land to be dedicated for Bealle Hill Road. These easements will serve to preserve the scenic nature of these roads. No disturbance to these areas is proposed. The easements are not shown on the SDP or TCPII.

Recommended Condition: Prior to certification of the SDP, the SDP and TCPII shall be revised to show a 40-foot-wide easement adjacent to the 10-foot-wide public utility easement parallel to the land to be dedicated for Bealle Hill Road.

- d. An approved Natural Resource Inventory (NRI), NRI/110/05, was submitted with the preliminary plan. There are streams, wetlands and 100-year floodplain on the property. A wetland delineation report and certified copy of a jurisdictional determination are included in the NRI. The 100-year floodplain is based upon a floodplain study, FPS 200454, prepared by the Prince George’s County Department of Environmental Resources. The NRI shows all sensitive environmental features and buffers required by Section 24-130 of the Subdivision Regulations. The expanded stream buffers, as delineated on the NRI, are correctly shown on the SDP and the Type II TCP.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require approved variation requests to the Subdivision Regulations.

Five proposed impacts were granted variations to the requirements of Section 24-130 by the Planning Board in the review and approval of 4-06069. Two proposed impacts were to expanded stream buffers for stormdrain outfalls and three proposed impacts were for the

connection of the proposed subdivision to existing sanitary sewer lines that are wholly within expanded stream buffers. The SDP shows a reduction to only two impacts: one for the connection to the existing sanitary sewer line and one for a stormwater management pond outfall. This design reduces the overall impacts to the regulated features.

The applicant is required to obtain all required federal and state permits prior to the issuance of any permit that impacts wetlands or wetland buffers.

- e. A stormwater management concept approval letter, CSD 40912-2004-00, has been issued by the Prince George's County Department of Environmental Resources and was submitted with this application. The stormwater management facilities shown on the SDP and TCPII are consistent with the approved CSD.

15. **Urban Design**—In the review of the plans by the Transportation Section, it was determined that a 60-foot-wide right-of-way is required at the rear of Lots 14-17, near Manning Road. In order to buffer private rear yards from the existing intersection and the future roadway, staff recommend that the plans be revised to relocate the houses on Lots 3 and 17. Lot 17 should be revised so the front of the unit faces Sweet Talie Lane. If the adjustment of lot lines is necessary to provide adequate usable rear yard for Lot 17, this too should be accommodated in the revised plans. The house location on Lot 3 should also be revised so the front of the unit faces Manning Road, or so it is oriented to the intersection to conceal the rear yard from the view from Manning Road. Staff also recommend additional landscaping be incorporated along the rear of Lots 14–17. Landscaping should consist of a mix of deciduous and evergreen materials along the rear of Lots 14-16, where woodland does not exist.

In order to blend the new homes with the surrounding existing development along Manning Road, the units should reflect a similar setback as existing homes along the same street. The unit on Lot 1, within the first phase of the development, should be set back a minimum of 45 feet from the right-of-way to transition of the building line. Lot 2 should be set back a minimum of 35 feet from the future right-of-way.

16. As required by Section 27-528 of the Zoning Ordinance, the Planning Board must make the following findings prior to approval of the specific design plan:

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

Comment: SDP-0619 conforms to the requirements of approved Comprehensive Design Plan CDP-9503 as approved by the Prince George's County Planning Board, as discussed more fully in Finding No. 9, above, and the applicable standards of the *Landscape Manual* as discussed in Finding No. 12. The Planning Board adopts these findings.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital**

Improvement Program or provided as part of the private development.

Comment: The Transportation Planning Section stated that the requirements for approval of this plan at this time are met in regard to the roadway systems for the subject property as discussed more fully in Finding No. 10, above. The Historic Preservation and Public Facilities Planning Section, found that the fire and rescue and the police facilities were determined to be adequate for the reasons set forth in Finding No. 14. The Planning Board adopts these findings. Therefore, the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

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

Comment: In revised comments dated May 24, 2006, the Department of Environmental Resources stated that the subject project is consistent with revised stormwater concept 25955-2005-01. Therefore, it may be said that the adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

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

Comment: The Environmental Planning Section recommended approval of the tree conservation plan subject to conditions as discussed more fully in Finding No. 11. The Planning Board adopts these findings. Such conditions have been included in the recommendation section of this report. Therefore, the specific design plan will be 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/082/07), and further APPROVED Specific Design Plan SDP-0619 for the above-described land, subject to the following conditions:

1. Prior to certification of the SDP, the TCPII shall be revised to contain the following note:

“Clearing of invasive or exotic plants in the understory in the wooded common areas is permissible. In addition, plant removal shall be performed manually, without the use of heavy machinery and/or chemicals that could threaten the tree’s habitat.”
2. Prior to final plat, a 40-foot-wide scenic easement shall be provided adjacent to the 10-foot-wide public utility easement located parallel to the roadway frontage to be dedicated for Bealle Hill Road.
3. Prior to certification of the SDP, the SDP and TCPII shall be revised to:
 - a. Show a 40-foot-wide scenic easement adjacent to the 10-foot-wide public utility easement

parallel to the land to be dedicated for Bealle Hill Road.

- b. Revise the plan to calculate all woodland on lots in the R-S Zone as cleared and revise the legend and the patterns to illustrate and label these areas.
 - c. Revise the TCPII worksheet as appropriate.
 - d. Have the revised TCPII plan signed and dated by the qualified professional who prepared the plan.
 - e. The technical stormwater management plans shall be submitted for review and approval of the inlet and outlet structures, as applicable.
4. Prior to signature approval of the plan, the applicant, his heirs, successors, or assigns shall correctly identify the Bellevue Historic Site on the plans as “Bellevue, Prince George’s County Historic Site 84-020.”
5. Prior to approval of a final plat, the acreage associated with “Bellevue,” Prince George’s County Historic Site 84-020 and the environmental setting (5.1 acres) and the 100-foot buffer surrounding the historic site shall be properly identified.
6. The Ryan Homes architectural elevations available to future home buyers shall be limited to the Avalon, Balmoral, Courtland, Highgrove, Oberlin, and Waverly models herein approved (or as subsequently reviewed and approved by the Historic Preservation Commission through a revision to the SDP).
7. Prior to signature approval, the architectural elevations shall indicate that the exterior finish shall be limited as follows for all unit types:
 - a. Brick options shall be limited to Westbrook and Potomac (Harbor View Series), Statesmen (Penn Colony Series) by Glen-Gary; Edenton and Monticello by General Shale Brick.
 - b. Siding options shall be limited to Charleston Beaded Collection siding by Alcoa with a dimension of 6.5 inches and a traditional beaded smooth finish. Available color choices shall not include Everest.
 - c. Roof shingles shall be limited to Tamko Heritage Series Frederick Rustic Black.
 - d. Color schemes shall be limited to S-through S-21 by Duron prepared for Ryan Homes.
 - e. No more than one brick type and color per building.
 - f. The use of only traditional two-panel louvered shutters.

- g. All wood-burning fireplaces shall be of masonry construction to match the brick of the façade or foundation.
 - h. Gas fireplaces shall not employ exterior boxes and shall only employ an exterior vent.
8. Prior to the approval of the subject application, the landscape plans should be revised to ensure that the design and materials of the proposed split-rail fencing is of a traditional rural character compatible with the Bellevue Historic Site; the design and materials of the proposed unpainted board-on-board privacy fence at the rear of Lots 5, 6, 7 and 8 and the side yard of Lot 8 in Block D is of a traditional rural character compatible with the Bellevue Historic Site.
9. The applicant shall work with Historic Preservation staff to identify names for streets that more appropriately reflect the history of the property, historic land record information, and the families that occupied that land.
10. Prior to the issuance of the first building permit for the Belle Oak Estates subdivision, the applicant, his heirs, successors or assignees shall:
- a. Transfer ownership of Parcels B, D and F to the Archeological Conservancy in order to provide for the perpetual protection of this portion of Archeological Site 18PR290 (including Locus 1). This transfer acknowledges: (1) the existing right-of-way to the Bellevue Historic Site (84-020) that traverses Parcel F; and (2) the 100-foot limit of disturbance line within Parcel E along the northern property boundary with the Bellevue Historic Site (84-020).
 - b. Transfer ownership of Parcels C and E to the owner of the Bellevue Historic Site 84-020) in order to provide for the perpetual protection of that portion of Archeological Site 18PR290 known as Locus 2, and to ensure its continued association and conveyance with the Historic Site.
 - c. Resurface Menk Road from its intersection with MD 373 to the property line of the subject site.
11. Prior to the issuance of building permit, the applicant shall work with Historic Preservation staff to develop general signage describing the archeological findings on the Bealle Hill Forest property and the location of signage. Signage should not indicate where the sites are located or be placed near the site locations. The locations of the archeological sites within the Bealle Hill Forest property should not be indicated in any way to protect against site looting.
12. Prior to the issuance of a grading permit, the applicant shall provide Historic Preservation staff, the Maryland Historical Trust, and the Army Corps of Engineers with a draft copy of the Phase II archeological report for their review and approval. Two copies of the approved final report will be provided to Historic Preservation staff and two copies will be provided to the Maryland Historical Trust.

13. Prior to the issuance of any permits which impact wetland buffers, streams, Waters of the U.S. or Waters of the State, the applicant will provide the Natural Resources Division with evidence that all Federal and State approvals have been obtained.
14. All future submittals shall identify and locate any historic burials found within the Belle Oaks property. For any location within Belle Oaks Village which might contain burial grounds, appropriate means of protecting and securing the burials, such as appropriate fencing and lighting, shall be undertaken. If the burials are to be relocated, all applicable County and State regulations shall be followed.
15. Prior to the approval of the Final Plat of Subdivision, if the 100-foot buffer around the Historic Site is to be conveyed to the owner of the Historic Site, an easement shall be erected within the buffer, to protect the landscaping within the buffer and to prevent future subdivision of the 100-foot buffer area.
16. Prior to signature approval of the plans:
 - a. The northernmost playground shall be relocated and the lots reconfigured as necessary so the playground is visible from the street.
 - b. The plans shall clearly indicate the type of playground as either tot-lot or preteen lot and the equipment details and specifications shall indicate age-appropriate facilities.
 - c. The plans shall comply with the standards outlined in the Parks and Recreational Facilities Guidelines.
 - d. Provide a six-foot-wide asphalt trail connection between Street G and Street E. This trail shall be constructed completely on homeowner association land, including a minimum 15-foot-wide open space windows between lots on both streets.
 - e. The front of the unit on Lot 17, E, shall be revised so the front of the unit faces the entrance road onto the subdivision. Adequate usable rear yard of a minimum of 40 feet shall be provided.
 - f. The front of the unit on Lot 3, Block E, should be revised so the front of the unit faces Manning Road or so it is oriented to the intersection of Manning road and the entrance road.
 - g. Additional landscaping shall be incorporated along the rear of Lots 14–17, Block E, where woodland does not exist.
 - h. Lot 1, Block E, shall be set back a minimum of 45 feet from Manning Road.
 - i. Lot 2, Block E, shall be set back a minimum of 35 feet from Manning Road.

17. The recreational facility agreement shall include the following timing elements of the construction of the recreational facilities:
 - a. The playground located in the first phase of development (defined as the area accessed via Manning Road) shall be completed prior to the release of the 17th building permit overall.
 - b. The playground located in the third phase of development (defined as the area accessed via Rolling Tree Road) shall be completed prior to the release of the 40th building permit overall.
18. Provide standard sidewalks along both sides of all internal roads unless modified by DPW&T.
19. For the houses located on corner lots or for those that have highly visible side elevations, there shall be a combination of at least three architectural features to along the side(s) that are highly visible. These shall include windows, chimneys (masonry) or doors placed creatively along the wall for a balanced appearance.

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.

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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 Squire, seconded by Commissioner Clark with Commissioner Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 3, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of January 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:SL:bjs