



Green Space Advisor

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Message From The President: John Chirtea

Greater Sandy Spring Green Space, Inc. is but one of 1,667 private non-profit land trusts across America. We took part in the 2005 National Land Trust Census Report of the Land Trust Alliance (LTA), a Washington DC organization that has been tracking the national trends in private land conservation for several decades. Their findings in the 2005 report showed that the number of land trusts increased significantly in the past few years, with Maryland ranking in the top 10 states in the number of land trusts. Total acres conserved by local, state and national land trusts increased 54% to 37 million acres in the past five years. GSSGS is proud to say we added approximately 150 acres to this total of land protected by Conservation Easements in its relatively short existence. As stated

in LTA's report, "The land trust story is not just about acres; it is about local people taking individual steps to preserve the natural features that define their quality of life. Private, voluntary land conservation is working, community by community, across America". This certainly exemplifies the goals and mission of GSSGS, and hopefully we will continue to add additional acres of land protected by Conservation Easements in the future. Our volunteer Board of Directors has been working hard to increase the professionalism of the organization, and hopefully we will identify willing and visionary landowners who will entrust their lands to the perpetual care of GSSGS. We wish you a "green" 2007, and ask for your help in making *GREEN SPACE A REALITY, NOT A MEMORY.*

Executive Director's Report 2007: Joli A. McCathran

Almost every day, I drive to my office in Sandy Spring and am amazed at the volume of traffic and housing construction growth in the area. However, while experiencing these increases I always breath a sigh of relief knowing that Greater Sandy Spring Green Space, Inc. is alive and well and working hard to keep a balance of open space within this wonderful community.

Your association in Greater Sandy Spring Green Space is vital to the success in achieving the goals and purposes that are entrusted to all of us. Your membership helps to promote the mission of Greater Sandy Spring Green Space. Please help to keep green space open in Sandy Spring by sending your membership dues today. Enclosed in the edition of this *Advisor* is a remittance envelope for your convenience.

Save the Date:

Greater Sandy Spring Green Space Annual Meeting

Nat Williams, Executive Director of The Nature Conservancy, Maryland-DC Chapter

Tuesday, March 27, 2007 7:30 p.m.

Sandy Spring Museum



Besides paying the annual membership dues, there are other ways you can be participatory in GSSGS. All are invited to the annual meeting on March 27, 2007 at the Sandy Spring Museum. You are also invited to visit a Board Meeting and consider being a member of the Board. Each individual brings unique attributes and talents to the Board. The Board meets on the last Tuesday of each month in our office at the corner of Routes 108 and 650 in Ashton. You are also invited visit our web site at www.sandyspringgreenspace.org.

Have you ever thought of having an easement placed on your property? Enclosed in this edition of the Advisor is our Easement Criteria List. Or perhaps you know of property that

would fit the criteria. If you do, please let us know. We are always looking for the opportunity to add to our list of easements.

Greater Sandy Spring Green Space continues to work with the Maryland National Park and Planning Commission on the Rachel Carson Greenway, the Green Infrastructure plans and we are participating in the design study for “downtown” Sandy Spring. I hope you will take a few minutes and read through this edition of the *Advisor*. It holds such important information and activities about your organization, Greater Sandy Spring Green Space.

Best wishes for a very happy New Year.

Joli McCathran

What is a Conservation Easement?

A conservation easement is a legally binding agreement between a property owner and a governmental body or a land trust that restricts the type and amount of development and use that may take place on the property. Such a land trust (that is, a non-profit corporation whose express purpose includes acquiring and holding land and interests in land for conservation purposes) must be recognized as a publicly-supported charitable organization by the Internal Revenue Service. Conservation easements are a very effective complement to government acquisition of private land and to government regulation to protect environmentally sensitive land.

To put it quite simply, ownership of land involves an entire "bundle of rights." A useful analogy to this bundle of rights would be to imagine that you are holding a handful of pencils – with each pencil symbolizing a right of ownership. Full property ownership rights (absent government regulation, of course!) include the right to subdivide your land for a housing development, to sell your land to another person, to farm your land as a private farmer, to cut timber from your land for your personal or commercial use, and to build structures upon your land.

At any time – pursuant to a land conservation easement – a landowner may voluntarily agree to give up one or more of these rights in order to protect an environmental or conservation value that she favors. For example, a landowner might agree to prohibit any structures, roads, or clear-cutting on a parcel in order to protect wildlife habitat. Or a landowner might restrict land disturbance and chemical application within a river or lakeshore buffer zone, or restrict dredging in a wetland.

In addition – pursuant to a land conservation easement -- a landowner may reserve to himself a number of basic property ownership rights such as rights to sell, lease, assign and use the property; to restrict public access; to maintain the land for agricultural use subject to specified best management practices; or to construct additional dwellings on specified sites, for example. However, these reserved rights cannot impair the environmental or conservation value the land conservation easement seeks to protect.

A land conservation easement which restricts and reserve certain uses is binding on future purchasers of the property if it is recorded in the county land records as a Deed of Conservation Easement. After the easement is given, it is the

responsibility of the easement holder (that is, the government or the land trust) to routinely monitor the property, usually once a year, to ensure that the agreement is not violated and to pursue legal recourse to compel compliance if necessary. The land trust creates and maintains a stewardship fund to cover the costs for perpetual maintenance of the easement. To ensure that they put their limited resources to the best use, most land trusts develop written criteria to guide them in determining whether to pursue or accept an easement.

By entering into a conservation easement, a landowner ensures that his land will be protected for future generations while the land, itself, remains in private hands. There may be an immediate financial benefit, as well. If the landowner gives the easement to a qualified charitable organization in perpetuity for conservation purposes recognized by the IRS, he may deduct the value of the easement from his personal federal and state income taxes. The Internal Revenue

Code, Section 170(h)(4)(A), defines conservation purposes as the preservation of land areas for outdoor recreation by, or the education of, the general public; the protection of a relatively natural habitat of fish, wildlife, or plants, or similar eco-systems; the preservation of open space (including farmland and forest land) yielding significant public benefit for the scenic enjoyment of the general public, or pursuant to a clearly delineated federal, state or local governmental conservation policy; or the preservation of historically important land areas or buildings.

Accordingly, land conservation easements are one of the most powerful, effective tools available for the permanent conservation of private lands in the United States. The use of conservation easements has successfully protected millions of acres of wildlife habitat and open space, keeping land in private hands and generating significant public benefits.

Steve Berry

Greater Sandy Spring Green Space Conservation Easement Selection Criteria Check List

(Adopted September 26, 2000)

GOALS AND PURPOSES

Property must meet all of the following criteria

- Property located within a six mile radius of Sandy Spring
- Protection of property consistent with local zoning
- Property meets one or more of the following conservation values:

Agricultural, historic, scenic, cultural, scientific, recreational, protects watersheds and/or woodlands, contributes to regional green way, protects wildlife and wildlife habitat.

- Acreage sufficient that its conservation resources are likely to remain intact, even if adjacent properties are developed.

PUBLIC BENEFIT

Property must meet one or more of the following criteria

- Contributes to protection of lands in furtherance of government plans or policies
- Contains endangered, threatened, or rare species or natural communities
- Contains relatively natural wildlife habitat, ecosystems, or natural features
- Contains or has potential to contain natural features of educational or scientific value
- Contains forests or woodlands
- Is in active agricultural use or provides an example of historic agricultural use
- Contains wetlands, floodplains, waterways, riparian recharge areas, aquifer recharge ar-

eas, watershed or other lands necessary for protection of water supply, water resources or wetland habitat

- Buffers agricultural land, wetlands, wildlife habitats, or other sensitive areas
- Provides a buffer for or is close to contiguous to existing conservation easement, park, preserve or other protected land
- Protects scenic views from public roadways, waterways, or recreation areas
- Public access for education or recreation will be permitted
- Sets an important precedent for resource or open space protection in a targeted area
- Provides connection to other protected or open space lands that is important for movement of wildlife between habitats or through developed corridors so that natural areas do not become isolated “islands”
- Has historic or archaeological value, or is adjacent to and a buffer for such lands
- Contains unique or outstanding physiographic characteristics
- Offers significant relief from urban closeness and/or helps to define community form

FEASIBILITY

Following are factors which may preclude trust involvement

- Property’s value are primarily scenic, but are not readily visible or accessible to the general public
- Property is not large enough to be significant for its purpose
- Proposed open space is part of a development proposal which, overall, is likely to have significant adverse impacts on conservation resources

- Adjacent properties are being, or are likely to be, developed in a manner that would significantly diminish the conservation values of the property in question
- There is reason to believe that the land/easement would be unusually difficult to manage/enforce, for example, because of multiple fractured ownerships, frequent incidence of destructive trespassing, fencing restrictions, irregular configuration, etc.
- Landowner insists on provisions in the conservation easement that the Trust believes would seriously diminish the property’s primary conservation values or the Trust’s ability to enforce the easement
- The property cannot be acquired by the Trust with reasonable effort in relation to the property’s conservation value, and/or the cost to the Trust of securing the easement or property is prohibitive
- The property is found to be irreparably contaminated
- Property does not meet the IRS criteria for tax deductibility and/or maintaining the tax-exempt purpose of the Trust
- Ethical or public image problems exist in association with the acceptance of this project

The Board’s Discretionary Role

All the preceding notwithstanding, the Board of Trustees retains discretion over acquisition or disposition and will evaluate each project and proposal on its own merits after careful investigation of the property, its resources, and its public benefits.

Grants to enable mapmaking

How do you see the forest and not just the trees? For Greater Sandy Spring Green Space, Inc., the answer includes maps, which give insight into patterns of land use. Two kinds of maps have special potential for Green Space. The first kind is maps of individual properties on which we hold a conservation easement. By including features such as streams and trees, such maps would help Green Space volunteers monitor the state of the properties. The second kind is larger maps of eastern Montgomery County that combine property data with features such as parks and roads. Such maps would help Green Space identify land parcels deserving special attention. Both kinds would also be useful in our presentations, literature, and website.

The easiest way to make a custom map is to hire surveyors and mapmakers, but that's far too expensive for Green Space. The next option is to make the maps ourselves, but even that will cost several thousand dollars. That's why Green Space applied in November for two grants to enable us to buy a GPS receiver, digital property data, and mapping software. We don't yet know about the first grant, but we've already won the second!

The first grant application went to the Maryland Environmental Trust. MET announces awards from the Janice Hollmann Fund once each year, to local land trusts throughout Maryland to increase their education and outreach activities in pursuit of conservation easement donations. Our application requested the following two items:

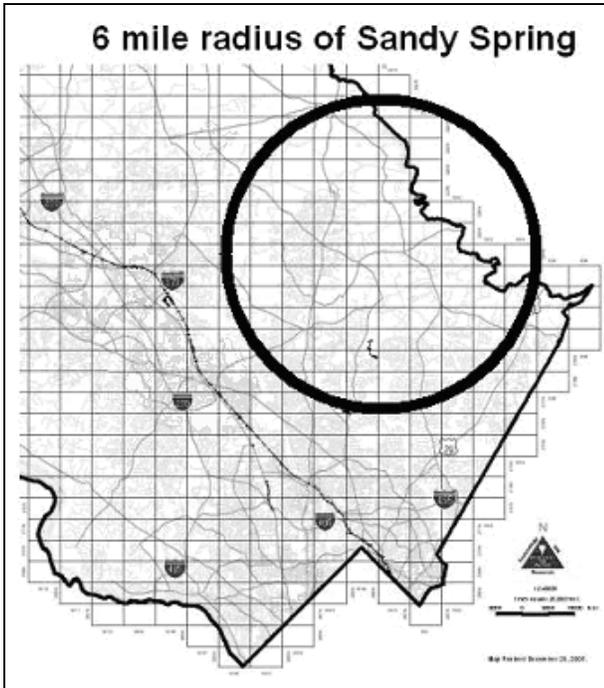
1) Dell Axim X51v handheld computer with GPS bundled with ArcPad 7



A GPS receiver, which uses satellite triangulation, can be used to record the locations of features on our easement properties. The GPS hardware (Dell Axim) and the GIS software (ArcPad) are the same that have been used successfully by the Maryland Alliance for Greenway Improvement and Conservation (www.MagicAlliance.org).

2) Digital property data for 17 square miles (20 tiles) of Montgomery County

Greater Sandy Spring Green Space, Inc. focuses on the approximately 60 square miles of Montgomery County located within 6 miles of Sandy Spring. About one third of that area has immediate interest because it contains parcels with existing or potential conservation easements. (Montgomery County sells digital property data by the WSSC "tile", which covers 0.86 square mile. Tiles are marked by thin red lines in the ADC map book.)



Announcements of Janice Hollmann grants are expected in February or March 2007. If Green Space receives a grant, MET will require matching by other funds or by volunteer work. Green Space’s proposed match is 80 volunteer hours for training, gathering GPS data, and creating the maps. Assistance from the Green Space membership would be welcome.

The second grant application went to ESRI, a company that makes “geographic information system” (GIS) software, namely software that allows one to make custom maps from digital data. ESRI runs a grant program for conservation organizations (www.ConservationGIS.org). In early December, ESRI awarded a grant of \$1770 to Green Space for GIS mapping software (ArcView 9), instruction books, and training course fees.

Bobby Berg

Zoning Text Amendment (ZTA 06-04)

Most new development of large tracts of land in our area is development under the Rural Neighborhood Cluster Zone (RNC). The cluster method of development is intended to preserve large areas of contiguous rural open space, consistent with the recommendations and guidelines of the applicable master or sector plan. Builders build homes on small lots on up to 40% of the property in exchange for a minimum of 60% of the property being preserved as “Rural Open Space.” Cluster development requires the setting aside of contiguous rural open space that shares an extended boundary with the residential cluster neighborhood. The open space may preserve sensitive natural resources, other sensitive areas and associated habitat. Recreational facilities on it are limited to trails and related amenities or other facilities recommended in the master plan.

Many new developments are being proposed in our area as RNC developments. Community

representatives are concerned that there is no guarantee that the “Open Space” will be kept in its natural state forever. They requested an amendment to the RNC to enforce the requirement that all RNC Rural Open Space, both private and publicly owned, is kept in its natural state “in perpetuity,” meaning forever.

Councilmember Marilyn Praisner introduced Zoning Text Amendment 06-04 to the County Council in January 2006. The amendment “ for the purpose of requiring that all publicly held or privately held land in the rural open space area of the RNC zone be preserved in perpetuity by easement or covenant; and generally amending the RNC zone.”

Our Board Member, Robin Ziek, testified in favor of the amendment. Part of her testimony follows: “With the requirement of perpetual conservation easements to third parties such as

Greater Sandy Spring Green Space (GSSGS), you will be letting the public know that looks are not deceiving, and that you stand up to create a legacy that will be treasured by your grandchildren and their grandchildren.

“We’re perplexed that the Planning Board refuses to stand up for this principal, since GSSGS holds a conservation easement on Park property in Sandy Spring. This easement protecting 50 acres of land in perpetuity was done in the spirit of creating the Master Plan vision

for Sandy Spring, while acknowledging community suspicion that our government might not hold to that vision over time. In the same vein, GSSGS once had a speaker who noted that, while his gift of an easement on his property tied his hands, he was glad it did, so he couldn’t be tempted by rising prices to develop his land.”

ZTA-06-04 was adopted on April 18, 2006, and was effective on May 18, 2006, as Ordinance 15-69.

Aleen Starkweather

Speaking up and Reaching out in Sandy Spring

Greater Sandy Spring Green Space was present at two lively community events during the month of December. We had a table at both the Sandy Spring Volunteer Fire Department Cookies Sale, and the Sandy Spring Friends School Winterfest. With a large aerial photograph and information about our current easement properties, we were able to introduce many people to the concept of preserving land in perpetuity through the donation of easements. By donating the development rights to their land, an owner

will still own and enjoy their property while preserving its beauty and environmental qualities for countless generations. This is a gift worth giving! We found people interested in the concept and many signed up for more information. We are always looking for more members and more supporters to save green space, and these two community events were a good place to start.

Robin Ziek

The Board of Greater Sandy Spring Green Space
Would Like to Recognize

Roger Wolcott

For His Service on the Board

Thank You, Roger!

**Green Space Advisor
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Greater Sandy Spring Green Space

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