



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 12-84

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File No. SE-4663

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed SE-4663, Alice Ferguson Foundation (Hard Bargain Farm) requesting permission to provide new interpretive and overnight accommodations, support facilities (including a wetland boardwalk), and provide additional parking on the site in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 26, 2012, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is a combination of parts of two larger predominately wooded parcels located along the northeast and southwest sides of Bryan Point Road, approximately 2.4 miles west of Farmington Road. The subject property is 18 acres in area, and is owned by a nonprofit organization, the Alice Ferguson Foundation (AFF), which operates the site as an environmental education center and working farm for school-age children. Hard Bargain Farm (HBF) has operated as a quasi-public and institutional use for many decades and consists of a dormitory, pavilion, solar panels, wooded areas, agricultural uses and outbuildings.

The overall property contains streams, areas of severe slopes, and areas of steep slopes with highly erodible soils. A portion of the site is located within the Chesapeake Bay Critical Area (CBCA). A companion CBCA Conservation Plan, CP-10005, has been submitted. Access to the site is from a dirt road connecting to Bryan Point Road.

- B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	O-S	O-S
Use(s)	Private Educational Institution	Eleemosynary Institution
Acreage	18	18
Parcels	Part of Parcels 7 & 34	Part of Parcels 7 & 34
Square Footage/GFA	4,028	17,826

- C. **History:** Special Exception SE-2711 for a "Private Educational Institution" was approved for the site on July 15, 1974. On February 28, 1985, a minor revision to SE-2711 was approved for an addition to one of the buildings and a deck. That use is no longer found in the Zoning Ordinance; the eleemosynary or philanthropic institution use being sought most nearly corresponds to the original. The subject property was retained in the O-S (Open Space) Zone in the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, approved by County Council Resolution CR-61-2009 on September 9, 2009.

- D. **Master Plan Recommendation:** The 2002 *Prince George's County General Plan* places the property in the Rural Tier. The vision for this tier is to protect large amounts of woodland, wildlife habitat, recreation and agricultural pursuits, and provide for the preservation of rural character and vistas.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* recommends a rural use for the subject property together with most of the surrounding area.

- E. **Request:** The applicant is requesting permission to provide new interpretive and overnight accommodations, support facilities (including a wetland boardwalk), and additional parking on the site. The proposed facilities would be innovative, energy-efficient designs utilizing environmentally sensitive and sustainable materials. Systems designed to monitor and measure energy consumption/conservation at the new facilities are part of the design and would be incorporated into future programs to educate visitors about sustainable building and living, and about the energy usage "footprint."

This construction would include building expansions, various new small facilities, and a boardwalk trail through the wetlands, all of which are described below.

The proposed wetland boardwalk would be in the same corridor as the previously existing trail. It traverses former livestock pastureland that has evolved into a biologically diverse wet meadow, and provides a substantial environmental education/interpretive experience for visitors. AFF would like to reconnect the visitors with the resource. The proposed boardwalk is approximately 980 linear feet in length and would follow the alignment of an existing trail that is also used during interpretive programs. It includes a six-foot-wide bridge section that crosses Accokeek Creek (replacing the old bridge that is falling apart and parts of which currently still exist).

The Moss Lodge (12,240 square feet of which 3,079 is used for mechanical, utility, and storage space) would replace the old Wareham Lodge. Its roof is designed to gather rain that would be purified to potable standards for use in both buildings. It would contain classrooms, meeting rooms, teaching labs for environmental education, a commercial kitchen, a staff office, and both screened-in and open decks. It will accommodate 44 children or adults. There would also be two new cabins built close by, for students to be able to spend the night onsite. The cabins would each provide bunks and bathrooms to accommodate 22 children or adults.

The day-use education center, called the Grass Building (3,846 square feet), would be built at the edge of a cleared field, its roof designed to maximize solar efficiency. It would be a one-story, day use educational facility consisting of one large, dividable meeting/classroom space, a caterer's kitchen, bathroom facilities, and covered decks.

Finally, there would be a proposed increase in the current parking. Existing parking needs to be expanded to meet with building occupancy codes. Along the entrance road, there are currently several small parking lots, as well as a main parking lot. The main lot would have a total of 15 parking spots, and there would be 13 parking spots along the entrance road.

- F. **Neighborhood and Surrounding Uses:** The neighborhood is sparsely developed with widely scattered single-family dwellings in the Moyaone Reserve, woodland and federal park land. The general neighborhood boundaries are:

Northwest: Piscataway Creek and the Potomac River

East and South: A network of roads including Farmington, Marshall Hall, New Marshall Hall and Mockley Point Roads.

Southwest: The Charles County boundary.

This is the same neighborhood as established for Special Exception SE-2711.

The property is surrounded by the following uses:

North: Piscataway Park in the R-O-S Zone.

East: Privately owned, undeveloped land in the O-S Zone.

South: Bryan Point Road, a winding two-lane road, additional undeveloped land owned by the applicant and single-family residences on large lots in the O-S Zone.

West: The Wagner Community Center & Pool (owned by the Moyaone Association) and in the O-S Zone.

- G. **Specific Special Exception Requirements:** Section 27-107 and Section 27-364 describes the requirements set for an eleemosynary or philanthropic institution as follow:

Section 27-107.01(82) defines an eleemosynary or philanthropic institution as “any facility operated by a private, nonprofit organization offering religious, social, physical, recreational, emergency, or benevolent services, and which is not already specifically allowed in the various zones. The organization shall not carry on a business on the premises. The term shall not include an ‘Adult Day Care Center,’ ‘Congregate Living Facility’ or ‘Group Residential Facility.’”

Section 27-364(a)(2) permits a special exception for an eleemosynary or philanthropic institution, except exclusively office use, provided the property contains:

- (A) Total area—1 acre;
- (B) Street frontage—150 feet;
- (C) Setback—25 feet from all boundary lines of the special exception.

The proposed site plan indicates conformance with (A) through (C) above. The subject property comprises 18 acres; has 2,806 feet of street frontage along Bryan Point Road, and the proposed structures are set back at least 25 feet from all boundary lines of the special exception.

H. Parking Regulations:

Parking for eleemosynary or philanthropic institutions is based on their specific constituent use. Staff of the Permit Review Section has suggested that it would be appropriate for the subject use be treated in a similar manner to two day camp/environmental education facilities at Camp Aquasco adjacent to the Patuxent River Park (SE-4147 and SE-4538). The resulting parking requirements would be:

Use	Parking Space Requirement	Parking Required
Cabins	2 cabins @ 1 per cabin	2 spaces
+ Employees	5 employees @ 1 per employee	5 spaces
Total spaces required		7 spaces, including one handicap space
Total spaces provided		25 spaces, including 2 handicap spaces

I. Prince George's County Landscape Manual Requirements: The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), because the proposal involves an increase in gross floor area (GFA) of 17,826 square feet. The Urban Design staff offered the following comments regarding the submitted plan's conformance to the requirements of the Landscape Manual:

Section 4.3—It is unclear if the site is subject to Section 4.3 of the Landscape Manual. Parking lots greater than 7,000 square feet are subject to Section 4.3 of the Landscape Manual. The size of the parking lot should be provided so the applicability of Section 4.3 may be assessed. If the project is subject to Section 4.3 the appropriate schedule should be provided demonstrating conformance with its requirements.

Section 4.4—The site is subject to Section 4.4 of the Landscape Manual. Loading, trash and recycling facilities and mechanical areas are required to be screened in accordance with the requirements Section 4.4.

Section 4.6—The site is subject to Section 4.6 of the Landscape Manual, as Bryan Point Road is a categorized scenic and historic road. The requirements of Section 4.6 replace the requirements of 4.2; therefore, the Section 4.2 schedule should be replaced with a 4.6 schedule for the road frontage.

Section 4.7—The site is subject to Section 4.7 of the Landscape Manual. Section 4.7 schedules that indicate the use of adjacent properties should be provided along all property lines

demonstrating conformance with its requirement. Per Section 4.7 of the Landscape Manual, the proposal is a low-impact use. A Type "B" bufferyard inclusive of a 30-foot building setback and a 20-foot-wide landscape yard is required between the subject use and adjoining residences.

Section 4.9—The site is subject to Section 4.9 which contains requirements for native plantings. A 4.9 schedule should be provided demonstrating conformance with these requirements.

- J. **Other Issues-Subdivision:** In a memorandum dated March 15, 2012 (Nguyen to Lockard), the Subdivision Review Section states that a preliminary plan of subdivision is required pursuant to Section 24-107 and 24-111 of the Subdivision Regulation, saving limited exemptions in the Subdivision Regulations for the development of more than 5,000 square feet of gross floor area (GFA). If the applicant can provide documentation to demonstrate that the subject site can meet an exemption from filing a preliminary plan of subdivision pursuant to Section 24-107(c) and Section 24-111(c) of the Subdivision Regulation, subdivision may not be necessary.

Historic Preservation: Archeological site 18PR962 is a prehistoric short-term resource procurement camp in the central portion of the subject property containing lithic and ceramic artifacts dating to the Woodland period. The eastern portion of site 18PR962 has been disturbed by erosion and depositional forces that have affected its horizontal and vertical integrity and the site has a low artifact density. The archeological consultant recommended that no further work is necessary on the eastern portion of site 18PR962 due to its lack of integrity and research value. However, the western portion of site 18PR962 contains intact soil horizons and a higher artifact density and may have the potential to reveal additional information regarding the prehistoric occupation of the area. The archeological consultant recommended that further archeological investigations be conducted if it is not possible to avoid the western portion of site 18PR962 during construction. Historic Preservation staff concurs with the report's recommendation that no further work is necessary on the eastern portion of site 18PR962, but that additional work may be necessary on the western portion of the site if it is to be impacted by construction.

The applicant's proposed dirt road leading from Bryan Point Road to the proposed Grass Building may disturb an intact portion of site 18PR962. Staff acknowledges that no local law requires archeological investigations as part of approval of a Special Exception. However, such investigations are encouraged due to their potential significance and, therefore, staff concludes that the applicant should continue to work with the National Park Service under the federal review process to mitigate any impacts to potentially significant archeological resources within the proposed limits of disturbance (LOD).

- K. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of the Zoning Ordinance are many and varied as set forth in Section 27-102. They can best be summed up as promoting the health, safety and welfare of county residents by providing for orderly growth and development, while promoting the most beneficial relationship between the uses of land and buildings. This long-established philanthropic use will not disrupt the orderly growth of the county as it is a use that complements and is compatible with the neighborhood's rural, historical and natural character.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

With the recommended conditions of approval, the proposed use and site plan will conform to all applicable requirements of the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual*. An eleemosynary or philanthropic use is permitted by special exception in the O-S Zone in accordance with Section 27-441(b) and Section 27-364(a)(2) of the Zoning Ordinance.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The proposed use conforms to the "Rural" land use designation for this property in the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. Regarding the subject property, the intent of the master plan's land use recommendations and the objectives of the Alice Ferguson Foundation are compatible. The Hard Bargain Farm (HBF) is located in the northwestern corner of the Mount Vernon viewshed Area of Primary Concern. Elevations on the property increase from ten feet above sea level along Bryan Point Road to nearly 90 feet, toward the eastern part of the site. An evaluation was made of the potential impairment of the Mount Vernon viewshed by the proposed renovations and additions, including a balloon test. It was determined that they will not adversely affect the historic view from Mount Vernon due to its location in a "shadow" or lee area (30 to 80 feet elevation) screened from view by higher elevations (110 to 200 feet) in the Fort Washington-Baytomac Woods area west of Indian Head Highway (MD 210).

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

The proposed continued operation of a quasi-public environmental center by a philanthropic organization is not expected to create adverse effects on the public health, safety and welfare. Rather, the facility is expected to continue to enhance the quality of life for county residents. The use will offer school children who live in the county and region positive opportunities to grow and benefit from various programs and activities. The Transportation Planning Section finds that the proposal for expanded uses on the site, in consideration that the net trip generation is relatively small, would not pose unanticipated safety issues on Bryan Point Road.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed use will be entirely self-contained and concealed, surrounded by an existing wooded buffer proposed to be retained, with all structures at least 25 feet from special exception property lines. The HBF enjoys a symbiotic relationship with the Piscataway Park to the north and west. The National Park Service is in strong support of this application.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

A Type 2 Tree Conservation Plan (TCP2-017-12) was submitted for review. In a memorandum dated July 10, 2012 (Reiser to Lockard), the Environmental Planning Section staff indicates that certain technical corrections to the site plan and Type II tree conservation plan (TCP) are required. These technical corrections are listed as conditions in the Conclusion Section of this technical staff report.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

This site contains regulated environmental features, located outside the critical area, that are required to be preserved and/or restored to the fullest extent possible under Section 27-317(a)(7) of the Zoning Ordinance. The on-site regulated environmental features include streams and their associated 100-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain.

Section 27-296(c)(1)(L) of the Zoning Ordinance requires that: "A letter of justification stating how the proposed design ensures the preservation and/or restoration of the regulated environmental features to the fullest extent possible."

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A letter of justification for the proposed impacts was submitted. The special exception proposes impacts to the regulated environmental features in order to install two elevated boardwalks and grading for a challenge course area. These impacts total 11,980 square feet and are considered necessary to the orderly development of the subject property, in keeping with the educational and environmental goals of the foundation. The plan shows the preservation of the remaining areas of PMA and the isolated wetland.

Staff supports the request for installation of the two elevated boardwalks and installation of a challenge course area based on the following findings and recommended condition. The boardwalk on the western portion of the property is necessary to fulfill the environmental education aspect of the proposal. The elevated crossing over the isolated wetland and buffer located on the eastern portion of the property is necessary for pedestrian access to other on-site trail segments; this impact is an elevated crossing and adds to the opportunities for students to experience varied habitat areas which are central to the environmentally focused program. Grading for the challenge course, located on the westernmost portion of the site, is also necessary for the environmental education aspect of the proposal. This impact is located within the stream buffer, but is outside of wetlands and wetland buffers. It is recommended that prior to certification of the plans, the design for the challenge course be further evaluated for the possible reduction of impacts to regulated environmental features by relocating of a portion of the challenge course outside of the stream buffer.

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The existing and proposed lot coverage in the CBCA does not exceed that allowed by this Subtitle. The RCO Zone permits 15 percent CBCA lot coverage; the applicant is proposing 2.3 percent.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. Outside lighting associated with this project shall make use of full cut-off optics to preserve the visibility of the natural night sky.
2. Architectural drawings of the cabins, moss and grass buildings shall be submitted for review prior to the close of the record to assess their potential visual impact on the viewshed from Bryan Point

Road. The organic material proposed for the cabin roofs is a mitigating factor to take into consideration in evaluating impairment of the viewshed, but the degree of tree removal and the material type/color will still need to be carefully considered to minimize visual impact.

3. The applicant shall continue to work with the National Park Service under the federal review process to mitigate any impacts to potentially significant archeological resources within site 18PR962 that will be impacted by construction activities.
4. Prior to certification of the Special Exception, a copy of the Stormwater Management Concept Approval Letter and a copy of the associated approved plan shall be submitted. The approved stormwater management design shall be reflected on all plans.
5. Any required roadway improvements on Bryan Point Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation.
6. Prior to certification of the Special Exception, the TCP2 shall be revised as follows:
 - a. Revise the treeline to be darker and clearly legible and to match the treeline shown on the approved NRI.
 - b. Show the Stream Buffer and Primary Management Area (PMA) on all sheets of the plan set.
 - c. Remove steep slopes from the plan.
 - d. Revise the floodplain line to be darker and clearly legible.
 - e. On sheet TC3, show the entire area of limit of disturbance (LOD) that is located outside the critical area.
 - f. Provide a legend of symbols on all sheets of the plan set.
 - g. Remove duplicate specimen tree symbols and labels from the plan.
 - h. Show the location of the proposed septic recovery areas and their associated building connections.
 - i. Revise the TCP notes as follows:
 - (1) Remove the natural resource inventory (NRI) general notes
 - (2) Fill-out all notes to reflect site specific circumstances

- (3) Exclude all notes that are directives on how to fill-out the notes
 - (4) Add standard Note 9 to the plan to clearly indicate that this project is not grandfathered with respect to County Council Bill CB-27-2010
 - (5) Remove any notes that refer to the phasing of the TCP
- j. Revise the site statistics information to include the total floodplain area and the total wooded floodplain located outside the Critical Area.
 - k. Revise the worksheet to be based on site information located outside of the Critical Area.
 - l. Add the notes and details necessary to implement the specimen tree protection measures outlined in the memorandum dated June 29, 2012, to Megan Reiser, Planner Coordinator, Environmental Planning Section, from Darren Damone, Andropogon Associates.
- 7. Prior to certification of the Special Exception, the proposed impacts to Regulated Environmental Features for the challenge course shall be re-evaluated for a possible reduction of impacts. This evaluation shall include a shift of the course to the south so that only the access to the course is located within the stream buffer and the course itself located wholly outside the stream buffer. If this design is not feasible, a description of the reasons why the challenge course cannot be moved shall be provided to the Environmental Planning Section.
 - 8. The applicant should submit a landscape plan prepared in accordance with Section 2 of the 2010 *Prince George's County Landscape Manual*. In addition, the following corrections should be made to the landscape schedules:
 - a. The size of the parking lot should be provided so the applicability of Section 4.3 may be assessed. If it is determined that Section 4.3 is applicable, a Section 4.3 schedule should be provided demonstrating conformance to its requirements.
 - b. The Section 4.2 schedule should be replaced with a Section 4.6 schedule for the entire site frontage along Bryan Point Road.
 - c. The Section 4.7 schedule should be provided demonstrating conformance with its requirements.
 - d. A Section 4.9 schedule should be provided demonstrating conformance with its requirements.
 - 9. The site plan should include a note indicating that the site is exempt from the requirements of the Tree Canopy Coverage Ordinance because the site is in the O-S Zone and Chesapeake Bay Critical Area (CBCA).

* * * * *

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 8/6/12