



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-05074

Application	General Data
<b>Project Name:</b> <b>BEACON HILL SUBDIVISION</b>  <b>Location:</b> Located on the south side of William Beanes Road, extending to Old Crain Highway, opposite its intersection with Gold Yarrow Lane.  <b>Applicant/Address:</b> Calvert, LLC. 3140 West Ward Road, Suite #103 Dunkirk, MD. 20754	Date Accepted: 12/05/05
	Planning Board Action Limit: 02/28/06
	Plan Acreage: 126.72
	Zone: R-A
	Lots: 48
	Parcels: 0
	Planning Area: 82A
	Tier: Rural
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 208SE12

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)                     09/14/05
	Sign(s) Posted on Site and Notice of Hearing Mailed:                     01/24/06

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-05074  
Beacon Hill, Lots 1-48

OVERVIEW

The site contains approximately 126.72 acres of land in the R-A Zone. It is a combination of two deed parcels (Parcels 131 and 132, Tax Map 101, Grid C-3). The applicant is proposing to subdivide the site into 48 lots for single-family residences. Parcel 131 would be split into 47 R-A lots using the varying lot size provisions of Section 27-442(b) of the Zoning Ordinance, while most of Parcel 132 would become Lot 45. Existing houses and outbuildings on-site are proposed to be removed, with the exception of the farmhouse on proposed Lot 45. Access to most of the lots will be from an internal street network connecting to William Beanes Road. Lots 45-48 have frontage on Old Crain Highway and would access that road directly. This site was the subject of Preliminary Plan of Subdivision 4-04181, which was denied by the Planning Board on April 28, 2005, due to inadequate police, fire and rescue response times.

SETTING

The site is located on the south side of William Beanes Road extending through to Old Crain Highway, opposite its intersection with Gold Yarrow Lane. Approximately half of the site is an open lawn and fields, while the remainder of the site is wooded. The site is developed with two single-family residences and numerous outbuildings. The house on proposed Lot 45 is a historic site, Beacon Hill (82A-000-37). The surrounding properties are zoned R-A and are largely undeveloped, with the exception of the land to the southeast, which is developing as the Croom Station subdivision.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Uses	Single-Family Residences	Single-Family Residences
Acreage	126.72	126.72
Lots	0	48
Parcels	2	0
Outparcels	0	0
Dwelling Units	2 (1 to remain)	48 (47 new)

2. **Environmental**—There are streams, wetlands and 100-year floodplain on the property associated with Federal Springs Branch in the Patuxent River watershed. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Bibb, Sandy Land and Westphalia

series. Marlboro clay occurs in the general area but does not impact this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. Old Crain Highway is a designated historic road. MD 4 is a nearby source of traffic-generated noise. This property is located in the Rural Tier as reflected in the approved General Plan.

## **Natural Resources Inventory**

The preliminary plan application has a staff signed natural resources inventory (NRI/133/05-01) that was included with the application package. The NRI has been revised to reflect the floodplain elevations as approved by DER. The NRI correctly shows all of the required information. The approved Countywide Green Infrastructure Plan identifies regulated areas, evaluation areas, and gap areas on this property that are within the network. Proposed impacts to regulated areas are discussed below.

## **Environmental Impacts**

The site contains significant environmental features as part of the Patuxent River Primary Management Area (PMA) that are required to be protected by Section 24-130 of the Subdivision Regulations. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety. In a previous memo dated December 30, 2005, revisions were required to the TCPI to eliminate all PMA impacts for lot grading and bio-retention areas because the subdivision can be designed with no impacts to regulated features except those associated with stormwater outfalls. There were three impacts for outfalls that were requested in the letter of justification dated February 6, 2006.

The revised TCPI continues to show impacts for lot grading and for the construction of bio-retention areas that can be avoided. The impacts shown are for a bio-retention area on proposed Lot 41 and lot grading on proposed Lot 15. These impacts should be eliminated.

A letter of justification, date stamped as received by the Environmental Planning Section on February 6, 2006, was reviewed and was found to adequately address the proposed impacts for stormwater management. Below is a summary of the proposed PMA impacts.

Impact Number	Justification and Recommendation
1	This 0.02-acre impact is necessary for the construction of a stormdrain outfall. This impact is located near Lot 33 and has been minimized to the fullest extent possible for the safe conveyance of water to the stream. Staff supports this impact.
2	This 0.03-acre impact is necessary for the construction of a stormdrain outfall. This impact is located along the shared property line between Lots 2 and 3 and has been minimized to the fullest extent possible for the safe conveyance of water to the stream. Staff supports this impact.
3	This 0.08-acre impact is necessary for the construction of a stormdrain outfall. This impact is located near Lot 8 and has been minimized to the fullest extent possible for the safe conveyance of water to the stream. Staff supports this impact.

## **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland.

A Type I Tree Conservation Plan, TCPI/97/04, has been reviewed. This 126.72-acre site has a woodland conservation threshold (WCT) of 61.97 acres or 50 percent of the net tract area. The site has 73.78 acres of existing woodland, of which 2.78 is in the 100-year floodplain. The TCPI proposes the clearing of 25.52 acres of upland woodland. The woodland conservation requirement has been correctly calculated as 80.72 acres. The plan proposes to meet the requirement by providing 42.43 acres of on-site preservation, 18.68 acres of afforestation/reforestation, and 19.61 acres of off-site mitigation.

This property is located in the Rural Tier, contains areas of sensitive wildlife habitat, and contains regulated areas, evaluation areas, and network gaps within the green infrastructure network of the Countywide Green Infrastructure Plan. On fully wooded sites with these characteristics, all woodland conservation requirements should be met on-site. For a site such as this one, where only 56 percent of the site is covered with woodlands that can be used to meet the requirements, at a minimum the threshold of 61.97 acres must be met on-site. The revised TCPI shows the provision of 61.11 acres of woodland conservation on-site, a deficiency of 0.86 acres. This additional acreage can be provided on-site through the provision of additional afforestation and reforestation areas.

All structures must be provided with a minimum of 40 feet of usable rear yard areas and 20 feet of side yard areas that are un-encumbered by woodlands. Some of the lots as currently designed have not provided these un-encumbered areas.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for each lot; and all afforestation must be placed in conservation easements. The easement language for PMA protection will be modified to include the afforestation areas.

## **Noise**

MD 4 is a nearby 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 with 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.

A Phase I noise study, stamped as received by the Environmental Planning Section on February 9, 2006, has been reviewed. The noise study is based on a 25-year projection with an average daily traffic estimate of 89,875. Based on the study, the 65 dBA Ldn is correctly shown on the Type I tree conservation plan and preliminary plan. The plan shows that the outdoor activity area of at least one lot is within the 65 dBA Ldn noise contour. The interior upper level of residential structures on some of the proposed lots will also be affected by noise above state standards. Proper construction materials should be used to ensure that the noise inside of the residential structures does not exceed 45 dBA.

## **Historic Roads**

Old Crain Highway is a designated historic road. The “Design Guidelines and Standards for Scenic and Historic Roads” provides guidance for the review of applications that could result in the need for roadway improvements.

Both the preliminary plan and TCPI provide a 40-foot-wide scenic easement adjacent to the 10-foot public utility easement. This section of roadway is not currently wooded. A visual inventory is not required because this portion of Old Crain Highway has design guidelines in place. All lots fronting Old Crain Highway should have a minimum setback of 100 feet. The landscape buffers shall, at a minimum, contain large caliber bald cypress trees and attractive fencing.

## **Soils**

According to the Prince George’s County Soils Survey the principal soils on this site are in the Bibb, Sandy Land and Westphalia series. Bibb soils are associated with floodplains. Westphalia soils are highly erodible. This information is provided for the applicant’s benefit. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

## **Water and Sewer Categories**

The water and sewer service categories are W-6 and S-6 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources, and the site will, therefore, be served by private systems.

3. **Community Planning**—The subject property is located within the limits of the 1993 Subregion VI study area, Planning Area 82A/Queensland. The land use recommendation for the property is low-rural residential densities of 0.3 to 0.7 dwellings to the acre. The 2002 General Plan locates this property in the Rural Tier. One of the visions of the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation, agricultural pursuits, and preservation of the rural character and vistas that now exist. The proposed preliminary plan is consistent with both the master plan and the General Plan.

## **Planning Issues**

The 1993 Approved Master Plan for the Subregion VI Study Area discusses the proposed type of large-lot residential development where a key planning objective is to preserve the rural character of this part of the county. The plan points out that “conventional low-density O-S development continues to erode the rural landscape” (plan, page 77). Rural community character will ultimately be subsumed into a suburban, albeit low-density, development pattern when the area is fully built out under existing five-acre residential zoning.

To maintain the rural character of the rural planning areas, by preserving forested areas and minimizing the grading and clearing of the existing woodland, the principles embodied in the plan’s Rural Conservation chapter are important (plan, pp.61-82). On pages 80-82, the plan contains the following guidelines to further the objective of preserving rural character in this area:

- “2 The retention of woodlands for recreation and conservation should be encouraged. Any vacant, undeveloped land not wooded should be adequately stabilized by vegetative coverage.
  - “3 Large-scale clearing and grading of land should be carefully controlled to prevent the unnecessary destruction of woodlands.
  - “4 ...every effort should be made in order to preserve scenic roads during road improvements.
  - “5 The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
  - “6 Land developers should be encouraged to capitalize on natural assets by the retention and protection of trees, streams, and other ecological features. All development should be sensitive to the topography and should minimize the damage to natural vegetation cover....
  - “7 Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields and/or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained. The creation of extensive lawn areas should be discouraged.
  - “9 The use of private gravel streets and common driveways is encouraged within a subdivision to minimize building and maintenance costs. There will be no cost to the County and the gravel streets will be in concert with the rural landscape. Streets should follow the natural contours to the extent possible, and homes should be sited as close to existing grade as possible.
  - “10 Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
  - “11 A variety of setbacks are encouraged in order to prevent visual monotony typically found in suburban residential subdivisions.”
4. **Parks and Recreation**—Pursuant to Section 24-134(a) of the Subdivision Regulations, the development is exempt from the requirements of the mandatory dedication of parkland because each of the lots proposed exceeds one acre.
5. **Trails**—Two master plan trails impact the subject site. Old Crain Highway is designated as a master plan bikeway in the Adopted and Approved Subregion VI Master Plan. This requirement can be fulfilled through the provision of “Share the Road with a Bike” signage and paved asphalt shoulders, per the concurrence of DPW&T. A master plan trail is also recommended along the northwestern edge of the subject site. This master plan trail is part of a network of equestrian trails in the vicinity of Upper Marlboro. The master plan identified equestrian users as another major user of suitably constructed trails in the area. The trails proposed to serve the equestrian facilities in this area include walking, jogging, and riding trails, which although in public use, are not owned by the government and for which the users normally provide the maintenance (Subregion VI Master Plan, page 201). An easement is recommended along the northwestern edge of the subject site, in the approximate location shown on the master plan. This easement is adequately shown on the submitted preliminary plan.

### Sidewalk Connectivity

Existing roads are open section in the vicinity of the subject site. Due to the large lots proposed on the subject application, no sidewalk construction is recommended.

6. **Transportation**—The applicant was provided traffic data in association with a prior application, Preliminary Plan Of Subdivision 4-04181. As the counts were still current per the Guidelines, they were accepted for review for this application. The findings and recommendations outlined below are based upon the review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

### Growth Policy—Service Level Standards

The subject property is in the Rural Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better is required in the Rural Tier.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

### Staff Analysis of Traffic Impacts

The traffic generated by the proposed preliminary plan would impact the following unsignalized intersections:

- Old Crain Highway and Williams Beanes Road (unsignalized)
- Old Crain Highway and Croom Station Road (unsignalized)

These intersections are not programmed for improvement within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The existing conditions at the critical intersections are summarized below:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Old Crain Highway and William Beanes Road	18.0*	16.3*	-- --
Old Crain Highway and Croom Station Road	16.9*	10.7*	-- --

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Staff’s research of background developments revealed two developments that could potentially affect the referenced intersections. They are:

- Fendall Clagett Property 4-02071; 34 SF units
- Croom Station II 4-01079; 15 SF units

Collectively, these background developments could add 36 and 44 trips to the AM and PM peak hours, respectively. With the inclusion of these trips, the analysis revealed the following results:

<b>BACKGROUND TRAFFIC CONDITIONS</b>			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Old Crain Highway and William Beanes Road	18.7*	17.0*	-- --
Old Crain Highway and Croom Station Road	17.7*	10.9*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.			

With the development of 48 single-family detached residences, the site would generate 36 AM (7 in and 28 out) and 43 PM (28 in and 15 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 65 percent—west along MD 4, 20 percent—south along US 301, 5 percent—west along William Beanes Road, and 10 percent—northeast along US 301. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the following results are obtained:

<b>TOTAL TRAFFIC CONDITIONS</b>			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Old Crain Highway and William Beanes Road	19.6*	18.4*	-- --
Old Crain Highway and Croom Station Road	17.8*	11.0*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.			

The results of the analyses indicate that adequate transportation facilities would continue to exist if this application is approved.

## Plan Issues

Old Crain Highway is a master plan collector facility. The plan shows correct dedication for Old Crain Highway of 40 feet from the existing centerline.

William Beanes Road is a rural collector within the overall right-of-way for MD 4. The existing right-of-way is 30 feet from the baseline, and that is consistent with the overall right-of-way along this section of William Beanes Road. The existing right-of-way is consistent with the master plan recommendations for this roadway; therefore, no additional dedication is required along William Beanes Road.

It is noted that the subdivision plan proposes that three lots (not including the existing residence) are proposed to receive driveway access onto Old Crain Highway, which is a planned collector facility. In consideration of current operating speeds and volumes, driveways onto the three proposed lots should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Old Crain Highway. It would be preferable for these lots to utilize a private road or some sort of consolidated access.

## Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	48 sfd	48 sfd	48 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	11.52	2.88	5.76
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	11.04	0.6	2.28
Total Enrollment	4,163.56	7,333.48	11,070.04
State Rated Capacity	4,140	6,569	8,920
Percent Capacity	100.57%	111.64%	124.10%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 \$7,412 and \$12,706 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 policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Marlboro, Company 20, using the seven-minute travel times and fire station locations map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005. The Fire Chief has reported by letter, dated November 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District V. The response standard is 10 minutes for emergency call and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on December 5, 2005

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The travel time response standard of ten minutes for police emergency calls was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05074 fails to meet the standards for police emergency response times. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure* adopted by the County Council.

In accordance with CR-78-2005, the applicant has agreed in principle to enter into a mitigation agreement and chosen to pay solely the mitigation fee.

10. **Health Department**—The property is located in water and sewer service Category 6, which requires that the development be served by private water and sewer service. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to ensure that adequate water and sewer facilities are available to serve the residents of the community.

At the writing of this staff report the Health Department has reviewed the perk tests and has submitted a referral dated December 30, 2005, which references a prior memo of September 23, 2005, with specific comments for many of the proposed lots. Recent conversations with the Health Department reveal that additional testing has been completed and should address outstanding concerns. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been approved (CSD #41286-2004-00). Development must be in accordance with the approved plan or any approved revision thereto to ensure that development of this site does not result in on-site or downstream flooding.
12. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 48 lots for the construction of single-family dwellings. Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the R-A Zone as follows:

- a. **The minimum lot size for 60% of the lots is 2 acres,**

Comment: Of the 48 lots proposed, 29 meet or exceed two acres, or 60 percent.

- b. **One (1) one acre lot is permitted for each 25 acres of tract area,**

Comment: The site is 126.72 acres; five 1-acre lots are permitted. The applicant is not proposing any 1-acre lots.

- c. **All remaining lots must be a minimum of 50,000 square feet,**

Comment: The remaining 19 lots are each over 50,000 square feet.

- d. All lots created shall be restricted to single-family dwellings or agricultural uses, and**

Comment: The lots are proposed for the construction of single-family dwelling units.

- e. No portion of the subdivided tract shall be resubdivided unless under certain circumstance.**

Comment: A new preliminary plan of subdivision would be required to divide the property, further ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards.

13. **Historic Preservation**—The Historic Preservation Commission has previously commented on the prior Preliminary Plan 4-04181 after reviewing the case at its April 19, 2005, meeting. This preliminary plan application includes 126.72± acres on the north side of Old Crain Highway, across from its intersection with Gold Yarrow Lane. The application proposes 48 lots and is zoned R-A. The 126.72±acre tract Beacon Hill (Marbury Heights), was designated as a historic site, including a 7.05 acre environmental setting, by the Historic Preservation Commission (HPC) on October 26, 1999. The HPC took this action under Section 29-118(a)(2) as a result of the adjoining property to the north being subdivided.

### **Background**

Beacon Hill (Marbury Heights) is a fine example of a turn-of-the-century Colonial Revival house. Alexander Marshall Marbury constructed it in 1899 on a prominent site a mile south of Upper Marlboro. Marbury's house was built on part of the old David Craufurd farm, Kingston, which adjoined the Town of Upper Marlboro on the southwest. Much of this land had been acquired by Thomas (VI) Clagett of Weston, and his son, Charles Clagett, in trust for members of their family. In 1898, Alexander Marshall Marbury purchased a 187-acre portion of the Craufurd farm from the Clagetts; at the same time Marbury exchanged with Dr. Frederick Sasscer parts of the same farm. Sasscer received 22 acres on the Federal Spring Branch, and Marbury received 5 acres particularly desirable for a dwelling site.

Marbury contracted with a local carpenter, B. Wesley Cranford, to build a house somewhat similar to Ellerslie, which had been built for Judge Richard B. B. Chew in 1895 (#82A-34). The *Prince George's Enquirer* recorded in September 1898 that "In the next few weeks, Mr. Marshall Marbury will commence the erection of a beautiful home near here on the farm which he recently purchased." By the following spring, work had commenced. The same newspaper reported in March 1899 "Messrs. Benjamin Cranford and Son, contractors and builders, have received a contract for building a residence for Mr. A. M. Marbury on the farm which he recently purchased near this town. The work commenced yesterday."

While the house was under construction, the Marburys lived in the Reuben Bunnell house next to Trinity Church in Upper Marlboro. They moved into their new home at the beginning of November 1899.

The Marburys' house was a fine example of Colonial Revival architecture, with fully pedimented gable ends and dentiled cornices. Its lines were varied from the popular Foursquare plan by

shallow projecting crossgables, and by its hip and gable roof. The house stood in a commanding position on a hill overlooking the old road between Upper Marlboro and Weston, and close to much older farm buildings from the Craufurd and Clagett periods of ownership. Marbury called his new house "Marbury Heights." Somewhat less ornate than the Chew house, Marbury's house did include several similar features, such as the fireplace in the stairhall, pocket doors between parlors, nearly identical interior architrave trim, and Classical Revival wood mantels.

After Alexander Marshall Marbury's death in 1938, Marbury Heights passed to his son, Charles Clagett Marbury, and has since that time been called "Beacon Hill." Charles Marbury had a distinguished political and judicial career, serving four sessions in the Maryland House of Delegates, and two in the Maryland Senate. He served as a Judge of the 7th Judicial Circuit, and of the Court of Appeals. Beacon Hill was Judge Marbury's home up to the time of his death in 1991, and has since that time been the home of his descendants until earlier this year. It is a distinctive and somewhat unusual example of locally built Colonial Revival style dwelling, and is a prominent landmark on the old road south of Upper Marlboro.

A large area (the "Clagett Agricultural Area," approximately six square miles), including all of the Beacon Hill property and Weston, and several other Clagett family properties, has been determined eligible for listing in the National Register of Historic Places because of its unique historical and architectural importance.

The Maryland Historic Sites Inventory Form, prepared by Susan G Pearl, states that:

"Outside of the proposed Environmental Setting, the unpaved farm lane bends to the west from the immediate grounds of the house. Circa 600 feet west of the house, on the adjoining farm parcel, is a large tobacco barn, which predates the house; it has a gable-on-hip roof, and vertical board siding. Visible in the interior of this barn are hand-hewn beams, joined by pegs with mortise and tenon, as well as new material. Opening is in the south, and the roof is covered with corrugated metal.

Another old farm lane leads north from the house. East of this lane are the foundations of a one-and-one-half-story gable-roof cabin which is believed to have been built as a slave quarter. In badly deteriorated condition, the building was demolished within the last ten years. Entrance to the cabin was centered in the east facade, and there was one window opening in the west facade. The building had board-and-batten siding over log, with wide riven horizontal boards at second level in the gable ends; it had a boxed cornice, and heavy hand-hewn sill. In the northwest corner was a small boxed stair.

Several hundred feet farther along the farm lane is another large tobacco barn. This north barn appears to be newer than the other; it has a low-pitched gable roof, and vertical board siding. Visible on the interior are hand-hewn joists and sill, but the superstructure appears to have been rebuilt of new materials."

For many generations tobacco barns have been central to the economy of the region and a defining architectural characteristic of the region's rural landscape. These air-cure tobacco barns are unique to Maryland and provide a view into four hundred years of the area's complex agricultural and economic history.

The National Trust for Historic Preservation has, since 1988, listed the "11 Most Endangered Historic Places." This list has been one of the most effective tools in the fight to save America's irreplaceable architectural, cultural and natural heritage. Some of the sites are well known; others

are less famous but just as important, because they too represent preservation challenges facing many communities across the country. In 2002, Congress created a Historic Barn Preservation Program to identify and promote practical solutions for the continued use of older and historic barns. In 2004 the tobacco barns of southern Maryland were put on this list. The National Trust's BARN AGAIN! Program encourages preservation and provides technical assistance for adapting historic barns and may also help to save these important buildings. The first direct result of the 11 most endangered listing was a Tobacco Barn Summit, held in November 2004. The goals of this summit were to discuss the issues and provide insight on the solutions for barn reuse and the impact of the barns on land preservation.

## Findings

1. Historic Site 82A-000-37 (Beacon Hill) is located on the subject property and is noted. The notation does not include the Clagett Agricultural Area designation.
2. Note 20 states that all existing buildings are to be removed except the farmhouse on Lot 45 (Beacon Hill). Two of those buildings are within the environmental setting and they should be analyzed.
3. Lot 21 contains a tobacco barn historically associated with Beacon Hill.
4. The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. The subject property was a part of Kingston. Therefore, it has been investigated for potential archeological significance associated with antebellum habitation by enslaved African Americans, as well as the potential for archeological significance associated with Native American habitation.
5. To protect the views from the historic site, some screening will be required along the common boundaries between the historic site and the developing lots. The Prince George's County *Landscape Manual*, pages 57-61 requires a D bufferyard along the lines of the environmental setting.
6. This portion of Old Crain Highway is part of a significant historic landscape, the Clagett Agricultural Area, which has been determined eligible for listing in the National Register of Historic Places. This area reflects the historic landscapes, roadways, architecture and settings of the nineteenth century when members of the Clagett family owned most of the land. Among the Historic Preservation recommendations in the approved master plan for the Subregion VI study area (September 1993) is the following:

“10) Old Crain Highway traverses a landscape that is eligible for the National Register of Historic Places. The area should be preserved through land use policies, complemented with the preservation of the historic road alignment. Special landscape features, such as the Bald Cypress trees near Weston, should be protected.”
7. The plan delineates “Intermittent Waters of the US.” If a permit from the Army Corps of Engineers is required, the applicant will be required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), because the Clagett Agricultural Area was determined eligible for the National Register of Historic Places.

## Conclusions

1. The notation of Historic Site 82A-000-37 (Beacon Hill) should include the “000” to reflect Clagett Agricultural Area designation.
2. The applicant has completed a Phase I archeological investigation. The abstract of the draft Phase I has been reviewed. Staff agrees with the report conclusions that no additional archeological investigation is required, and that the extant structures warrant more detailed recording.
3. The applicant should submit a condition assessment report on all of the buildings to be removed. The two buildings in the environmental setting should be analyzed for condition and for possible adaptive reuse. If the applicant still proposes to demolish them, they will require a historic area work permit (HAWP) to be approved by the HPC prior to demolition.
4. An architectural historian who meets the Secretary of the Interior’s professional qualifications should complete documentation of the existing structures to be demolished. The large tobacco barn to the west of the house (on Lot 21) predates Beacon Hill and should be documented to Historic American Buildings Survey (HABS) standards including black and white photographs, measured drawings as well as digital photography. This documentation should be provided to the Historic Preservation Section for archiving. All other structures outside the environmental setting to be demolished should be documented by digital photography and Maryland Historic Trust Inventory Forms should be completed prior to grading permits.
5. Material from the barns and the tenant house to be razed may be reusable and should be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county’s architectural salvage depot.
6. The required D bufferyard along the lines of Beacon Hill should be landscaped with native species, preferably evergreens with a mix of tall growing deciduous trees to protect the viewshed from the house.
7. The portion of Lot 21 on which the historic barn sits should be reconfigured to place the barn on open space.
8. To ensure that the proposed buildings do not adversely impact the view from Beacon Hill, the applicant should provide a perspective view showing sight lines from the houses on adjoining lots to Beacon Hill. The applicant should also provide materials to be used and elevations of the facades facing the Beacon Hill to the Historic Preservation staff to approve for architectural compatibility with Beacon Hill through a limited detailed site plan.
9. Old Crain Highway area should be preserved and complemented with the preservation of the historic road alignment.

## RECOMMENDATION:

APPROVAL, subject to the following conditions:

1. In conformance with the Adopted and Approved Subregion VI Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. A financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of a "Share the Road With a Bike" sign. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to accommodate bicycle traffic.
  - b. A twenty-foot-wide, public use hiker/equestrian easement along the northwestern boundary of the subject site, as indicated in the master plan.
2. Prior to signature approval of the preliminary plan the General Notes shall be corrected to state the property contains the site of Beacon Hill, Historic Site 82A-000-37.
3. Prior to signature approval of the preliminary plan, the applicant shall document the tobacco barn to the west of the environmental setting, on Lot 21, which predates Beacon Hill, to HABS standards.
4. A limited detailed site plan for the lots adjacent to the environmental setting (Lots 20, 21, 46) shall be reviewed by the Planning Board or its designee to address the siting and size of the proposed houses and landscape buffers for the compatibility with the historic site. Some Colonial Revival style architectural elements should be incorporated into these houses.
5. Prior to any permits being issued to demolish the two outbuildings in Beacon Hill's environmental setting, the applicant shall submit a historic area work permit (HAWP) application to demolish these buildings.
6. Prior to the approval of any raze permits, the applicant should work with staff from the Department of Parks and Recreation and determine if material from barns and tenant house can be reused and if so it should be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county's architectural salvage depot.
7. The applicant shall follow the *Landscape Manual* regarding buffering of the historic site boundaries, or seek alternative compliance or departure to decrease the bufferyard required along the boundary of the environmental setting.
8. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, bio-retention areas, and septic recovery areas. The impacts approved for this subdivision are limited to the three impacts shown for stormwater management outfalls.
9. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Provide the threshold requirement on-site.
  - b. Provide a minimum of 40 feet of useable rear yard area, and 20 feet of side yard area for all lots.

- c. Add the following note: “Reforestation and afforestation areas on lots shall be delineated on-site through the use of two-rail split-rail fences or some other permanent device that is aesthetically compatible with the development. Fence locations and details shall be specified on the Type II TCP.”
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
- 10. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
- 11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the primary management area, and reforestation and afforestation areas, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
- 12. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/97/04), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
- 13. Prior to signature approval of the preliminary plan and the TCPI, Lot 16 shall be reconfigured to provide at least a 40-foot-wide outdoor activity area to the rear of the proposed house that is outside the 65 dBA Ldn noise contour shown on the plans.
- 14. A note shall be placed on the final plat that prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
- 15. Prior to signature approval of the preliminary plan and TCPI, the plans shall be revised to show a building restriction line of 100 feet from Old Crain Highway for the proposed lots fronting Old Crain Highway.
- 16. The landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Old Crain Highway shall be reviewed and approved with the Type II tree conservation plan. The landscaping shall, at a minimum, contain large caliper bald cypress trees and attractive fencing.

17. The development of this property is subject to approved Stormwater Management Concept Approval #41286-2004-00 and any revisions.
18. Prior to the issuance of permits a Type II tree conservation plan shall be approved.
19. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$181,440 (\$3,780 x 48 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
20. Prior to signature approval of the plan, the applicant shall submit evidence of approved perk tests for each lot. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots shall be created.
21. At the time of final plat approval, the applicant shall dedicate right-of-way along Old Crain Highway of 40 feet from centerline, as shown on the submitted plan.
22. The following shall be checked by Transportation Planning Staff at the time of building permit:
  - a. The driveway to each lot proposed to access Old Crain Highway shall be designed with a turnaround capability in order to minimize the need for vehicles accessing each lot to have to back onto Old Crain Highway.
  - b. All lots proposed to have direct driveway access to Old Crain Highway shall utilize shared-access cuts within the right-of-way with separate driveways, where appropriate.