

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 10-128

File No. SDP-0512/02

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on December 9, 2010, regarding Specific Design Plan SDP-0512/02 for Beech Tree, West Villages 1, 3 and 6, the Planning Board finds:

1. **Request:** The subject application is to reconfigure the specific design plan for West Villages 1, 3, and 6 of the Beech Tree development for 111 single-family detached units, with a net increase of four lots.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-family detached
Acreage (in the subject SDP)	50.77	50.77
Lots	107	111

OTHER DEVELOPMENT DATA—PARKING

	REQUIRED	APPROVED
111 single family detached	222	222

3. **Location:** The Beech Tree project site is located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by SDP-0512-02, West Village 1, 3, and 6 is located in the southwest corner of the subdivision, bounded on all sides by other portions of the Beech Tree development with residential development beyond.
4. **Surrounding and Uses:** The Beech Tree development, as a whole, is bounded on the north by Leeland Road, on the east by Robert Crain Highway (US 301), and on the south and west by residentially-zoned properties (R-A, Residential-Agricultural; R-E, Residential-Estate; and R-U, Residential Urban Development).
5. **Previous Approvals:** The overall site is known as Beech Tree, which was rezoned by the District Council on October 9, 1989 (Zoning Ordinance No. 61-1989) from the R-A Zone to the R-S

(Residential Suburban Development) Zone through Zoning Map Amendment A-9763-C for 1,765 to 2,869 dwelling units, subject to 17 conditions and 14 considerations. On July 14, 1998, a Comprehensive Design Plan, CDP-9706, for the entire Beech Tree development was approved by the District Council, subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision have been approved. Only Preliminary Plan of Subdivision 4-00010, approved by the Planning Board on July 6, 2000 and formalized in PGCPB Resolution No. 99-154, is relevant to the subject property.

Two specific design plans for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella approval for architecture for the entire Beech Tree development, which has been revised thirteen times.

There are eighteen other approved SDPs, with the only one directly salient to the subject approval being SDP-0512. This application was approved by the District Council on May 14, 2007 for West Village, Sections 1, 3, and 6 for 107 single-family detached units. The subject application is the second revision since the initial approval of SDP-0512. Specific Design Plan SDP-0512/01 requested approval for the addition of 14 single-family lots to the SDP and to reduce the interior townhouse width from 24 to 22 feet, but was withdrawn on June 9, 2010 before it was acted on by the Planning Board.

In addition, various types of tree conservation plans have been approved for the above-mentioned preliminary plans of subdivision and specific design plans (TCP2-022-10 accompanies the subject application). The subject SDP has an approved Stormwater Management Concept Plan, 8004950-2000-00.

6. **Design Features:** In the original approval of the case, SDP-0512 (PGCPB Resolution No. 07-51), the project was described as follows:

Finding 6. The SDP proposes to develop 107 single-family detached houses along the south end of Lake Forest Drive. The proposed single-family detached houses start at the intersection of Lake Forest Drive and Presidential Golf Drive and continue on both sides of internal streets until the southwest end of the Beech Tree project. The models for single-family detached houses will be either chosen from those approved under the architecture umbrella specific design plan SDP-0001 for Beech Tree or with new models to be included in a new revision to SDP-0001. Detail information such as type of model and specific building footprint will be shown at time of building permit. A condition to require the above detailed information at time of building permit has been proposed in the recommendation section of this report. The proposed lot sizes of single-family detached houses included in this SDP vary from 6,502 to 24,051 square feet.

Since the subject development is located in the interior of a larger project, there is no entrance feature proposed with this SDP.

The current revision reconfigures the lots in West Villages 1, 3, and 6 to incorporate four additional lots. More specifically:

- an "eyebrow" is added along the west side of Winterbourne Drive just south of its intersection with Presidential Golf Drive that incorporates two additional lots;
- an additional lot is incorporated into the land areas previously approved as Lots 2 and 3, Block F; and
- the lot lines are revised for previously approved Lots 1 through 3, Block B on the south side of Presidential Golf Drive at its intersection with Winterbourne Drive.

The addition of these lots increases the overall density of the three villages from 2.11 to 2.19 units per acre.

COMPLIANCE WITH EVALUATION CRITERIA

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

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

The case shall be sent to the District Council for review.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 was approved by the Planning board on February 28, 1998 subject to 49 conditions. Prince George's County Planning Board Resolution No. 98-50 was subsequently adopted by the Planning Board on March 5, 1998. The conditions applicable to the subject specific design plan are listed in bold face type below, followed by staff comment:

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

The cover sheet contains a 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. Information regarding all approved or submitted tree conservation plan numbers for Beech Tree is neither located on the cover sheet of the specific design plan nor on the tree conservation plan. A condition of this approval requires the applicant to add this information to the specific design plan cover sheet.

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

The Department of Public Works and Transportation (DPW&T) has confirmed that Stormwater Management Concept Plan 8004950-2000-00 is an approved revision of the originally approved stormwater management concept plan.

15. **Pursuant to the conditions imposed by the Prince George's District Council on Zoning Application No. A-9763-C, prior to approval of each Specific Design Plan for residential uses, the applicant shall demonstrate to the satisfaction of the Planning Board and the District Council that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):**

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

In order to insure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each Specific Design Plan shall include a condition requiring that, prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).

This condition has been brought forward to this approval.

16. **The Specific Design Plan for Beech Tree in which the Pentland Hills Historic Site (#79-38) is located shall include the results of the Phase I and Phase II archeological survey work completed for Pentland Hills. Prior to approval of this Specific Design Plan, the results of the archeological survey shall be reviewed by the Historic Preservation Section to determine whether sufficient documentation has taken place on the Pentland Hills Historic Site. If additional documentation is determined by the Historic Preservation Section to be necessary, that documentation shall be completed and approved by the Historic Preservation Section prior to release of any grading or**

building permits pursuant to the subject Specific Design Plan. An Historic Area Work Permit shall be obtained for removal of the Pentland Hills ruins.

The Planning Board concurs with the findings and recommendation of the Phase I archeological report for sites 18PR574 and 18PR575 that no further archeological work is necessary. The subject project would have no effect on the environmental setting of Beechwood nor would it impact the Pentland Hills historic site, the Hilleary family cemetery, Susan Hodges family cemetery, or Smith family cemetery.

- 18. The District Council shall review and approve all Specific Design Plans for Beech Tree.**

The case shall be scheduled to be heard by the District Council.

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

This condition has been brought forward as a condition of the subject approval.

- 9. Preliminary Plan of Subdivision 4-00010:** The following conditions of the relevant Preliminary Plan of Subdivision, 4-00010, approved by the Planning Board on July 6, 2000, are as follows. The conditions of approval are taken from PGCPB Resolution No. 00-127, adopted by the Planning Board on July 27, 2000 to formalize that approval.

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

The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDPs. A condition of this approval addresses the issue of final design of stormwater management facilities.

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

This condition had been previously addressed.

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

A U.S. Army Corps of Engineers 404 Permit and a Maryland Department of the Environmental water quality certification were obtained, but have since expired. The submittal of a valid wetland permit will be required prior to the issuance of any further permits which impact streams or wetlands on the subject property. West Villages 1, 3, and 6 include outfalls and utility connections which impact wetlands and require valid stream and wetland permits prior to the issuance of grading permits. A condition of this approval shall assure conformance with this requirement.

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.**

The applicant is currently in compliance with all requirements for the applicant's participation in the construction of all specified transportation improvements.

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.

The applicant is currently in compliance with all requirements for the applicant's participation in the construction of all specified transportation improvements.

10. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions—governing development in the Residential Suburban (R-S) Zone which governs development in the R-S Zone. The proposed residential lots are a permitted use in the R-S Zone.

- b. The proposal is also in conformance with the requirements of Section 27-528 of the Zoning Ordinance regarding required findings that must be made by the Planning Board for specific design plans as outlined in Finding 14 of this approval.
11. **Prince George's County Landscape Manual:** The subject project is subject to the requirements of the 2010 revision to the *Prince George's County Landscape Manual*. A condition of this approval requires that, prior to the issuance of the next building permit for the project, plans for the project shall be made to conform to its requirements.
 12. **Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and has been reviewed for conformance to those requirements. Environmental conditions of this approval bring the plans into conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
 13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—The revision to Beech Tree SDP-0512 for the revised layout of the subdivision with a net increase of four residential lots will have no effect on the environmental setting of Beechwood nor does it impact the Pentland Hills Historic Site, the Hilleary family cemetery, Susan Hodges family cemetery, or the Smith family cemetery.
 - b. **Archeology**
 - As part of a Section 106 Review in 1999, the Maryland Historical Trust (MHT) had reviewed and accepted the final report for Phase I and II archeological investigations for specific sites within the development.
 - Section 106 of the National Historic Preservation Act (NHPA) was required due to the need for an Army Corps of Engineers permit.
 - That archeological sites 18PR74 and 18PR575 were identified within the subject property as a result of the Phase I survey conducted in 1999.
 - Site 18PR574 measured approximately 32.8 by 262.4 feet and was situated on a ridge overlooking the Collington Branch stream valley. The site contained a low density of prehistoric artifacts and was interpreted as a lithic reduction area possibly associated with a brief encampment. Since the site did not contain any diagnostic artifacts that could assist in assigning a date and there was a low density and variety of artifacts, the site was determined to be ineligible for listing

in the National Register of Historic Places. No further work was recommended and the MHT concurred.

- Site 18PR575 measured approximately 65.6 by 65.6 feet and was located at the southern edge of a ridge overlooking a juncture of the Collington and East Branches. The site was interpreted as a small, late-stage lithic reduction area and was possibly associated with a brief encampment. Site 18PR575 did not contain any diagnostic artifacts and there was a low density and variety of material recovered. Therefore, the site was determined to be ineligible for listing in the National Register and no further work was recommended.
- MHT concurred with the above recommendations and no further archeological work was done on sites 18PR574 or 18PR575 due to their lack of research potential.
- The Planning Board concurs with the findings and recommendations of the Phase I archeological report for sites 18PR575 and 18PR575 that no further work is necessary.

c. **Community Planning**—The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and that the development proposal conforms to the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendations for a residential low land use.

d. **Transportation**—Transportation considerations in this approval relate to the following phases of the subject development:

- Phase I: The golf course
- Phase II: Residential development
- Phase III: Residential development, building permits 132–1,000
- Phase IV: Residential development, building permits 1,001–1,500
- Phase V: Residential development, building permits 1,501–1,992
- Phase VI: Residential development, building permits 1,993–2,400

They also include the transportation-related requirements of the approval of SDP-9907 (Conditions 11, 12, and 13), SDP-0410 (Condition 6), and 4-99026 (Condition 18).

The Planning Board has reviewed all transportation-related considerations and find the subject development will be adequately served within a reasonable period of time, because the subject approval contains the following requirements:

- (1) Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:

- (a) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
- (b) Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
- (c) Widen Leeland Road to provide two exclusive left turn lanes and one free-flowing right turn lane.

Phase V: Residential development, building permits 1,501–1,992

- (2) Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - (a) Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.

Phase VI: Residential development, building permits 1,993–2,400

- (3) Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements of Prince George's County Capital Improvement Plan (CIP) Project FD669161 or (b) the upgrading of US 301 to a fully-controlled access highway between Central Avenue (MD 214) and Marlboro Pike (MD 725) shall be provided by SHA or DPW&T to the Planning Department.

Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 1 through 3 above shall require the filing of a SDP application, and a new staging plan reflecting said changes shall be included with the application.

- e. **Subdivision**—The project was the subject of Preliminary Plan 4-00010, approved by the Planning Board on July 6, 2000. The resolution of approval (PGCPB No. 00-127) was adopted on July 27, 2000. Several extensions have been granted and the preliminary plan remains valid until December 21, 2011 pursuant to County Council Bill CB-07-2010.

The resolution approved for CDP-9706 (PGCPB No. 98-50), Finding 5, sets forth the applicant's proposal specifically for 2,400 dwelling units with the following unit type break down:

- 1,680 single-family detached dwelling units;
- 480 single-family attached units (townhouses); and

- **240 multifamily units.**

Section 2.5 of the approved CDP text sets forth the same dwelling unit mix. Finding 1 of CDP-9706 clarifies the minimum and maximum dwelling unit type distribution allowed by Subtitle 27 (Zoning Ordinance) in the R-S Zone. Section 27-515(b), Footnote 29 allows, of the total dwelling units a ten percent maximum number of multifamily dwelling units, 20 percent maximum number of townhouse and 70 percent minimum number of single-family detached dwelling units as shown on the approved CDP.

Three preliminary plans of subdivision have been approved for the development. These include:

- Preliminary Plan of Subdivision 4-98063 which approved seven parcels and 12 outparcels, construction of the 18-hole golf course, driving range, and club house, but did not include any dwellings units.
- Preliminary Plan of Subdivision 4-99026 which approved 458 single-family detached dwelling units and 240 multifamily dwelling units (698 total dwelling units).
- Preliminary Plan of Subdivision 4-00010 which approved 1,607 single-family detached dwelling units and 46 townhouse lots (1,653 total dwelling units).
- The total number of dwelling units approved by preliminary plans of subdivisions for this project is 2,351.

The following are subdivision-related plan comments:

- (1) The total units in the approved and pending in the SDP table shall be made accurate by a condition of this approval.
- (2) The total number of dwelling units approved by preliminary plans of subdivision is 2,351 (including 240 multifamily dwelling units). The total number of lots is 2,111, based on the resolutions of approval. Through the SDP process, the applicant has converted single-family dwelling unit lots into townhouse lots. This conversion does not adversely impact the traffic analysis done for a finding of adequacy with the preliminary plan.
- (3) The site plan shall be revised to indicate ownership of the surrounding properties including M-NCPPC stream valley park adjacent.
- (4) On Sheet 8 of 9, the applicant is proposing an outfall on M-NCPPC park property. Specific approval by M-NCPPC should be obtained for the outfall.

The subject SDP is in substantial conformance with the preliminary plan of subdivision.

- f. **Trails**—Though relevant previously approved conditions still apply, the proposed revision does not impact any pedestrian or trail facilities.
- g. **Permit Review**—Permit Review comments have either been addressed by revisions to the plans or through conditions of this approval.
- h. **Public Facilities**—The proposed changes to the specific design plan will not impact the previous findings made with regard to the adequacy of public facilities for the project.
- i. **Environmental Planning**—The Planning Board has reviewed the revised specific design plan and tree conservation plan for Beech Tree, stamped as received on July 16, 2010, and additional information regarding stormwater management concept approval received on September 9, 2010.

Background

The overall Beech Tree development is subject to the following approved cases and plans: A-9762, A-9763-C, CDP-9706, TCPI/73/97, 4-98063, 4-99026, and 4-00010. Because of the way in which the project has proceeded through the process, all of the preliminary plan cases apply to all of the specific design plans that are the subject of this review. West Village Sections 1, 3, and 6 is also subject to an approved Specific Design Plan, SDP-0512, and Type II Tree Conservation Plan TCPII/49/98 for the overall site, which has been updated with each section or phase as it is submitted for specific design plan. A previous revision, SDP-0512/01, which was submitted in December 2008, was later withdrawn.

The current application is a proposed revision to the layout of West Village Sections 1, 3, and 6, with a resulting net increase of four lots, which results in a total of 111 proposed single-family dwellings.

Site Description

Overall, the 1212.08-acre Beech Tree site is characterized by gently rolling terrain that steepens to form a vast network of slopes, ravines, and stream valleys. Elevations range from 175 feet at the north terminus to 25 feet above sea level in the Collington Branch floodplain located in the southwest corner. The numerous feeder tributaries prevalent throughout the site drain into East Branch, a large intermittent stream that begins its course near Leeland Road and flows in a southerly direction to the main stem of Collington Branch. In turn, Collington Branch flows into Western Branch, and finally the Patuxent River. The property is situated within the Patuxent River drainage basin, and is therefore subject to the stringent buffer requirements of the Patuxent River Policy Plan.

According to the *Prince George's County Soil Survey*, the soils on the site primarily belong to the Collington-Adelphia-Monmouth, Westphalia-Evesboro-Sassafras, and

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

Highway noise from US 301 is a known significant noise source. The CSX railroad runs adjacent to the western property boundary, which may result in noise and/or vibration impacts. Leeland Road, which runs along the northern boundary of the Beech Tree development, was designated a scenic road in the approved master plan and sectional map amendment for Bowie and vicinity in February 2006. The water and sewer categories are W-3 and S-3. There are extensive areas of wetlands on the site.

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

Of the 1,194 total acres, about 220 acres (18 percent) are currently 100-year floodplain and 207 acres (94 percent) of the floodplain is forested. The upland (973 acres), while under agricultural uses since colonial times, has 651 acres of woodlands (67 percent of the upland).

The West Village, Sections 1, 3, and 6 (SDP-0512), occupies about 50.86 acres in the southwest area of the Beech Tree development. It is located in the Developing Tier and entirely within the *Approved Countywide Green Infrastructure Plan*, including regulated areas and evaluation areas.

Review of Previously Approved Conditions

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

A-9763-C

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

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

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

A forest stand delineation (FSD) was approved as part of TCPI/73/97 with the CDP. Conditions 1.a. and 1.b. of CDP-9706 further addressed this consideration. These conditions were met prior to the certificate of approval of the CDP.

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

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

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

This consideration is reviewed in the Environmental Review section of this approval and is also subject to Conditions 1.a. and 1.b. of CDP-9796. The minimum stream buffer within the Developing Tier has recently been increased to 75 feet, and the primary management area (PMA) has been expanded to include all slopes 15 percent or greater, but these changes will not be applied to this case, since a preliminary plan and SDP were previously approved by the Planning Board.

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

This consideration was addressed in Condition 1.e. of CDP-9706 that requires the approval of a noise study at the time of SDP approval by the Planning Board. A noise study was reviewed and approved with East Village, Phase 1 (SDP-9907). The subject property is located on the western side of the Beech Tree development, and at its closest point is more than 3,500 feet separated from US 301, which is the transportation noise source of concern.

To the west of this property are the CSX railroad tracks, which have the potential for being a source of noise and vibration. No structures are proposed within the 100-foot-wide vibration setback from the railroad tracks. Lot 28 in West Village 6 (WV6) is the dwelling proposed closest to the railroad tracks, with a separation of approximately 250 feet. A 300-foot minimum lot depth is required adjacent to a transit right-of-way, unless a variation was requested at time of preliminary plan. Preliminary Plan 4-00010 was reviewed which indicates that the lot depth proposed was greater than 300 feet, and no variation to the lot depth requirement was requested. Information necessary to address possible noise impacts to WV6 is necessary to evaluate noise impacts and to determine if mitigation measures are required.

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

The preservation of the PMA to the fullest extent possible would address this consideration; however, it appears that impacts beyond those previously approved have been shown on subsequent SDPs. See the Environmental Review section of this approval for a discussion of the need for a detailed assessment of the PMA impacts approved.

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

This condition was met by the applicant's acceptance of the staff exhibit, staff report findings on CDP-9706, and Condition 1.d. of PGCPB Resolution No. 98-50, which required a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for this portion of the Beech Tree project was submitted with previously approved SDP-0512, and it was determined that this section of the development was geologically suitable for the development proposed.

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

1. **Prior to certificate approval of the Comprehensive Design Plan (CDP), the following revisions shall be made or information supplied:**
 - a. **The CDP and the Tree Conservation Plan shall be revised or notes shall be added to refine the design of the golf course (with particular attention to holes 4, 5, and 6) to minimize disturbance to stream valleys, maintain contiguous woodland, maintain woodland on steep and severe slopes, and conserve critical habitat areas.**
 - b. **The Type I Tree Conservation Plan shall be revised to ensure that all woodland conservation requirements are met on-site. Off-site woodland conservation or the use of fee-in-lieu is not permitted. Note 12 shall be removed from the TCP. Revision of this condition may be**

permitted by the Planning Board or District Council in its review of Type II Tree Conservation Plans concurrent with review of Specific Design Plans.

- c. The CDP shall have a note added indicating that at the time of Specific Design Plan the road access to the southernmost pod of South Village shall be studied to determine if it should be shifted to the east as shown on the staff exhibit.
- d. The following note shall be placed on the CDP:

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

"The residential building envelopes are conceptual in nature and may be shifted at the approval of the Specific Design Plan when a noise study is approved by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels exceeding 65 dBA (Ldn) exterior."
- f. The applicant shall submit a Habitat Management Plan integrated with the Water Quality Monitoring Program to the Natural Resources Division demonstrating that water quality and any species of state concern will not be adversely impacted by the development.
- g. The applicant shall revise the CDP to show the approximate location of the required on-site wetland mitigation areas.

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

It is assumed that all of the above conditions were met prior to certificate approval of the CDP.

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

This condition was carried over from A-9763-C and incorporated into the approved Type I Tree Conservation Plan, TCPI/73/97. The Planning Board knows of no violations of this condition and has had no requests for permission to selectively remove trees.

- 6. Prior to approval of building or grading permits, the Natural Resources Division shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). The Natural**

Resources Division shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.

The location of stormdrain outfalls is generally determined during the specific design plan; waiting to review the outfalls under approval of the grading permits would result in an avoidable delay in construction and possible requirements for plan revision. This condition should be addressed to the fullest extent possible as part of the current application, and will be discussed in the Environmental Review section of this approval.

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

The SDP cover sheet shall be revised to fully satisfy this requirement in accordance with all approvals that have occurred since the original plan was approved, pursuant to a condition of this approval.

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

The above condition requires the applicant to obtain a separate stormwater management concept approval for each successive stage of development prior to SDP or preliminary plan approval. A Stormwater Management Concept Approval Letter (43383-2005-00) and associated plans were submitted on September 9, 2010, which was approved for West Village 1, 3, and 6 on January 12, 2009.

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

The subject application is adjacent to the lake. It is assumed that this condition was previously satisfied.

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 (IPM) Plan 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.

It appears from the record that an integrated pest management (IPM) plan was submitted prior to the approval of the SDP for the golf course, but that approval was deferred because of requirements for a significant amount of detailed information prior to the issuance of the use and occupancy permit for the golf course. A later version in the file indicates that the applicant proposed to defer finalization of the IPM plan until after one year of golf course operation. To confirm that this condition was complied with, a copy of the final approved IPM plan should be submitted because the subject development is adjacent to the golf course. A condition of this approval requires its submission.

- 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.**

The requirement for valid wetland permits and a demonstration that all wetland permit requirements have been addressed and maintained will be discussed in the Environmental Review section of this approval.

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

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

Conformance of the SDP with the approved CDP has been determined by the Planning Board.

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

Copies of the current valid stormwater management concept approval letter and plans have been submitted. Conformance with this condition will be addressed in the Environmental Review section of this approval.

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

“Development is subject to the restrictions on the approved Type I Tree Conservation Plan (TCPI/78/97), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

Conformance with approved TCPI/78/97 or the subsequent Type II Tree Conservation Plan, TCPII/49/98, will be discussed in the Environmental Review section of this approval.

All notes required at the time of final plat will be addressed when the plats are submitted for review.

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

1. **As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors, and/or 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.**

The Planning Board comments and conditions relative to the presence of Marlboro clay are addressed in the Environmental Review section of this approval.

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

A noise study was previously reviewed and approved with East Village, Phase 1, SDP-9907, which addressed noise impacts from US 301, a master-planned freeway. It was determined that the West Village was outside of the noise impact zone for US 301.

The noise study does not appear to have addressed possible noise impacts related to the CSX railroad tracks located adjacent to West Village 1, 3, and 6 and prior to certification of the subject SDP, a noise and vibration study which addresses the potential noise and vibration impacts of the CSX railroad tracks on West Village 1, 3, and 6, which is the closest development pod within the Beech Tree development to the railroad tracks is required. If noise or vibration impacts are identified, the study shall include recommendations for noise or vibration mitigation and the SDP shall be revised as necessary to include noise and vibration mitigation measures necessary to achieve acceptable interior and exterior noise levels, and maintain structural stability, prior to certification.

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

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

The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDPs. A condition of this approval addresses the issue of the final design of stormwater management facilities.

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

This condition has been previously addressed.

- 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.**

An Army Corps of Engineers 404 Permit and MDE water quality certification were obtained, but have since expired. The submittal of a valid wetlands permit will be required prior to the issuance of any further permits which impact streams or wetlands on the subject property. West Village 1, 3, and 6 includes outfalls and utility connections which impact wetlands and require valid stream and wetland permits prior to the issuance of grading permits.

A condition of this approval requires that prior to the issuance of any grading permits for SDP-0512 which impact wetlands, wetland buffers, streams, or Waters of the U.S., the

applicant shall submit valid copies of all required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.

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

See the comments and recommended conditions in the Environmental Review section of this approval.

Conformance with Conditions of Approval for SDP-0512

The following conditions of an environmental nature were approved by the Planning Board in Resolution No. 07-5, and are addressed below.

1. **Prior to certificate approval of this specific design plan, the applicant shall:**
 - a. **Revise site plans and landscape plans as follows:**
 - (4) **Provide all approved or submitted tree conservation plans including revision numbers on the coversheet.**
 - b. **Revise Type II Tree Conservation Plan, TCP11/49/98-11, as follows:**
 - (1) **Revise sheet 34 to show the details for the WSSC water line**
 - (2) **Replace the worksheet with the phased worksheet that provides for all future development**
 - (3) **Correct the worksheet to show 0.80 acres of fee-in-lieu and 28.31 acres of reforestation**
 - (4) **Have the revised plan signed and dated by the qualified professional who prepared the plan**

It is assumed that Type II Tree Conservation Plan TCP11/49/98 was revised to fulfill these conditions prior to certificate approval. With this approval, a separated TCP2 was approved, which will be discussed in the Environmental Review section of this approval.

3. **Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that the plan is consistent with the Habitat Management Program and that water quality is provided at all stormdrain outfalls. If revisions to the TCPH are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.**

In order to evaluate conformance with this condition, a copy of the technical stormwater management plans must be submitted for review. This will be further discussed in the Environmental Review section of this approval.

A condition of this approval requires that prior to certification of the SDP, a copy of the technical stormwater management plans for the subject portion of the development shall be submitted along with a statement of how the technical stormwater management plans are consistent with the habitat management plan, and how water quality has been addressed for all stormdrain outfalls. If the technical stormwater management plans are not consistent with the habitat management plan, or do not provide the level of water quality treatment indicated in the habitat management plan, the associated plans shall be revised and approved prior to SDP certification.

4. **Prior to issuance of grading permit, each grading permit shall show required on-site wetland mitigation areas.**

The submittal of valid wetland permits shall be required prior to the issuance of any further grading permits within the Beech Tree development, along with any wetland mitigation plans. If the subject Type 2 tree conservation plan is affected by wetland mitigation areas, then it shall be revised to show them.

A condition of this approval requires that prior to certification of the SDP, the approved wetland mitigation plans for the entire Beech Tree development shall be submitted, so that it can be determined if the subject TCP2 is affected, and the subject TCP2 shall be revised to show the location of any on-site wetland mitigation areas.

8. **No grading or cutting of trees or tree removal on the site (covered by SDP-0512) shall occur until after approval of the specific design plan by the District Council.**

This condition was carried over from A-9763-C and is incorporated into the approved Type I Tree Conservation Plan, TCPI/73/97. The Planning Board knows of no violations of this condition or requests to selectively remove trees.

- 9. Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate to the M-NCPPC Environmental Planning Section that all applicable conditions of the state wetland permit has been addressed.**

The submittal of valid wetland permits shall be required prior to the issuance of any further grading permits within the Beech Tree development, along with any wetland mitigation plans. All affected Type 2 tree conservation plans shall be revised to show any on-site wetland mitigation areas and that all applicable conditions of the state wetland permit have been addressed.

The necessary information is addressed in the comment on Condition 4.

Environmental Review

Note: As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

- (1) This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property has previously approved tree conservation plans. A forest stand delineation and Type I Tree Conservation Plan TCPI/073/97 were approved with CDP-9407. A Type II Tree Conservation Plan, TCPII/049/98, was initially approved with SDP-9803 for the golf course, which covered the entire Beech Tree site. As each specific design plan is approved for the Beech Tree development, TCPII/49/98 was previously revised.

With the approval of SDP-0512-02, a separate Type 2 Tree Conservation Plan, TCP2-022-10, developed for the SDP is hereby approved. The current application proposes the clearing of 33.90 acres on the net tract, and 0.08 acre of PMA. The separate TCP2 proposes to provide 6.39 acres of on-site preservation and 0.44 acre of afforestation/reforestation, of which 0.25 acre is proposed in natural regeneration on an individual worksheet.

A cumulative tracking worksheet of overall woodland conservation on the site for all of the proposed development activities proposed now indicates a total woodland conservation requirement of 334.85 acres for the Beech Tree development based on 1212.06 acres of gross tract area and 378.16 acres of clearing.

The cumulative woodland conservation worksheet further indicates that, among all activities proposed, only 312.14 acres of on-site woodland conservation has been provided, which means that the development has an existing shortage of at

least 27.87 acres of on-site woodland conservation. Because conditions of approval were imposed on this site that required woodland conservation be provided on-site, the cumulative woodland conservation worksheet must be revised to address the following: the gross tract and net tract areas for all of the development areas must be confirmed with their SDPs; the amount of existing woods and its distribution over the SDPs on-site based on the original FSD submittal must be confirmed; and the amount of clearing proposed within each SDP shall be confirmed. This is necessary so that a final woodland conservation requirement for the site can be determined.

The cumulative worksheet shall be reviewed to confirm how much woodland conservation is being provided on each individual SDP, the column called "Future Phases" shall be removed and replaced with columns for the remaining development phases proposed, and demonstrate how all the woodland conservation requirement will be met on-site in conformance with Condition 1.b. of the SDP approval.

The TCP2 plan, based on numbers provided in the woodland conservation worksheet, provides for 6.39 acres of on-site woodland preservation, 0.19 acre of on-site afforestation, and 0.25 acre of natural regeneration. Because of the proposed location of the natural regeneration areas adjacent and downhill from single-family lots without a sufficient seed source, all proposed natural regeneration shall be revised to be afforested to fulfill the woodland conservation requirements for this SDP. A revised woodland conservation worksheet for West Village 1, 3, and 6, and an up-to-date overall woodland conservation summary worksheet for the entire Beech Tree project shall be included in the plan sheet.

All plan sheets shall be revised to show the correct TCP number in the TCP11 approval block, and the following note referencing the separation from TCP11/049/98:

"TCP2-022-10 was separated from TCP11/049/98 with the approval of SDP-0512-02."

Correctly identify all adjacent SDPs or developed areas so that is not part of this specific design plan, so grading onto adjacent properties can be evaluated as consistent with those development cases.

A condition of this approval accomplishes these objectives.

- (2) Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M (Residential

Medium Development) are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

The overall Beech Tree development property will be able to meet the 15 percent TCC requirement only through the use of woodland conservation, but shall include TCC provided using landscape trees to meet the TCC requirement for this SDP.

A tree canopy coverage worksheet shall be added to the TCP2 plan to indicate how the TCC requirement is being fulfilled.

A condition below requires that, prior to certification of the SDP, a tree canopy coverage worksheet shall be added to the TCP2 plan which demonstrates that the TCC requirement has been fulfilled for this SDP.

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

The total area of the PMA on the Beech Tree property is approximately 329.80 acres. During the review of 4-98063 for the golf course, the Planning Board granted variation requests for impacts to 19.43 acres of the PMA. Of the 19.43 acres, 8.43 acres was woodland that was to be replaced by afforesting unwooded areas of the PMA as shown on the approved TCP2 for the golf course. During the review of 4-99026, the Planning Board granted variation requests for 2.51 additional acres.

During the review of 4-00010, the Planning Board granted variation requests for 1.28 additional acres. As required by the approved tree conservation plan, all woodland areas cleared must be replaced on-site by afforesting unwooded areas of the PMA.

The total amount of disturbance permitted in the PMA under previous approvals appears to be 23.22 acres. The overall worksheet for the Beech Tree development indicates that the current total clearing in the floodplain is 24.07 acres, with an additional 14.08 acres of PMA impacts outside of the floodplain. The impacts stated in the worksheet exceed the total approved by 14.93 acres. The disturbances proposed by SDP-0512-02 are consistent in quantity with those previously approved by the Planning Board with SDP-0512, but the total amount

of disturbance does not appear to be in conformance with the quantity of impacts approved with the preliminary plan.

The preliminary plan approval also indicated that mitigation for disturbance to the woodlands in the PMA be provided through reforestation/afforestation in the PMA. The woodland conservation summary worksheet and the individual woodland conservation worksheets do not currently indicate whether afforestation/reforestation is occurring inside or outside of the PMA. The worksheets will need to be updated to address whether the required PMA afforestation has occurred in the PMA.

Condition: Prior to certification of the SDP:

- (a) The overall woodland conservation summary worksheet and the individual woodland conservation worksheet for this SDP shall be revised to indicate the quantity of afforestation provided inside and outside the PMA.
 - (b) An exhibit shall be prepared and submitted that illustrates the area of approved PMA impacts with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit must demonstrate that the Planning Board's approvals of variances with preliminary plan approvals have not been exceeded on subsequent SDPs and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan.
 - (c) If the acreage of variances approved with the preliminary plan approvals has been exceeded, a mitigation plan shall be prepared for the on-site restoration of PMA impacts in excess of 23.22 acres as approved by the Planning Board which identifies which SDPs will require revision to provide mitigation, and the quantity of mitigation proposed on each SDP.
 - (d) A schedule shall be prepared which indicates what SDPs and their associated TCPs will be revised to provide required mitigation for PMA impacts in excess of those approved on the preliminary plan and shall identify which SDPs associated with the Beech Tree development will provide additional on-site woodland conservation to eliminate the existing woodland conservation shortage.
- (4) During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of Collington and Western Branches.

Staff has reviewed SDP-0512 with special regard to A-9763-C and the considerations, Planning Board Resolution No. 98-50. All of the recommendations of the Maryland Department of Natural Resources, Natural Heritage Program, including a habitat management plan, a water quality plan, and a monitoring program were adopted and approved as part of SDP-9803 for the golf course. Specific Design Plan SDP-0512 is adjacent to and downstream of the lake, and adjacent to the golf course.

Condition: Prior to certification of the SDP, provide a report and associated evidence that demonstrates that the recommendations of the Maryland Department of Natural Resources, Natural Heritage Program, including the habitat management plan, the water quality plan, and the monitoring program that were adopted and approved as part of SDP-9803 for the golf course have been appropriately implemented and maintained.

- (5) On May 6, 1998, the Prince George's County Department of Environmental Resources (DER) approved Stormwater Management Concept Plan 988005250. The approval was based on the 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 required 2-, 10-, and 100-year-storm attenuation for the entire site. The on-site lake was to be designed for 2-, 10-, and 100-year control for all contributory areas and is to overcompensate for all areas that do not drain directly into the lake.

The submittal of state wetland permits was required prior to approval of the specific design plan for the golf course.

Because of the presence of Marlboro clay, infiltration was not permitted. A detailed under drain system was to be provided with each concept plan. All stormdrains through Marlboro clay are to convey the 100-year storm and be rubber gasketed. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter.

A valid Stormwater Management Concept Approval (43383-2005-00) and associated plans were submitted with this application.

Prior to approval of grading permits for the subject property, the applicant must submit the approved technical stormwater management plans for the subject property and adjacent properties, to ensure that the plan is consistent with the Habitat Management Program, and that required water quality features are provided and maintained at all stormdrain outfalls. A recommended condition below addresses this requirement.

- (6) To conform to a previous condition of approval, prior to approval of building or grading permits, the Environmental Planning Section is required to review all technical stormwater management plans approved by DER. Measures to improve water quality are required to be provided at all stormdrain outfalls.

The location of stormdrain outfalls is generally determined during the specific design plan; waiting to review the outfalls under approval of the grading permits would result in an avoidable delay in construction and possible requirements for plan revision. This condition should be addressed to the fullest extent possible as part of the current applications.

Condition: Prior to certification of the SDP, the technical stormwater management plans shall be submitted, and specific information shall be provided about how water quality benefits are being provided at all stormdrain outfalls associated with this section of the Beech Tree development.

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

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

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

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

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

A geotechnical report dated March 2006 was previously submitted for the portion of the Beech Tree site containing SDP-0512, which was reviewed and found to meet all requirements. Staff reviewed SDP-0512 and determined that high risk areas do not occur on this portion of the Beech Tree site. In some areas, special drainage measures, road construction, and foundation construction methods may be needed.

DPW&T may require a soils report in conformance with CB-94-2004 during the permit review process.

The Environmental Planning Section's recommended conditions have been included as appropriate in the Recommendation section of this report.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated September 23, 2010, the Prince George's County Fire/EMS Department offered comments regarding needed accessibility, private road design, and the installation and performance of fire hydrants.
- k. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated October 4, 2010, DPW&T stated that they had no objection to the revision to the layout of this residential subdivision with a net increase of four lots and approving Specific Design Plan SDP-0512-02. However, for all other comments, they cited two previous memorandums produced for earlier approvals on the project.

With respect to storm water, DPW&T stated that the proposed site development, addition of four lots to the subdivision, is not consistent with the approved Stormwater Management Concept Plan (8004950-2000-00) dated November 21, 2008. Therefore, a revision of the stormwater management concept plan would be required. Additionally, DPW&T noted that the site development technical plan will have to be revised prior to approval of the subject specific design plan.

In a subsequent e-mail received December 1, 2010, DPW&T stated that the proposed site development is consistent with the approved stormwater management concept plan and indicated that a memorandum revised only in this respect would be forthcoming. However, in a subsequent e-mail received December 2, 2010, a representative of DPW&T stated that, on further investigation, this area has another Stormwater Management Concept Plan (43383-2005-00) dated January 12, 2009 and that a revised memorandum would be forthcoming.

- l. **The Maryland State Highway Administration (SHA)**—In an email dated August 30, 2010, SHA stated that they reviewed the subject development plans and have no comments, noting that the minor revisions requested will not impact roadway improvements already required in previous approvals.
 - m. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered no comment.
 - n. **Verizon**—In an email dated July 23, 2010, a representative of Verizon stated that an unencumbered public utility easement should be indicated along the frontages of Winterbournon and Presidential Golf Drive on Sheet 5, Block E. Though implementing this may require the relocation of a bike path or stormdrain easement, a condition below requires it unless an alternative design is worked out with, and approved by, the utility. Additionally, the representative indicated that a stormdrain encumbers the public utility easement along the frontage of Lots 24 and 25 of Block H. Again, a condition below requires that the encumbrance be removed from the public utility easement, unless an alternative design is worked out with, and found acceptable by, the utility.
 - o. **Baltimore Gas and Electric (BG&E)**—BG&E offered no comment.
14. **Required Findings:** Section 27-528 of the Zoning Ordinance sets forth the following criteria for the approval of a specific design plan:
- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

The plan conforms to the requirements of CDP-9706 as detailed in Finding 8 of this technical staff report.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (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;**

The subject development will be adequately served within a reasonable period of time, because the Planning Board has included four transportation-related conditions in its approval. Further, the proposed changes to the SDP will not impact previous findings regarding the adequacy of public facilities.

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

In an email dated December 1, 2010, DPW&T stated that adding the four lots to the subdivision is consistent with approved Stormwater Management Concept Plan 8004950-2000-00 dated November 21, 2008.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board has found that with the inclusion of certain environmentally-related conditions in this approval that the subject plan conforms to the requirements of an approved Type 2 tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

The site contains significant natural features that are required to be preserved in their natural state to the fullest extent possible. The Patuxent River primary management area preservation area is defined in Section 24-101(b)(10) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. A condition of this approval assures this will occur. Therefore, the plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-022-10), and further APPROVED Specific Design Plan SDP-0512/02 for the above-described land, subject to the following conditions:

- I. Prior to certification of the specific design plan, the applicant shall:
 - a. Revise the specific design plan to provide a 300-foot minimum lot depth adjacent to the transit right-of-way, unless evidence is submitted which indicates that a variation to the required lot depth was previously approved.
 - b. Submit a Phase 1 noise study to determine if there are noise impacts related to the CSX railroad that require mitigation in order to meet interior and exterior noise mitigation standards for residential uses. If the Phase 1 noise study identifies interior or exterior noise impacts, then a Phase 2 noise study shall be required to recommend appropriate mitigation measures and the SDP shall be revised to address implementation of required noise mitigation measures prior to certification.
 - c. Revise the SDP and TCP coversheets to indicate on the overall plan of the Beech Tree project all project areas 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.
 - d. Submit a copy of a final approved integrated pest management (IPM) plan for the Beech Tree golf course for the Environmental Planning Section file or a final IPM plan shall be approved by the Environmental Planning Section.
 - e. Submit a noise and vibration study which addresses the potential noise and vibration impacts of the CSX railroad tracks on West Village 1, 3, and 6, which is the closest development pod within the Beech Tree development to the railroad tracks. If noise or vibration impacts are identified, the study shall include recommendations for noise or vibration mitigation, and the specific design plan shall be revised as necessary to include noise and vibration mitigation measures necessary to achieve acceptable interior and exterior noise levels and maintain structural stability prior to certification.
 - f. Submit a copy of the technical stormwater management plans for the subject portion of the development along with a statement of how the technical stormwater management plans are consistent with the habitat management plan, and how water quality has been addressed for all stormdrain outfalls. If the technical stormwater management plans are not consistent with the habitat management plan, or do not provide the level of water quality treatment indicated in the habitat management plan, the associated plans shall be revised and approved prior to specific design plan certification.

- g. Submit the approved wetland mitigation plans for the entire Beech Tree development, so that it can be determined if the subject TCP2 is affected, and the subject TCP2 shall be revised to show the location of any on-site wetland mitigation areas.
- h. Revise the plans to indicate a public utility easement, unencumbered by a bike path or stormdrain easement along the frontages of Winterbournon and Presidential Golf Drive on Sheet 5, Block E, unless an alternative design and/or alignment is worked out with Verizon.
- i. Review the plans to remove the stormdrain from the public utility easement along the frontage of Lots 24 and 25 of Block H, unless an alternative design and/or alignment is worked out with, and found acceptable by the utility.
- j. The overall woodland conservation summary worksheet and the individual woodland conservation worksheet for this specific design plan shall be revised to indicate the quantity of afforestation provided inside and outside the primary management area (PMA).
- k. An exhibit shall be prepared and submitted that illustrates the area of approved PMA impacts with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit must demonstrate that the Planning Board's approvals of variances with preliminary plan approvals have not been exceeded on subsequent specific design plans, and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan. Additionally, the TCP2 shall be revised to indicate that temporary PMA impacts for sediment control measures adjacent to the proposed SWM pond will be reforested and will be accounted for in the TCP2 worksheet.
- l. If the acreage of variances approved with the preliminary plan approvals has been exceeded, a mitigation plan shall be prepared for the on-site restoration of PMA impacts in excess of 23.22 acres as approved by the Planning Board which identifies which SDPs will require revision to provide mitigation, and the quantity of mitigation proposed on each SDP.
- m. A schedule shall be prepared which indicates what SDPs and their associated TCPs will be revised to provide required mitigation for PMA impacts in excess of those approved on the preliminary plan and shall identify which SDPs associated with the Beech Tree development will provide additional on-site woodland conservation to eliminate the existing woodland conservation shortage.
- n. The applicant shall provide a report and associated evidence that demonstrates that the recommendations of the Maryland Department of Natural Resources, Natural Heritage Program, including the habitat management plan, the water quality plan, and the

monitoring program that were adopted and approved as part of SDP-9803 for the golf course have been appropriately implemented and maintained.

- o. The technical stormwater management plans shall be submitted, and specific information shall be provided about how water quality benefits are being provided at all stormdrain outfalls associated with this section of the Beech Tree development.
 - p. The applicant shall work with staff to verify the approved and pending units in the specific design plan table.
 - q. The site plan shall be revised to indicate ownership of surrounding properties including M-NCPPC stream valley park adjacent.
 - r. Pursuant to the requirements of CDP-9706, the applicant shall add information to the cover sheet of the SDP regarding all approved or submitted TCP numbers for Beech Tree.
- 2. Prior to certification of the specific design plan, revise the TCP2 as follows:
 - a. Revise the overall woodland conservation worksheet to correctly calculate the requirement for the site, and indicate how the woodland conservation requirement for the entire site will be provided on-site.
 - b. Revise the individual woodland conservation worksheet to correctly reflect the site and the acreage of the woodland conservation proposed.
 - c. Afforestation shall be provided in place of natural regeneration on the TCP2, and a permanent tree protection device shall be placed along all vulnerable afforestation edges.
 - d. Add an up-to-date overall woodland conservation summary sheet for the entire Beech Tree development.
 - e. Correct the TCP number in the approval blocks on all plan sheets and in the separation note.
 - f. Correctly identify all adjacent development that is not part of this specific design plan, so grading onto adjacent properties can be evaluated as consistent with those development cases.
 - g. Have the revised plan signed by the qualified professional who prepared it.
 - h. Add a tree canopy coverage worksheet on the TCP2 plan which demonstrates that the tree canopy coverage (TCC) requirement has been fulfilled for this SDP.

3. Prior to the issuance of any grading permits for SDP-0512 which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit valid copies of all required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.
4. Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
 - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
 - c. Widen Leeland Road to provide two exclusive left turn lanes and one free-flowing right turn lane.
5. Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.
6. Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in Prince George's County Capital Improvement Plan (CIP) Project FD669161 or (b) the upgrading of US 301 to a fully-controlled access highway between Central Avenue (MD 214) and Marlboro Pike (MD 725) shall be provided by SHA or by DPW&T to the Planning Department.
7. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 4 to 6 herein will require the filing of a specific design plan application and a new staging plan reflecting said changes must be included with the application.
8. Pursuant to the conditions imposed by the Prince George's County District Council on Zoning Application A-9763-C, prior to approval of each specific design plan for residential uses, the applicant shall demonstrate, to the satisfaction of the Planning Board and the District Council, that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):

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

In order to insure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each specific design plan shall include a condition requiring that, prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).

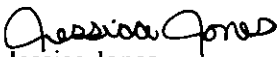
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, December 9, 2010, in Upper Marlboro, Maryland.

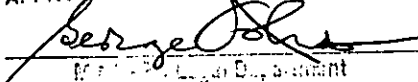
Adopted by the Prince George's County Planning Board this 13th day of January 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


George D. Johnson, Esq.
Attorney at Law

Date 12/15/10