



October 9, 2014

**MEMORANDUM**

October 2, 2014

**TO:** Montgomery County Planning Board

**VIA:** Mike Riley, Director of Parks *MR*  
 Mitra Pedoeem, Acting Deputy Director of Parks *Mitra Pedoeem*  
 John E. Hench, Ph.D., Chief, Park Planning & Stewardship Division *Jehench*  
 Michael Ma, Acting Chief, Park Development Division *mm*

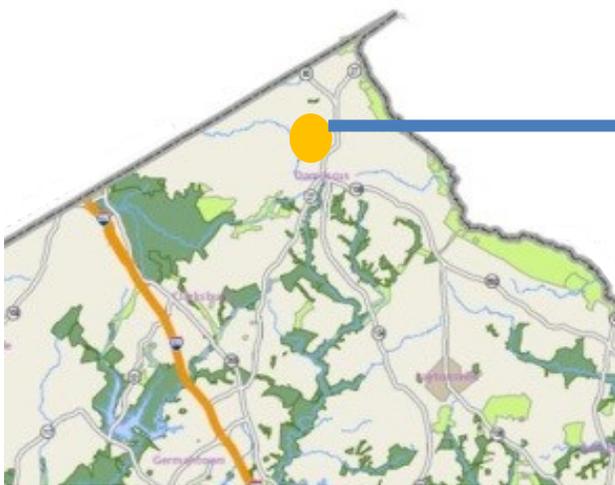
**FROM:** Brenda Sandberg, Legacy Open Space Program Manager *wey*  
 William E. Gries, Park Development Division *BES*  
 Josh Kaye, Park Development Division *JK*

**SUBJECT:** Land Acquisition Recommendation, Legacy Open Space Program  
 Bennett Creek Conservation Park  
 Margaret T. Snow Estate  
 260 acres, more or less, unimproved

**STAFF RECOMMENDATION**

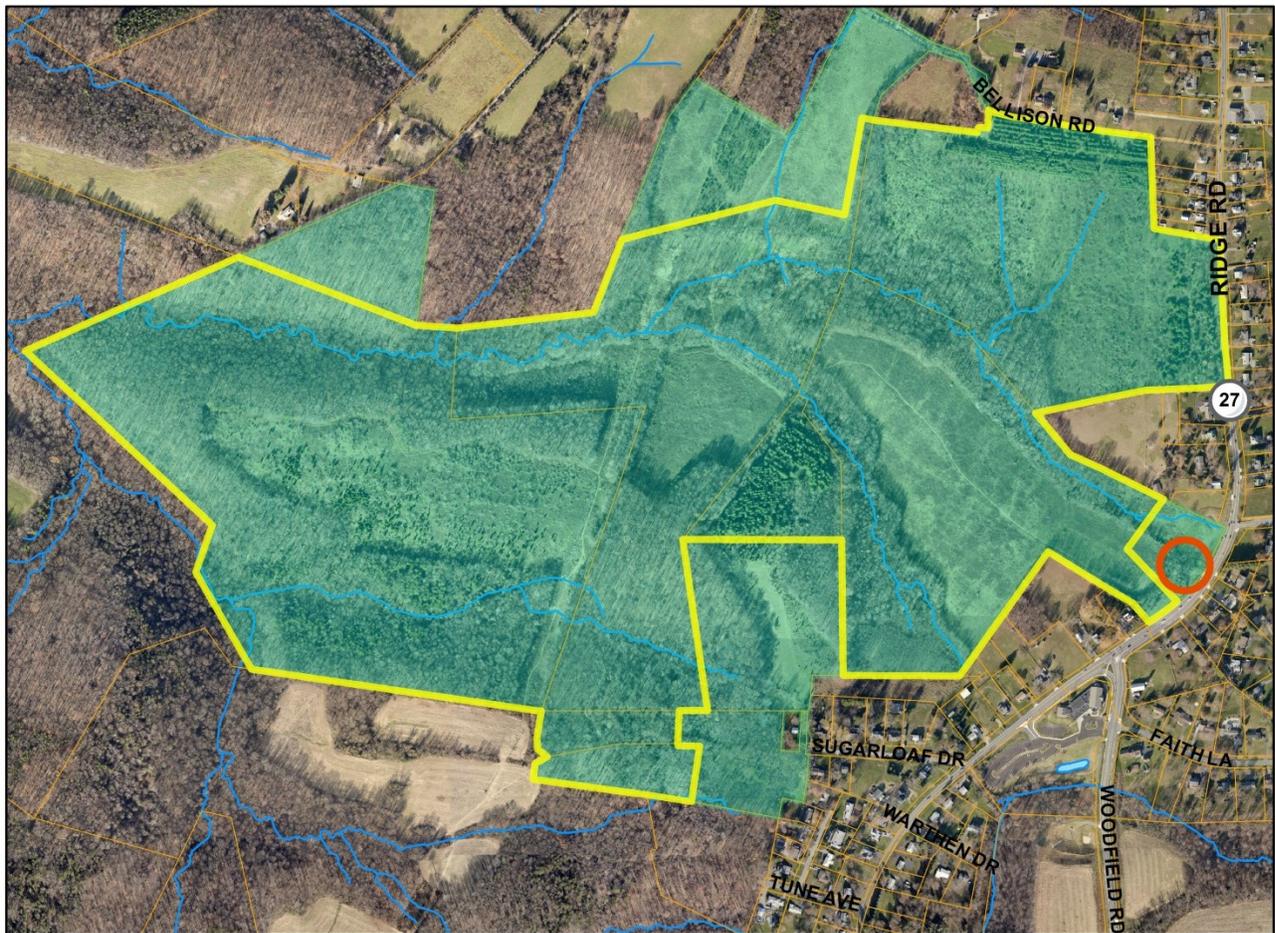
The staff recommendation with respect to the subject Snow property is as follows:

- Approve the attached Resolution to acquire 260± acres of the Margaret T. Snow estate properties to create the Bennett Creek Conservation Park for the negotiated purchase price of \$2,659,805 ± to be funded through the Legacy Open Space CIP with County G.O. Bonds. The Resolution includes the option of an alternative acquisition strategy for a portion of the acquisition, involving Montgomery County Department of Transportation (MCDOT) contributing their funds towards the acquisition of one or more parcels in exchange for their future use as a Forest Mitigation Bank for MCDOT construction projects.



**Vicinity of Proposed  
Bennett Creek  
Conservation Park**

**Figure 1: Aerial Photo of Proposed Acquisition of Margaret T. Snow Properties**



-  Proposed Snow Acquisition
-  All Margaret T. Snow Properties
-  Perry Watkins Historic Buildings

## Site Description

Staff has negotiated a contract to acquire approximately 260 acres of the Margaret T. Snow properties to create the Bennett Creek Conservation Park (outlined in green in Figure 1). The Margaret T. Snow estate includes a total of 317 acres of RDT and RC zoned land north of Damascus to the west of Ridge Road (Rt. 27) in a total of eight separate parcels. This unique opportunity recently arose to create a new Conservation Park with one acquisition that would form a rural, green buffer and provide recreation opportunities for the residents of Damascus.

The Snow properties cover a large area of the upstream portions of the Legacy Open Space (LOS) designated Bennett Creek Headwaters (see next section for details). The proposed acquisition area consists of forest, meadow, steep slopes, and a significant number of wetlands and seeps/springs, thus protecting and providing public access to a large area of this LOS Natural Resource site.

The proposed acquisition area includes access from public roads at a minimum of three locations (two on Ridge Road and one along Bellison Road). Existing farm tracks and people's choice trails provide extensive opportunities for a natural surface trail network across the site. In addition to natural resources of value, the site has significant scenic views that include nearby hills, forest, and meadows, and long range views of the first range of mountains in counties to the west.

Forest on the Snow Property includes areas of mature, good quality mixed oak and hickory with a good quality native understory, areas dominated by maturing tulip tree forest with a mixed oak component, and other areas with a young tulip tree-red maple forest. Non-native invasive (NNI) shrubs and vines are present in some understories and forest edges. Several large former farm fields are in varying stages of forest succession, with some areas dominated by shrubs and other meadows dominated by native herbaceous species, primarily goldenrods. The former fields contain varying levels of NNI species, but they generally are in much better shape with fewer NNIs than similar old fields in the down county.

**Figure 2: Meadow & Farm Track (after Ice Storm)**



**Figure 3: Goldenrod Meadow & Views**



**Figure 4: Mature Woods and Rock Outcrops**



**Figure 5: Maturing Woods and Steep Slopes**



Figure 6: Bennett Creek Headwaters Stream



Figure 7: Early Succession Forest



The Snow estate also includes a historic site on the County Master Plan of Historic Places (the Perry Watkins House #11/1, at 27130 Ridge Road) consisting of a house and several outbuildings (Figures 10 & 11). The historic structures are not included in this acquisition proposal, but are being placed on a two-acre exclusion area which will remain with the estate. The buildings are in structurally unsound condition as indicated by a structural engineer's report commissioned by the Department. The Historic Preservation Commission (HPC) gave an advisory opinion to the Snow family based on the report that determined the house must be preserved. Since Parks' budget for Cultural Resources is already overburdened with the current inventory of historic houses, staff negotiated to carve out the buildings and their immediate environs from the proposed acquisition area.

Figure 8: Rear View of Perry Watkins House



Figure 9: Corn Crib



## Bennett Creek Headwaters: Legacy Open Space & Damascus Master Plans

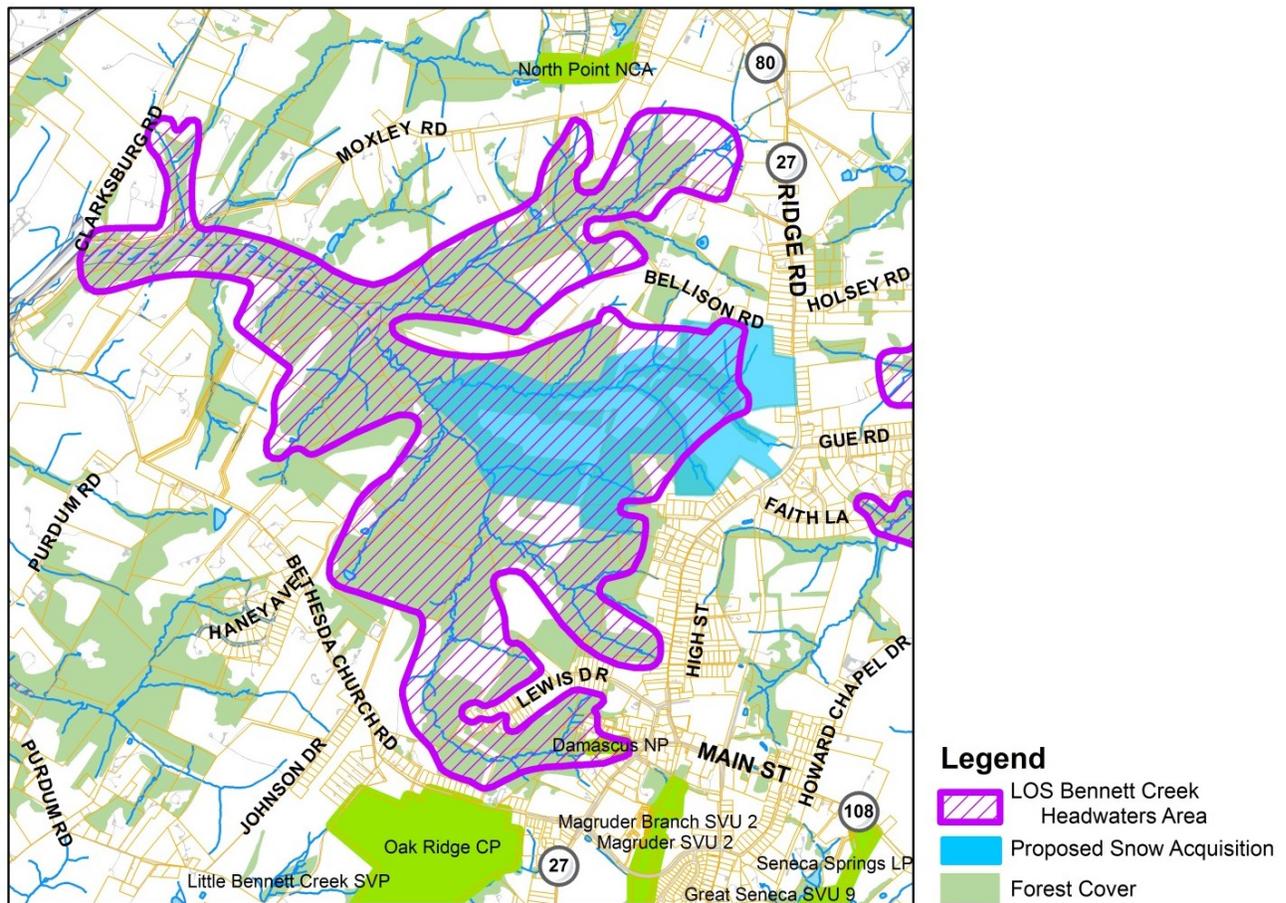
The Bennett Creek watershed was initially determined to include high quality resources and to be worthy of LOS designation at the time of the original *Legacy Open Space Functional Master Plan* (2001). The site was included in the LOS Plan appendix, a list of sites which were to be evaluated for addition to the Plan over time, with a notation that the "Bennett Stream headwaters ... meet [the LOS] criteria, but need further study [to] select specific properties" (Appendix D).

The Bennett Creek watershed was further evaluated through the Damascus Master Plan process (2003-2006) and was confirmed to be a high quality watershed with significant forest and wetland resources. The watershed also was determined to meet several key LOS criteria as a significant Natural Resource (see Attachment A). The approved and adopted *Damascus Master Plan* (2006) designated the **Bennett Creek Headwaters Area** as a Legacy Open Space Natural Resource site of approximately 1000 acres by action of Planning Board and County Council.

Primary characteristics of the LOS Natural Resource area include:

- Large area of contiguous forest (about 800 acres of 1000 acre designation) with several mature stands of high quality upland and riparian forest
- Principal headwater tributaries of Bennett Creek with numerous braided wetlands, seeps and springs (over 47 acres), mostly forested with little disturbance by human activity
- Provides protection of water quality of Bennett Creek, a very high quality stream as determined by State and County criteria

Figure 10. Bennett Creek Headwaters LOS Natural Resource Extent



The Damascus Master Plan suggested protection of the LOS resource through easement and the development review process. However, the protection tools mentioned in Master Plans are meant to provide guidance, not to limit the toolbox available to protect important Legacy Open Space resources, especially as resources and policies change over time. In fact, the original park staff recommendation was to pursue protection of this site at least partially through acquisition to minimize fragmentation that would result through low density development.

Additional support for the creation of Bennett Creek Conservation Park can be found in the *Damascus Master Plan* that states a vision consisting of ten overarching goals, of which two are relevant:

- *Maintain the quality and integrity of the outstanding natural systems within the Damascus Master Plan area ... and mitigate the impacts of future development.*
- *Provide a network of local and countywide parks that offer recreational activities, support an interconnected trail system, protect important natural features, and create attractive settings for cultural and historic resources.*

## Bennett Creek Conservation Park: Vision and Proposed Uses

The availability of the Snow properties has created an opportunity to provide a Conservation Park in the uppermost portions of the designated LOS Natural Resource. The benefits of this envisioned Bennett Creek Conservation Park, after acquisition of Snow and a few additional properties, would include the following:

- Approximately 400 acres of new Conservation Parkland that can provide significant resource-based recreation opportunities to the growing Damascus and Clarksburg communities, including:
  - Natural surface trails for hiking, cycling and equestrian use
  - One-way and loop connections between different neighborhoods of Damascus
  - Large natural areas necessary for nature appreciation and bird and wildlife viewing
  - Potential future connectivity options with the existing Oak Ridge Conservation Park and Magruder Branch Stream Valley Park in the southern portions of Damascus
- Full protection of almost 300 acres of existing forest including many wetlands and sensitive resources in the uppermost headwaters, plus opportunities to create or maintain a variety of native meadow and early succession habitats.
- Protection of the rural viewshed of this town that is surrounded by the agricultural and rural open spaces of the County's Agricultural Reserve by removing development potential on two highly visible parcels looking from Ridge Road towards the mountains west of Frederick.
- Potential for preservation of crop farming through agricultural lease on future possible acquisitions.

## Other Policy Support for Bennett Creek Conservation Park

### *Vision 2030 and 2012 PROS*

The Vision 2030 strategic plan (2011) and the 2012 PROS Plan update both reflect findings that there is increased demand countywide for trails and resource-based recreation opportunities in the County, both needs that can be addressed through the creation of Bennett Creek Conservation Park. A statistically-valid survey conducted during Vision 2030 indicated that the most popular recreation activity in the County is the use of hard and natural surface trails, with very strong evidence for high demand and need for more *natural surface trails*. For instance, 80% of respondents said natural surface trails are needed for their household's leisure time activities, higher than any other facility type. Respondents also noted that Natural surface trails are the most important facility to add, expand, or improve (70% saying very important).

The Vision 2030 survey also indicates strong support for *additional natural areas* in the County. Sixty-three percent (63%) of respondents indicate that adding, expanding or improving natural areas is very important, higher than all facilities except natural surface trails, hard surface trails, and playgrounds. Similar strong support for natural surface trails and natural areas is found when looking at the survey results for just the Potomac/Rural Vision Team area that includes Damascus.

In addition to the survey results, anecdotal evidence and park manager reports from the Little Bennett park region indicate that current natural surface trails in the Little Bennett region are seeing increased usage and wear & tear. This increase is not unexpected due to the recent population growth in Clarksburg and Damascus that are expected to continue. The Planning Department reports that the adjacent corridor town of Clarksburg is expected to have an *additional 22,000 residents* at full build-out. In Damascus, the Master Plan applied zones that will result in an estimated increase of around *20,000 residents* from the population at the adoption of the 2006 master plan.

### **State Planning Documents and Policies**

Two State policy documents identified this area as an important natural resource worth protecting. Over 30 years ago, the *Comprehensive Outdoor Recreation and Open Space Plan* (Maryland Office of Planning, 1977) recommended priority areas throughout each County for future passive recreation and resource protection. The Little Bennett and Bennett Creeks headwaters are jointly identified as a recommended location for conservation parkland for resource conservation and public use. More recently, the State Green Infrastructure analysis from the late 1990's identified the Bennett Creek Headwaters as a major corridor in the green infrastructure of the State and County, connecting the nearby Patuxent River corridor with the Monocacy River and Great Seneca corridors.

### **County Water Quality Studies**

The Bennett Creek watershed has been subject to routine stream monitoring over the past few decades as part of the Countywide Stream Protection Strategy (CSPS) and other County monitoring programs. In general, the watershed health has been classified as "good" over those years. Land cover is predominantly forest and agricultural, resulting in a low amount of impervious area. Watershed quality is impaired slightly by runoff from the developed town center and agricultural practices, but even still Bennett Creek is considered to be one of the higher quality stream systems in the County.

### **Agency and Citizen Support**

The Legacy Open Space Advisory Group and the Legacy Open Space Internal Implementation Team unanimously support acquisition of the Snow properties as a new Conservation Park to serve the many new residents of northern Montgomery County. This acquisition is further supported by senior management of the Department of Parks and Area 3 Planning Department staff.

### **Property Valuation & Funding Sources**

A contract has been secured to implement this acquisition of approximately **259.72** acres of the Snow Estate for a total estimated cost of **\$2,659,805**. The final price will be determined after completion of an independent survey. The acquisition will be funded by the Legacy Open Space CIP account using County G.O. Bonds.

### **Alternative Acquisition Strategy**

Montgomery County DOT (MCDOT) has requested to partner with M-NCPPC on the acquisition of the Snow properties to provide MCDOT with an opportunity to establish a Forest Mitigation Bank for use with future MCDOT projects. This proposed acquisition partnership with M-NCPPC would save a significant amount of LOS funds for other pending acquisition projects. On whatever acreage is acquired by MCDOT using their funds, they would complete any cleanup of non-native invasive plants and other forest improvement activities required by their forest conservation agreement prior to the land being transferred to the management of the Department of Parks via Executive Order. Parks would also collaborate with Planning Department staff to ensure that any actions required by the forest banking agreement are appropriate for our intended use for the parkland. Staff will continue to pursue this external funding source as long as it continues to be in accordance with Department of Parks' policies and interests.

### **Start-Up Costs & Operating Budget Impact (OBI)**

Costs for the management of this acquisition in both short and long term is expected to be minimal and in line with other conservation parkland acquisitions. Start-up costs to create a functioning Conservation Park out of this land will fall into three categories that can be funded through existing CIP funds:

- 1) Park cleanup, security and signage: Removal of any fences or other unwanted debris, placing security gates at access points along public roads, and installing MNCPPC property signage.
- 2) Non-Native Invasive removals: NNI work will be conducted when the parkland is first acquired, focusing on forest edges and former farm fields, to arrest any NNI populations.
- 3) Natural surface trails and trail access points: This Park would include natural surface trails as one of its main features, and associated gravel parking lots, kiosks and trail signage will be needed.

Adequate Legacy Open Space PDF "One-Time Cost" funds are available most years in the amount of \$250,000 to fund the first two of these expenses (estimated at \$22K - \$40K), and the final category is funded through the Natural Surface Trails Implementation PDF (estimated at \$60K - \$110K).

Park operating expenses (OBI) for an established Conservation Park on this site would fall under three major categories: Park Operations, Park Police, and Natural Resource Management (deer and NNI control). There are no features on this park that are expected to make OBI any higher than for other large conservation parks. A rough estimate of OBI for this new park, after installation of parking lots and trails, is around \$35,000 per year.

The Snow acquisition provides a rare opportunity to create another valuable legacy for the future residents of our growing County, and to contribute to maintaining the quality of life for our rural and suburban residents in the Damascus and Clarksburg region.

Attachments: A) Legacy Open Space Criteria Analysis  
B) Planning Board Resolution 14-93

cc: John Nissel  
Doug Ludwig  
Wendy Hanley  
Jayne Hench  
Antonio DeVaul  
Callum Murray  
Jim Poore  
David Vismara  
Megan Chung  
Kennedi Anderson

## Attachment A: Legacy Open Space Criteria Analysis

When evaluated according to the LOS criteria for environmentally sensitive natural resources, the Bennett Creek Headwaters is truly a standout site as a significant example of a large terrestrial and aquatic natural community in the County. The evaluation of the site by the LOS criteria conducted by John Turgeon, former Senior Legacy Open Space Planner, in 2003 cannot be improved upon, so it is repeated here with very minor edits to update information on current parkland in the Damascus area:

- The site has **particular countywide and regional importance** because it is a large diverse ecological area with a variety of habitats, some of them unique. It represents an opportunity to protect the principal forested headwaters of a major stream whose watershed spans Montgomery and Frederick Counties.
- The resource **contributes to the protection of public water supply** since the Bennett Creek is part of the Potomac River watershed.
- The site is **part of a “critical mass” of similar open space** since it is located within a significant green infrastructure corridor as identified by the Maryland Greenway Commission linking the Patuxent River parkland with Little Bennett Regional Park and Magruder Branch Stream Valley Park. Thus, the resource provides **ecological connectivity** between these significant areas and could provide **human connectivity** as well.
- The resource provides an additional **buffer to the County’s Agricultural Reserve** from development approaching from the south, and helps define the traditional town center of Damascus.
- The resource represents an **opportunity for broadening interpretation and public understanding** of natural resources due to it being a major forested headwaters area with relatively little negative impact from development.
- The resource represents a **significant opportunity to increase the amount of conservation parkland** in the Damascus region. The Damascus Planning Area includes Oak Ridge Conservation Park, located southwest of the town center at the headwaters of the Little Bennett Creek. Sections of Magruder Branch and Great Seneca Stream Valley Parks, a type of conservation parkland, are also located within the Damascus Planning Area, but consist primarily of narrow greenways along those streams. The creation of a large conservation park with a variety of habitats in the Bennett Creek headwaters, consistent with the definition of Conservation Parks in the Park, Recreation and Open Space (PROS) Plan, would be a significant addition to park resources for the residents of this developing part of the County.

The 2003 analysis of the specific natural resource factors in the Legacy Open Space Functional Master Plan also concludes that:

- The Bennett Creek Headwaters Area is a significant forested headwaters area with relatively little negative impact from development and containing some exemplary natural communities.
- It is a large area of good quality contiguous forest supporting a diversity of plants and wildlife.
- The site’s forest provides a valuable buffer to the headwater tributaries of the Bennett Creek, which is key to maintaining the good water quality of the stream.
- The site provides a wildlife corridor and a corridor for potential natural surface trails that, in the future, could link several watersheds that meet in this area, including the Patuxent River, Great Seneca Creek, and the Little Bennett and Bennett Creek tributaries to the Monocacy River.

**Attachment B: Planning Board Resolution 14-93**

The proposed Planning Board Resolution approving the Snow property acquisition is attached on the next two pages.



MCPB  
14-93

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Maryland Code Annotated, Land Use Article §17-101 (formerly Article 28, Section 5-101 of the Annotated Code of Maryland) to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, Montgomery County, Maryland (the “County”), has appropriated certain funds from the County’s General Obligation Bond proceeds to fund the Commission’s Legacy Open Space Acquisition Program; and

WHEREAS, the Commission identifies properties that are eligible for acquisition with funds from the Legacy Open Space Acquisition Program and recommends that the County acquire such properties with such funds; and

WHEREAS, the Margaret T. Snow Estate (“the Estate”), owns certain property, identified as Part of Tax Account #12-001-00941272, Part of Tax Account #12-001-00941261, Part of Tax Account #12-001-00944413, All of Tax Account #12-001-00941250, All of Tax Account #12-001-00937452, All of Tax Account #12-001-00926788 and Part of Tax Account #12-001-00937213 located in Damascus, Maryland, containing a total of 260.0 acres (collectively, the “Property”), more or less, unimproved, which meets parkland acquisition criteria as a Non-Local Park suitable for acquisition to create a new conservation park to be known as Bennett Creek Conservation Park which will serve all of Montgomery County; and

WHEREAS, the Bennett Creek watershed was designated a high quality natural resource deserving of further study and protection through a variety of tools by the Montgomery County Planning Board under the *Legacy Open Space Functional Master Plan* of 2001 via the *Damascus Master Plan* of 2006; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the Property from the Estate;

WHEREAS, there are sufficient monies available in the Commission’s Legacy Open Space Acquisition Program CIP to pay for the acquisition of the Property; and

WHEREAS, the Montgomery County Department of Transportation (“MCDOT”) has notified the Commission of MCDOT’s desire to potentially contribute as-yet undetermined funding towards acquiring one or more parcels of the Property in exchange for MCDOT’s future use as a Forest

Mitigation Bank for its constructions projects in terms and conditions to be agreed upon between MDCOT and the Commission (referred to as the "MCDOT Contribution"); and

WHEREAS, the successful application of the MCDOT Contribution in the acquisition of the Property will benefit the Commission by leaving more Legacy Open Space funds available for other pending acquisition projects.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute a Land Purchase Agreement, on such terms acceptable to Commission, to acquire the Property from the Estate using Legacy Open Space CIP funds, for an estimated total purchase price of Two Million, Six Hundred Fifty-Nine Thousand, Eight Hundred-Five Dollars (\$2,659,805.00) and other valuable consideration. The final purchase price will be governed by independent survey.

BE IT FURTHER RESOLVED that staff is directed to investigate an alternative funding strategy for a portion of the Property acquisition that is predicated on the Montgomery County Department of Transportation (MCDOT) contributing funds towards the acquisition of one or more parcels of the Property in exchange for MCDOT's future use as a Forest Mitigation Bank for MCDOT construction projects .

\* \* \* \* \*

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion, at its regular meeting held on Thursday, October 9, 2014 in Silver Spring, Maryland.

\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board