

## The Town of Upper Marlboro

RESOLUTION: 2019-08  
SESSION: Regular Board Work Session  
DATED: September 24, 2019

### **A RESOLUTION OPPOSING A PROPOSED MINOR AMENDMENT TO THE 2010 PRINCE GEORGE'S COUNTY HISTORIC SITES AND DISTRICTS PLAN TO REMOVE THE OLD MARLBORO PRIMARY SCHOOL AND THE OLD MARLBORO HIGH SCHOOL FROM THE PLAN**

**WHEREAS**, the County Council of Prince George's County has adopted Resolution No. CR-72-2019 resolving to commence the process to amend the *2010 Prince George's County Historic Sites and Districts Plan* to remove the Old Marlboro Primary School and the Old Marlboro High School, and thereby stating its findings that said amendment is authorized pursuant to Section 27-642 of the County Code because the proposed amendment: (1) is limited to specific issues regarding public planning objectives; and (2) does not constitute an amendment which would require ...[certain] analysis; and

**WHEREAS**, fifteen (15) individual historic properties in Upper Marlboro are protected by the County's preservation ordinance, which authorizes the nine-member county historic preservation commission to evaluate proposed historic sites, and since 1992, a number of properties have been surveyed and documented as historic, but the properties can only be listed as historic sites through a master/functional plan amendment to add them to the inventory of historic resources; however, in 2008 a new provision was added to the historic preservation ordinance to expedite and streamline the process by allowing such documented properties to be added to the inventory as historic sites upon public hearing by the historic preservation commission, followed by a joint public hearing by the Planning Board and District Council; and

**WHEREAS**, the Historic Preservation Ordinance also authorizes the Historic Preservation Commission (HPC) to review proposed work on historic sites and structures identified in the 1992 Historic Sites and Districts Plan, and the ordinance (Subtitle 29 of the Prince George's County Code) applies to designated historic sites and districts and requires that a Historic Area Work Permit (HAWP) be obtained from the Historic Preservation Commission for (1) alterations of or new construction on these designated properties; (2) any grading, excavating, or construction that substantially modifies the environmental setting of a designated property; (3) the erection of signs on a designated property; or (4) the demolition of a designated property; and

**WHEREAS**, the *Upper Marlboro Action Plan* published in 2009 by the Maryland-National Capital Park and Planning Commission (M-NCPPC) recommended in Action Item 7 that a study of the potential for adaptive reuse of historic buildings in the Town and that the Old Marlboro Academy appeared to be a prime candidate for adaptive reuse and could serve as an important civic use for the Town, and that any historic building considered for adaptive reuse should be documented prior to rehabilitation through measured drawings and large format photography that conforms to the standards of the Historic American Buildings Survey (HABS); and

**WHEREAS**, after apparently acquiescing to demands from certain state officials to modify its original intent to include the Beanes' Cemetery tomb (Historic Site 79-019-22) as part of its proposed amendment to remove all of the subject property's historic sites from the plan, on July 23, 2019, the

County Council of Prince George's County sitting as the District Council adopted Resolution CR-072-2019 for the purpose of initiating a Minor Amendment to the 2010 Prince George's County Historic Sites and Districts Plan to remove the Old Marlboro Primary School (Historic Site 79-019-51) and the Old Marlboro High School (Historic Site 79-019-52) from the functional plan (the "Minor Amendment"), which guides and controls certain zoning and land use decisions in the County; and

**WHEREAS**, during the War of 1812, Upper Marlborough, as it was then spelled, was twice occupied by the British Army and initially on the 22nd of August 1814 when British Major General Ross, who selected the home of Dr. Beanes, a veteran of the Revolutionary War, as his headquarters now occupied by the Old Marlboro High School building, and there remained until the afternoon of the next day, when, following a council of war held on Academy Hill with Admiral Cockburn, resolved to march via Bladensburg, to capture and burn Washington; and

**WHEREAS**, upon their arrival, the British found the Town to be deserted, except for Dr. Beanes, who showed the enemy every hospitality but primarily stayed for the occupation to protect the Maryland State Records that were ironically, temporarily entrusted to him and stored at his premises because it was forecasted that the British would likely invade and burn Annapolis; and

**WHEREAS**, when the British forces withdrew from Prince George's County to board ships and invade Baltimore, six British stragglers became involved in an altercation with the elderly Dr. Beanes at his home on Academy Hill, who had the soldiers arrested, charged with disturbing the peace and jailed, but one of them escaped, returned to the fleet and informed General Ross, who had Beanes brutally arrested and confined aboard ship; and

**WHEREAS**, to secure the release of prisoner Dr. Beanes, that September, 1814, President Madison commissioned Georgetown attorney Francis Scott Key to visit the British Fleet and negotiate a release, but instead he was detained aboard ship along with Dr. Beanes until after the attack on Baltimore, and the two along with Colonel John Skinner, the U.S. prisoner exchange agent, witnessed the bombardment of Fort McHenry on the 13<sup>th</sup> and 14<sup>th</sup> of September, during which Key was inspired to write "The Star-Spangled Banner;" and

**WHEREAS**, Baltimore, Maryland known as the birthplace of "The Star-Spangled Banner," thus owes the county seat of Prince George 's County, and the subject Academy Hill property where Dr. Beanes and his wife still rest to this day, which Maryland's only metropolis and the entire nation so fittingly celebrates, and which is an event and piece of sacred land that inseparably links the name of Dr. Beanes with that of Francis Scott Key, the author of our National Anthem, with the occasion of his inspiration; and

**WHEREAS**, in 1999, the alumni of the Upper Marlboro High School placed a plaque on Academy Hill stating that "[o]n this site the Marlboro Academy was established in 1835. This began 150 years of education as the Marlboro Academy, the Upper Marlboro High School and the Upper Marlboro Elementary School;" and

**WHEREAS**, the Board of Commissioners finds that the historic significance of the property known as 14254 Elm Street in Upper Marlboro or Academy Hill once owned and occupied by Dr. William Beanes and his wife, Sarah, who was the niece of President John Hanson, under the Articles of Confederation, reflects the very spirit, freedoms and direction articulated in the Declaration of Independence, that this Nation is founded upon and reflects its historic heritage and further highlights the vital contributions and sacrifices that Maryland's citizens, soldiers and militia gave the fledgling republic

known as the United States of America; and

**WHEREAS**, the Board of Commissioners further finds that the historical, cultural and architectural integrity of the Town and Dr. Beanes' legacy should be preserved as a unique and important aspect of its past and future sustainability which enhances and ensures the quality of life of its residents and visitors no less today than in 1814 when a British annalist, who was accompanying the invading army wrote, "It was one o'clock when the neat houses and pretty gardens of Marlborough presented themselves to our view. I know not whether the scene would strike me now as it struck me then, were I again to visit it; but at that moment I imagined that I had never looked upon a landscape more pleasing, or more beautiful. The gentle green hills which on either hand enclosed the village, tufted here and there with magnificent trees, the village itself, straggling and wide, each cottage being far apart from its neighbors and each ornamented with flower beds and shrubberies; these, with a lovely stream which wound through the valley, formed, as far as my memory may be trusted, one of the most exquisite panoramas, on which it has ever been my good fortune to gaze;"; and

**WHEREAS**, the Prince George's County Historic Preservation Commission (HPC) is responsible for protecting properties listed on the Inventory of Historic Resources in the Prince George's County Historic Sites and Districts Plan, and the HPC was created in 1982 following the Planning Board's adoption and the County Council's approval of the Historic Sites and Districts Plan in 1981 whereby the HPC is empowered through Subtitle 29 of the County Code to evaluate historic resources for designation as historic sites or historic districts; to review and approve plans for exterior alteration, demolition, or new construction; and to prevent demolition by neglect of historic resources; and

**WHEREAS**, the Prince George's County Inventory of Historic Resources is based on a series of surveys first performed by M-NCPPC from 1973–1975 and then updated by the Prince George's County Historic Preservation Commission (HPC) for the 1981 and 1992 Historic Sites and Districts Plans, whereby a property included in this inventory is considered a historic resource, but is not necessarily protected under the County's Historic Preservation Ordinance, however, properties listed in the inventory become fully protected by the County's historic preservation ordinance only after evaluation at a public hearing and a finding that they meet ordinance-based criteria for designation as historic sites; and

**WHEREAS**, as indicated, the HPC may designate a property listed in the County Inventory of Historic Resources as a historic site or historic district if the property meets specific criteria of architectural or historical significance, and the process for designation involves preparing a research report documenting the history and architectural characteristics of the building or district; and

**WHEREAS**, in 2007, a cultural resources firm, EHT Traceries, assessed the integrity of the two historic buildings on Academy Hill in terms of material, workmanship, design, location, setting, feeling and association and gave an overall integrity rating of "high" for the Old Marlboro High School; and

**WHEREAS**, on May 8, 2015 a report was prepared by Bell Architects, PC for M-NCPPC entitled as the "Old Marlboro High School Historic Building Assessment and Treatment Plan," attached hereto and incorporated herein as Exhibit A, and said plan recommended urgent repairs needed for the roofs, roof drains and gutters and other repairs to maintain the building's security; and

**WHEREAS**, on September 16, 2019, the HPC concluded that "...there is no basis for determining that either building [on Academy Hill] is less significant today than at the time of their designation as historic sites in 2010," and has recommended that the District Council deny the proposed Minor Amendment; and

**WHEREAS**, according to a staff report on the subject proposed amendment from M-NCPPC to HPC dated September 9, 2019, after listing the Old Marlboro High School on its list of “Properties of Concern” on October 18, 2011 and later attempts by the HPC in 2018 to preserve the physical integrity and enhance the maintenance of the subject historic sites by urging the Office of Central Services to take action, the HPC was informed by the County that no additional funds would be expended on the building; and

**WHEREAS**, according to the *Upper Marlboro Action Plan* (p. 67) a need exists for marketing the Town’s historic assets such as Darnall’s Chance, which suffers from the lack of weekend visitors, and although the historic site is open on weekends, there are no other attractions to lure visitors and tourists to the community (e.g., restaurants and retail uses), and the Town needs to find ways to attract larger audiences to its historic resources by increasing general amenities in the Town to help increase attendance at historic sites; and

**WHEREAS**, the Board of Town Commissioners finds that any changes to be made to the subject designated historic sites and/or the Academy Hill property by the County Council, sitting as the District Council, as both the property owner and the zoning regulatory authority, without a validly issued HAWP or reasonable application of the criteria found in Section 29-104 of the Historic Preservation Ordinance is an attempt to circumvent the processes placed therein to preserve the Town’s historic significance and protect the health, safety and welfare of the Town and the public; and

**WHEREAS**, the Board of Town Commissioners further finds that certain officials of Prince George’s County appear to have breached their fiduciary duty by irresponsibly, unethically and illegally permitting demolition by neglect of the Old Marlboro High School and Primary School despite the existing County ordinance enforcement mechanisms provided in Section 29-113 *et seq.* of County Code that have been available to address neglect and waste committed by an owner of historic properties, and that the HPC has remained powerless to fulfill its statutory duty of holding the County Government (the landowner) accountable for abating the waste and neglect to the property since the Director of Permitting, Inspections, and Enforcement of Prince George’s County is legally delegated this responsibility; and

**WHEREAS**, as in the case of Historic Site 79-019-22 (Doctor William and Sarah Beanes Cemetery), *See* Maryland Historical Trust Maryland Inventory of Historic Properties Forms, No. PG: 79-019-22, 79-019-51 and 79-019-52), attached hereto and incorporated herein as Exhibit B (1, 2, & 3), the Board of Town Commissioners finds that their historic and cultural significance is unchanged and questions the finding in CR-72-2019 “that there is a need to reevaluate the designation of Historic Sites 79-019-51 and 79-019-52 for removal from the *2010 Prince George’s County Historic Sites and Districts Plan*”; and

**WHEREAS**, the Board of Town Commissioners further finds that the County has not indicated any “specific issues regarding public planning objectives” as required by the County Code and that pursuant to State Law the proposed Minor Amendment is not reasonable and appropriate to the purposes of protecting the historical, archaeological, architectural, or cultural heritage areas in the Town of Upper Marlboro and Prince George’s County that comprises a portion of the regional district, and the proposed amendment does not preserve and enhance the quality of life in the community.

**NOW, THEREFORE BE IT RESOLVED THAT**, the Town Board of Commissioners hereby opposes the proposed Minor Amendment to the *2010 Historic Sites and District Plan for Prince*

George's County to remove the Old Marlboro Primary School and the Old Marlboro High School or to otherwise declassify Historic Sites 72-019-51 and 72-019-52 and remove them from the protections and requirements of the County's Historic Preservation Ordinance for the above stated reasons; and

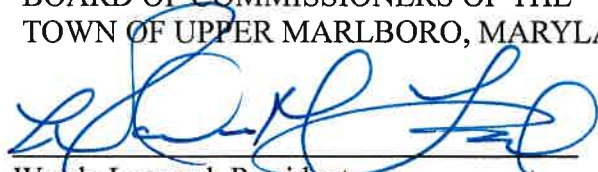
**BE IT FURTHER RESOLVED THAT**, the Town Board of Commissioners authorizes the President to sign this Resolution on behalf of the Board and directs that an original thereof shall be transmitted by U.S. Mail and electronic mail to the Clerk of the County Council by no later than October 2, 2019 for placement into the public record of the joint hearing for said Minor Amendment (CR-72-2019).

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular public meeting on the 24<sup>th</sup> day of September, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE  
TOWN OF UPPER MARLBORO, MARYLAND

  
M. David Williams, Clerk

  
Wanda Leonard, President



  
Kai Bernal-LeClaire, Commissioner

  
Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 24<sup>th</sup> day of September 2019.

  
M. David Williams, Clerk

- Copy to:
- (1) The Honorable Mike Miller, President of the Maryland Senate;
  - (2) The Honorable Michael A. Jackson, Delegate, District 27B, Chairman of the Prince George's County Delegation to the General Assembly of Maryland;
  - (3) The Honorable Sheila R. Tillerson Adams, the Chief Administrative Judge of the Circuit Court of Prince George's County;
  - (4) The Honorable Angela Alsobrooks, Prince George's County Executive;

- (5) The Honorable John Peter Thompson, Chair, the Prince George's County Historic Preservation Commission;
- (6) Ms. Elisabeth A. Hughes, Director, The Maryland Historical Trust;
- (7) Mr. Howard S. Berger, Supervisor, the Prince George's County Historic Preservation Section of the Maryland-National Capital Park and Planning Commission; and
- (8) Ms. Donna Schneider, President, The Prince George's County Historical Society