



**Jan 17, 2008**  
**MCPB**  
 Item #   8  

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Mary Bradford, Director of Parks  
 Michael F. Riley, Deputy Director, Administration *MR*  
 John Hench, Chief, Park Planning and Stewardship Division *JHench*

**FROM:** Brenda Sandberg, Legacy Open Space Program Manager *BBS*  
 Dominic Quattrocchi, Legacy Open Space Senior Planner *DQ*

**DATE:** January 11, 2008

**RE: WORKSESSION: LEGACY OPEN SPACE RECOMMENDATIONS – ADD FIVE SITES TO THE LEGACY OPEN SPACE PROGRAM**

**Proposed Agenda for Worksession**

- Process for Identifying and Evaluating New Sites and Suggested Improvements
- Response to MCPB Questions about LOS Policy and Procedure
- Public Hearing Testimony and Staff Responses for Each Site
- Worksession and Action on Legacy Open Space Recommendations

**Recommended Actions**

- A)** Staff recommends that the Planning Board concur with staff amendments to the current process for identifying and evaluating new Legacy Open Space sites.
- B)** Staff recommends that the Planning Board approve the addition of the following five sites to the Legacy Open Space program:

- #1 - Beverly Property, Broad Run Watershed**, Poolesville (Natural Resources)
- #2 - Wild Acres/Grosvenor Mansion Property**, Bethesda (Natural Resources)
- #4- Hickey and Offut**, Bethesda (Natural Resource)
- #5 - Ireland Drive/National Park Seminary Carriage Trails**, Silver Spring (Heritage Resource)
- #7 - Montgomery College of Art and Design**, Wheaton (Urban Open Space)

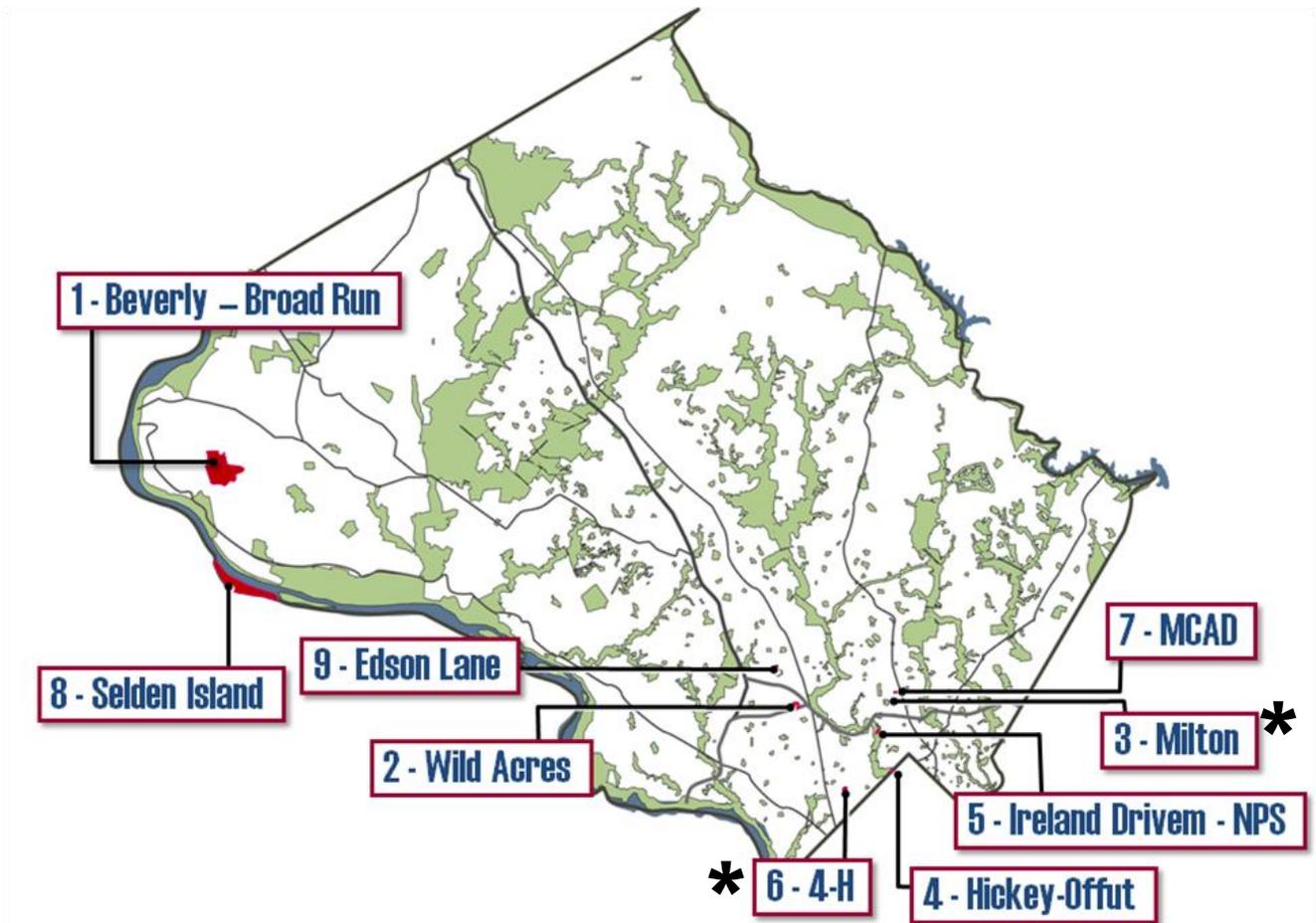
**Attachment 1** is the Summary of Public Hearing Testimony received on November 15, 2007, and subsequently submitted to the record. See **Attachment 2**, the staff memorandum from November 15, 2007, for a description of the nine sites evaluated and maps showing each site.

Note that site #3, the Milton Property, was taken to the Planning Board separately on December 20, 2007. At that date, a purchase contract for the property was approved using Legacy Open Space funds.

Also note that site #6, the 4H Council Headquarters, is not being brought to the Planning Board for discussion and action today but is expected to be brought to you in the future. Staff continues to coordinate with the 4H Council on the LOS recommendation, and staff will bring a revised recommendation for LOS designation to the Planning Board when that coordination effort is completed.

Staff has made changes to the recommended protection techniques for some of the nominated properties based on testimony received, discussed below for each site.

**Countywide Locator Map of Properties**



\* Properties not part of this packet

## Process for Identifying and Evaluating New Sites

Over the past two years, staff has completed evaluations of seventeen sites for potential addition to the Legacy Open Space (LOS) Program. The *Legacy Open Space Functional Master Plan* directs staff to conduct outreach in every odd-numbered year to identify new sites that should be considered for Legacy Open Space, and sites are nominated by citizens and staff at various times.

Nominated sites were put through an initial screening process followed by field work and GIS evaluation to evaluate natural, historic, and other site resources. Eight sites did not meet even the initial screening and, according to established procedure, were rejected by staff. Numerous Commission staffs, including Planning staff, Park Managers, and Park Planning staff, were involved in the ultimate evaluation and recommendations for the remaining nine sites. Other public agencies were consulted as appropriate. The draft and final staff recommendations for these nine sites were reviewed with the LOS Implementation Team (internal to Park and Planning) and LOS Advisory Group (external citizen's advisory group) at the summer and fall quarterly meetings.

A few comments were received as part of the public testimony regarding the notification process for property owners and communities adjacent to nominated sites. After assessing the procedures summarized above in light of those comments, staff recommends the following ways of improving our evaluation and outreach process.

- 1) Staff will **develop an expanded checklist** for any property nominated for the program to ensure all entities with a publicly recorded interest in the property are notified of the nomination. Such a checklist will include checking the tax assessor's records, the County land records for any recorded easements or deed restrictions, and checking the zoning records for any approved special exceptions or other uses.
- 2) **Outreach to property owners, others with property interests, and adjacent communities will begin earlier in the evaluation process**, soon after a site has passed the initial staff screening. We will not automatically rely on the individuals or entities that nominated a property to represent the community interest, but make an effort to broaden outreach to the entire affected community.
- 3) **Sites that staff recommends for addition to the program will be brought to the Planning Board in smaller numbers**, usually no more than one to four at a time. This will enable staff to conduct more focused outreach and allow the Planning Board to focus their deliberations more effectively.
- 4) Staff recommends **bringing nominated sites that are recommended for addition to the program to the Planning Board on a rolling basis**. The Functional Master Plan currently recommends conducting outreach to identify new sites every two years, then bringing any sites that meet the criteria to the Board all at once. Instead, we recommend a rolling process whereby newly nominated sites are brought to the Planning Board as their evaluations and public outreach have been completed.

**Staff recommends that the Planning Board support these changes to the Legacy Open Space evaluation and outreach process, especially item 4 that is an alteration of the recommended process from the LOS Master Plan.**

## Response to MCPB Questions about LOS Policy and Procedure

Planning Board members also raised a few policy and procedural questions about the program in their brief discussion after the testimony was concluded on November 15, 2007.

- A. The first issue raised was **whether one or more sites on the staff recommended list needed to be removed from the list in order to add a site that is not on the staff recommended list**. In short, the Legacy Open Space program is not a zero sum game and there is no need to remove a site from the program if a new site is added. However many sites are nominated to the LOS program, they are evaluated for inclusion in the program on the basis of their quality as the best open spaces in the County, not based on their potential cost.

Sites that have been added to the program based on their high quality then must compete with other LOS sites for available program funds if resource protection is envisioned to occur through easement or acquisition. Priority for protection is determined based on opportunities to protect the site and potential threats to resources. In many cases, protection is achieved through the development review process, donation, or other easement programs that do not require LOS program funds. Thus, the designation of a Legacy site and the implementation of the program to protect those sites proceed independently of each other in this key respect.

- B. A second issue raised by the Planning Board is **who can nominate a property for the program**. The *Legacy Open Space Functional Master Plan* (2001) lays out the public purpose that the program was designed to pursue and the process by which sites would be identified to add to the program. In the Master Plan process in 1999-2001, as in every other master plan process, land was identified and evaluated by staff of M-NCPPC and other public agencies, by members of the citizen advisory group, and by attendees at many public outreach meetings across the County. The nomination of properties by entities other than the owner for consideration for public purposes as described in an approved and adopted master plan is adopted practice in Montgomery County and, indeed, in most of the Country. Adjacent residents of prospective nominations often have personal insights and knowledge of a property's importance to the public good that may not be easily ascertained by Commission staff. In addition, the Legacy Master Plan specifically directs staff to conduct public outreach, to citizens and other public agencies, every other year to identify new sites to add the Legacy Open Space program.
- C. A third policy issue to come out of discussions with the Board is **how a pending Legacy Open Space designation should affect a rezoning process for a given site**. The rezoning process determines the appropriate zoning and development pattern for a property based on a complete analysis of the public policy, master plan and community issues affecting the property. The Legacy Open Space Functional Master Plan specifically directs that an existing or pending LOS designation cannot "alter zoning or other land use recommendations found in area master plans or functional master plans" (p. 13). In addition, general rules of equity and policies that cover land use acquisition by public agencies require that a rezoning or other development approval cannot be denied in an attempt to keep property values low to facilitate acquisition by a public agency. Thus a Legacy designation may influence the development pattern on a property, but not the zoning or the achievable density during the development review process.

As a result of these policies, any rezoning process must focus on reaching a public policy agreement on the appropriate development pattern for a property if it develops, not the issue of whether the site is desired for parkland instead of development. To quote the LOS Master Plan again, “the Planning Board and Council should identify the best land use and zoning for each site, without allowing a Legacy designation to influence the evaluation of zoning options” (p.13). The rezoning process does not and legally cannot address the appropriateness of a site for parkland as opposed to development at the proper zoned density. The Legacy Open Space designation process, however, is an appropriate forum for discussing the appropriateness of a site for parkland.

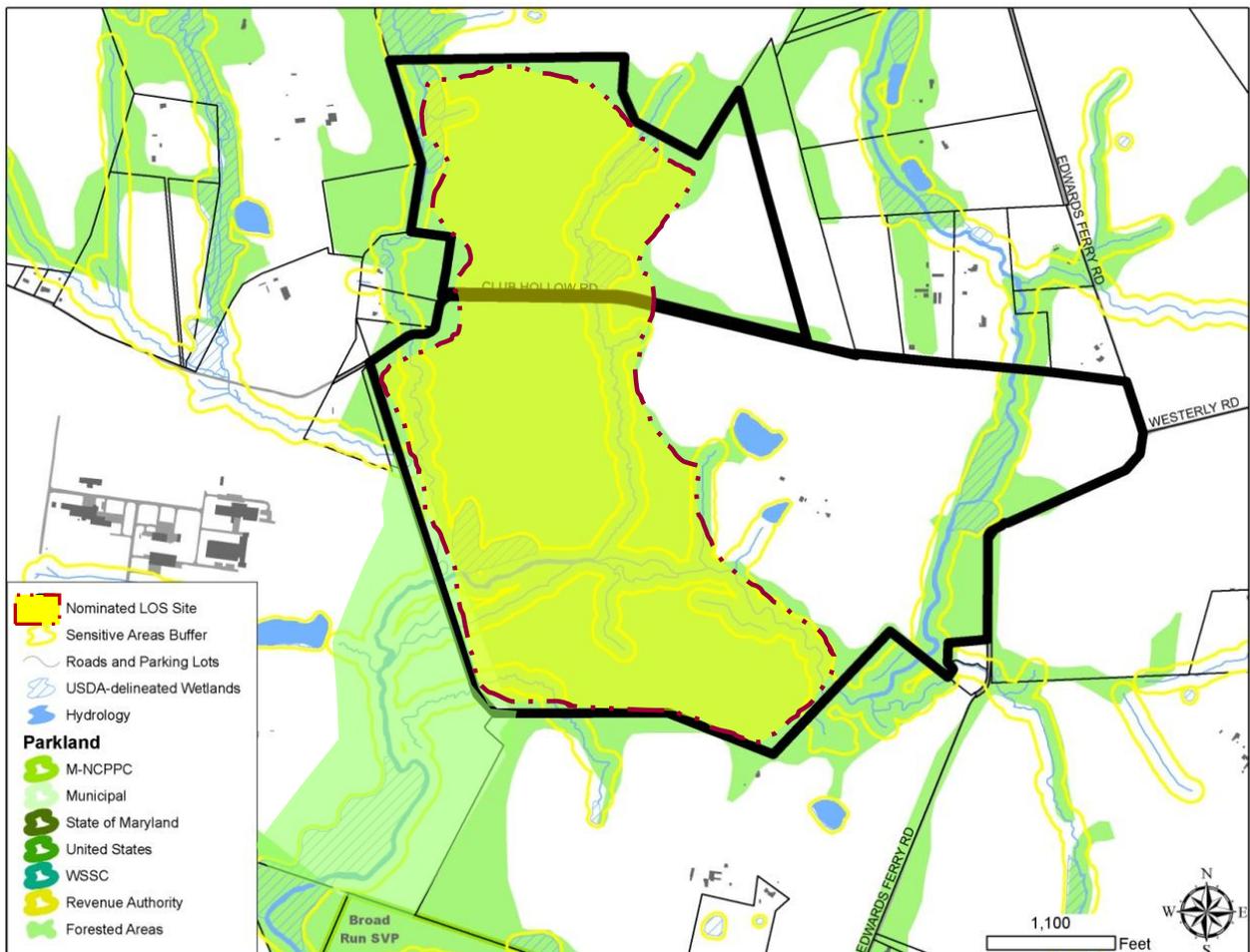
- D. The fourth issue the Planning Board mentioned was **how a property owner is reimbursed if acquisition is pursued, specifically if the property owner has pursued other avenues for their property prior to the LOS designation process.** If acquisition into the park system is determined to be the preferred protection method for a site, we pursue acquisition based on current market value as with any other parkland acquisition. Two appraisals are prepared by independent appraisers to determine the highest and best use of a property, and property owners are free to hire their own appraisers if they disagree with the initial offer. If a property owner has pursued development of some type on their property, the extent of that pursuit is likely to affect the property value. For instance, if a property has an approved development plan that determines the appropriate lot layout or has completed a rezoning that increases the density on a site, those approvals will increase the site’s highest and best use and, thus, likely its appraised market value, as well.
- E. A fifth issue raised by the Planning Board was that of **selectivity and maintaining the highest standards for LOS sites within each category.** Staff is committed to maintaining the integrity of the program as representing the “best of the best” open spaces in the County, and believes the recommendations before you today meet that criteria. The “best of the best” criteria are applied to each open space category, thus a site that may not have high quality natural resources may still rise above the rest within the Urban Open Space category, as do several sites being recommended to you today. As a reminder, here are the six open space categories covered by the LOS Master Plan, each having its own criteria to define “best of the best”.
- Protection of Environmentally Sensitive Natural Resources
  - Protection of Water Supply
  - Conservation of Heritage Resources
  - Protection of Greenway Connections
  - Protection of Farmland and Rural Open Spaces
  - Protection of Urban Spaces

In addition, staff is highly selective in bringing recommendations to the Planning Board. In this past year alone, 17 sites were nominated and eight did not meet the initial screen and were rejected by staff. On a regular basis, citizens contact staff regarding the possibilities for LOS designation of sites that clearly do not meet the program requirements. In many cases, after discussion of the merits of the site with staff, citizens decide not to nominate these sites, resulting in many more uncounted sites that were not accepted for the program. Not only does staff reject a large number of applications

based on merit, the sites that pass the initial screen are carefully evaluated by a full range of staff and citizens, as described above, prior to bringing recommendations to the Planning Board. It is unusual for staff to bring a single memo with as many as seven sites recommended for addition to the program as in November, but staff feels that is a reflection of the quality of the open spaces that were nominated to us over the past year rather than a decrease in the standards being applied.

The rest of this memorandum summarizes the public testimony received, the staff response, and any changes to the staff recommendation for each site. See Table 1 below for an executive summary of Recommended Planning Board Actions. See Attachment 1 for a detailed summary of all public testimony received for each site, and Attachment 2 for the complete staff memorandum from November 15, 2007.

**Beverly Property, Broad Run Watershed**



# Analysis of Public Testimony for Recommended Sites

#1 - **Beverly Property, Broad Run Watershed**, Poolesville (Natural Resources, Class II)

## INITIAL RECOMMENDATION

Staff recommends Legacy Open Space designation as a Natural Resource site. The recommended protection technique is to pursue acquisition of approximately 300 acres of forest as permanent stream valley or conservation parkland. Further, staff recommends pursuing study of additional properties for future completion of the Broad Run Stream Valley Park.

## REVISED RECOMMENDATION

Amend the recommended protection technique to add the option of pursuing an overlay easement to protect forested areas from timbering and allow for a trail connection as necessary.

## BACKGROUND

The Beverly property is a cornerstone property in the envisioned future Broad Run Stream Valley Park -- a long-term future series of acquisitions to complete a stream valley park system from the Chesapeake and Ohio Canal from near Edwards Ferry to Woodstock Special Park with a connection to the C+O Canal near Dickerson. M-NCPPC already owns a 106-acre property south of the Beverly properties known as the Broad Run Stream Valley Park (South Unit). The Broad Run Stream Valley Park is envisioned to provide a future natural surface trail connector with forested areas to be protected in perpetuity. The Broad Run watershed is considered an important natural area in the county because of its unique geology and plant communities, overall rural character and high recreational value. Entirely within Montgomery County, the Broad Run passes through area that has changed little in 100 years.

The Beverly Property contains a total of 535 acres, including 342 acres of forest. Much of this forest is High Priority riparian forest. The significance of this resource greatly increases the potential for rare, threatened and endangered species. Review of historic aerial photographs indicates that the existing forest boundaries have generally remained unchanged for at least the last 75 years. Notably, the Beverly forest alone comprises 13 percent of all forest area within the 2700 acres Broad Run watershed and represents one of the most outstanding large forested areas within Montgomery County. Mature large contiguous blocks of forest in Montgomery County are increasingly rare. These areas provide critical habitat for species dependent of large and un-fragmented forest interior.

## SUMMARY OF TESTIMONY AND ADDITIONAL RESEARCH

Two citizens spoke about the need for protecting the interior forest on this site and supported Legacy designation and partial acquisition of the forest.

The Agricultural Preservation Advisory Board (APAB) provided information on the existing County Agricultural Preservation and TDR easements on the property. The property owners retain six development rights for their use only. The APAB testified that the agricultural community is not in support of even partial acquisition of this property, as evidenced by resolutions passed by the Farm Bureau that oppose taking of property without just compensation, oppose any additional parkland acquisition in the County, and oppose the LOS program.

The APAB further testified that County regulations would require reimbursement of the agricultural easement fund at current values if the property were taken out of agricultural production for parkland or any other public use. They suggested an alternative approach to acquisition: that an overlay easement be considered that would provide additional protections to the forest and provide for limited public trail access.

Staff has also determined that the Beverly Property is listed as an Historic Property (Thomas W. White House, #16-17 Map 11, 1976 Locational Atlas). Historic Preservation staff is scheduled to review the property in the coming years as part of a review of the entire Agricultural Reserve.

## DISCUSSION

Staff supports the suggestion of APAB to consider an overlay easement in addition to acquisition options. The current agricultural easements on the property allow and even encourage timber harvesting, since the goal of the easements is to preserve food and fiber production. Staff remains concerned that timbering or development of the six remaining development rights could result in significant environmental damage to a very important forest in the County-wide context. An overlay easement that would further protect most of the forest with some limits on timber harvesting and provide limited public trail access may be the most feasible option to achieve the many public and private goals for this site.

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### *Wild Acres/Grosvenor Mansion Property*



## **#2 - Wild Acres/Grosvenor Mansion Property, Bethesda (Natural Resources, Class II)**

### **INITIAL RECOMMENDATION**

Staff recommends Legacy Open Space designation as a Natural Resource site. The recommended protection technique is to seek dedication of appropriate areas through the development review process.

### **CURRENT RECOMMENDATION**

Amend the recommended protection technique to seek dedication of appropriate areas through the special exception or development review process if a new special exception use or development is proposed. The existing Special Exception will not be affected by this designation. To further clarify, this nomination is not for the entire property, but for an area generally adjacent to Fleming Local Park, including appropriate areas of high quality forest bordering Interstates 495 and 270.

### **BACKGROUND**

Originally the home of Gilbert Grosvenor (important leader of National Geographic) and Elsie Bell (daughter of Alexander Graham Bell), the remaining 26.43 acres consist of forest, open space area, and a National Registry-eligible estate. Wild Acres is an excellent example of a Tudor Revival style manor house constructed by a significant person during the suburban estate building era of the early 20th century. The property includes approximately 20 acres of “downcounty” forest associated with a perennial stream and adjacent to Fleming Local Park. Much of this forest is of medium to high quality maturing oak-hickory-beech forest, increasingly rare for the County and exceptionally rare for this Planning Area.

The Legacy nomination affords the opportunity for expanding Fleming Local Park and aiding in preservation of the setting of the Wild Acres estate. Preservation and dedication of the best forest on the site will also contribute to Urban Open Space goals by preserving the forested views along the major highway intersection where I-270 and I-495 meet and create public open space in an urban part of the County.

### **SUMMARY OF TESTIMONY**

Overwhelming oral and written testimony either supported the LOS staff recommendation or went significantly further recommending full acquisition including the Grosvenor Mansion and associated buildings. Approximately 300 individuals submitted supporting testimony. Groups submitting supporting testimony included the Wildwood Manor Citizens Association, Alta Vista Gardens and the North Bethesda Grove Citizens Association, Montgomery Preservation Inc., and the Montgomery County Civic Federation. Issues cited in support of acquisition include:

- The need to save forest acting as an important buffer from the Interstate System
- Global warming and climate change exacerbation
- Concerns for a better future for descendants
- The nominated resource representing the last remaining green open space and large forested area potentially available for public use in this area of the County
- The uniqueness of this downcounty resource
- Heavy use of Fleming Local Park and the need for extension

- Traffic congestion and access to the property being partially dependant on use of neighborhood roads
- The buffering existing forest provide Fleming LP
- The importance of the site for animal habitat

Occurring through much of the testimony was the importance of the existing forest to the community and that removal of forest would negatively impact air quality, noise mitigation, and would be deleterious to the quality of life in the surrounding community.

Representatives from the Society of American Foresters and the Renewable Natural Resources Foundation (the owners and special exception holder) submitted testimony in opposition of the LOS staff recommendation. These groups both cited a lack of notification, questioned the quality of the forest resources, and believe LOS designation is not necessary to protect the resources.

Several submissions stated dismay and a lack of understanding as to why the Grosvenor Property was delisted by the County Council in the 1980s as a Historic Property.

## **DISCUSSION**

Though Wild Acres is a Natural Resources candidate for LOS inclusion, the property has merit under 3 of the 6 Legacy Open Space Categories. Staff feels it important to consider the totality of this resource beyond just the Natural Resources category and as a logical extension of an existing Local Park.

The majority of forest on the property is high priority for retention given the abundance of specimen trees, the age and mature dominant size class of this oak/hickory forest, the rarity of this type of forest resource remaining in the Planning area, and functional benefit of this forest buffering an existing local park and highway infrastructure. The Society of American Foresters asserted that forest resources on SAF property are not quality woods. M-NCPPC staff subsequently conducted additional surveys of the SAF forest and maintains that areas of the property warrant LOS designation. A Natural Resources Inventory/Forest Stand Delineation submitted for the SAF and RNRF properties (submitted to Environmental Planning January 2008 by Greenhorn and O'Mara) indicated high priority forest for nearly the entire area considered as part of the LOS nomination. The Renewable Natural Resources Foundation's website describes the property as a superb natural area.

In addition to the Natural Resources category within the LOS Program, Wild Acres is culturally significant and an important resource for the interpretation of the County's history. The 1928 Tudor Mansion and Carriage House built by Gilbert Grosvenor and Elsie May Bell in addition to accessory structures including a 1920's clapboard barn and silo are unique to the county. Aside from architecture and connections with historic figures such as the Grosvenors, Alexander Graham Bell, President Taft and Charles Lindberg, the property exhibits interesting curios such as extant Loblolly Pine "Moon Tree" whose seed went on the Apollo 14 mission as part of a NASA 1971 Moon Flight and a Wye Oak descendent planted 32 years ago that is now a maturing white oak.

In addition to the natural resource and cultural value of the site, this property meets several criteria as Urban Open Space and as Green Boulevard as a potential extension of Fleming Local Park and as forested buffer to I-270 and I-495.

M-NCPPC staff does not believe an LOS designation impedes the ability of the owners or contract purchasers to move forward with future plans nor hinders the public review process. The LOS designation does not involve any of the area currently shown as developed for the

existing approved Special Exception. Conversations with the potential contract purchasers indicate a willingness to work with staff to protect much of the proposed Legacy resource.

Further, staff does not believe that the resources nominated will be automatically protected through either a future special exception or through the Forest Conservation Law or County Environmental Guidelines applied to future development. Legacy Open Space designation will provide additional guidance to future owners about important resources deserving protection through the vagaries of land use planning and the development review process.

Despite a significant level of testimony supporting full acquisition, staff does not support full acquisition of the SAF property. An appropriate special exception or residential development can provide protection of the resources and would not involve major acquisition funding or capital and operating costs for the Commission.

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#### **#4 - Hickey and Offut, Bethesda (Natural Resource, Class II)**

##### **INITIAL RECOMMENDATION**

Staff recommends Legacy Open Space designation as a Natural Resource site. The preferred protection technique is to seek dedication of important forested areas through the development review process. If inadequate acreage is protected through the development review process, pursue partial to full acquisition to further protect the resource if necessary.

##### **CURRENT RECOMMENDATION**

Staff recommendation is unchanged.

##### **BACKGROUND**

The Hickey and Offutt nomination involves 3.70 acres of undeveloped, forested property (Parcel P921, Lots 59, 61, and 62). The nomination contains 3.6 acres of High Priority Forest contiguous to the largest urban forest in the United States – Rock Creek Park. Of note, the M-NCPPC was founded in 1927 in large measure to acquire and protect open space contributing to the protection of this National Park and the Rock Creek drainage. On-site forest contains moderately steep slopes and an eroded drainage swale immediately upslope of sensitive hydrologic resources on National Park Property and adjacent to an established trail within the National Park System. The forest contains specimen trees and is adjacent to a known population of a nationally rare copepod living in the springs on the nearby Park property. The National Park Service has documented deleterious effects associated with severe erosion caused by uncontrolled stormwater runoff from previous development directly adjacent to and upslope of these nominated properties. This nomination represents an opportunity to increase to size of existing County and Federal forested area associated with Rock Creek Park

##### **SUMMARY OF TESTIMONY**

Overwhelming oral and written testimony supported the LOS staff recommendation, the majority recommending full acquisition. Supporting testimony was provided by 30 individual citizens, Councilmember Valerie Ervin, the National Park Service, the Montgomery County Civic Association, Montgomery Preservation Inc, Friends of Rock Creek Environment, Rock Creek Forest Neighbors Coalition, and an environmental scientist from KCI Technologies representing the Rock Creek Forest Neighbors Association.

Issues cited in support of acquisition include:

- storm water management concerns
- steep slopes
- impacts to Rock Creek Park
- global warming and climate change exacerbation
- concerns for a better future for descendants
- protection of forest and specimen trees
- master plan compliance

Given the slopes and existing hydrologic problems, several comments addressed the notion that fewer homes on these properties would not be an appropriate solution, given the amount of structural fill, retaining walls and forest clearing that would be necessary. Concerns over grinder pumps for sewer connections were also expressed.

Testimony in opposition to the nomination included the owners Irene C. Glaser and Lenore C. Shavell. They indicated that acquisition would serve primarily as a private buffer for the two houses in between the lots and the one house on one side of the property. The owners also state the adverse implications such a designation would have on future use and value of the property.

## **DISCUSSION**

The opportunity to protect and incorporate up to 3.6 acres of High Priority Forest contiguous to the largest urban forest in the United States – Rock Creek Park – is exceptionally rare. National Park Service staff and the NPS Rock Creek Park Superintendent Adrienne A. Coleman stated they “believe the property meets the criteria for LOS designation and strongly support this designation considering the properties importance in protecting valuable forest and forest habitat in a highly developed urban area and considering its location which is contiguous and interconnected with mature forest on National Park Property.”

M-NCPPC staff maintains the importance of these forested lots and parcel in maintaining the quality of adjacent federal and county parkland. Staff believes an existing stormwater management problem will not be improved through proposed development of these lots. Per the owners’ engineering consultant, APEX Engineering, no onsite stormwater quantity control measures are anticipated with the development proposal. Water quality control is anticipated to be achieved through drywells, rain gardens and porous pavement. M-NCPPC Park staff does not believe these measures can adequately address existing problems and that development of these lots will only exacerbate and eliminate potential mitigation solutions to an existing erosion problem. Full development of the site would not allow the opportunity to mitigate the effects of previous development upslope that was waived from storm water management quantity control requirements as part of a fee in lieu program in 1985.

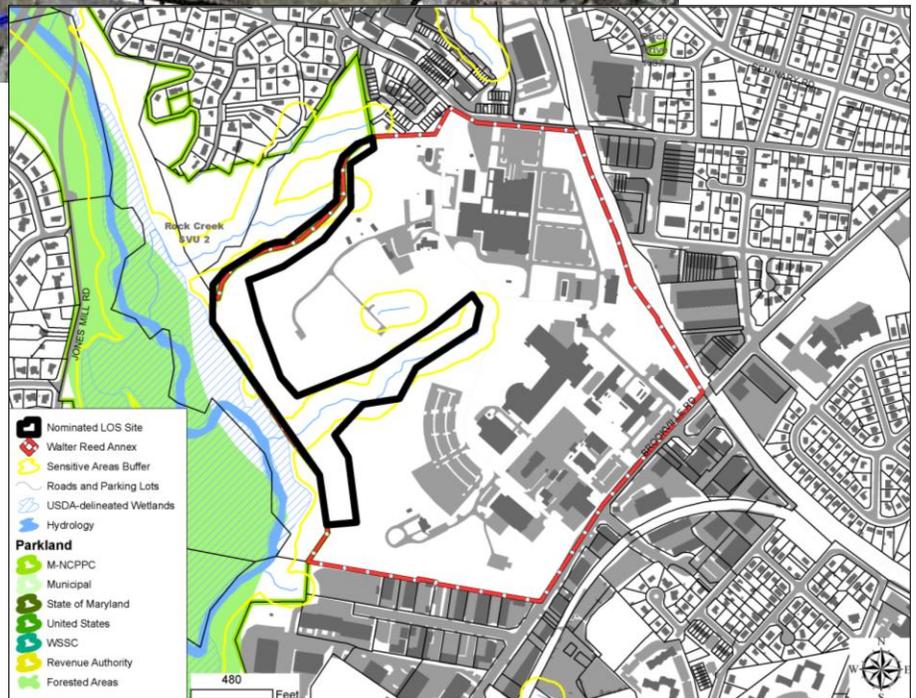
The North and West Silver Spring Master Plan states “consider purchase of parcels adjacent to existing urban parks, where feasible and appropriate, if such properties become available, to help meet the recreational needs in the PROS Plan and to expand existing urban green space.”

The property owners’ belief that LOS designation would adversely impact the value of the property, though understood, is not correct. Staff recommendation does not exclude potential development and anticipates fair-market value for acquisition of any subsequent recorded lots deemed necessary for park acquisition.

**Hickey and Offut Property Map**



**Ireland Drive /National Park Seminary Carriage Trails Map**



## **#5 - Ireland Drive/National Park Seminary Carriage Trails, Silver Spring (Heritage Resource, Class II)**

### **INITIAL RECOMMENDATION**

Staff recommends designating as a Legacy Open Space Heritage Resource the complete carriage trail and the associated forest outside WRAMC's security fence. Staff will return to the Planning Board at a future date to discuss the public benefits and park operational costs associated with placing the trail network in the park system. Staff recommends continuing negotiations with the U.S. Army and Congressional staffs on the transfer of appropriate areas of the LOS designation from the U.S. Army to M-NCPPC. To aid in these negotiations and the determination of appropriate areas for transfer, staff further recommends that we initiate a cost analysis study to evaluate the costs of repairing and maintaining the trail and five bridges, and seek appropriate funding sources to cover those costs.

### **CURRENT RECOMMENDATION**

Staff also recommends consideration of trail access easements of North Ireland Drive from the U.S. Army in addition to outright transfer of the trails to M-NCPPC.

### **BACKGROUND**

The NPS Carriage Trail is a paved trail with five decorative bridges crossing a picturesque tributary to Rock Creek. The Trail, also known as Ireland Drive, is located within the boundaries of the Forest Glen Annex of the Walter Reed Army Medical Center (WRAMC) and is owned by the U.S. Army. The trail and its woodland corridor occupy approximately 15 - 20 acres of WRAMC property outside of their security fence. The Ireland Drive trail historically served as a bridle or carriage road connection to Rock Creek from the National Park Seminary, a private girls school circa 1890-1940. Approximately 3700 linear feet of the bridal path loop remains, ending near a stone picnic shelter. The Walter Reed Medical Center Annex has allowed access to Ireland Drive as a trail resource for its employees and the surrounding community for decades. In recent years, sections of the trail have fallen into disrepair and full access (to be able to walk a complete loop) has been compromised due to security concerns.

Significant adopted master plan language and public policy directives guiding M-NCPPC to ensure this connector as a safe and maintained community asset. The *Countywide Park Trails Plan* (M-NCPPC, 1998) supports connectivity between the Rock Creek Trail and the Sligo Creek Trail. The *North and West Silver Spring Master Plan* (M-NCPPC, 2002) recommends providing on-road and off-road bikeways along Linden Lane between the Beltway and the Ireland Drive connection to the trail. It further recommends evaluating the WRAMC property for possible trail connections, repairing the deteriorated trail bordering Rock Creek Park and federal property, and addressing maintenance responsibilities and ownership issues. This recognized important trail connector and recreational amenity between Rock Creek Park, the Capital Crescent Trail and the Sligo Creek Trail systems will receive greater usage once the development of the National Park Seminary is complete. In 2004, the Planning Board, in approving plans for the redevelopment of the National Park Seminary, required the developers to "... construct a historic interpretive trail that connects the M-NCPPC owned SVU2, which adjoins Rock Creek Park, to the Glen [area of the Seminary project].... The property includes the existing trail head access to Rock Creek Park." (Development Review, December 10, 2004). Members of the Planning Board anticipated continuing public access to the Ireland Drive trail and may have assumed that it was already owned by the County. The desired trail connectivity in the Forest Glen area will not be assured unless Ireland Drive is under County control and the public has full access to it for hiking and biking.

At the urging of a citizens group called Save Our Trail, Congressman Chris Van Hollen sent correspondence (August 2007) to the U.S. Army requesting that they engage in discussions with M-NCPPC regarding transfer of the Ireland Drive trail from the Army to Montgomery County. In the meantime, a new Master Plan for the WRAMC Annex was submitted to the National-Capitol Planning Commission (NCPC) and M-NCPPC for review as a Mandatory Referral in July 2007. Local citizens identified several issues of non-compatibility between the proposed plan and their efforts to preserve the trail, including a proposal to relocate the perimeter fence in a way that blocked access to the trail. The Master Plan has been withdrawn and is expected to be resubmitted in a few months for review by NCPC and M-NCPPC.

One of the core issues for M-NCPPC to evaluate prior to accepting transfer of this important trail and cultural resource is the cost of repairing and maintaining the carriage road/bridge network. Initial evaluation suggests that one of the five bridges will require significant reconstruction to make it safe for trail use. The other four bridges and some segments of the hard-surface trail need repairs and stabilization work to preserve their stability for the long term. Staff feels strongly that acceptance of the entire trail network is in the public interest and that it would be preferable if the U.S. Army completed the repairs and stabilization work prior to transfer. In any case, adequate new funding sources must be identified to support the integration of these trails into the park system without negatively impacting the existing parks work program. Potential funding sources include Federal (either Congressional earmark or U.S. Army funds), State (either POS or historic preservation grants), or a supplemental appropriation from the County. Another possible funding source for initial rehabilitation is private grants from historic preservation groups to support restoration of this significant cultural landscape.

## **SUMMARY OF TESTIMONY**

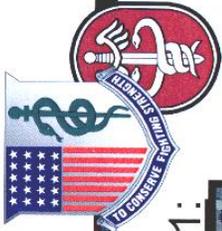
Testimony was received from Save Our Trails and Save Our Seminary in support of the nomination. Save Our Trails includes the Washington Area Bicyclists Association, Save Our Seminary, the Audubon Naturalist Society, Friends of Rock Creek Environment, Forest Glen Ventures, Park View Estates, Linden Civic Association, and Rock Creek Hills.

The U.S. Army sent written testimony (28NOV2007, Colonel Haselden) indicating they do not concur with the LOS recommendation, stated a continuing need for the areas nominated. Though expressing an inability to transfer the area, the letter did indicate the possibility of providing an appropriate easement. Further, the Army requested clarification of the importance of the north section of Ireland Drive over the southern section in terms of trail connectivity importance and master plan applicability. The Army also provided information on the time span in which the National Park Seminary historically used the Ireland Drive trails – the bridges and trails were likely built during the late 1920's or early 1930's and not much earlier.

## **DISCUSSION**

Staff believes that the existing trails and associated forest strongly merit designation in the LOS program as a unique heritage and trail resource for the County. The LOS designation does not impinge on the right of the Army to plan the use of their property according to their goals, but does put on the record the interest of the Commission and the public in maintaining the trails as accessible public open space. The recommended protection technique is to continue to work with the Department of the Army on this issue, considering outright transfer and easement options, and to conduct an analysis of the costs of repairing and maintaining the trail and five bridges prior to acceptance of responsibility for the trails.

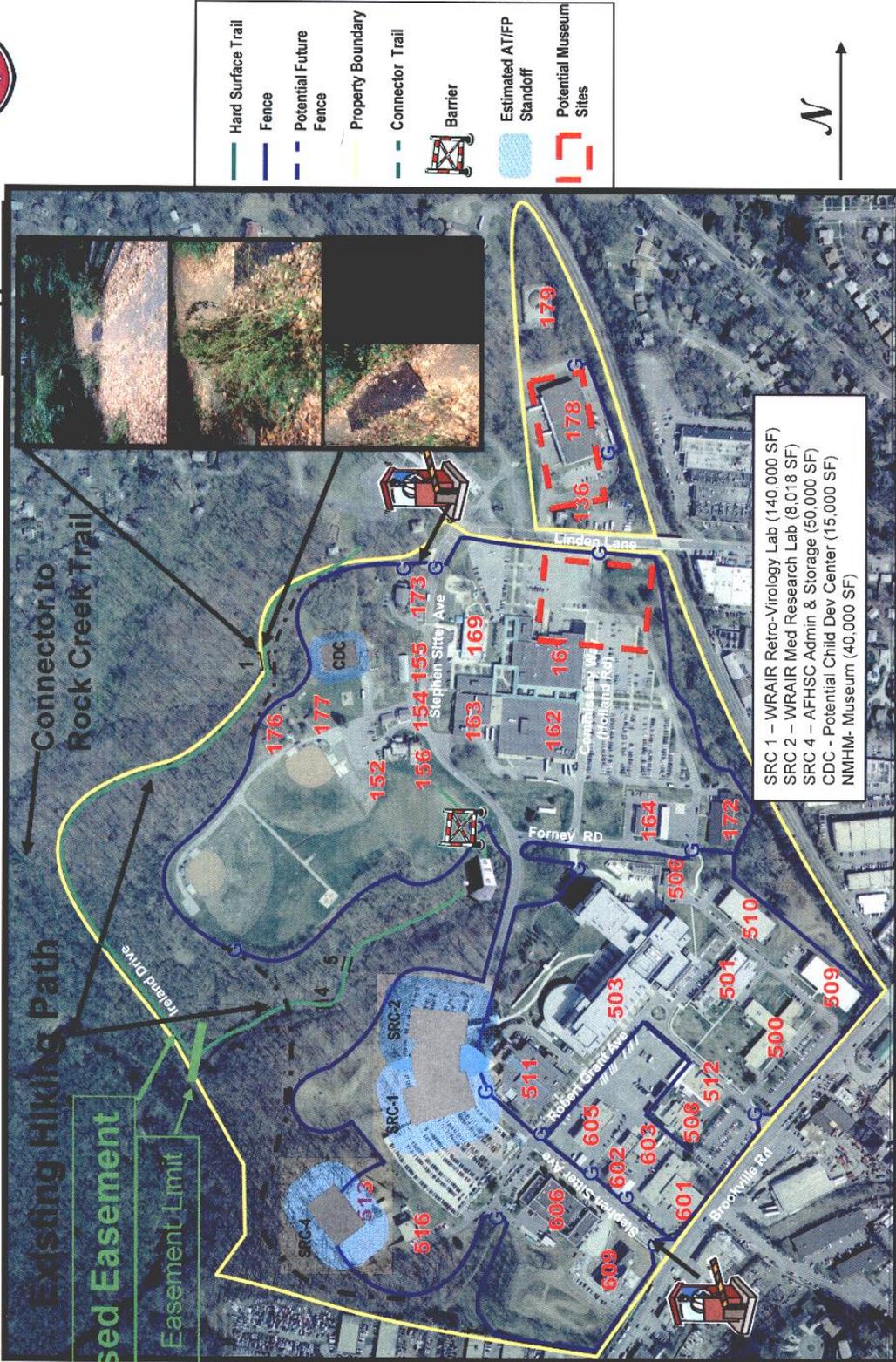
Staff concurs with the Army that the north Ireland Drive section that provided direct connection with existing M-NCPPC hard surface trails with Forest Glen Road is an essential connector and



# WRAMC Forest Glen Annex

## Proposed Future Forest Glen Map

Bridge #1:



as such is a higher priority for the Commission in terms of public need and may warrant a different protection technique than the remainder of the Ireland Drive trail system. Commission staff still feels strongly that it is in the public interest to preserve the entirety of the trail system and associated forested area.

Staff believes that the time span usage of the Ireland Drive Trail system by the Seminary (several decades) is accurate but does acknowledge that ownership of the Walter Reed parcel by the National Park Seminary and formalization of the current bridges was not initiated until 1928-1931. Prior usage appears to have been informal and based on a neighborly agreement.

A meeting was held on January 7, 2008, among representatives of the U.S. Army, Congressman Van Hollen, the Parks Department, and Save Our Seminary and Save Our Trails. This productive meeting resulted in detailed discussions of the Army's proposal to give the Commission a perpetual easement over the northern and western trail segments. The Army feels quite strongly that the fastest and most effective way to transfer control of the trails to the Commission is through an easement. The Congressman's staff also indicated that legislation to transfer the land directly to the Commission without any formal GSA process is also an option, and they have started to draft such a bill for this site.

The Army representatives indicated future plans to move the security fence line to close off the southern trail segment, including the uppermost two of the four bridges on that trail and the picnic shelter, as they build new facilities to house research units relocating to the Annex as part of the BRAC process. The representatives of SOS/SOT recommended continuing access to the entire trail if at all possible for historical and recreational reasons, and emphasized finding the funds to restore and rehabilitate the picnic house and any bridges that would remain under Army control. The Director of Parks discussed the Commission's interest in keeping these trails open to the public and incorporating them into our trail network, but emphasized the imperative need for adequate funding to restore any bridges that come under our maintenance responsibility as part of an easement or transfer of land. Given the expected current shortfall in County and State funds, she requested that the Congressional staff and the Army look for some federal fund sources to support this project. The meeting ended with each party having several work items assigned for follow-up.

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## **#7 - Montgomery College of Art and Design, Wheaton (Urban Open Space, Class II)**

### **INITIAL RECOMMENDATION**

Staff recommends Legacy Open Space designation as an Urban Open Space. The preferred protection technique is to seek full acquisition of this site as urban open space and recreational parkland.

### **CURRENT RECOMMENDATION**

Staff recommendation is unchanged.

### **BACKGROUND**

The Montgomery College of Art and Design site consists of several undeveloped lots and unbuilt road ROW, totaling approximately four acres of potential open space. The properties include a 14,000 square foot building, parking, lawn/open space, and a young developing forest associated with an area of poorly drained soils. The site is generally flat and conducive for active and passive recreational activities.

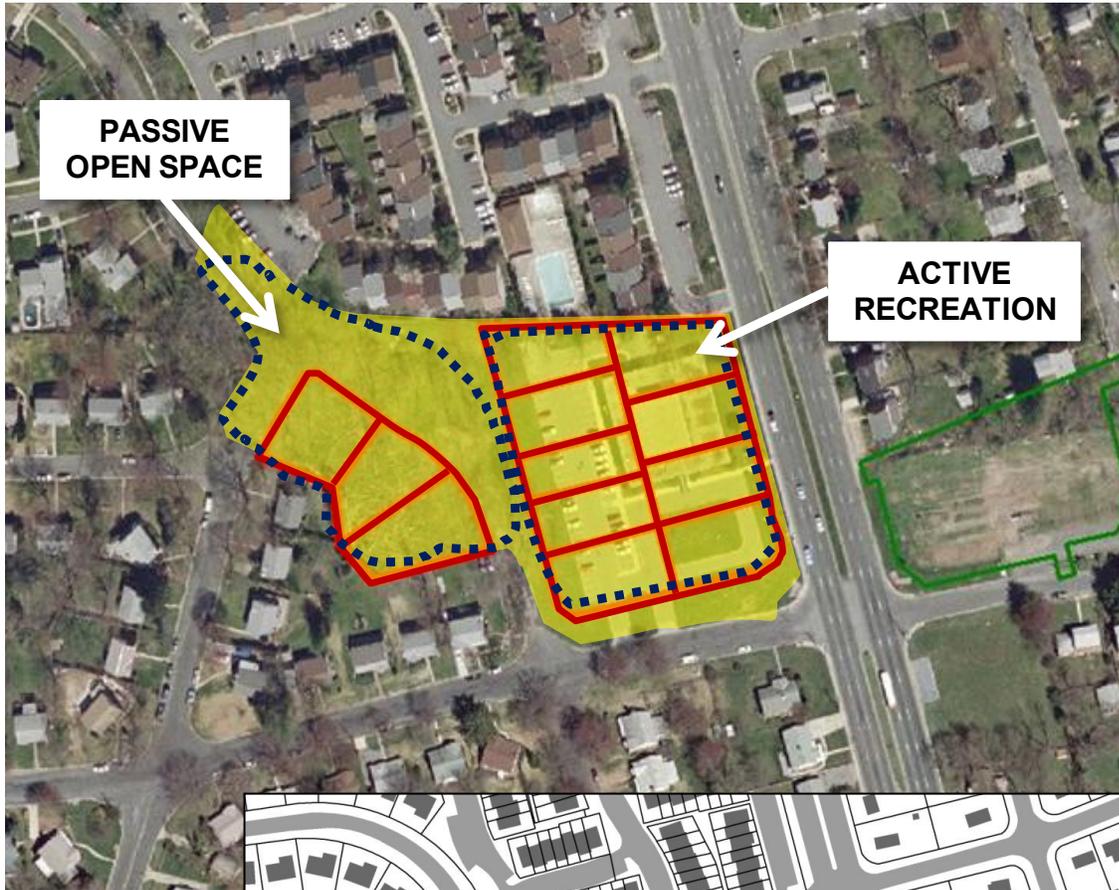
The potential for urban open space, active and passive recreation use and visual improvement along Georgia Avenue have significant merit. A long-standing pattern of the community using this area as “quasi” public open space has been noted. Evans Parkway Local Park is on the opposite (east) side of Georgia Avenue. Despite the proximity of the existing parkland to the MCAD site and a crosswalk at the intersection with Dennis Avenue one block away, the intense levels of traffic along this State Highway make it a very difficult crossing. Many community members and parents have expressed an understandable reluctance to crossing Georgia Avenue to gain access to Evans Parkway Local Park, especially for their unaccompanied children.

Park Planning and Legacy Open Space staff also evaluated recreation and local park opportunities in the area. Staff noted significantly fewer recreational opportunities on the west side of Georgia Avenue as compared with east of Georgia Avenue within this planning area. Park Planning staff also noted the chronic shortage of rectangular play fields in this part of the County. The location of the parking lot and building is the flattest area of the site and is highly suited to providing active recreation. Examples of recreation amenities that could be accommodated on this site include:

- (a) One permit-able youth or practice soccer field (150' x 250'), a small play area, and passive recreation; or
- (b) One smaller, not permit-able rectangular ball field (approx. 110' x 215'), a double basketball court, a small play lot, and passive recreation.

Even though it is unusual for a Legacy Open Space site to contain active recreation, staff feels that this site is a unique opportunity to provide both green, passive open space and active recreation to a dense suburban community.

Another benefit of preserving the MCAD site as parkland is to provide a green break in the development pattern between Forest Glen and Wheaton. The juxtaposition of this land across the highway from Evans Parkway Local Park would provide a noteworthy section of Green Boulevard along a major transportation corridor, one of the goals of the Legacy Open Space plan.



## SUMMARY OF TESTIMONY

Significant neighborhood testimony supporting LOS designation and a Park amenity was submitted, including a petition signed by approximately 580 citizens of the surrounding communities and an additional 11 individual submissions. Issues cited in support of acquisition include:

- 40-year history of community use of open space on site
- Dangers of crossing Georgia Avenue, including short walk time at lighted intersections
- Relative shortage of parkland on western side of Georgia Avenue compared with eastern side
- Lack of green space along Georgia Avenue between Forest Glen and Wheaton
- Need for active recreation for the neighborhood, especially places to play soccer
- Support for combination of open space and active recreation for the site
- Opportunity to improve tributary to Sligo Creek
- “Quasi-public” nature of MCAD should give public more say in disposition of this land

Full acquisition of the MCAD site also has support from elected officials including Councilmember Elrich, State Senator Madeleno, Delegates Gutierrez and Waldstreicher, and the late Delegate Lawton. Congressman Van Hollen also submitted testimony asking the Board to carefully consider this nomination.

Most members of the Legacy Open Space Advisory Group were in support of the staff recommendation to acquire as a park, but it should be noted that at least one member felt strongly that this was an appropriate site for residential development and should develop as such.

One individual also testified against designation as Legacy Open Space. Perry Berman stated that the LOS program is supposed to focus on sites that “rise above the rest”, and he does not feel that this site can do so. He also pointed out that staff says that the natural resources on this site are not important, and cites an earlier staff memo that did not recommend adding the site to LOS. He suggested a comprehensive review of parkland in the area before deciding that this site is appropriate to add to the park system.

The owners of the property, the Montgomery College Foundation, submitted testimony opposing the LOS designation and acquisition of the site for parkland. The Foundation explained the background of the transfer of the land to the Foundation, intended be sold to support the ongoing art and design programs being folded into Montgomery College. The Foundation strongly disagrees with any statements that the MCAD property is “quasi-public” simply because the private school received some government grants to support its arts education programs, as many other private organizations receive without their property ownership being changed. The Foundation also expressed concern that the contract purchasers have invested considerable time and money in the development process, including recently completing the rezoning process.

## DISCUSSION

LOS staff believes the site is compelling in terms of potential public benefit as a new park, as supported by the many citizens and elected officials who testified in support. The designation is based on a fairly unique combination of attributes: location in a dense neighborhood, existing woods and open space, and flat topography that allows for active recreation once the building is removed, all adjacent to Georgia Avenue, a designated Green Boulevard in the Legacy program. The site rises above the rest because of this combination of factors, not because of the nature of the natural resources on the site.

These properties recently were rezoned from R60 to RT12.5. The Planning Board, Hearing Examiner, and the County Council ruled in favor of this rezoning request. As discussed in the policy and procedure section at the beginning of this memorandum, the decision as to the appropriate zoning or development density for a property must remain separate and distinct from the decision as to whether a site should develop at the appropriate density or become parkland. The rezoning process was not the appropriate forum to discuss the issue of acquiring this site for parkland; this Legacy Open Space designation process is the proper forum.

The earlier LOS staff memo that was cited in testimony was provided to the zoning analyst during the rezoning process, and stated that the site had been nominated for Legacy Open Space, that the site had some merit and deserved further analysis, but it was not clear whether the internal Implementation Team or the external Advisory Group would support the site as LOS or not. A memo from the Park Planning staff provided to the zoning analyst during that process evaluated the site according to the 1995 PROS Plan and made an initial determination that the site did not meet any identified park facility needs for the Kensington-Wheaton Planning Area. The only need identified in the PROS Plan for this planning area was for rectangular ball fields, especially full size, permissible fields.

The PROS Plan assesses recreational needs for the broad planning area and does not take into account site specific factors, such as the inability to cross Georgia Avenue safely or walking distances for a specific neighborhood to a playground. The LOS and Park Planning staffs have subsequently conducted a more thorough evaluation of the site for active recreation, assessing the need for any rectangular field in the area, including permissible junior size fields with smaller parking requirements which can be fit onto this site. Park Planning and LOS staffs agree on the need for acquisition of this site to meet both open space and active recreation needs.

The Foundation's concern that the designation will negatively impact the Foundation financially is not likely to be realized. As discussed in the policy and procedures section, if approved by the Planning Board for LOS acquisition, the Commission will negotiate fair market value with the contract purchaser. Since rezoning has been completed for the property, it is likely that fair market value will have increased over the value of the existing recorded single-family lots, thus resulting in fair compensation for the contract purchaser and not negatively impacting the purchase from the Foundation.

Since the removal of the building and much of the existing paving on the site are a key part of this acquisition, staff recommends that the demolition, removal, and stabilization of the site be a part of any purchase contract that is negotiated. In addition, staff will bring a concept plan for the site indicating areas for open space and active recreation to the Planning Board for approval in conjunction with any purchase contract that is successfully negotiated.

# Public Testimony for Properties Not Recommended

## #8 - Selden Island/Walker Village Site

### INITIAL RECOMMENDATION

Staff does not recommend adding this site to Legacy Open Space. However, staff recommends developing a partnership or supportive role with the island's owner regarding archeological preservation, reforestation, and appropriate management.

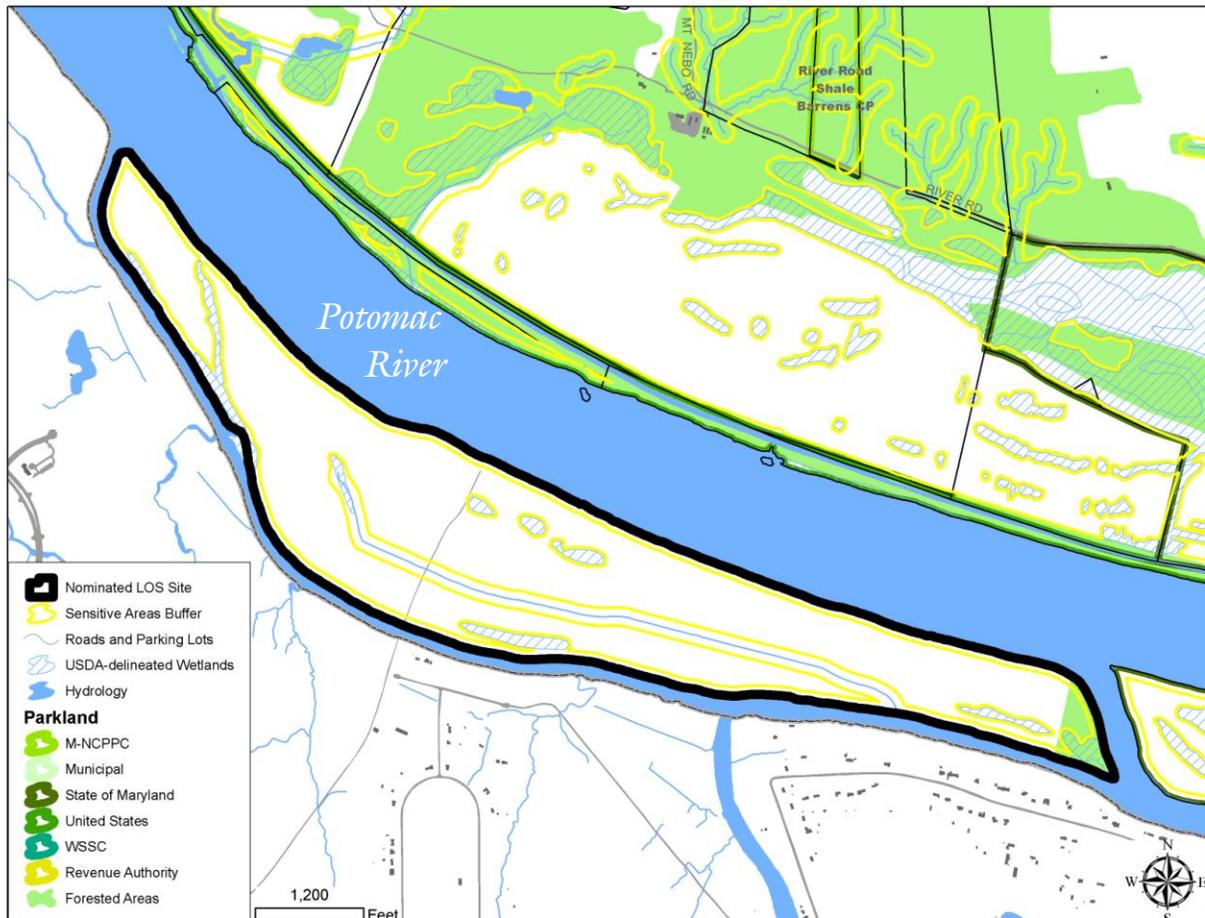
### CURRENT RECOMMENDATION

Staff recommendation is unchanged.

### BACKGROUND

Selden Island is a 400 acre island in the Potomac River located South of Poolesville in the Agricultural Reserve. The island is currently a turf farm under lease from the owners, Howard Hughes Medical Institute. The HHMI purchased the property recently to protect the viewshed from their Virginia Campus to the Potomac River. The island is known as the Walker Village Site on the National Registry. This property is the only prehistoric National Registry site in Montgomery County. In addition, Selden Island is the type site for Selden Island Pottery.

### *Selden Island/Walker Village Site*



Development potential for Selden Island is low due to the Potomac River floodplain and constraints associated with the National Registry archeological sites designations. The only vehicle access to the site is from the Virginia side of Potomac River through HHMI property.

Of concern to staff is that an existing agricultural lease and active farming may be incompatible with prehistoric site preservation and water quality concerns. Drinking water intakes for a large metropolitan population are below Selden Island. Almost entirely unforested, Selden Island is an ideal location for environmental restoration and reforestation, in addition to archaeological preservation. Clearly this is a significant archaeological site, but it is not feasible to add to the Montgomery County Park system at this time due to logistical concerns.

### **SUMMARY OF TESTIMONY**

The representative of Montgomery Preservation, Inc. strongly recommended that this important archaeological site be protected for the long term, suggesting that the Commission should work proactively to limit turf farming on the archaeological site and pursue other protection measures.

### **DISCUSSION**

Staff agrees that this is a very important archaeological site and intend to work with the private owners to achieve protection of the site. No change to staff recommendation.

## #9 - Edson Lane Forest

### INITIAL RECOMMENDATION

Staff does not recommend adding this site to Legacy Open Space. Despite the value of retaining forest in urban areas, staff does not believe this site meets the overall Legacy Open Space criteria of “best of the best”. In addition, the isolated site is not appropriate for park ownership due to use and management concerns.

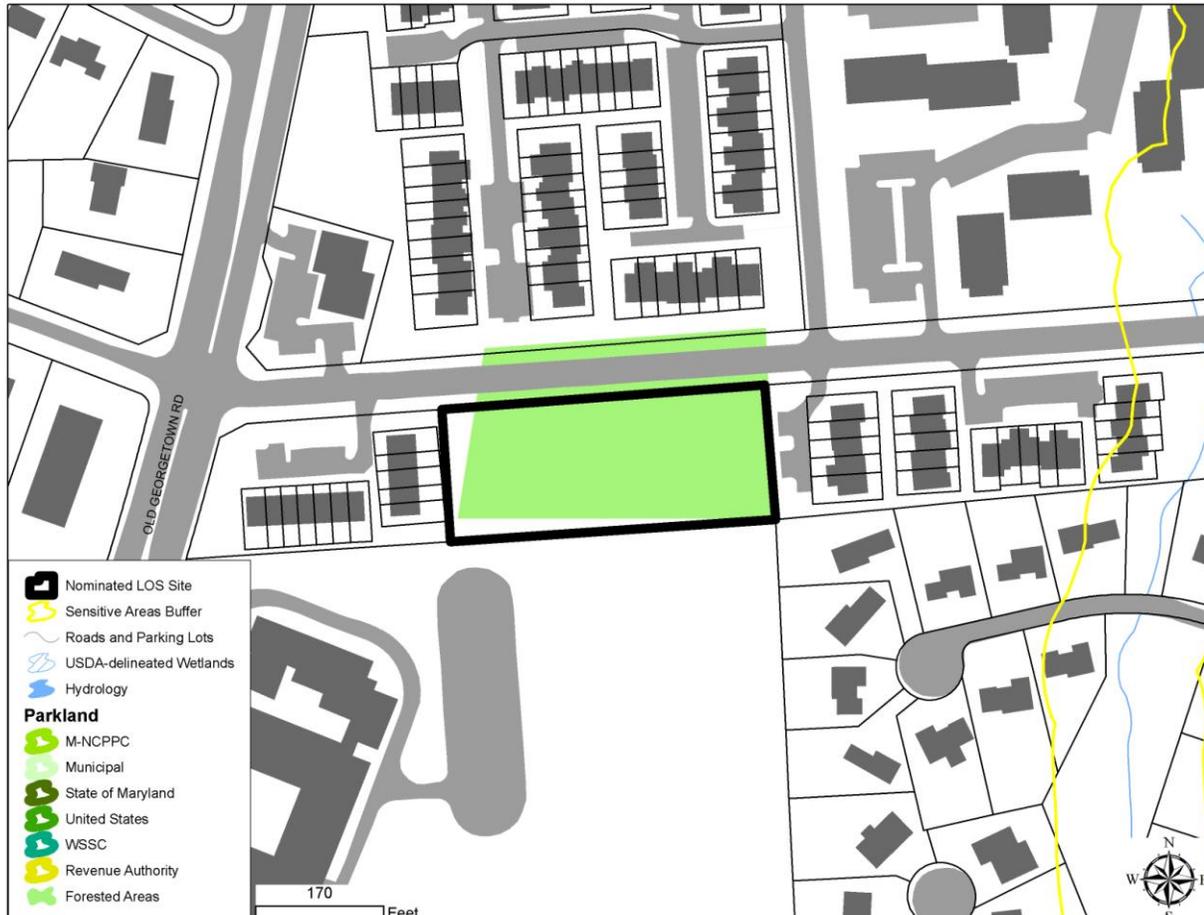
### CURRENT RECOMMENDATION

Staff recommendation is unchanged.

### BACKGROUND

The Edson Lane Forest is a 1.8 acre parcel that is heavily forested with mature hardwood trees, including a grove of State-ranked rare and uncommon Umbrella Magnolia (*Magnolia tripetala*). Mature forest in the down-county is an uncommon and important resource. The Edson Lane Forest is part of a large area of public land resources, including Tilden Middle School and Timberlawn Local Park. The site is currently identified for development as 15 townhouse workforce housing units through a Request for Expression of Interest (REI) issued by the Department of Housing and Community Affairs. The County’s REOI states the intention to retain some forest and watchlist species.

#### Edson Lane Forest



Forest cover in this planning area and watershed is low -- approximately 10% with less than half in protected status -- well below the county average of nearly 28 percent. Urban forests directly contribute to the livability, health, carbon sequestration, lower energy consumption and quality of life. Staff feels it is not possible under the REOI proposal to save forest or adequately protect the watchlist species (Umbrella Magnolia).

Staff is concerned about the policy implications of clearing of small but significant publicly-owned forest in a dense urban neighborhood, even for as worthy a cause as needed workforce housing. Although we do not recommend the site for LOS designation, we recommend that the County evaluate options for preserving this forest and relocating the workforce housing project to other land in the immediate area. Such options could include using the site as a Forest Conservation Bank for future school or county development projects.

It should be noted that several members of the Legacy Open Space Advisory Group do believe that the Edson Lane Property should be included as a Legacy Open Space property.

### **SUMMARY OF TESTIMONY**

Significant testimony was received opposing the staff recommendation and supporting adding this site to Legacy Open Space and seeking full acquisition of the site as parkland. Over 80 letters and emails were submitted from individuals and several organizations that supported this point of view, including Old Georgetown Village Civic Association, the Montgomery County Group of the Sierra Club, the Montgomery County Forest Conservancy District Board, and Montgomery County Civic Federation. Testimony included the following points:

- Forest cover in this area of the County is very low, 10-13% compared to 28% countywide
- Concern about loss of forest and trees in neighborhood to development and road projects (Montrose Parkway)
- Preservation would support County participation in “Cool Counties” initiative
- State Watchlist Umbrella Magnolia trees on the site should be protected
- Site important to neighborhood as green open space; would set a poor example for schoolchildren if clear forest despite environmental benefits
- Forested site helps with global warming and climate change mitigation, as well as local air pollution control, and reduces stormwater runoff to adjacent school fields – these ecological services have significant dollar value to the taxpayers of the County.
- Site is not large but is comparable to other LOS and parkland purchases in dense suburban areas; part of a critical mass of resources that perform environmental functions in urban areas
- Existing public land should remain in public hands, be preserved for future generations
- Support use of the site for recreation and education
- Site meets LOS criteria for urban open space as a key green area near busy roads and an existing dense neighborhood

Many individuals and groups also testified to concerns about the proposed use of the property for affordable housing. The most relevant concerns to the Legacy Open Space designation

include: questions about the ability of the selected developer (HOC) to protect the environment during development; and the fact that development of 15 townhomes makes it unlikely that any significant area of the trees will be preserved, including the stand of Umbrella Magnolia.

Several people made the point that their opposition to the development plan is not based on opposition to the potential residents of the proposed units, just the location of the MPDUs and workforce housing on a currently forested site. Several people testified that the conflict being set up between workforce housing and environmental protection could have been avoided with a more inclusive planning process to identify sites for workforce housing. Charles Chester, son of the late Bea Chester who nominated the site to LOS and representing the Old Georgetown Village Civic Association, testified to many of the above points, focusing on the negative balance of significant environmental damage against the relatively minor benefit to affordable housing in the County if the development goes forward.

Testimony was received from the Housing Opportunities Commission and the Department of Housing and Community Affairs in support of the staff recommendation to not add the site to LOS. Both agencies stated that important parts of the forest will be preserved through their development process. HOC and DHCA feel that this site is ideally suited for workforce housing due to its proximity to public services, especially public transportation, and the fact that this is an underserved area for affordable housing. Sites such as this are rare and not easily replaceable. Development of affordable housing on the site will support the County's adopted housing policy to designate County-owned land and to distribute affordable units throughout the County. This small development is a modest first step in implementing that adopted public policy.

HOC and DHCA further state that environmental preservation is a compelling priority that has been already addressed by limitations on the number of units and other conditions on site development that will improve community compatibility. DHCA will not be asking for the bonus density allowed on the site if MPDUs are developed to fit the development onto the site better. DHCA conditions include preserving the Umbrella Magnolia trees and as many other site trees as possible, including an arborist on the development team, and providing landscaped buffers to the existing townhouses to the west.

## **DISCUSSION**

After considering the abundant testimony in support of adding this site to the LOS program and the park system, staff still does not believe this site meets the overall Legacy Open Space criteria of "best of the best" for natural resources or urban open space. The site contains moderate quality upland forest that does provide environmental services as testified to by many.

However, the isolated nature and small size of the forest limits its ability to provide more extensive forest benefits, such as wildlife habitat and significant stormwater management control. The small size of the forest makes the long-term viability of the forest questionable.

The site is not immediately adjacent to Old Georgetown Road so the site does not contribute to the Green Boulevard concept within the Urban Open Space category. Urban Open Spaces identified in the LOS program to date have sometimes been small, around 2 acres, but always have other characteristics that make them stand out, such as buffering an urban stream or having the potential for more active use as parkland or a town square. In addition, the isolated site is inappropriate for park ownership due to logistical and management concerns.



## Recommended Planning Board Actions

Site Name	Legacy Category	Preferred Protection Techniques (from 11/15/07 Memorandum)	Suggested Revisions to Preferred Protection Techniques based on Public Testimony
# 1 <b>Beverly Property</b> Club Hollow Road, Poolesville	<b>ADD to Legacy Open Space Program as a Class II Natural Resources site</b>	<ul style="list-style-type: none"> <li>• Preserve resources through acquisition of approximately 300 acres of forested area</li> <li>• Add acquired land to existing Broad Run Stream Valley Park</li> <li>• Pursue study of additional properties as part of Broad Run Stream Valley Park implementation study</li> </ul>	Add the option of pursuing an overlay easement to protect forested areas from timbering and allow for a trail connection as necessary.
# 2 <b>Wild Acres/Grosvenor Mansion Property</b> 5400 Grosvenor Lane, Bethesda	<b>ADD to Legacy Open Program as a Class II Natural Resources site</b>	<ul style="list-style-type: none"> <li>• Seek dedication of appropriate areas through the development review process</li> <li>• Dedicated land to be added to Fleming Local Park</li> </ul>	<ul style="list-style-type: none"> <li>• Seek dedication of appropriate areas through the special exception or development review process if a new special exception use or development is proposed. The existing Special Exception will not be affected by this designation.</li> <li>• Clarify that the LOS designated resource is not the entire property but consists of an area generally adjacent to Fleming Local Park, including appropriate areas of high quality forest bordering Interstates 495 and 270 .</li> </ul>
#4 <b>Hickey and Offutt</b> Ashboro Drive, Bethesda	<b>ADD to Legacy Open Program as a Class II Natural Resources site</b>	<ul style="list-style-type: none"> <li>• Pursue forest preservation through the development review process; seek dedication and/or partial to full acquisition as necessary</li> <li>• Dedicated and/or acquired portions to be added to Rock Creek Stream Valley Park</li> </ul>	No change recommended
# 5 <b>Ireland Drive/National Park Seminary Carriage Trails</b> Linden Lane & Steven Sitter Avenue, Silver Spring	<b>ADD to Legacy Open Space program as a Class II Heritage Resource</b>	<ul style="list-style-type: none"> <li>• Pursue transfer of appropriate area from the U.S. Army to M-NCPPC</li> <li>• Transferred land to be added to Rock Creek Stream Valley Park</li> <li>• Further recommend staff study cost implications and pursue necessary funding sources as we continue to work with Congressional and U.S. Army staff on this proposed transfer</li> </ul>	<ul style="list-style-type: none"> <li>• Add consideration of trail access easements from the U.S. Army in addition to outright transfer of the trails to M-NCPPC.</li> <li>• Follow-up on issues raised at recent meeting with Army &amp; Congressional staff</li> </ul>
# 7 <b>Montgomery College of Art and Design (MCAD)</b> 10500 Georgia Avenue,	<b>ADD to Legacy Open Space program as a Class II Urban Open Space</b>	<ul style="list-style-type: none"> <li>• Pursue full acquisition</li> <li>• Contract to acquire the site with the existing building already demolished and the land leveled</li> </ul>	No change recommended

Site Name	Legacy Category	Preferred Protection Techniques (from 11/15/07 Memorandum)	Suggested Revisions to Preferred Protection Techniques based on Public Testimony
Wheaton		and grassed <ul style="list-style-type: none"> <li>• Acquired land to be added to Evans Parkway Neighborhood Park</li> <li>• Acquired land to be used for passive open space in existing open area and active recreation on existing building and parking lot footprint adjacent to Georgia Avenue</li> </ul>	
<b># 8</b> <b>Selden Island/Walker Village Site</b>	<b>Do NOT add to the Legacy Open Space Program.</b>	Recommend developing partnership or supportive role with HHMI regarding archeological preservation, reforestation, and appropriate management.	No change recommended
<b>#9</b> <b>Edson Lane Forest</b> Edson Lane near Old Georgetown Road North Bethesda	<b>Do NOT add to the Legacy Open Space Program.</b>	Does not meet LOS overall criteria of “best of the best” and is not appropriate for Park Use or Management.	No change recommended

# Attachment 1

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
<b>#1 Beverly Property, Broad Run Watershed</b>			
W. Drew Stabler	Agricultural Preservation Advisory Board	<ul style="list-style-type: none"> <li>• Property is already protected under an agricultural preservation easement and a companion TDR easement; 6 development rights remain for use by the current owners only</li> <li>• Large farm property, unique in County, do not support fragmenting of it</li> <li>• Agricultural community not in support of acquisition of this property. Recent Farm Bureau resolutions include:               <ul style="list-style-type: none"> <li>- Opposition to taking of private property without just compensation</li> <li>- Opposition to any additional acquisition of parkland in the County by any means by any government agency</li> <li>- Opposition to LOS Program</li> </ul> </li> <li>• If public policy decision is made to add part or all of this property to the park system, County regulations require that the current value of the easement be reimbursed to the AEP fund, a significant expense</li> <li>• APAB recommends that an overlay easement be used to keep property on the tax rolls and meet the need for increased forest protection and limited public trail access</li> </ul>	<ul style="list-style-type: none"> <li>• Intent to increase protection of a very high quality, unique forest in the County while retaining active cropland intact in private hands</li> <li>• Allowable timbering under existing easements would be detrimental to the ecology of this very high quality forest resource</li> <li>• Remaining 6 development rights could result in fragmenting of cropland or forest</li> <li>• Agree that an overlay easement may be the more feasible option for achieving goals for this property. Add overlay easement to recommended protection techniques.</li> </ul>
Wayne Goldstein	Montgomery County Civic Federation, Montgomery Preservation, Inc.	Great environmental value, site speaks for itself, protects upcounty interior forest	No change required
John Parrish	Individual	Strongly support protecting this forest. Site is a "must" for interior forest protection efforts.	No change required
<b>#2 Wild Acres/Grosvenor Mansion Property</b>			
300 individuals submitted supporting testimony from the following Groups	Wildwood Manor Citizens Association, Alta Vista Gardens and the North Bethesda Grove Citizens Association, Montgomery Preservation Inc., and the Montgomery County Civic Federation	<ul style="list-style-type: none"> <li>• Testimony either supported the LOS staff recommendation or went significantly further recommending full acquisition including the Grosvenor Mansion and associated buildings.</li> <li>• Issues cited in support of acquisition included the need to save forest acting as an important buffer from the Interstate System, global warming and climate change exacerbation, concerns for a better future for descendants, the nominated resource</li> </ul>	<ul style="list-style-type: none"> <li>• Staff agrees with importance of preserving forested open space on this site for many of the reasons cited, including possible addition of some forest to Fleming Local Park. Staff understands citizens concerns about the many site constraints.</li> <li>• Staff does not support full acquisition of the SAF property. An appropriate special exception or residential development</li> </ul>

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
		<p>representing the last remaining green open space and large forested area potentially available for public use, the uniqueness of this downcounty resource, heavy use of Fleming Local Park and the need for extension, traffic congestion and access to the property being partially dependant on use of neighborhood roads, the buffering existing forest provides Fleming LP, the importance for animal habitat.</p> <ul style="list-style-type: none"> <li>• Several submissions stated dismay and a lack of understanding as to why the Grosvenor Property was delisted by the County Council in the 1980s as a Historic Property.</li> </ul>	<p>can provide protection of the resources and would not involve major acquisition funding or capital and operating costs for the Commission.</p> <ul style="list-style-type: none"> <li>• Wild Acres is culturally significant and an important resource the interpretation of the County's history, but is not currently a designated Historic Resource under the County's Master Plan.</li> </ul>
Michael Goergen	Society of American Foresters	<ul style="list-style-type: none"> <li>• Concerned about procedures related to owner notification</li> <li>• Grosvenor not Founder of National Geographic</li> <li>• No high quality forest or perennial stream on-site</li> <li>• Inappropriate for staff to review forest quality and importance given the expertise of the Society of American Foresters</li> </ul>	<ul style="list-style-type: none"> <li>• Staff is reviewing notification procedures and plans on implementing improvements.</li> <li>• The majority of forest on the property is medium to high quality and is high priority for retention: <ul style="list-style-type: none"> <li>- abundance of specimen trees</li> <li>- age and mature dominant size class of this oak/hickory/beech association,</li> <li>- rarity of this forest resource in the Planning area</li> <li>- functional benefit of this forest buffering an existing local park and highway infrastructure</li> </ul> </li> <li>• A Natural Resources Inventory/Forest Stand Delineation submitted for the SAF and RNR properties (submitted January 2008 by Greenhorn and O'Mara) indicated high priority forest for nearly the entire area considered as part of the LOS nomination.</li> <li>• In addition, the Renewable Natural Resources Foundation's website describes the property as a superb natural area.</li> </ul>
Anne Martin	Linowes & Blocher, representing Renewable Natural Resources Foundation	<ul style="list-style-type: none"> <li>• Existing Special Exception not considered</li> <li>• Property already protected through current Special Exception</li> <li>• RNR not notified of LOS designation process</li> <li>• Zoning is R90, not R60</li> <li>• Doesn't meet LOS criteria</li> <li>• Nomination threatens value of property</li> </ul>	<ul style="list-style-type: none"> <li>• The existing Special Exception, if fully built out, does protect much but not all of the proposed LOS natural resource.</li> <li>• Staff does not believe that the resources nominated will not be automatically protected during future special exceptions or subdivision through application of the Forest Conservation Law or County Environmental Guidelines. Future ownership and use decisions may have significant impact on the forest resources.</li> <li>• Staff does not believe an LOS designation impedes the ability for the owners to move forward with future plans nor hinders the public review process.</li> </ul>
Dennis Calderone	Individual	<ul style="list-style-type: none"> <li>• Supports designation</li> <li>• Sound buffer to highways</li> <li>• Concerned about lack of notice from SAF/RNR</li> </ul>	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
Cheryl Leahy	Wildwood Manor Citizens Association	<ul style="list-style-type: none"> <li>• Strongly supports nomination</li> <li>• Fleming Local Park is too small</li> <li>• Concerned about impacts of proposed future uses</li> </ul>	No change required
Wayne Goldstein	Montgomery County Civic Federation, Montgomery Preservation, Inc.	Supports nomination	No change required
John Parrish	Individual	Supports nomination	No change required
<b>#4 Hickey and Offut</b>			
Councilmember Valerie Ervin	Council Representative	Supports nomination	No change required
30 Citizens	Individuals	<ul style="list-style-type: none"> <li>• Supportive of nomination</li> <li>• Given the slopes and existing hydrologic problems, fewer homes on these properties would not be an appropriate solution, given the amount of structural fill, retaining wall and forest clearing that would be necessary.</li> <li>• Concerns over grinder pumps was also expressed</li> </ul>	No change required
Cathy Silverstein	Individual	<ul style="list-style-type: none"> <li>• Supports full acquisition</li> <li>• Cites pages 83-84, North and West Silver Spring Master Plan, that supports addition of land to Rock Creek Park where possible</li> <li>• Cites support from Councilmember Ervin</li> <li>• Concerned that staff recommendation does not go far enough, supports full acquisition</li> </ul>	Staff are recommending protection through the development review process, and implementing partial or full acquisition if necessary to protect the resource.
Jacquelyn Magnes Seneschal, AICP	Rock Creek Forest Neighbors Coalition KCI Technologies	<ul style="list-style-type: none"> <li>• Impact of waiver of quality control on adjacent upslope property has created a need to mitigate on nominated property</li> <li>• Excessive grading and fill required if any development goes forward</li> </ul>	<ul style="list-style-type: none"> <li>• Staff concurs that stormwater management a critical issue for this site.</li> <li>• Partial to full acquisition represents an opportunity to mitigate the effects of previous development upslope that was waived from storm water management quantity control requirements as part of a fee in lieu program in 1985.</li> <li>• No change required.</li> </ul>
Judy Koenick		Opportunity to salvage a small portion of remaining natural area	No change required
David Murphy and Bill Yeaman	National Park Service	<ul style="list-style-type: none"> <li>• Supports 4 sites in Rock Creek Watershed</li> <li>• Part of long legacy of preservation of Rock Creek</li> <li>• Full development would grievously harm resources</li> <li>• Support full acquisition</li> <li>• Critical habitat for spotted salamanders and wood frogs</li> <li>• Storm water management impacts to existing parkland if site develops</li> </ul>	No change required
Superintendent Adrienne A. Coleman	NPS Rock Creek Park	"strongly support this designation considering the properties importance in protecting valuable forest and forest habitat in a highly developed urban area and considering its location which is	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
		contiguous and interconnected with mature forest on National Park Property.”	
Ed Gray	individual	Supports nomination	No change required
Joanne Lynn	individual	Very steep slopes, difficult to walk, much less develop site	No change required
Scott Wallace	Attorney for Glavell LLC	<ul style="list-style-type: none"> <li>• Opposes LOS recommendation</li> <li>• FCP will preserve forest as part of approved preliminary plan</li> </ul>	<ul style="list-style-type: none"> <li>• Forest Conservation Law is limited in the extent of the area that would be placed into a conservation easement through development.</li> <li>• LOS designation will provide another avenue for protection of the site beyond Forest Conservation and stormwater management requirements, i.e. potential funding for partial to full acquisition at fair market value.</li> </ul>
Wayne Goldstein	Montgomery County Civic Federation, Montgomery Preservation, Inc.	Supports nomination	No change required
John Parrish	Individual	<ul style="list-style-type: none"> <li>• Supports nomination</li> <li>• Important amphibian breeding sites immediately adjacent to this site, need to control runoff to protect these areas.</li> </ul>	No change required
Irene Glaser	Property owner	<ul style="list-style-type: none"> <li>• Being treated unfairly, neighbors hijacking process</li> <li>• Not suitable for public access, just a buffer for a few homes</li> </ul>	<ul style="list-style-type: none"> <li>• The owner contention that acquisition would adversely impact the value of the property, though understood, is not supported by staff.</li> <li>• Staff recommendation is not excluding potential development and anticipates fair-market value for acquisition of any subsequent recorded lots deemed necessary for park acquisition.</li> </ul>
Beth Mullin	Friends of Rock Creek Environment	<ul style="list-style-type: none"> <li>• Supports all Rock Creek sites nominated</li> <li>• Cites encroachment and enforcement concerns in support of complete acquisition</li> </ul>	No change required
<b>#5 Ireland Drive/National Park Seminary Carriage Trails</b>			
Barbara Schubert	Save Our Trail Coalition, which includes: <ul style="list-style-type: none"> <li>• Washington Area Bicyclists Association</li> <li>• Save Our Seminary</li> <li>• Audubon Naturalist Society</li> <li>• Friends of Rock Creek Environment</li> <li>• Forest Glen Ventures</li> <li>• Park View Estates</li> <li>• Linden Civic Association</li> <li>• Rock Creek Hills</li> </ul>	<ul style="list-style-type: none"> <li>• Supports nomination</li> <li>• Sense of being inside interior forest on the trail, an important neighborhood and County recreation resource</li> <li>• Good relationship between the Army and the neighborhood</li> <li>• Army studying transfer</li> </ul>	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
Barbara Schubert and Fred Gervasi	Save Our Trails and Save Our Seminary	<p>This carriage trail resource meets many of the Legacy Open Space criteria:</p> <ul style="list-style-type: none"> <li>• Ireland Drive has county and region-wide significance as an exceptional example of a transportation corridor that evolved to meet the changing needs of the community.</li> <li>• Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.</li> <li>• Resource is part of a "critical mass" of like resources that perform an important environmental and heritage function.</li> <li>• The Resource provides a significant opportunity to a) increase access to public open space in communities with high population densities, and b) to protect scarce open space in an urbanized community.</li> </ul>	No change required
Colone Bruce Haselden	U.S. Army Garrison Commander, Walter Reed Annex	<ul style="list-style-type: none"> <li>• Army does not concur with the LOS recommendation, stating a continued need for the areas nominated.</li> <li>• The Army requested clarification of the importance of the north section of Ireland Drive over the southern section in terms of trail connectivity Importance and master plan applicability.</li> <li>• The Army also indicated staff misrepresented before the Planning Board on 15NOV2007 the time span in which the National Park Seminary historically used the Ireland Drive trails.</li> </ul>	<p>A recent meeting between the Army, Congressmand Van Hollen's staff, neighbors, and Commission staff has clarified many of these issues.</p> <p>It is not clear if the Army objects to the merits of the nomination, the idea of transferring fee simple ownership interests in nominated area, or the concept of a County agency applying potential restrictions on Federal Property.</p> <p>Staff concurs with the Army that the north Ireland Drive section that provided direct connection with existing M-NCPPC hard surface trails with Forest Glen Road is an essential connector and as such is a higher priority for the Commission in terms of public need and may warrant a different protection technique that the remainder of the Ireland Drive trail system. This is not to say that the Commission strongly feels that it is in the public interest to preserve the entirety of the trail system and associated forested area.</p> <p>Staff believes that the time span usage of the Ireland Drive Trail system by the Seminary (several decades) is accurate. Staff does does acknowledge that ownership of the Walter Reed parcel by the National Park Seminary and formalization of the current bridges was not initiated until 1928-1931. Prior usage appears to have been informal and based on a neighborly agreement.</p>
Wayne Goldstein	Montgomery County Civic Federation, Montgomery Preservation, Inc.	Supports nomination	Staff concurs No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
John Parrish	Individual	Supports nomination	Staff concurs - No change required
<b>#7 Montgomery College of Art and Design</b>			
Bill Hard	Real Estate Committee, Montgomery College Foundation, Inc.	<p>Strongly opposed to nomination.</p> <ul style="list-style-type: none"> <li>• Property transferred to Foundation as part of agreement to fold MCAD programs into Montgomery College; intention to sell property for highest price attainable</li> <li>• Rezoning for townhouses approved, indicates site determined to be best suited for residential development</li> <li>• Contract purchaser has invested time and money to achieve the rezoning</li> <li>• Proceeds of the sale will provide critical support to Montgomery College</li> <li>• Additional testimony submitted after the hearing clarified the issue of “quasi-public” status raised by neighbors: <ul style="list-style-type: none"> <li>- MCAD did receive some financial support from the County for its programs, but those grants did not cause MCAD to lose its private status or change its assets into public or quasi-public assets</li> <li>- Montgomery College financially supported MCAD for several years prior to the merger, and the transfer of the property to the Foundation was part of the package to fund continuing support of the Art &amp; Design programs</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Rezoning to townhouses reflects public policy agreement that townhouses are the appropriate development pattern for this property. However, the rezoning process does not and legally cannot address the appropriateness of a site for parkland as opposed to development at the proper zoned density.</li> <li>• If approved by the Planning Board for LOS acquisition, the Commission will negotiate fair market value with the contract purchaser. Since rezoning has been completed, fair market value will have increased over the current contract price. No negative financial impact to the Foundation should occur.</li> </ul>
Marc Elrich	Montgomery County Councilmember	Supports the community wishes and the staff recommendation for designation of the site for Legacy Open Space	No change required
Senator Richard Madaleno, Delegates Ana Sol Gutierrez, Jeffrey Waldstreicher, and Jane Lawton	Maryland General Assembly members	The Delegation supports the LOS designation of this site as they have consistently supported increasing open space and recreational resources in neighborhoods. The Delegation also notes that the neighborhood property owners intend to enforce the covenants in their deeds that limit the possible uses on the MCAD site.	No change required
Congressman Chris Van Hollen	8 <sup>th</sup> Congressional District, U. S. House of Representatives	Urges careful consideration to the interest of the residents that are supporting the pending application for LOS.	No change required
Beverly Sobel, plus 580 individual signatories of petition	GreenSpaceonGeorgia.org	<ul style="list-style-type: none"> <li>• Coalition of residents from Plyers Mill Estates, Carroll Knolls, and McKenney Hills communities signed petition to support turning the MCAD site into a neighborhood park</li> <li>• Forty year history of community use of the open space on the site</li> <li>• Site provides space for wildlife and pets</li> <li>• Less parkland on west side of Georgia Ave. than on east side</li> <li>• Dangerous to cross Georgia Avenue to Evan Parkway Local Park</li> <li>• Supports staff recommendation of creating a park with passive</li> </ul>	<ul style="list-style-type: none"> <li>• Pleased that neighbors support both passive and active uses for the site</li> <li>• No change required</li> </ul>

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
		<p>open space and active recreation (such as a youth size soccer field)</p> <ul style="list-style-type: none"> <li>• Concerned about quasi-public nature of land under MCAD ownership, and that previous public investments in that organization are not overlooked</li> </ul>	
Bruce Sidwell	Friends of Sligo Creek	<ul style="list-style-type: none"> <li>• Need to balance benefits of increased density with open space for recreation and ecological protection</li> <li>• Site contains a feeder stream (underground) to Sligo Creek</li> <li>• One of the few remaining undeveloped sites in the Sligo Creek watershed</li> <li>• Supports designation and protection of this site</li> </ul>	No change required
Adam Pagnucco	Forest Estates Community Association, Crossing Georgia Committee	Supports acquisition of MCAD for parkland to serve communities west of Georgia Avenue. Georgia Avenue is a 6-lane highway with high speeds and unsafe for pedestrians to cross, even at lighted intersections. Showed video of traffic and pedestrians at Georgia Avenue and Forest Glen.	No change required
Malena Kaplan	McKenney Hills/Carroll Knolls Civic Association	<p>Neighborhood strongly supports acquisition as parkland.</p> <ul style="list-style-type: none"> <li>• Concerned about nature of proposed townhouses and misleading statements by developer to the community.</li> <li>• Questions value of MPDU's that will be priced well above the current price of a home in the neighborhood.</li> </ul>	No change required
Christine Olo	Individual	<p>Supports MCAD as LOS site and park</p> <ul style="list-style-type: none"> <li>• Uses MCAD open space daily, will not cross Georgia with child to other park.</li> <li>• Current open space on the site helps make the neighborhood livable.</li> <li>• Also an opportunity to improve health of tributary to Sligo Creek watershed.</li> </ul>	No change required
Carol Chace	Individual	<p>Strongly support designation</p> <ul style="list-style-type: none"> <li>• Public green space for children and families, stormwater runoff control , and wildlife habitat are just some of the benefits of keeping site green.</li> <li>• Closest playground is 15-20 minute walk for adults, too far for children to walk.</li> </ul>	No change required
Randy Scope	Individual	<p>Supports designation.</p> <ul style="list-style-type: none"> <li>• Taxpayer subsidies of MCAD should give the public a say in how this "quasi-public" land is used.</li> <li>• Lack of public land visible along Georgia Avenue – plenty of housing, not enough open space between Forest Glen and Wheaton</li> <li>• Objects to Commissioner Bryant being a decision-maker on this site because of his background with the Montgomery College</li> </ul>	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
		Foundation	
Leah Miller	Individual	<p>Supports designation</p> <ul style="list-style-type: none"> <li>• Keeping open space can help neighborhood children avoid “nature deficit disorder”</li> <li>• Crossing Georgia impossible with walk signals too short, other parks too far away</li> <li>• Studies show site too far from Metro for residents to walk to it, will just be more drivers on roads</li> <li>• She is one of the defendants in the developer’s lawsuit against the Carroll Knolls homeowners seeking to overturn protective covenants.</li> </ul>	No change required
Perry Berman	Individual. Also previously worked with site developers, and supervised Kensington-Wheaton Master Plan at the Commission	<p>Opposes designation as LOS and supports the proposed townhouse development</p> <ul style="list-style-type: none"> <li>• LOS program has limited funds and should only focus on sites that “rise above the rest” ; most vacant lands could be considered to meet the LOS criteria if this one does</li> <li>• Staff say natural resources not important on this site</li> <li>• May 17 staff memo did not recommend adding site to LOS</li> <li>• Shouldn’t pick this one site to add to parkland in a vacuum, should review area comprehensively</li> </ul>	<ul style="list-style-type: none"> <li>• LOS designations based on quality and long-term benefit to the County, not on potential cost.</li> <li>• This site has fairly unique combination of attributes: location in a dense neighborhood, existing woods and open space, flat topography that allows for active recreation, all adjacent to Georgia Avenue, a designated Green Boulevard.</li> <li>• The site rises above the rest because of this combination of factors as Urban Open Space, not relying on the quality of the natural resources on site.</li> <li>• LOS staff memo to zoning staff suggested that it was unclear whether the site would be recommended for addition to LOS or not after full review.</li> <li>• Staff did review the larger area surrounding this nomination to evaluate parkland resources and any other potential parks in this area.</li> </ul>
Wayne Goldstein	Montgomery County Civic Federation	<p>Civic Federation voted to endorse LOS designation.</p> <ul style="list-style-type: none"> <li>• Supports Forest Estates Community Association support for parkland that will not require unsafe crossing of Georgia Avenue</li> <li>• Effort started to prevent unwanted development, but an objective evaluation by the LOS criteria shows the site more than meets the criteria.</li> <li>• Site comparable to Wohlfarth Property in Chevy Chase that was acquired through LOS.</li> </ul>	No change required
Barbara Plantz	Individual	<p>Supports designation.</p> <ul style="list-style-type: none"> <li>• Lived in neighborhood for decades, decries loss of green space, sees need for parkland on west side of Georgia Avenue.</li> <li>• Master Plan for Montgomery County and the Covenants for Carroll Knolls subdivision support a park on the site.</li> </ul>	No change required
Carey Creed	Individual	Supports LOS designation	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
Beth A. Johnson	Individual	Supports LOS designation <ul style="list-style-type: none"> <li>• Existing homes in the neighborhood sell for less than the proposed new townhomes.</li> <li>• Sligo Creek watershed improvements possible on the site</li> </ul>	No change required
Sonya Healy	Chief of Staff to Montgomery County Councilmember Valerie Ervin	No testimony on the merits, but submitted two Commission staff memos on the rezoning case for inclusion in the public hearing record. <ul style="list-style-type: none"> <li>• One memo from Countywide Planning Division, Environmental Section, discusses forest conservation and wetland issues on the site, and states that the Stormwater Management Concept Plan had been approved.</li> <li>• The second memo from Park Planning and Stewardship Division, Park Planning staff, stated that based on a review of the 2005 PROS Plan, there were no additional needs for active recreation in this Planning Area other than rectangular fields. The memo stated that the site was not large enough for a full size rectangular field plus 75 parking spaces, thus was not pursued for park acquisition under the 2005 PROS Plan recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• The Park Planning statement that the site did not meet needs for new recreation parkland was based on an initial evaluation of the recommendations in the 2005 PROS Plan and applying those recommendations to the site.</li> <li>• PROS assessments of recreation needs are based on Planning Areas and do not take into account site specific factors, such as the inability to cross Georgia Avenue safely.</li> <li>• LOS staff subsequently conducted a more thorough evaluation of the site for active recreation, assessing the need for any rectangular field, including junior size fields with smaller parking requirements.</li> <li>• The Park Planning memo does conclude by stating that provision of recreation and aesthetic open space is very important for the site, even if it develops.</li> <li>• Park Planning staff concurs with the current LOS staff recommendation for acquisition for open space and active recreation purposes.</li> </ul>
<b>#8 Selden Island/Walker Village Site</b>			
Wayne Goldstein	Montgomery County Civic Federation, Montgomery Preservation, Inc.	Site is only archaeological site in the County on the National Register of Historic Places. Critical to ensure that site protected for the long term, whether by private or government. M-NCPPC should be proactive in working with owners on limiting turf farming to protect site.	No change required
<b>#9 Edson Lane Forest</b>			
Richard Nelson, Jr., Director Scott Reilly, Chief Operating Officer	Montgomery County Department of Housing and Community Affairs	<ul style="list-style-type: none"> <li>• Agree with staff recommendation to not include in Legacy Open Space, but concerned about recommendations to preserve forest on site</li> <li>• Crisis in housing affordability in the County</li> <li>• Site limited to only 15 units, 6 MPDUs and 9 workforce housing units</li> <li>• Umbrella Magnolia trees and others on the site will be preserved</li> <li>• Site meets County goals for identifying County-owned land for affordable housing</li> <li>• Modest first step toward provision of affordable housing across the County</li> <li>• Ask Planning Board to support affordable housing on this site</li> </ul>	No change required

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
D. Scott Minton, Executive Director Tedi Osias	Housing Opportunities Commission	<ul style="list-style-type: none"> <li>• Agrees with staff recommendation to not designate site for LOS</li> <li>• As selected developer for site, HOC is bound by DHCA's conditions that include using an arborist, protecting as many trees as possible, and protecting the Umbrella Magnolia stand</li> <li>• Sites that meet the requirements for affordable housing are few and far between</li> </ul>	No change required
Anne Ambler	Montgomery County Group, Sierra Club	<ul style="list-style-type: none"> <li>• Leggett's County policy is to consider all decisions "in light of the urgent need to address global climate change"</li> <li>• Valuable ecological services being provided by forest on site: stormwater runoff control, pollution absorption, etc.</li> <li>• Decline of 30% in woodland acreage in North Bethesda since 1963</li> <li>• Cool Counties agreement commits County to reducing greenhouse gas emissions, preservation of forest key to that effort</li> </ul>	<ul style="list-style-type: none"> <li>• Agree that preservation of forest is an important policy issue for the County and that the site provides ecological benefits.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be added to LOS.</li> </ul>
Charles Chester	Son of applicant, Bea Chester, and representing Old Georgetown Village Civic Association	<ul style="list-style-type: none"> <li>• Process concerns about selecting site for affordable housing without adequate public input</li> <li>• Site meets LOS criteria as a key open area near busy roads, green space within an existing neighborhood, and an important natural area</li> <li>• LOS program even suggests keeping surplus school and other public land in public ownership as open space</li> <li>• Preservation of site improves air quality, sets good example for schoolchildren, and contributes cooling temperature benefits</li> <li>• No major developer came forward because unrealistic to build compatible homes at the prices suggested by DHCA; concerned that trees will be cleared and affordable housing goals won't be met</li> </ul>	<ul style="list-style-type: none"> <li>• Agree that preservation of forest is an important policy issue for the County and that the site provides ecological benefits.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be added to LOS.</li> </ul>
Patricia Hinton Walker	Individual	<p>Significant concerns about the proposed development, including:</p> <ul style="list-style-type: none"> <li>• Not enough public input early in the process, and other procedural issues</li> <li>• Inadequate population and transportation studies of area</li> <li>• School access critical: strong need for second entrance to school through the site, as originally intended</li> <li>• School growth plans unclear</li> <li>• IF affordable housing is needed in this neighborhood, should be accomplished without increasing traffic, school overcrowding, and environmental damage</li> </ul>	<ul style="list-style-type: none"> <li>• No staff response appropriate to issues regarding the proposed reuse and DHCA's process.</li> <li>• Agree that preservation of forest is an important policy issue for the County and that the site provides ecological benefits.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be added to LOS.</li> </ul>
Ginny Barnes	Member of LOS Advisory Group, also representing Audubon Naturalist Society and West Montgomery County Citizens	<ul style="list-style-type: none"> <li>• School Board should consider protecting the forest as offset for their many construction projects that clear trees</li> <li>• County Executive sets up conflicting policy objectives, shouldn't have to make a choice between affordable housing and</li> </ul>	<ul style="list-style-type: none"> <li>• Staff agrees that preservation of forest is an important policy issue that should be addressed by every public agency.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be</li> </ul>

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
	Association	environmental protection <ul style="list-style-type: none"> <li>• Road and other projects clearing forest rapidly in Rock Creek watershed, here is an opportunity to preserve a small amount of remaining forest</li> </ul>	added to LOS.
Joe Howard, Policy Chair	Montgomery County Forestry Board	<ul style="list-style-type: none"> <li>• Board understands the need for affordable housing, but shouldn't override State and local policies to preserve mature forest stands in urban areas</li> <li>• Site contains mature hardwood trees and Umbrella Magnolia.</li> <li>• Site part of a critical mass of resources that perform important environmental functions</li> <li>• Site is part of a larger public resource including the adjacent public school and adjoining parkland</li> <li>• Suggests that the adjacent fields and parking areas could be reconfigured to accommodate same yield of townhouses without cutting mature forest</li> </ul>	<ul style="list-style-type: none"> <li>• Staff agrees that preservation of forest is an important policy issue that should be addressed by every public agency.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be added to LOS.</li> </ul>
63 Individual emails and letters	Individuals from the surrounding communities. Summary of comments about environmental impacts.	<ul style="list-style-type: none"> <li>• Forest cover in this area of the County is very low, 10-13% compared to 28% countywide</li> <li>• Concern about loss of forest and trees in neighborhood to development and road projects (Montrose Parkway)</li> <li>• Preservation would support County participation in "Cool Counties" initiative</li> <li>• State Watchlist Umbrella Magnolia trees on the site should be protected</li> <li>• Site important to neighborhood as green open space; would set a poor example for schoolchildren if clear forest despite environmental benefits</li> <li>• Forested site helps with global warming and climate change mitigation, as well as local air pollution control, and reduces stormwater runoff to adjacent school fields – these ecological services have significant dollar value to the taxpayers of the County.</li> <li>• Site is not large but is comparable to other LOS and parkland purchases in dense suburban areas; part of a critical mass of resources that perform environmental functions in urban areas</li> <li>• Existing public land should remain in public hands, be preserved for future generations</li> <li>• Support use of the site for recreation and education</li> <li>• Site meets LOS criteria for urban open space as a key green area near busy roads and an existing dense neighborhood</li> </ul>	<ul style="list-style-type: none"> <li>• Preservation of forest an important policy issue that should be addressed by every public agency.</li> <li>• However, staff does not agree the site meets the overall "best of the best" criteria and does not believe it should be added to LOS.</li> </ul>
63 Individual emails and letters	Individuals from the surrounding communities. Summary of comments about the proposed use of the site.	<ul style="list-style-type: none"> <li>• No private developer responded to the REOI, indicating the difficulty of building on this site</li> <li>• Public benefit of housing may be offset by large cost overruns by an inexperienced County agency overseeing building</li> </ul>	Inappropriate for Commission staff to respond to concerns about the proposed reuse or DHCA's process.

NAME	REPRESENTING	SUMMARY OF TESTIMONY	STAFF RESPONSE
		<p>contractors</p> <ul style="list-style-type: none"> <li>• Concern that no arborist is listed in HOC application, despite their stated interest in protecting the trees on site</li> <li>• MPDUs are still quite expensive in Montgomery County and are in more demand than higher priced workforce housing, and it would be better to acquire existing units and create MPDUs throughout the neighborhoods than concentrating them in one place</li> <li>• Flaws in the County's REOI process (including lack of notice to neighbors, discussion of alternative uses for the site) raise questions about the impact of the project and ability of selected developer (HOC) to protect the environment during development</li> <li>• Over 10,000 residential units built within three miles of this site in the last four years, many low-cost housing units currently available, no need for additional housing of any type</li> </ul>	



Nov 15, 2007  
MCPB  
Item # \_\_ 10 \_\_

## MEMORANDUM

**TO:** Montgomery County Planning Board

**VIA:** Mary Bradford, Director of Parks  
John Hench, Chief, Park Planning and Stewardship Division

**FROM:** Brenda Sandberg, Legacy Open Space Program Manager  
Dominic Quattrocchi, Legacy Open Space Senior Planner

**DATE:** November 9, 2007

**RE:** **Legacy Open Space Recommendations for New Sites: Recommend the addition of seven sites to Legacy Open Space**

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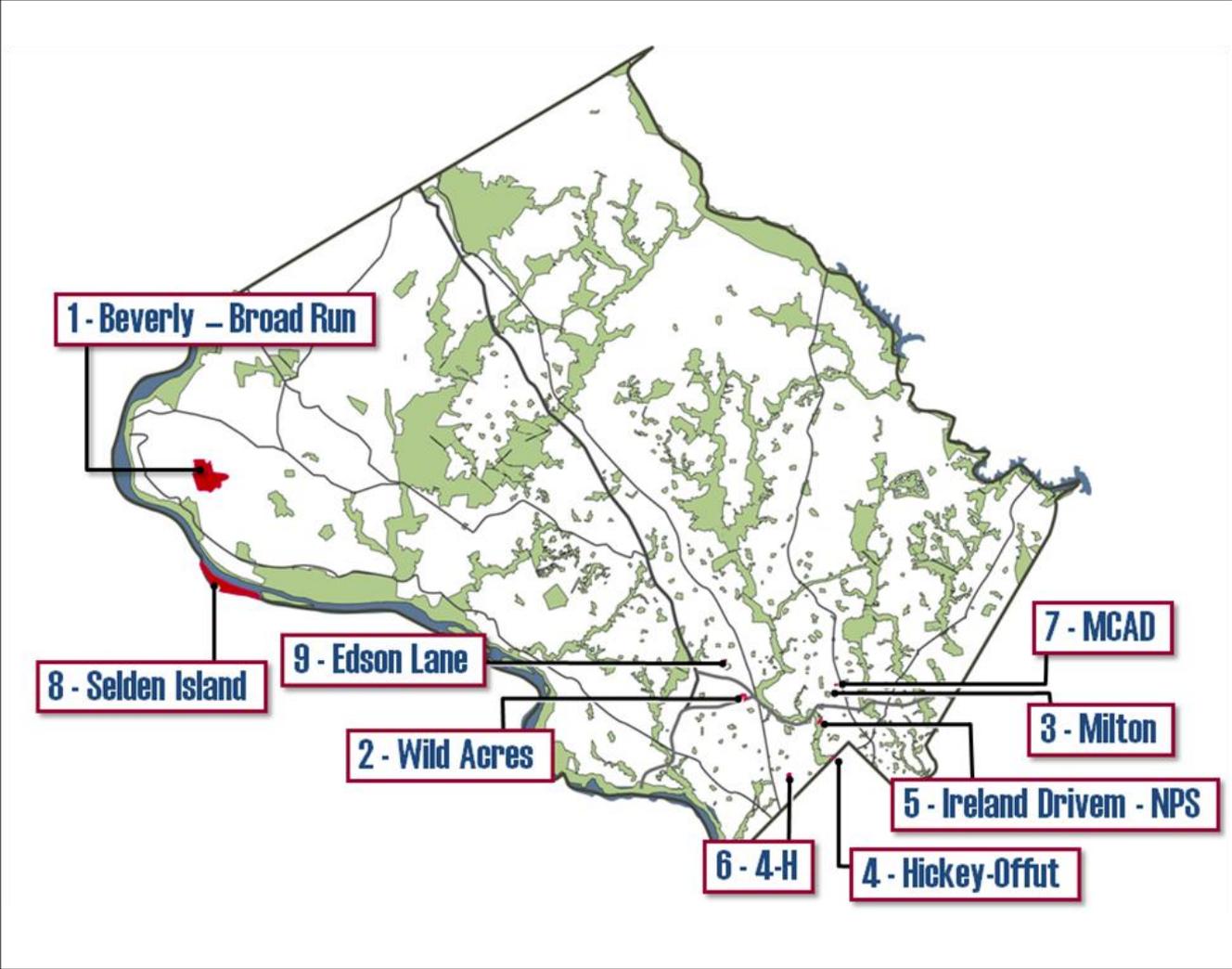
### Recommended Action

Staff recommends that the Planning Board approve the addition of the following seven sites to the Legacy Open Space program:

- 1) **Beverly Property, Broad Run Watershed**, Poolesville (Natural Resources)
- 2) **Wild Acres/Grosvenor Mansion Property**, Bethesda (Natural Resources)
- 3) **Milton Property**, Capitol View Park (Natural Resources)
- 4) **Hickey and Offut**, Bethesda (Natural Resource)
- 5) **Ireland Drive/National Park Seminary Carriage Trails**, Silver Spring (Heritage Resource)
- 6) **National 4H Council Headquarters**, Chevy Chase (Urban Open Space)
- 7) **Montgomery College of Art and Design**, Wheaton (Urban Open Space)

See the attached table for a summary of the recommendations for designation and proposed protection techniques on all nine sites evaluated and attached maps showing each site.

Countywide Locator Map of all Properties



### Background

Over the past two years, staff has completed evaluations of seventeen sites for potential addition to the Legacy Open Space (LOS) Program. The *Legacy Open Space Functional Master Plan* directs staff to conduct outreach in every odd-numbered year to identify new sites that should be considered for Legacy Open Space, and sites are nominated by citizens and staff at various times.

Nominated sites were put through an initial screening process followed by field work and GIS evaluation to evaluate natural, historic, and other site resources. Eight sites did not meet even the initial screening and, according to established procedure, were rejected by staff. Numerous Commission staff, including Planning staff, Park Managers, and Park Planning staff, were involved in the ultimate evaluation and recommendations for the remaining nine sites. Other public agencies were consulted as appropriate. The draft and final staff recommendations for these nine sites were reviewed with the LOS Implementation Team (internal to Park and Planning) and LOS Advisory Group (external citizen's advisory group) at the summer and fall quarterly meetings.

### Site Analysis

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that "rise above the rest". The seven sites recommended for addition have been reviewed according to the general criteria spelled out in the *Legacy Open Space Functional Master Plan*. In addition to these criteria, specific factors relevant to each resource category (e.g., Heritage or Natural Resources) were also evaluated.

The Legacy criteria from the functional master plan are as follows:

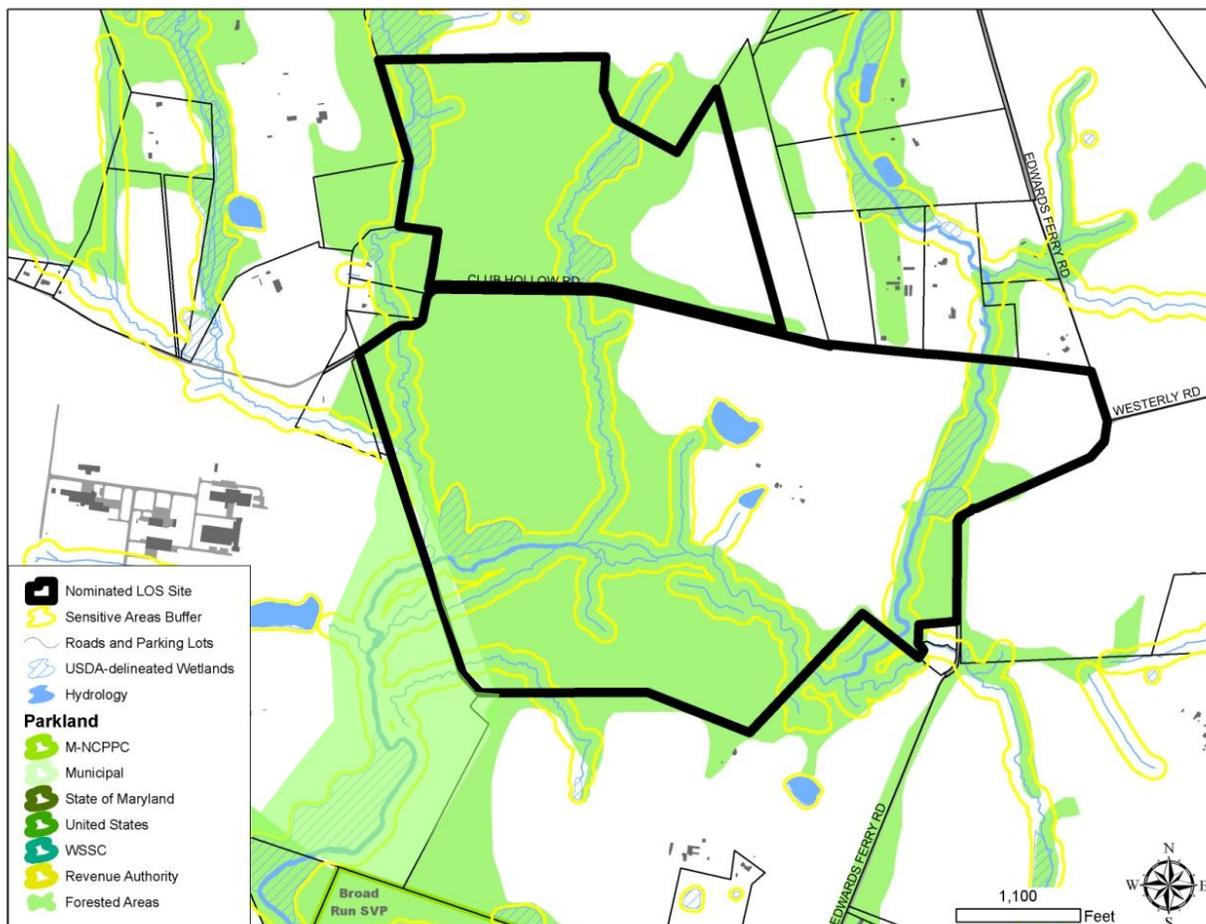
- 1) The Resource has particular countywide, regional, or national significance in terms of (a) known or potential habitats for rare, threatened, or endangered species; (b) a "best example" of terrestrial or aquatic community; (c) unique or unusual ecological communities; (d) large, diverse areas with a variety of habitats; or (e) exceptional viewsapes, architectural character, or historic association.
- 2) The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.
- 3) The Resource is part of a "critical mass" of like resources that perform an important environmental or heritage function.
- 4) The Resource makes a significant contribution to one or more heritage themes.
- 5) The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
- 6) The Resource helps to buffer and thereby protect other significant resources.
- 7) The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.
- 8) The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in

an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance, or (d) to provide for a new regional park facility.

A summary of the staff recommendations for LOS designation and for the appropriate protection techniques for each of the nine sites is contained in the attached table. The next section of this memorandum provides more detailed analysis of the general criteria and resource category factors the program.

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### *Beverly Property, Broad Run Watershed*



### Analysis of Overall Legacy Criteria and Resource Category Factors for Selected Sites

#### #1 - Beverly Property, Broad Run Watershed, Poolesville (Natural Resources, Class II)

Staff analysis of the Beverly Property and its importance by the Legacy Open Space Criteria has determined that:

- The Resource has particular countywide significance in terms of potential habitats for rare, threatened, or endangered species; as a “best example” of a large forest interior habitat on Triassic soils; and as a large, diverse forest area with a variety of wetland and upland habitats.
- The Resource is part of a “critical mass” of interior forest resources that perform the important environmental function of providing habitat for interior forest plant and animal species.
- The Resource provides human and ecological connectivity along the Broad Run Stream Valley, connecting between significant natural areas and existing and future parkland.
- The Resource helps to buffer and thereby protect water quality and adjacent forested area in the Broad Run watershed.

The Beverly property is a cornerstone property in the envisioned future Broad Run Stream Valley Park -- a long-term future series of acquisitions to complete a stream valley park system from the Chesapeake and Ohio Canal from near Edwards Ferry to Woodstock Special Park with a connection to the C+O Canal near Dickerson. M-NCPPC already owns a 106-acre property south of the Beverly properties known as the Broad Run Stream Valley Park (South Unit). The Broad Run Stream Valley Park is envisioned to provide a future natural surface trail connector with forested areas to be protected in perpetuity.



*Broad Run south of the Beverly Property*

The Broad Run watershed is considered an important natural area in the county because of its unique geology and plant communities, overall rural character and high recreational value. The Broad Run Watershed is entirely within Montgomery County, exhibits good water quality and represents a logical resource for protection and enhancement. Flowing south toward the Potomac River, the Broad Run passes through a part of Montgomery County that has changed little in 100 years. The watershed is characterized by rolling topography and red Triassic sandstone with soils that tend to be droughty. The Broad Run consist of a 14.3 square mile drainage area (9227 acres). Approximately 29 percent of this watershed is forested (2697 acres). Notably, the Beverly forest alone comprises 13 percent of all forest area within the Broad

Run watershed and represents one of the most outstanding large forested areas within Montgomery County, including forested areas within public ownership.

The Beverly Property contains a total of 535 acres, including 342 acres of forest. Much of this forest is High Priority riparian forest. In addition, approximately 1.5 miles of stream and an undetermined amount of wetland acreage are part of this forest. The significance of this resource greatly increases the potential for rare, threatened and endangered species. Review of historic aerial photographs indicate that the existing forest boundaries have generally remained unchanged for at least the last 75 years.

Mature large contiguous blocks of forest in Montgomery County are increasingly rare. These areas provide critical habitat for species dependent of large and un-fragmented forest interior. In addition to protection of large intact Forest Interior, protection of the Agricultural Reserve and Rural Open Space is important to the Commission and can be achieved through acquisition of the forested portions of these parcels.

Staff recommends acquisition as permanent stream valley or conservation parkland of approximately 300 acres of forest. Further, staff recommends pursuing study of additional properties for future completion of the Broad Run Stream Valley Park.

### **Wild Acre/Grosvenor Mansion Property**



### #2 - Wild Acres/Grosvenor Mansion Property, Bethesda (Natural Resources, Class II)

Staff analysis of Wild Acres, also known as the Grosvenor Mansion property, and its importance by the Legacy Open Space Criteria has determined that:

- The forest Resource helps to buffer and thereby protect other significant resources, including the setting of the Grosvenor Mansion and the existing forested areas on Fleming Local Park.
- The Resource has particular countywide and even national significance in terms of historic association of the site with Gilbert Grosvenor, the founder of National Geographic.
- The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources through the expansion of Fleming Local Park.
- The Resource provides a significant opportunity to increase access to public open space in communities with high population densities and to protect scarce open space in an urbanized community.

Originally the home of Gilbert Grosvenor (National Geographic Founder) and Elsie Bell (daughter of Alexander Graham Bell), the remaining 26.43 acres consist of forest, open space area, a significant National Registry-eligible estate and associated grounds. Wild Acres is eligible for the National Registry of Historic Places as an excellent example of a Tudor Revival style manor house constructed by a significant person during the suburban estate building era of the early 20<sup>th</sup> century. The site is not currently on the County's Locational Atlas or Historic Preservation Master Plan.

The nomination includes approximately 20 acres of "downcounty" forest associated with a perennial stream and adjacent to Fleming Local Park. Some of the forest is of high quality mature oak-hickory forest, increasingly rare for this part of the County. The Legacy nomination affords the opportunity for expanding Fleming Local Park and aiding in preservation of the setting of the Wild Acres estate.

Preservation and dedication of the best forest on the site will also contribute to Urban Open Space goals by preserving the forested views along the major highway intersection where I-270 and I-495 meet and creating public open space in an urban part of the County.

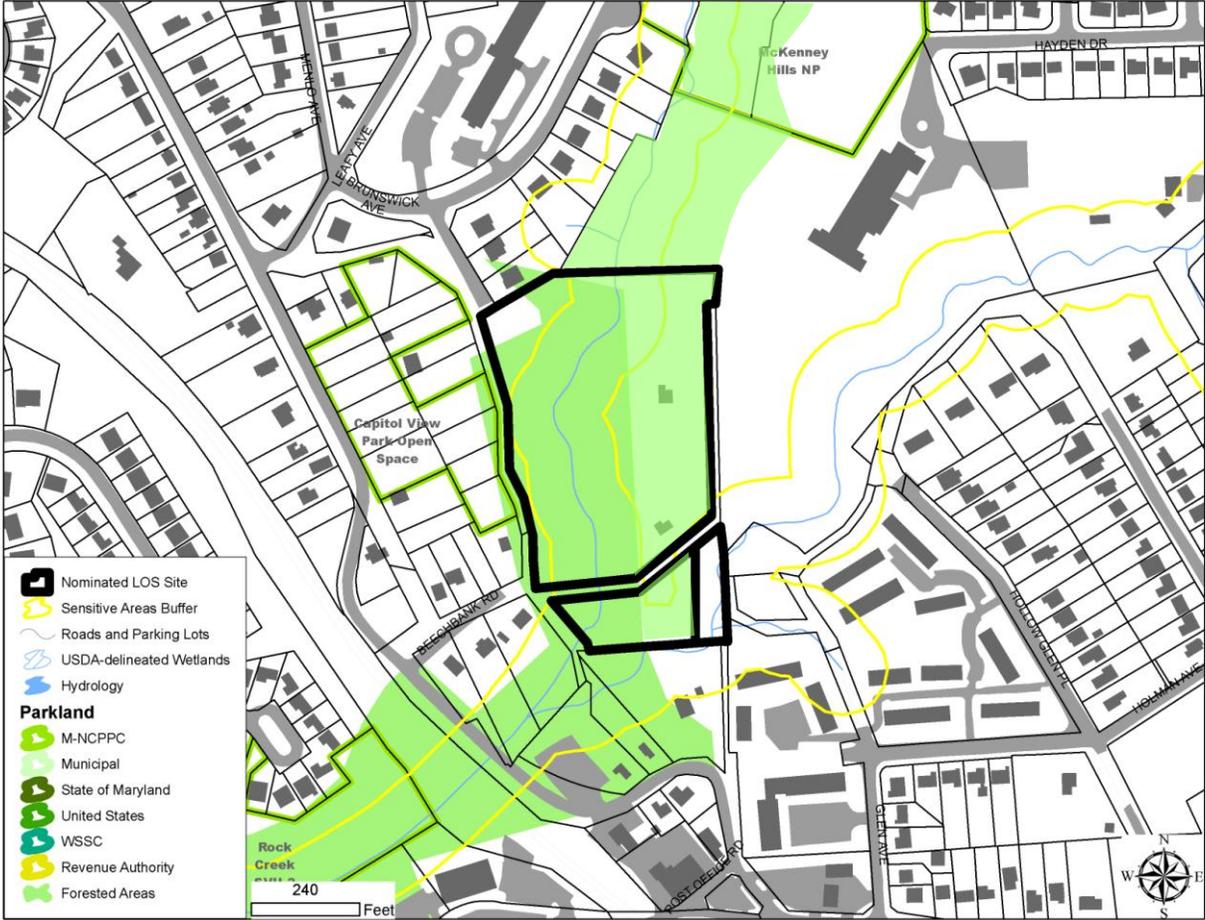
Staff recommends seeking dedication of appropriate areas through the development review process.

*Wild Acres Mansion*

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Milton Property, Capitol View Map



### #3 - Milton Property, Capitol View Park, Capitol View Park (Natural Resources, Class II)

Staff analysis of the Milton Property and its importance by the Legacy Open Space Criteria has determined that:

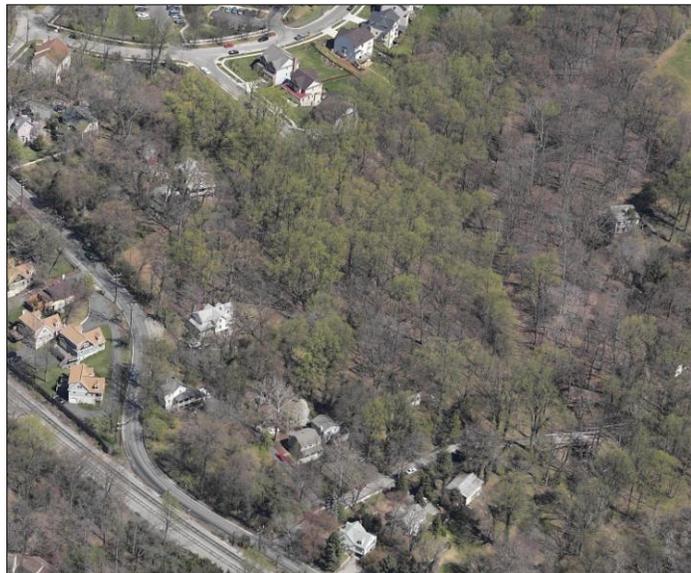
- The Resource has particular countywide significance in terms of historic association with the Capitol View Park Historic District.
- The Resource provides human and ecological connectivity between significant publicly owned natural areas, connecting existing Capitol View Park Open Space with McKenney Hills Neighborhood Park.
- The Resource helps to buffer and thereby protect other significant resources, namely the Capitol View Park Historic District.
- The Resource provides a significant opportunity to increase access to public open space in communities with high population densities and to protect scarce urban forest.

The Milton Property is a logical extension of the Capitol View Park Open Space (Cohen Property), a recent Heritage Resource Legacy Open Space acquisition. The Milton Property can be considered under several LOS nominating categories including Natural Resources, a Heritage Resource and as valuable Urban Open Space. Acquisition would create 40 acres of contiguous publicly owned property

The Milton Property comprises almost seven acres of mature forest in the down-county and represents a significant acreage of private forest in a largely developed area. There are a significant and generally unprecedented number of specimen trees on the property with mature trees commonly exceeding 40 inches in diameter at breast height (DBH). The forest is dominated by red oak, white oak, tuliptree and beech. The site also contains one single family house, not historically designated but a good quality structure of the same period as many homes within the adjoining Historic District.

The Milton Property is directly adjacent to the Capitol View Park Historic District. Established in 1887, Capitol View Park is one of the few 19<sup>th</sup> century Montgomery County communities. According to Maryland Historical Trust records, the Milton property is important as it was the home of Alexander and Annie Proctor, noted developers of Capitol View Park and Forest Glen. Other distinguished residents include: Sewall Wright, a pioneering academic in the field of Genetics; Philip G. Wright, president of the Brookings Institute; and Charles Milton, a noted geologist.

Capitol View Branch, a perennial stream to Rock Creek, generally bisects the properties. This stream has associated steep slopes and potential wetland area. Topography on the property is pronounced with steep to rolling slopes and a prominent stream valley. Access to the property is from Beechbank Road and involves a crossing of a private bridge over Capitol View Branch.



*Aerial View of Milton Property & Vicinity*

Benefits of the Milton Property acquisition include:

- Protection of stream valley forest, riparian buffer and high quality forest
- Protection of historic district viewshed by preventing a multiple lot yield potential on promontory overlooking Capitol View Historic District
- Protection of open space in an area of high population density

Staff recommends seeking full acquisition except for the main house to be recorded as a private lot with no additional development rights.

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### *Hickey and Offut Property Map*



### #4 - Hickey and Offut, Bethesda (Natural Resource, Class II)

Staff analysis of the Hickey and Offut properties has determined that:

- The Resource has particular countywide, regional, or national significance in terms of (a) known or potential habitats for rare, threatened, or endangered species; (b) a “best example” of terrestrial or aquatic community
- The Resource is part of a “critical mass” of like resources that perform an important environmental function – forested space surrounding Rock Creek Park.
- The Resource helps to buffer and thereby protect other significant resources

The Hickey and Offutt nomination involves 3.70 acres of undeveloped, forested property (Parcel P921, Lots 59, 61, and 62). The nomination contains 3.6 acres of High Priority Forest contiguous to the largest urban forest in the United States – Rock Creek Park. Of note, the M-NCPPC was founded in 1927 in large measure to acquire and protect open space contributing to the protection of this National Park and the Rock Creek drainage. On-site forest contains moderately steep slopes and an eroded drainage swale immediately upslope of sensitive hydrologic resources on National Park Property and adjacent to an established trail within the National Park System. The forest contains specimen trees and is adjacent to a known population of a nationally rare copepod living in the springs on the nearby Park property. The National Park Service has documented deleterious effects associated with severe erosion caused by uncontrolled stormwater runoff from previous development directly adjacent to and upslope of these nominated properties.

These properties are currently under review as preliminary plan submission 120070550 (Hickey and Offutt), proposing 11 single family lots. This preliminary plan proposes 3.08 acres of high priority Oak/Tulip hardwood forest clearing including a 60” DBH tuliptree (*Liriodendron tulipifera*) and a stormwater management outfall directly adjacent to Park property.

This nomination represents an opportunity to increase to size of existing County and Federal forested area associated with Rock Creek Park

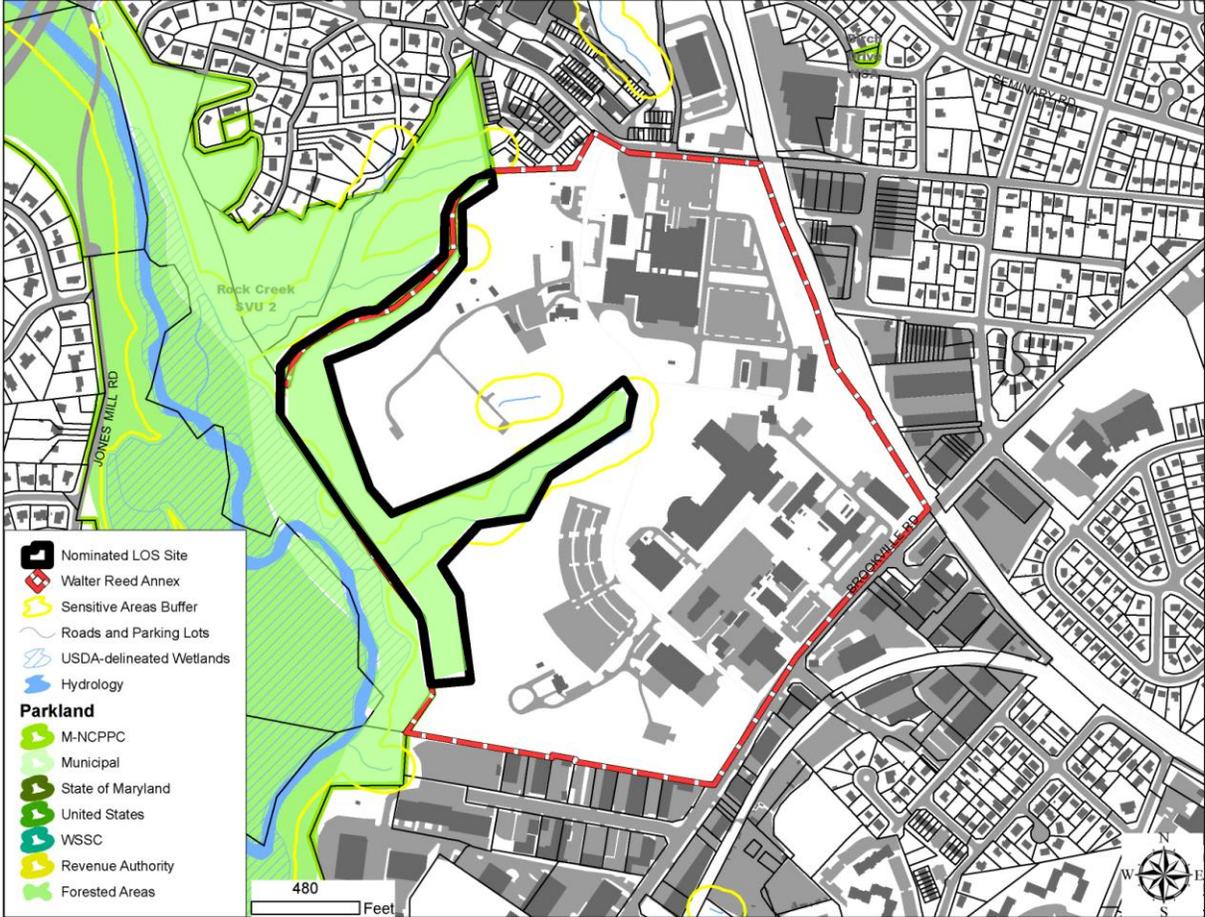
Staff recommends seeking dedication of important forested areas through the development review process provided that adequate acreage is protected. Pursue partial to full acquisition to further protect the resource if necessary.

***Specimen 60” DBH Tuliptree; M-NCPPC Staff For Scale***

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*Ireland Drive /National Park Seminary Carriage Trails*



### **#5 - Ireland Drive/National Park Seminary Carriage Trails**, Silver Spring (Heritage Resource, Class II)

Staff analysis of the NPS Carriage Trails and their importance by the Legacy Open Space Criteria has determined that:

- The Resource has particular countywide and regional significance in terms of a “best example” of a mature forest community on steep slopes adjacent to significant park forest.
- The Resource has countywide, regional and even national significance in terms of its exceptional viewsapes and architectural character along the carriage trails and associated bridges, and because of the historic association with the National Park Seminary, a National Register Historic Landmark.
- The Resource contributes to the Heritage Theme of the Rail Community Cluster, as a site that is associated with the National Park Seminary and the Forest Glen Railroad Station along the B&O Railroad.
- The Resource provides human connectivity between significant parks, natural and historic areas, including Rock Creek Stream Valley Park, the Rock Creek Hiker-Biker Trail, and the adaptive reuse project at the National Park Seminary.
- The Resource helps to buffer and thereby protect other significant stream valley forest resources. The Resource represents a significant opportunity for broadening interpretation and public understanding of natural and heritage resources along the Carriage Trails.
- The Resource provides a significant opportunity to preserve access to scarce open space in an urbanized community.

The NPS Carriage Trail is a paved trail with five decorative bridges crossing a picturesque tributary to Rock Creek. The Trail, also known as Ireland Drive, is located within the boundaries of the Forest Glen Annex of the Walter Reed Army Medical Center (WRAMC) and is owned by the U.S. Army. The trail and its woodland corridor occupy approximately 15 - 20 acres of WRAMC property outside of their security fence. The Ireland Drive trail historically served as a bridle or carriage road connection to Rock Creek from the National Park Seminary, a private girls school circa 1890-1940. Approximately 3700 linear feet of the bridal path loop remains, ending near a stone picnic shelter. The Walter Reed Medical Center Annex has allowed access to Ireland Drive as a trail resource for its employees and the surrounding community for decades. In recent years, sections of the trail have fallen into disrepair and full access (to be able to walk a complete loop) has been compromised due to security concerns.

There is significant adopted master plan language and public policy directives guiding M-NCPPC to ensure this connector as a safe and maintained community asset. The *Countywide Park Trails Plan* (M-NCPPC, 1998) supports connectivity between the Rock Creek Trail and the Sligo Creek Trail. The *North and West Silver Spring Master Plan* (M-NCPPC, 2002) recommends providing on-road and off-road bikeways along Linden Lane between the Beltway and the Ireland Drive connection to the trail. It further recommends evaluating the WRAMC property for possible trail connections, repairing the deteriorated trail bordering Rock Creek Park and federal property, and addressing maintenance responsibilities and ownership issues. This recognized important trail connector and recreational amenity between Rock Creek Park, the

Capital Crescent Trail and the Sligo Creek Trail systems will receive greater usage once the development of the National Park Seminary, an adaptive reuse to convert the historic facility to residential, is complete.

In 2004, the Planning Board, in approving plans for the redevelopment of the National Park Seminary, required the developers to "... construct a historic interpretive trail that connects the M-NCPPC owned SVU2, which adjoins Rock Creek Park, to the Glen [area of the Seminary project].... The property includes the existing trail head access to Rock Creek Park." (Development Review, December 10, 2004). Members of the Planning Board anticipated continuing public access to the Ireland Drive trail and may have assumed that it was already owned by the County. The desired trail connectivity in the Forest Glen area will not be assured unless Ireland Drive is under County control and the public has full access to it for hiking and biking.

At the urging of a citizens group called Save Our Trail, Congressman Chris Van Hollen sent correspondence (August 2007) to the U.S. Army requesting that they engage in discussions with M-NCPPC regarding transfer of the Ireland Drive trail from the Army to Montgomery County. The Army has not formally responded to that request. In the meantime, a new Master Plan for the WRAMC Annex was submitted to the National-Capitol Planning Commission (NCPC) and M-NCPPC for review as a Mandatory Referral in July 2007. Local citizens identified several issues of non-compatibility between the proposed plan and their efforts to preserve the trail, including a proposal to relocate the perimeter fence in a way that blocked access to the trail. The Master Plan has been withdrawn and is expected to be resubmitted in a few months for review by NCPC and M-NCPPC.

One of the core issues for M-NCPPC to evaluate prior to accepting transfer of this important trail and cultural resource is the cost of repairing and maintaining the carriage road/bridge network. Initial evaluation suggests that one of the five bridges will require significant reconstruction to make it safe for trail use. The other four bridges and some segments of the hard-surface trail need repairs and stabilization work to preserve their stability for the long term. Staff feels strongly that acceptance of the entire trail network is in the public interest and that it would be preferable if the U.S. Army completed the repairs and stabilization work prior to transfer. In any case, adequate new funding sources must be identified to support the integration of these trails into the park system without negatively impacting the existing parks work program. Potential funding sources include Federal (either Congressional earmark or U.S. Army funds), State (either POS or historic preservation grants), or a supplemental appropriation from the County. Another possible funding source for initial rehabilitation is private grants from historic preservation groups to support restoration of this significant cultural landscape.



***National Park Seminary graduates circa 1940.***

A second issue to clarify is the historic status of the trails. The trails are not a designated historic resource at either the federal or county level even though they are associated with the National Register-listed National Park Seminary site. Staff recommends that the trails, bridges

## Attachment 2

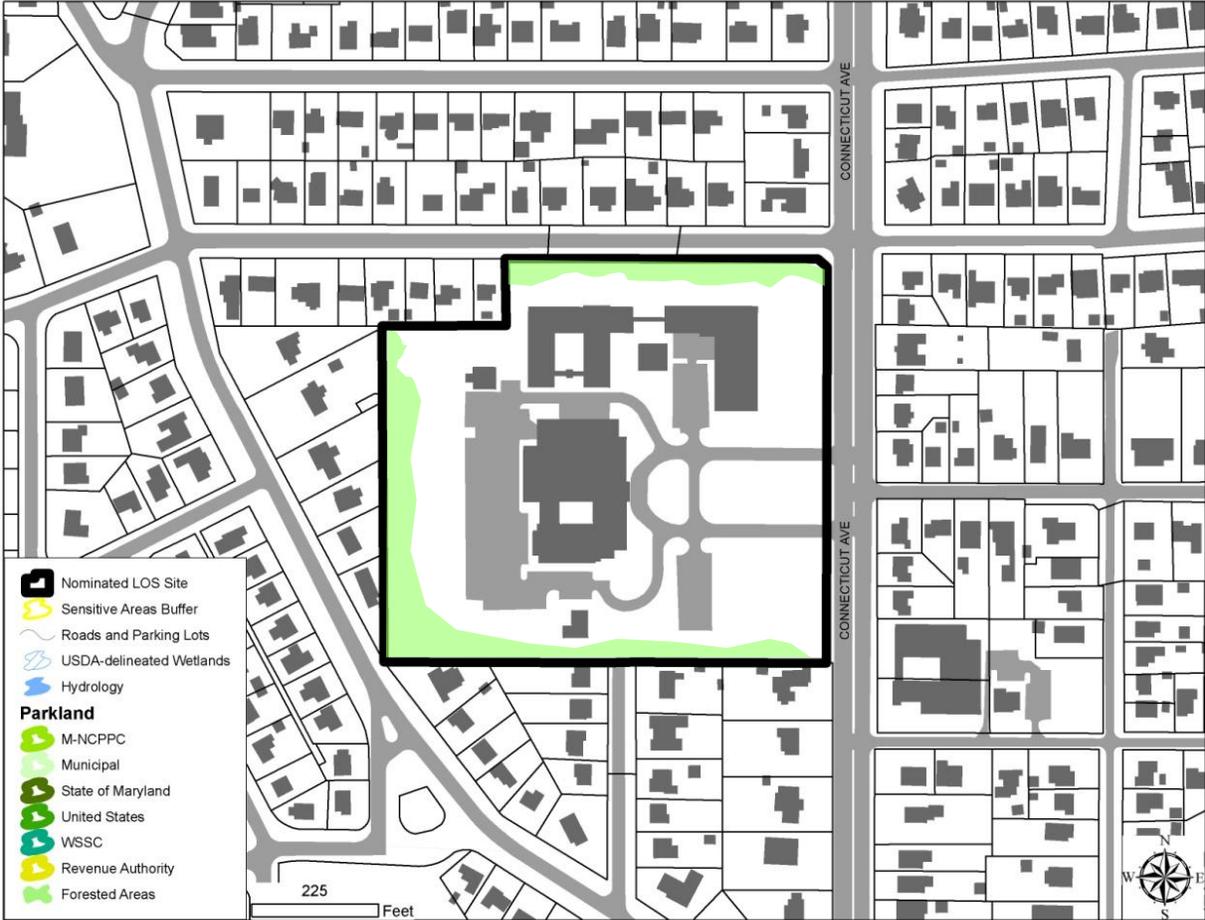
and wooded stream valley be treated as a *cultural landscape*, with any changes or repairs to the trails or bridges made in a historically sensitive manner. The National Park Service has published guidance for rehabilitation and restoration of cultural landscapes that will provide useful in this regard (*Guidelines for the Treatment of Cultural Landscapes*, 1996).

Staff recommends designating as a Legacy Open Space Heritage Resource the complete carriage trail and the associated forest outside WRAMC's security fence. Staff will return to the Planning Board at a future date to discuss the public benefits and park operational costs associated with placing the trail network in the park system.

Staff recommends continuing negotiations with the U.S. Army and Congressional staffs on the transfer of appropriate areas of the LOS designation from the U.S. Army to M-NCPPC. To aid in these negotiations and the determination of appropriate areas for transfer, staff further recommends that we initiate a cost analysis study to evaluate the costs of repairing and maintaining the trail and five bridges, and seek appropriate funding sources to cover those costs.

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National 4H Council Headquarters



### #6 - National 4H Council Headquarters, Chevy Chase (Urban Open Space, Class II)

Staff analysis of the 4H Headquarters in Chevy Chase according to LOS criteria has determined that:

- The Resource provides a significant opportunity to increase access to public open space in communities with high population densities, to protect scarce open space in an urbanized community, and to improve the character of a green boulevard of countywide or regional significance (Connecticut Avenue).

The 4H Center provides a significant opportunity to increase access to public open space in an area with high population density. The property consist of 12.28 acres directly adjacent to Connecticut Avenue and includes large institutional buildings and associated infrastructure, wooded areas and mature tree canopy along the property perimeter and approximately 6 acres of existing open space area fronting Connecticut Avenue.

Existing open space area along Connecticut Avenue affords significant future opportunity for future public open space and for additional contribution as a Green Boulevard concept along an identified major arterial corridor.

The Highest and Best Use given underlying zoning could provide impetus for subdivision. 4H has no current plans to move.

Staff recommends dedication of open space and forest protection through the development review process. Consider additional acquisition as needed.

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Montgomery College of Art and Design



### #7 - Montgomery College of Art and Design, Wheaton (Urban Open Space, Class II)

Staff analysis of the Montgomery College of Art & Design (MCAD) site according to LOS criteria has determined that:

- The Resource provides a significant opportunity to increase access to public open space in a community with high population density (Forest Glen/Wheaton) and to protect scarce open space that currently exists.
- The Resource provides a significant opportunity to improve the character of Georgia Avenue, a designated green boulevard of countywide significance.
- The Resource provides a rare opportunity to provide an active recreation resource in a part of the County that is consistently short of rectangular ballfields.

The Montgomery College of Art and Design consists of approximately 1.75 acres immediately adjacent to Georgia Avenue. Additionally, approximately 2.25 acres of undeveloped land is immediately adjacent to MCAD consisting of 4 unimproved lots and un-built road ROW, making a total of approximately four acres of potential open space. The properties include an existing 14,000 square foot building with associated parking and lawn/open space. There are a few mature trees and occasional landscaping. There is also a young developing forest associated with an area of poorly drained soils. The site is generally flat and conducive for active and passive recreational activities.

These properties recently went before a Montgomery County Hearing Examiner for a decision on rezoning from R60 to RT12.5. The Planning Board, Hearing Examiner, and most recently the County Council ruled in favor of this rezoning request. The site is currently owned by the Montgomery College Foundation and is under contract to a development firm who intends to close on the properties soon. Significant neighborhood opposition to a proposed townhouse community and support of a Park amenity was the catalyst of a citizen-driven LOS nomination. The County Executive has also expressed preliminary support for a park at this location.

The MCAD property and adjacent undeveloped properties comprise marginal natural resources, but the existing potential for urban open space, active and passive recreation use and visual improvement along Georgia Avenue have significant merit. A long-standing pattern of the community using this area as “quasi” public open space has been noted, as both a small soccer practice area, a place to play pick-up basketball on the parking lot, and just enjoying the green area with picnic benches for a stroll. Evans Parkway Local Park is immediately adjacent to MCAD, albeit on the opposite (east) side of Georgia Avenue. Despite the proximity of the existing parkland to the MCAD site and a crosswalk at the intersection with Dennis Avenue one block away, the intense levels of traffic along this State Highway make it a very difficult crossing. Many community members and parents have expressed an understandable reluctance to crossing Georgia Avenue to gain access to Evans Parkway Local Park, especially for their unaccompanied children.

Park Planning and Legacy Open Space staff also evaluated recreation and local park opportunities in the area. Staff noted significantly fewer recreational opportunities on the west side of Georgia Avenue as compared with east of Georgia Avenue within this planning area. Park Planning staff also noted the chronic shortage of rectangular play fields in this part of the County. The location of the parking lot and building is the flattest area of the site and is highly suited to providing active recreation. Examples of recreation amenities that could be accommodated on this site include:

- (a) One permit-able youth or practice soccer field (150' x 250'), a small play area, and passive recreation; or

- (b) One smaller, not permit-able rectangular ball field (approx. 110' x 215'), a double basketball court, a small play lot, and passive recreation.

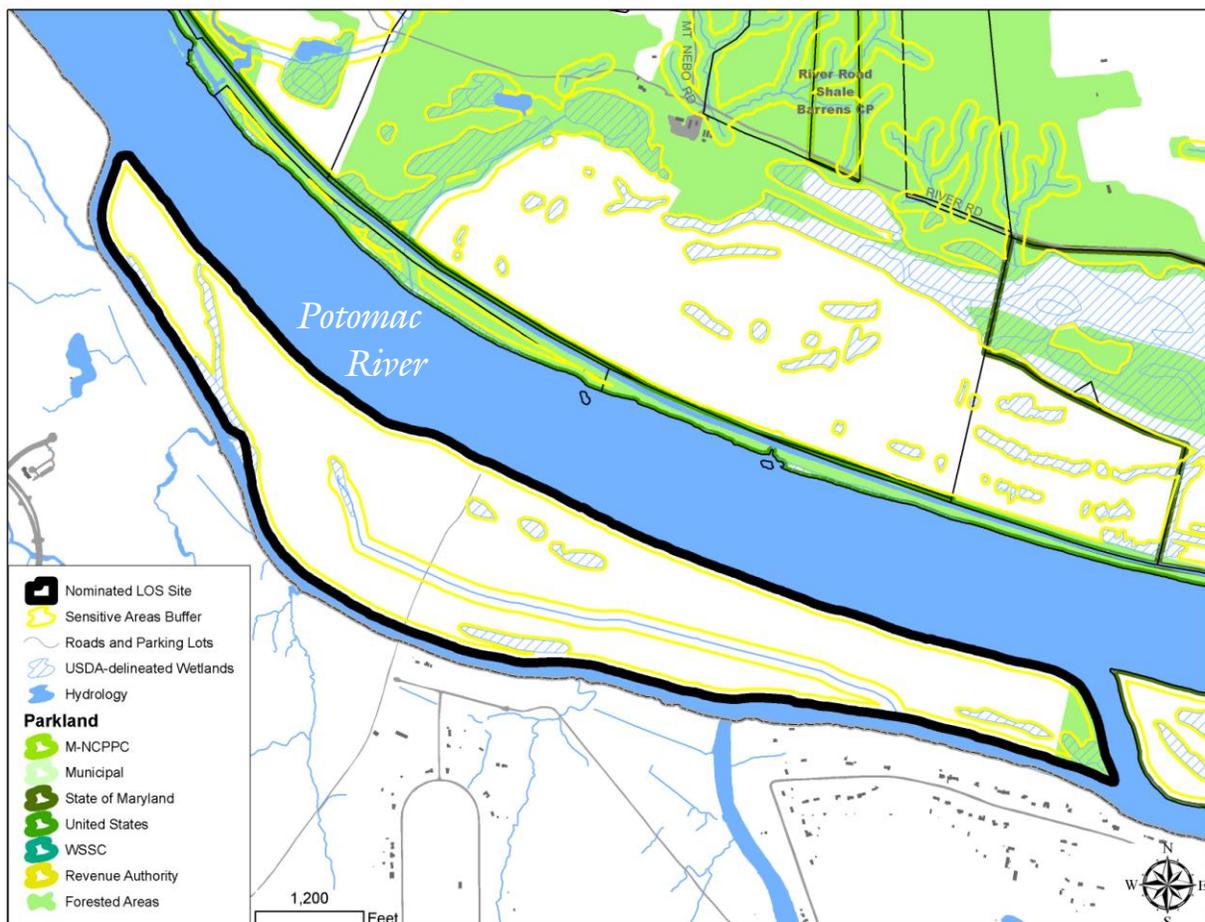
Even though it is unusual for a Legacy Open Space site to contain active recreation, staff feels that this site is a unique opportunity to provide both green, passive open space and active recreation to a dense suburban community.

Another benefit of preserving the MCAD site as parkland is to provide a green break in the development pattern between Forest Glen and Wheaton. The juxtaposition of this land across the highway from Evans Parkway Local Park would provide a noteworthy section of Green Boulevard along a major transportation corridor.

Most members of the Legacy Open Space Advisory Group were in support of the staff recommendation to acquire as a park, but it should be noted that at least one member felt strongly that this was an appropriate site for residential development and should develop as such.

Staff recommends seeking full acquisition of this site. LOS staff believes the site is compelling in terms of potential public benefit as a new park.

### Selden Island/Walker Village Site



### Properties Not Recommended for Addition to Legacy Open Space

#### **#8 - Selden Island/Walker Village Site**

Selden Island is a 400 acre island in the Potomac River located South of Poolesville in the Agricultural Reserve. The island is currently a turf farm under lease from the owners, Howard Hughes Medical Institute. The HHMI purchased the property recently to protect the viewshed from their Virginia Campus to the Potomac River.

The island is known as the Walker Village Site on the National Registry. This property is the only prehistoric National Registry site in Montgomery County. In addition, Selden Island is the type site for Selden Island Pottery.

Development potential for Selden Island is low due to the Potomac River floodplain and constraints associated with the National Registry archeological sites designations. The only vehicle access to the site is from the Virginia side of Potomac River through HHMI property.

Of concern to staff is that an existing agricultural lease and active farming may be incompatible with prehistoric site preservation and water quality concerns. Drinking water intakes for a large metropolitan population are below Selden Island. Almost entirely unforested, Selden Island is an ideal location for environmental restoration and reforestation, in addition to archaeological preservation.

Clearly this is a significant archaeological site, but it is not feasible to add to the Montgomery County Park system at this time due to logistical concerns. Staff does not recommend placing this site in the Legacy Open Space program primarily because of the logistical problems with accessing the site.

Staff recommends developing a partnership or supportive role with the island's owner regarding archeological preservation, reforestation, and appropriate management.

#### **#9 - Edson Lane Forest**

The Edson Lane Forest is a 1.8 acre parcel that is heavily forested with mature hardwood trees, including a grove of State-ranked rare and uncommon Umbrella Magnolia (*Magnolia tripetala*). Mature forest in the down-county is an uncommon and important resource. The Edson Lane Forest is part of a large area of public land resources, including Tilden Middle School and Timberlawn Local Park. The site is currently identified for development as 15 townhouse workforce housing units through a Request for Expression of Interest (REI) issued by the Department of Housing and Community Affairs. The County's REOI states the intention to retain some forest and watchlist species.

Forest cover in this planning area and watershed is low -- approximately 10% with less than half in protected status -- well below the county average of nearly 28 percent. Urban forests directly contribute to the livability, health, carbon sequestration, lower energy consumption and quality of life. Staff feel it is not possible under the REOI proposal to save forest or adequately protect the watchlist species (Umbrella Magnolia).

Despite the value of retaining forest in urban areas, staff does not believe this site meets the overall Legacy Open Space criteria of “best of the best”. In addition, the isolated site is not appropriate for park ownership due to use and management concerns.

However, staff is concerned about the policy implications of clearing of small but significant publicly-owned forest in a dense urban neighborhood, even for as worthy a cause as needed workforce housing. Although we do not recommend the site for LOS designation, we recommend that the County evaluate options for preserving this forest and relocating the workforce housing project to other land in the immediate area. Such options could include using the site as a Forest Conservation Bank for future school or county development projects.

It should be noted that several members of the Legacy Open Space Advisory Group do believe that the Edson Lane Property should be included as a Legacy Open Space property.

### Edson Lane Forest



### Woodmont East Phase II, Bethesda

A nomination was very recently received for the Woodmont East development site in downtown Bethesda. The site is at the corner of Bethesda and Woodmont Avenues and the Capital Crescent Trail runs through the site, making the site a potentially important urban open space. An initial evaluation of the site was included in the staff memo on the Preliminary Plan/Development Plan that was reviewed by the Planning Board on November 8, 2007. That Preliminary/Development Plan was deferred at the request of the applicant. Legacy Open Space staff will continue to review the application and bring a staff recommendation to the Planning Board in the future, as appropriate.

### **Implications of Legacy Open Space Designation, Class II**

All seven sites recommended for Legacy designation today are recommended as Class II properties. The only difference between Class I and Class II properties is whether one tool will be available for the protection of the site: the use of involuntary reservation is provided for Class I sites but not for Class II sites through the Legacy Master Plan. In general, most Natural Resources, Urban Open Spaces, and Greenway Connections are identified as Class I while most Heritage Resources and all land within the Farmland & Rural Open Space and Water Supply Protection target areas are identified as Class II properties. In all other respects, the same tools are available for preservation efforts for both Class I and Class II properties.

Note that a different classification does not mean a difference in the quality or importance of the resource, just that for Class II properties, a policy decision has been made that protection is likely to be achieved without the use of involuntary reservation. For this reason, all seven sites recommended for Legacy designation today are recommended for Class II status.

Preservation may be accomplished for these seven sites by protection of the resource through the development review process or acquisition through dedication or purchase. Specific protection options for each property are described in the following table.

## Specific Protection Options

## Attachment 2

Site Name & Description	Nominee	Comments	Legacy Category Recommendation	Recommended Protection Techniques
<p><b># 1 Beverly Property</b> Club Hollow Road, Poolesville</p> <p>535 acres Parcels 964 and 350 Zoned RDT</p> <p>One of the most outstanding large forested areas within Montgomery County, located in the Broad Run watershed</p>	<p>Staff Nomination</p>	<ul style="list-style-type: none"> <li>Property contains 342 acres of High Priority Forest, approximately 1.5 miles of stream valley &amp; significant areas of wetlands</li> <li>Old forest, at least 75 years</li> <li>Key property to envisioned long-term future goal of completing a stream valley park and trail system connecting the C&amp;O Canal and Woodstock Special Park</li> <li>The Broad Run Watershed as a whole is already a designated Legacy Open Space Natural Resource because of its unique geology and plant communities and overall rural character</li> </ul>	<p><b>ADD to Legacy Open Space Program as a Class II Natural Resources site</b></p>	<ul style="list-style-type: none"> <li>Preserve resources through acquisition of approximately 300 acres of forested area</li> <li>Add acquired land to existing Broad Run Stream Valley Park</li> <li>Pursue study of additional properties as part of Broad Run Stream Valley Park implementation study</li> </ul>
<p><b># 2 Wild Acres/Grosvenor Mansion Property</b> 5400 Grosvenor Lane, Bethesda</p> <p>26.43 acres Parcel 65 Zoned R60</p> <p>Mostly wooded site at intersection of I-495 &amp; I-270, includes two modern office buildings and the original mansion</p>	<p>Citizen Nomination</p>	<ul style="list-style-type: none"> <li>Site contains National Historic Register-eligible Gilbert Grosvenor Mansion, home of the founder of National Geographic</li> <li>Site currently owned/occupied by the Society of American Foresters and other non-profit natural resource organizations</li> <li>Approximately 20 acres of forest in the urban corridor of the County associated with a perennial stream</li> <li>Some forest on the site of high quality, rare for this urban area</li> <li>Logical extension of Fleming Local Park; also provides wooded setting for major transportation corridors (I-270 &amp; I-495 intersection)</li> </ul>	<p><b>ADD to Legacy Open Program as a Class II Natural Resources site</b></p>	<ul style="list-style-type: none"> <li>Seek dedication of appropriate areas through the development review process</li> <li>Dedicated land to be added to Fleming Local Park</li> </ul>
<p><b># 3 Milton Property</b> 2799 Beechbank Road, Capitol View Park</p> <p>Approx. 9 acres Block 34, Lots 25-39, 40, 45 Zoned R60</p> <p>Forested site containing one single-family home adjacent to Capitol View Historic District</p>	<p>Staff Nomination</p>	<ul style="list-style-type: none"> <li>Logical and important extension of protected forested parklands in an urban &amp; historic community</li> <li>Acquisition would create 40 acres of contiguous publicly owned property, connecting Capitol View Park Open Space, forest on McKenney school, and McKenney Hills Neighborhood Park</li> <li>Protection of Stream Valley Forest, riparian buffer and high quality forest</li> <li>Also a Heritage Resource: eliminates potential for multiple lot yield on promontory overlooking Capitol View Historic District</li> <li>Also an Urban Open Space: protects open space in areas of high population density</li> </ul>	<p><b>ADD to Legacy Open Space program as a Class II Natural Resource site</b></p>	<ul style="list-style-type: none"> <li>Pursue full acquisition, minus area of existing home to be recorded as separate lot with no future development potential.</li> <li>Proposed addition to Capitol View Park Open Space (previously acquired through LOS)</li> </ul>

Site Name & Description	Nominee	Comments	Legacy Category Recommendation	Recommended Protection Techniques
<p><b>#4 Hickey and Offutt</b> Ashboro Drive, Bethesda</p> <p>3.70 acres Parcel P921, Lots 59, 61, 62 Zoned R60</p> <p>Forested lots adjacent to Rock Creek National Park and Rock Creek Stream Valley Park (M-NCPPC)</p>	<p>Citizen</p>	<ul style="list-style-type: none"> <li>• High Priority Forest adjacent to Federal and M-NCPPC property</li> <li>• Part of Largest Urban Forest in U.S.</li> <li>• Stormwater Management concerns</li> </ul>	<p><b>ADD to the Legacy Open Space program as a Class II Natural Resources Site</b></p>	<ul style="list-style-type: none"> <li>• Pursue forest preservation through the development review process; seek dedication and/or partial to full acquisition as necessary</li> <li>• Dedicated and/or acquired portions to be added to Rock Creek Stream Valley Park</li> </ul>
<p><b># 5 Ireland Drive/National Park Seminary Carriage Trails</b> Linden Lane &amp; Steven Sitter Avenue, Silver Spring</p> <p>Approx. 15-20 acres Part of Parcel 394 Zoned R90</p> <p>Carriage trails, culturally significant bridges and high quality forest and stream valley buffer, located on the property of Walter Reed Army Medical Center (WRAMC) Annex</p>	<p>Save Our Trails; Save Our Seminary</p>	<ul style="list-style-type: none"> <li>• Carriage trails used by National Park Seminary students to reach Rock Creek for recreation create a culturally significant landscape</li> <li>• Trails currently un-maintained but actively used by large numbers of local citizens</li> <li>• Adaptive reuse of NPS site likely to increase usage and has already improved access to the trails</li> <li>• Significant opportunity to increase forested acreage associated with Rock Creek Park</li> <li>• Meets LOS criteria as a Heritage Resource and Natural Resource and is an important local trail connection</li> <li>• West Silver Spring Master Plan strongly supports acquisition</li> <li>• Potential minimal cost for transfer; possible large CIP cost associated with repair and maintenance of five circa 1930 stone/cement bridges</li> </ul>	<p><b>ADD to Legacy Open Space program as a Class II Heritage Resource</b></p>	<ul style="list-style-type: none"> <li>• Pursue transfer of appropriate area from the U.S. Army to M-NCPPC</li> <li>• Transferred land to be added to Rock Creek Stream Valley Park</li> <li>• Further recommend staff study cost implications and pursue necessary funding sources as we continue to work with Congressional and U.S. Army staff on this proposed transfer</li> </ul>
<p><b>#6 National 4H Council Headquarters</b> 7100 Connecticut Avenue, Chevy Chase</p> <p>12.28 acres Block 5 Zoned R-60</p> <p>Largely developed site containing residential and conference facilities to support national 4H programs</p>	<p>Town of Chevy Chase</p>	<ul style="list-style-type: none"> <li>• Approximately 5.5 acres of potential open space area along Connecticut Avenue</li> <li>• Minimal environmental constraints</li> <li>• Significant opportunity to increase public open space in area of high population density</li> <li>• Ability to improve designated LOS Green Boulevard corridor (Connecticut Avenue)</li> </ul>	<p><b>ADD to Legacy Open Space program as a Class II Urban Open Space</b></p>	<ul style="list-style-type: none"> <li>• Pursue protection through development review; consider partial acquisition as necessary</li> </ul>

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<p><b># 7</b>  <b>Montgomery College of Art and Design (MCAD)</b>                      10500 Georgia Avenue, Wheaton</p> <p>1.75 acres                      12 recorded lots                      Zoned R60/RT12.5</p> <p>Twelve lots plus unused road ROW create a 4 acre area currently containing trees, grassy areas, and an existing school building and parking lot</p>	<p>Citizen</p>	<ul style="list-style-type: none"> <li>• Potential for new four acre urban open space in densely developed part of the County, including both active and passive recreation opportunities</li> <li>• Existing open space area is generally flat and conducive for passive and active recreational activities</li> <li>• Location of parking lot and building is flattest area of site and is highly suited to providing active recreation, such as either:                             <ul style="list-style-type: none"> <li>(a) a permit-able youth or practice soccer field (150' x 250'), or</li> <li>(b) a smaller, not permit-able rectangular ball field (approx. 110' x 215'), a double basketball court, and a small play lot</li> </ul> </li> <li>• Potential for contributing to Green Boulevard concept for Georgia Avenue</li> <li>• Evans Parkway Park (M-NCPPC) is immediately across Georgia Avenue from MCAD; this juxtaposition could provide a noteworthy section of Greenway along a major transportation corridor.</li> </ul>	<p><b>ADD to Legacy Open Space program as a Class II Urban Open Space</b></p>	<ul style="list-style-type: none"> <li>• Pursue full acquisition</li> <li>• Contract to acquire the site with the existing building already demolished and the land leveled and grassed</li> <li>• Acquired land to be added to Evans Parkway Neighborhood Park</li> <li>• Acquired land to be used for passive open space in existing open area and active recreation on existing building and parking lot footprint adjacent to Georgia Avenue</li> </ul>

Site Name & Description	Nominee	Comments	Legacy Category Recommendation	Recommended Protection Techniques
<p><b># 8</b> <b>Selden Island/Walker Village Site</b></p> <p>400 acres Zoned RDT</p> <p>Large island in the Potomac River that contains important archaeological site and is currently used as a turf farm</p>	<p>Staff Nomination</p>	<ul style="list-style-type: none"> <li>• Selden Island is also known as the Walker Village Site on the National Registry of Historic Places; this property is the only prehistoric National Registry site in Montgomery County</li> <li>• Selden Island is the type site for Selden Island Pottery</li> <li>• Development potential for Selden Island is low due to the Potomac River floodplain and constraints associated with the National Registry archeological sites designations.</li> <li>• Site currently owned by Howard Hughes Medical Institute; acquired by the Institute to protect view of the Potomac River from their campus in Northern Virginia</li> <li>• Existing active farming may be incompatible with prehistoric site preservation and water quality concerns.</li> <li>• Drinking water intakes for a large metropolitan population are below Selden Island. Almost entirely unforested, Selden Island is an ideal location for afforestation.</li> </ul>	<p><b>Do NOT add to the Legacy Open Space Program.</b></p>	<p>Clearly a significant archaeological site, but not feasible to add to the Montgomery County Park system due to logistical concerns (i.e., only vehicle access is from Virginia side of Potomac River)</p> <p>Recommend developing partnership or supportive role with HHMI regarding archeological preservation, reforestation, and appropriate management.</p>
<p><b>#9</b> <b>Edson Lane Forest</b></p> <p>Edson Lane near Old Georgetown Road North Bethesda</p> <p>Parcel 336, 1.8 acres RT12.5</p> <p>Small, quality forest adjacent to Tilden Middle School, currently owned by Montgomery County and planned for workforce housing</p>	<p>Citizen</p>	<ul style="list-style-type: none"> <li>• Heavily forested parcel with mature hardwood trees, including a grove of State-ranked Uncommon Umbrella Magnolia</li> <li>• Mature Forest in the I-270 corridor is an uncommon and increasingly important resource</li> <li>• Forest cover in this planning area and watershed is low -- approximately 10% -- well below the county average of nearly 28 percent</li> <li>• The Edson Lane Forest is part of a large area of public land resources, including Tilden MS and Timberlawn Local Park</li> <li>• Site currently under development process to provide workforce housing</li> </ul>	<p><b>Do NOT Add to the Legacy Open Space Program.</b></p>	<p>Does not meet LOS overall criteria of “best of the best” and is not appropriate for Park Use or Management.</p> <p>However, staff is concerned about policy implications of clearing of small but significant forest in dense urban neighborhood, even for as worthy a cause as needed workforce housing. Although we do not recommend the site for LOS designation, we recommend that the County evaluate options for preserving this forest and relocating the workforce housing project to other land in the area.</p> <p>The Legacy Open Space Advisory Group opinion was divided, with several members supporting the nomination and outright preservation of the forest.</p>

