



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 27, 2011

Mr. Christopher S. Barclay
President, Board of Education
Montgomery County Public Schools
Carver Educational Services Center
850 Hungerford Drive, Room 123
Rockville, Maryland 20850

REF: BCC Middle School Number 2 Site Selection

Dear Mr. Barclay:

It has come to our attention that on April 28, the Board of Education will be considering the selection of a site for development of a new middle school to serve the Bethesda-Chevy Chase area, and that Rosemary Hills-Lyttonsville Local Park and Rock Creek Hills Local Park are the first and second choices identified by the site selection committee. We are also aware that other parks within The Maryland-National Capital Park and Planning Commission (M-NCPPC) Montgomery County park system are being considered as locations for other schools, including a new elementary school site in Germantown that could affect South Germantown Recreational Park.

The Montgomery County Planning Board has unanimously agreed that these are not suitable uses of existing parkland, and recently voted specifically to object to the selection of Rosemary Hills-Lyttonsville Local Park for conversion to a school site. We also have serious concerns about the overall MCPS site selection process as it relates to identifying parkland for school sites.

Background

The "Policy for Parks," as adopted in 1988 by The Maryland-National Capital Park and Planning Commission, states: "*Lands and facilities under the control of The Maryland-National Capital Park and Planning Commission are held as a public trust for the enjoyment and education of present and future generations. The Commission is pledged to protect these holdings from encroachment that would threaten their use as parkland. The Commission recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest.*"

M-NCPPC has a fiduciary duty to the public to protect and preserve parkland. We recognize there may be, on rare occasions, a higher public interest to which we must defer. However, we are not inclined to accept a routine school site location as such an exception. Moreover, even in the rare instance where a higher public interest justifies converting parkland to a non-park use, there is an expectation that equivalent land will be provided for park use in exchange, along with funds to recreate amenities that are lost with the loss of parkland.

Site Selection Process

It appears that park sites are being considered as possible candidate sites by the MCPS site selection committees as if they are vacant spaces. In fact, the very opposite is true – most have highly popular public amenities built upon them and serve as community gathering places, valuable open spaces, or carbon-offsetting open fields and wooded areas. There seems to be some misunderstanding by MCPS staff of what a “developed” area is – in our terminology, that does not mean land must have a building constructed upon it to be considered “developed.” Ballfields, pathways, parking areas, community use structures, and other amenities are all designed, developed, and built with an expenditure of tax dollars, investments that would be lost if those amenities are removed and replaced. Moreover, these are popular places with heavy use that serve all our residents, including families and youth, and provide healthy places for out-of-school activities, an important public goal.

In some cases (as with both the first and second choices for the new BCC school), State or Federal money was used to purchase all or some of the property or to make the park improvements, and that money has use restrictions associated with it. This often amounts to hundreds of thousands of dollars, as in this instance.

There are some exceptions to the rule of no conversion of parks-- although much of our County’s parkland is not available for non-park use, there are some parks currently in our system that can be recalled by the Board of Education for the development of new schools, identified by a “recall right” included in the deed for these properties. Even with a recall right provision, however, there are still legal and financial considerations that must be addressed before any transfer could take place. The assumption that these are “free” lands that were transferred to us without cost is mistaken.

It is my understanding that the staff representative from M-NCPPC Montgomery Parks, on a rather large site selection committee regarding the BCC sites, received only one vote, even when the locations being discussed were park sites without recall rights. Six out of the ten sites under consideration, in fact, were public parks. Our representative has stated that he did not have the opportunity to present the cost and other data that would have made for a fairer comparison among all the sites under consideration, and that his objections to conversion of parkland were ignored. This does not seem appropriate. It is also likely to lengthen or confuse your process, because absent a very unusual public need, we do not consider the use of unencumbered park sites for anything other than park purposes to be consistent with the public interest, or with our responsibilities as stewards of Montgomery County’s public parkland.

As the public property owner of sites being considered for a school, our representative should be given the opportunity to note what park properties are available with recall rights, and have the ability to take others off the table if they are not suitable for the several reasons noted above. This is a different challenge from the one used for property in private ownership. When dealing with public property, we suggest more transparency is required than when dealing with private landowners, where open deliberation might influence the price. Where public property is at issue, secrecy does not serve the community well. Finally, we believe there should be more “due

diligence” in researching the real costs of all sites before a site selection committee takes a vote, and before MCPS undertakes an expensive feasibility study.

Such changes could save the BOE, MCPS, and the site selection committee from potential disappointment and wasted energy.

Rosemary Hills-Lyttonsville Local Park

Rosemary Hills-Lyttonsville Local Park is an exceedingly popular community open space, and is well-located to serve local families and other park users. Last week, the Montgomery County Planning Board voted to object to its selection for a school. It is a fully developed park, serving this close-in neighborhood with ballfields, basketball courts, a community center managed by the Department of Recreation, and associated parking and support facilities.

At the recent public “town hall” meeting, the community clearly demonstrated its commitment to preserving its neighborhood park, even those who supported a new middle school for the area. There is also a recognized shortage of rectangular athletic fields, particularly in this part of the County; the loss of those located in Rosemary Hills-Lyttonsville Local Park would place additional stress on the remaining overused fields in this County and further complicate the already difficult process of allocating field use among the various County leagues and teams. In addition, portions of the Rosemary Hills-Lyttonsville Local Park were purchased with restricted funds, such as Program Open Space, which limits the conversion of use from parkland. To include this park as a strong candidate for a school -- let alone as the number one choice -- when there is little likelihood of acquiring it seems at best unproductive, and at worst unfair or misleading to the members of the site selection committee.

Rock Creek Hills Local Park

This site was the former Kensington Junior High School site. It is also a highly popular and well-used community park, and will no doubt experience a similar public reaction if taken back for a school. Nonetheless, it was surplussed to Montgomery County by the Board of Education in 1988 and subsequently transferred to M-NCPPC in 1990 with a reservation of the County’s right to recall the property if needed for school purposes. Federal Land and Water Conservation Fund (LWCF) money appears to have been used for this park, and we are researching any limitations associated with those funds. The associated transfer costs, plus financial reimbursement for additional park development costs, would be indicated under the current deed before any recall could take place. There may also be additional legal considerations to be addressed which are, at this time, unknown.

In Conclusion

As Montgomery County becomes more urbanized and residents’ backyards shrink or disappear, our parks are becoming more important to residents. More than 91% of county residents visit our parks each year, and our satisfaction ratings are consistently high. While we are cognizant of the need for additional school sites to serve the public, our mission is to protect and preserve this county’s award-winning park system (which also serves the public). It is extremely troubling to see multiple recommendations recently made for the use of parkland as school sites. As our policy clearly states, we “...are pledged to protect these holdings...” and parks should not be available at all for non-park purposes except in the most extraordinary circumstances.