

PHED Committee #1
March 16, 2009

MEMORANDUM

March 12, 2009

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, Legislative Attorney 

SUBJECT: Planning Board Draft Amendment to the Master Plan for Historic Preservation – Wild Acres

Prior PHED Meeting

On February 2, 2009 the Committee agreed with Councilmember Berliner's recommendation to defer consideration of the historic designation of Wild Acres to allow time for the land owners and the neighbors to develop a mutually agreeable recommendation. Staff will attach any documentation of those discussions provided by the parties to this memorandum.

Staff's January 29 memorandum was not reviewed by the Committee. The changes from the January 29 memorandum are, hereafter, *printed in italics*.

Background

On September 10, 2008 the Montgomery County Planning Board transmitted the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Wild Acres (Grosvenor Estate) to the Council. The Amendment would include the Wild Acres Estate (Resource #30/15 - mansion, garage, and caretaker's cottage) in the Master Plan for Historic Preservation. The Planning Board recommended a 5-acre environmental setting, as well as an area 10 feet from each side of the caretaker's cottage. Currently, the entire estate is approximately 35 acres. The original estate in 1912 was 104 acres. The Renewable Natural Resource Foundation constructed some 44,000 square feet of floor area in 2 office buildings in 1981. The mansion is used for office space by the Society of American Foresters.

The County Executive expressed support for this Amendment in a memorandum dated November 12, 2008, but urged the Council to designate a 16.1-acre environmental setting as recommended by the Historic Preservation Commission (HPC).

The Council held a public hearing on January 13, 2009. Everyone who spoke and submitted testimony favored including Wild Acres in the Master Plan for Historic Preservation. There was not unanimity on the environmental setting and the significance of the caretaker's cottage. Residents near Wild Acres favored a 16.1-acre environmental setting, including the caretaker's cottage. The landowners would consent to a 1.4-acre environmental setting, and would exclude the caretaker's cottage. *A revised compromise setting of 9 acres was proposed by the nominator, Julia Weller, but was not recommended by the Planning Board.*

Basic History

Gilbert H. Grosvenor was a notable person through his actions as editor of the National Geographic magazine and President of the National Geographic Society. In 1912, he bought a 104-acre tract of land as a retreat from the city. He retained Arthur B. Heaton, who was subsequently made an AIA fellow for his work in DC, as the architect for the estate. The Grosvenors' country estate in Montgomery County is an example of the County's development history in the 1920s. Gilbert Grosvenor, having married Elsie Bell, was the son-in-law of Alexander Graham Bell. Alexander Graham Bell and Chief Justice William Howard Taft were photographed on the estate.¹ The surviving buildings have a high degree of architectural integrity.

History of Government Decisions

In 1973, the Board of Appeals approved a special exception for charitable offices.² The special exception would allow 283,000 square feet of gross floor area on the site in 7 buildings. Another phase of the special exception, identified in 1973, of 17,000 square feet of gross floor area would require another special exception before it could be constructed. This special exception has been modified several times over the years. The last action by the Board of Appeals occurred in 2004.³ The special exception remains valid; however, new buildings would be subject to new traffic capacity tests before building permits can be approved.⁴ Future land disturbance would also require conformance to the Forest Conservation Ordinance and permits for sediment control and storm water management. A transfer of the property would allow the Board of Appeals to re-examine the conditions of the current special exception.⁵

In 1976, the Locational Atlas and Index of Historic Sites included the Grosvenor estate. The first Master Plan for Historic Preservation was approved in 1979; Wild Acres was

¹ Chief Justice Taft, who was President of the United States before his appointment, and Mr. Grosvenor were cousins, according to some biographies.

² The M-NCPPC purchased 12 acres of the site for a park in 1973. The Historic Property Inventory Form, page 4, indicates that the Grosvenor family offered the estate to the County in 1970 for use as a cultural or recreation center. A newspaper account indicated that the offer was made to the Council in exchange for rezoning of other parts of the estate. That offer was not accepted.

³ The 2004 amendment, adopted on April 7, 2004, allowed non-RNRNF (non-RNRNF) member 501(c)(3) organizations to occupy office space in the RNRNF Center.

⁴ §8-31.

⁵ §59-G-1.3(g).

not included in the Plan. In 1983 the Council, based on the recommendation of the Planning Board, did not include the site on the Master Plan for Historic Preservation.⁶ The Planning Board removed the estate from the Locational Atlas after the Council's action.⁷

As part of the I-495-I-95 Capital Beltway Corridor Transportation Improvement Study, the Maryland Historical Trust determined that the entire 34.7-acre estate was eligible for the National Register of Historic Places on November 12, 2000. On January 17, 2008 the Planning Board included 10 acres (along the southern and eastern boundaries of the site) in the Legacy Open Space Program as a class II site. This status excludes the possibility of condemnation of the site, but makes the area designated a likely open space in any future regulatory approvals. The Planning Board, the HPC, and the Historic Preservation staff recommended including Wild Acres in the Master Plan for Historic Preservation in 2008.⁸ The owners consented to designation of the mansion and garage.⁹

Current Master Plan Recommendation

In 1992, the North Bethesda Sector Plan designated Master Plan for Historic Preservation sites; Wild Acres was not one of those sites. The approved and adopted sector plan states:

This Plan supports the planned expansion of the Renewable Natural Resources Foundation and the Society of American Foresters as a special exception approved by the Board of Appeals in the existing R-90 Zone.¹⁰

This was the last land use policy statement made by the Council regarding the Grosvenor estate. It was made 19 years after the original special exception. The Council was not required to defer to the special exception, but it chose to do so.

Council's Current Latitude

The Council is not required to include a site in the Master Plan for Historic Preservation, even if it finds that the site satisfies a criterion for historic designation in the Historic Preservation Ordinance. The Council may examine the totality of circumstances to arrive at a master plan amendment in the public interest.

⁶ §24A, the Historic Preservation Ordinance, which allowed for the Master Plan for Historic Preservation, was adopted in 1979.

⁷ The Maryland Trust Inventory for State Historic Sites Survey became the Locational Atlas and Index of Historic Sites, once the Council adopted the Historic Preservation Ordinance in 1979.

⁸ There are 9 reasons for the Planning Board to recommend a site for the Master Plan for Historic Preservation to the Council. Any one of those reasons is sufficient for the recommendation. The Historic Preservation Commission found 6 reasons to warrant a recommendation of designating the Wild Acres resource. One of the reasons cited was "high artistic value"; assessing that criterion is beyond the competence and pay grade of the author of this memorandum.

⁹ Consent is not a consideration in the Historic Preservation Ordinance, but it may be a factor in determining if designation is in the public interest.

¹⁰ North Bethesda/Garrett Park Approved and Adopted Master Plan, 1992, Page 83.

Prior Council actions do not bar the Council from including Wild Acres in the Master Plan for Historic Preservation. Master Plan Amendments are much like any other legislative decision made by the Council. Legislative decisions can change from Council to Council. The Council can find that circumstances have changed since its last review. The Planning Board cited “recent research on country estates” as a reason for its changed recommendation.¹¹ The Council needs a rational basis to include the site in the Master Plan for Historic Preservation, and a determination that it is in the public interest to do so.¹² *The Council may find that: 1) the entire site; 2) the buildings and an appropriate environmental setting; or 3) no part of Wild Acres is worthy of designation on the Master Plan for Historic Preservation.*

The Historic Preservation Ordinance does not require the recognition of a special exception approval if the estate is included in the Master Plan for Historic Preservation. A Maryland landowner has a vested right to complete a project only if the project started construction under a validly issued building permit.¹³ Despite the state’s vesting rule, the Council often allows a project with a regulatory approval to construct under the previous approval, even if development rules are changed.

The 1992 North Bethesda/Garrett Park Plan is the last master plan that addressed the site. The Council would generally respect master plan recommendations; however, as a matter of law, the Council is not bound to follow the master plan’s support for the special exception.

Environmental Setting

Except for ordinary maintenance, any building activity in the environmental setting of a historic building must get a historic area work permit from the HPC. The entire parcel under a historic building is defined as the environmental setting, unless the master plan says otherwise.¹⁴ It is common practice on large sites, such as Wild Acres, to designate the entire site, subject to a reduced setting when the site is developed. The reduced setting must follow any guidance in the master plan to preserve the integrity of the resource.

¹¹ Planning staff cited the Historic Property Inventory Form completed by Julia Weller for the increased appreciation of Gilbert Grosvenor. Planning Staff also submitted excerpts from the book, *Places from the Past: The Tradition of Gardez Bien in Montgomery County, Maryland*, concerning Country estates in the County. The Grosvenor estate was *not a resource in the Master Plan for Historic Preservation and therefore* was not specifically mentioned in the book as one of the prominent country estates. Arthur Heaton, the estate’s architect, was not mentioned when it discussed “some of the nation’s most accomplished architects” that designed country estates in the County. The Planning Staff report also cited the passage of time since 1983 as a reason for a different recommendation. *The biographies of Gilbert Grosvenor do not mention Wild Acres. The articles on Arthur Heaton do not mention Wild Acres.*

¹² President Obama’s slogan, “Yes We Can”, would apply to 5 Councilmembers’ authority to include a previously rejected site in the Master Plan for Historic Preservation.

¹³ Mayor and City Council of Baltimore v. Crane; 277 Md. 198 (1976).

¹⁴ §24A-2.

The Planning Board Draft Amendment, the HPC, and testimony have suggested different areas for inclusion in the environmental setting:

Maryland Historic Trust	34.7 acres ¹⁵
HPC	16.1 acres
Planning Board	5 acres plus 10 feet around the caretaker's cottage
Property owner	1.4 acres

The environmental setting recommended by the HPC and the Planning Board included areas that would be disturbed under the Board of Appeal's special exception approval.¹⁶

There is nothing in the Historic Preservation Ordinance that guides the size of an environmental setting. Preservation Staff uses the U.S. Department of Interior guidelines for making its recommendations on environmental settings for historic resources:

Select boundaries that define the limits of the eligible resources. Such resources usually include the immediate surroundings and encompass the appropriate setting. However, exclude additional, peripheral areas that do not directly contribute to the property's significance as buffer or as open space to separate the property from surrounding areas....

Boundaries should include surrounding land that contributes to the significance of the resources by functioning as the setting. This setting is an integral part of the eligible property and should be identified when boundaries are selected. For example, do not limit the property to the footprint of the building, but include its yard or grounds....¹⁷

The land owners argue that both the Planning Board and the HPC environmental setting recommendations included buffer area and open space that should be excluded. In many cases, the views of the historic building from a public right-of-way are important to the environmental setting. In this case, the mansion and garage are barely visible in winter months from public vantage points; the buildings cannot be seen in the summer from any spot accessible to the public without trespassing. *Public views of historic resources are not required by the ordinance, but such views increase the public benefit from designating such sites.*

¹⁵ The Maryland Trust did not submit testimony to the Council, but in 2000 the Trust included the entire site as eligible for the National Register of Historic Sites, in response to highway projects. Designation on the National Register would require the consent of the landowner.

¹⁶ The Executive memorandum recommending the site incorrectly stated that the 16.1-acre site did not include offices, parking areas, and driveway approved by special exception for offices. The 16.1-acre site would, in fact, include 2 office buildings, parking, and a driveway approved under the special exception.

¹⁷ Defining Boundaries for National Register Properties, National Register Bulletin, U.S. Department of Interior, National Park Service.

HPC's jurisdiction is determined by the environmental setting. Due to the Commission's authority to veto or modify future improvements, a large environmental setting diminishes the discretion of the Board of Appeals and the Planning Board.

Past Practice in Environmental Settings

Historic Preservation Staff provided the following information:

Beginning in the early 1800s, wealthy Washingtonians chose Montgomery County as the location for their country retreats, with properties ranging from 30 acres to hundreds of acres. Many of these estates have been lost, with property developed and buildings demolished. A few have been designated, some with larger settings than others. The historic context of the ones with environmental settings ranging from five acres to 40 acres is more intact and better preserved. These include: In The Woods (5 acres), the Corby Mansion (11 acres), Marwood (13 acres), and Woodend (40 acres).

Smaller environmental settings were established for other country estates; however, in the opinion of HPC Staff, those resources with smaller settings did not reflect the historic context of the resource. The Historic Preservation Staff will be prepared to present a PowerPoint presentation to the Committee on the size of the settings established on other country estates, construction allowed within environmental settings, and permits allowed due to economic hardship.

Construction within Environmental Settings

It has been the practice of the HPC to allow new buildings in the environmental settings of historic resources. The most significant building in an environmental setting is the Strathmore Music Hall on the Strathmore (Corby) Mansion site. Often, statements concerning the environmental setting in the Master Plan for Historic Preservation temper HPC's actions. Historic Preservation provided the following information:

The designation of historic resources does not preclude development. The HPC regularly approves changes and new buildings within an environmental setting, including significant development projects. Recent examples include the Round House Theatre next to the AFI Silver Theatre, the residential tower above and behind the Bethesda Theatre, as well as significant infill development within the National Park Seminary Historic District.

Economic Consideration in Historic Preservation

The introductory text to the Planning Board-recommended Master Plan Amendment states the following:

It is the intent of the County's preservation program to provide a rational system for evaluating, protecting, and enhancing the County's historic and architectural heritage for the benefit of present and future generations. The accompanying challenge is to weave protection of this heritage into the County's planning program to maximize community support for preservation and minimize infringement on private property rights.¹⁸

Properties regulated by the Master Plan for Historic Preservation must have an approved historic area work permit before undertaking any alteration to the site (except for ordinary maintenance). Generally, the permit must be found to be compatible in character and nature with the historical, architectural, or cultural features of the historic site.¹⁹ However, if a denial of the permit would prevent the reasonable use of the property or impose undue hardship on the owner, then the permit must be granted.²⁰

The only affirmative obligation of historic property owners is to prevent demolition by neglect. This obligation can be removed if the Commission finds that protecting the property would cause a substantial hardship on the property owners.²¹ The Historic Preservation Staff provided the following information:

The HPC takes economic hardship into account when considering projects, including proposed changes to historic buildings and new construction. The HPC recently allowed the demolition of an Atlas resource in the Jonesville Historic District, due in large part to the owner's claim of economic hardship.

Caretaker's Cottage

Current condition

A tree recently fell on the house. The cottage sustained damage to a non-historic addition and to the roof. A tarp covers a portion of the roof.

Reasons to designate

The caretaker's cottage was part of Grosvenor's plan for the estate. The house was designed by Arthur Heaton, who also designed the main buildings on the site. It is an example of a house in the Craftsman style with a covered porch. *It was in use when the Grosvenors used the estate.* The Planning Board and the HPC recommended designation.

¹⁸ Planning Board Draft Amendment to the Master Plan for Historic Preservation: Wild Acres, September 2008, page vi.

¹⁹ §24A-8(b)(2).

²⁰ §24A-7(f)(4); this provision would avoid regulations taking the property.

²¹ §24A-9(a)(4).

Reasons not to designate

The cottage was built before the period of significance recognized in determining the site's eligibility for the National Register.²² Gilbert Grosvenor's only association with the cottage is that he authorized its construction on his estate. He did not reside there; events with notable people did not occur there. It is not visible from the mansion and its Craftsman style is completely different from the Tudor Revival mansion. It does not include all of the classic elements of a Craftsman style house. Although the architect was accomplished, he is not regarded as a master.²³

Staff's opinion and recommendations

- 1) The Wild Acres' mansion, garage, and caretaker's cottage should be included in the Master Plan for Historic Preservation.

The only dispute about designation concerns the caretaker's cottage. The cottage is an intact example of Craftsman architecture. The cottage was part of Grosvenor's concept for the estate. Designating the caretaker's cottage is a very close call. The cottage is cited as an example of the work of an accomplished architect, not a master architect. There was no testimony citing the cottage for its high artistic value. The cottage is not associated with the Grosvenors' own use of the property. It is outside of the period of significance cited by the estate's eligibility for the National Register. Despite these misgivings, there are reasons for designation that both HPC and the Planning Board found persuasive. Staff recommends deferring to their judgment.

- 2) The Planning Board-recommended site of 5 acres, plus the area around the caretaker's cottage (excluding the **master planned** right-of-way of Grosvenor Lane) is appropriate.

The HPC recommended an environmental setting that included views **from** the mansion and an abandoned entrance **to** the mansion. The implication from the Commission's recommendation is that the land area around the structure should be designated as a historic site.²⁴ The recommendation seems out of proportion to giving visual reference to

²² HPC Staff suggests that Maryland Trust made an error in designating a period that started in 1928.

²³ "Residential architecture ranging from large scale townhouses to modestly scaled and priced suburban development houses comprised a significant part of Arthur B. Heaton's large and varied practice. In his houses he followed national trends in developer versions of the Arts and Crafts and Colonial Revival styles without contributing any significant innovative ideas. Although not the same caliber a designer as Wood, Heaton aspired to similar scenic and homey effects as Wood achieved in his more informal dwellings...His well-constructed houses combined clear, logical, and often clever internal space planning with tame and tasteful details chosen from catalogues to produce good building quality and proven design formulas for people of moderate means. Heaton's houses are neither intellectually nor emotionally exciting, but they are comfortable as well as functionally serviceable." *Residential Architecture of Washington, D.C., and Its Suburbs*, Pamela Scott, www.loc.gov/rr/print/adecenter/essays/Scott.html.

²⁴ Historic resource: A district, site, building, structure or object including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture; §24-A-2. Designating the land area as historic recognizes the events that took place at the site in addition to the building's architecture: Alexander Graham Bell's pathway to the mansion, lawn parties

the country estate nature of the house.²⁵ The Planning Board cited the buildings as the historic resources that require an environmental setting appropriate for a country estate. The Planning Board's recommended site, supported by Planning Staff, would establish a significant setting around the house. A 5-acre site, to remind future generations of the building's past grandeur, would be more in line with the goal of minimizing infringement on private property rights than a 16-acre site. Staff would exclude the master planned right-of-way of Grosvenor Lane from the environmental setting. The latter recommendation gives deference to the approved North Bethesda Master Plan.

The 16.1-acre setting goes well beyond protecting the views from the mansion. It includes many areas out of sight of the mansion. Some of the 16.1-acre setting was designated for Legacy Open Space. Much of the area south of the mansion includes an area with a special exception approval endorsed by the master plan. Although the 16.1-acre setting was all part of the Grosvenor estate, the argument that it includes buffer areas beyond the significance of the resource is persuasive.

- 3) The HPC should not review buildings, parking spaces, and driveways in conformance to the site's approved special exception in any environmental setting.

The Board's recommended environmental setting does not make any reference to the approved special exception. It is not clear if the draft plan's reference to the vistas looking north and south from the main residence would prohibit all construction within the environmental setting. Staff recommends removing the requirement for a historic area work permit for any land disturbance required to complete the approved special exception. In the alternative, staff would recommend excluding the area of disturbance required to complete the special exception from the environmental setting.

The unbuilt portion of the special exception deserves to be recognized for the following reasons:

- 1) the proposed amendment to the Master Plan for Historic Preservation would designate the building, not the entire site, as the resource;
- 2) allowing the prior approval to proceed would help minimize economic impact to the property owner;
- 3) the special exception was supported by the approved and adopted master plan;
- 4) the special exception was last amended by the Board of Appeals in 2004; and
- 5) regulatory approvals should be respected when possible.

The Council's decision to designate property in the Master Plan for Historic Preservation is much broader than the confines of the historic preservation ordinance. The Council is obligated to act in the public welfare. The public welfare requires

with President Taft, and the outdoor experience of the Grosvenor family would be reason enough for some people to designate the site as historic. Designating the site would also be a reason for public acquisition.

²⁵ In order to give context to the country estate, the site should be large enough to convey the sense of the estate.

balancing private property interests with public interests. The economic viability of the property owner is important in that equation; without an economically viable use, the funds available to maintain the historic resource would be absent. In this instance, the Council's 1992 support for the 1973 special exception is persuasive.

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PLANNING BOARD DRAFT AMENDMENT TO THE
MASTER PLAN FOR HISTORIC PRESERVATION
MONTGOMERY COUNTY, MARYLAND:
WILD ACRES (GROSVENOR ESTATE)
5400 Grosvenor Lane, Bethesda, Resource #30/15



Montgomery County
Planning Department
THE MARYLAND-NATIONAL
CAPITAL PARK AND PLANNING
COMMISSION
8787 Georgia Avenue
Silver Spring, Maryland 20910

September 2008

THE AMENDMENT

Resource #	Historic Name	Location
30/15	Wild Acres (Grosvenor Estate)	5400 Grosvenor Lane, Bethesda

This Amendment considers the designation of one resource to the *Master Plan for Historic Preservation*. If designated the resource would be protected by the County's Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code.

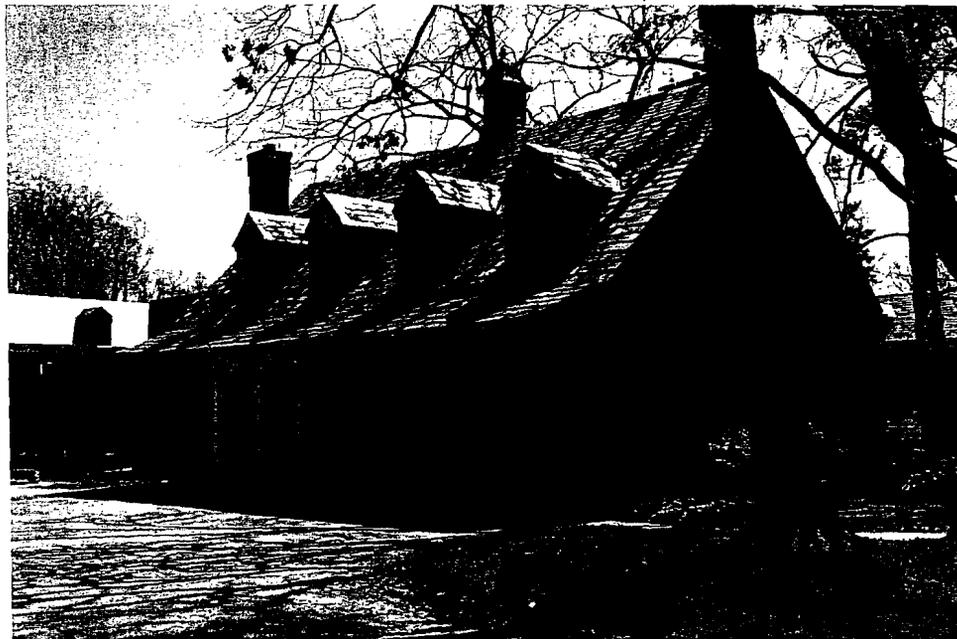
- The Wild Acres estate was the home of Gilbert H. Grosvenor and Elsie Bell Grosvenor. Gilbert Grosvenor, Editor of the National Geographic Magazine and President of the National Geographic Society, was a photojournalism pioneer and influential in the expansion of the national park system.
- In 1912, the Grosvenors purchased a 104-acre parcel flanked by Rockville Pike on the east and the Rockville streetcar line on the west. Wild Acres is highly representative of the country estates that once lined Rockville Pike in the early 20th century.
- The Tudor Revival style mansion house and coordinating garage, as well as the rustic Craftsman style of the caretaker's cottage possess distinct characteristics of these architectural styles. The three buildings were designed by Arthur Heaton, an accomplished local architect who was prolific in the early 20th century. Heaton designed all three of the resources in this nomination.
- The resource possesses high artistic value for the siting of mansion, carriage house, and caretaker's cottage in a natural setting, and for sweeping vistas to the north and south.
- The resource is located on parcel P065 (Tax ID 0042430). The recommended environmental setting includes that mansion house, garage (carriage house) and caretaker's cottage. The setting boundary around the mansion and garage is five acres. The setting around the caretaker's cottage extends ten feet from each side of the structure. Significant to the setting are the vistas looking north and south from the main residence. The setting excludes the right of way for Grosvenor Lane.



Wild Acres, north facade



Wild Acres, south facade

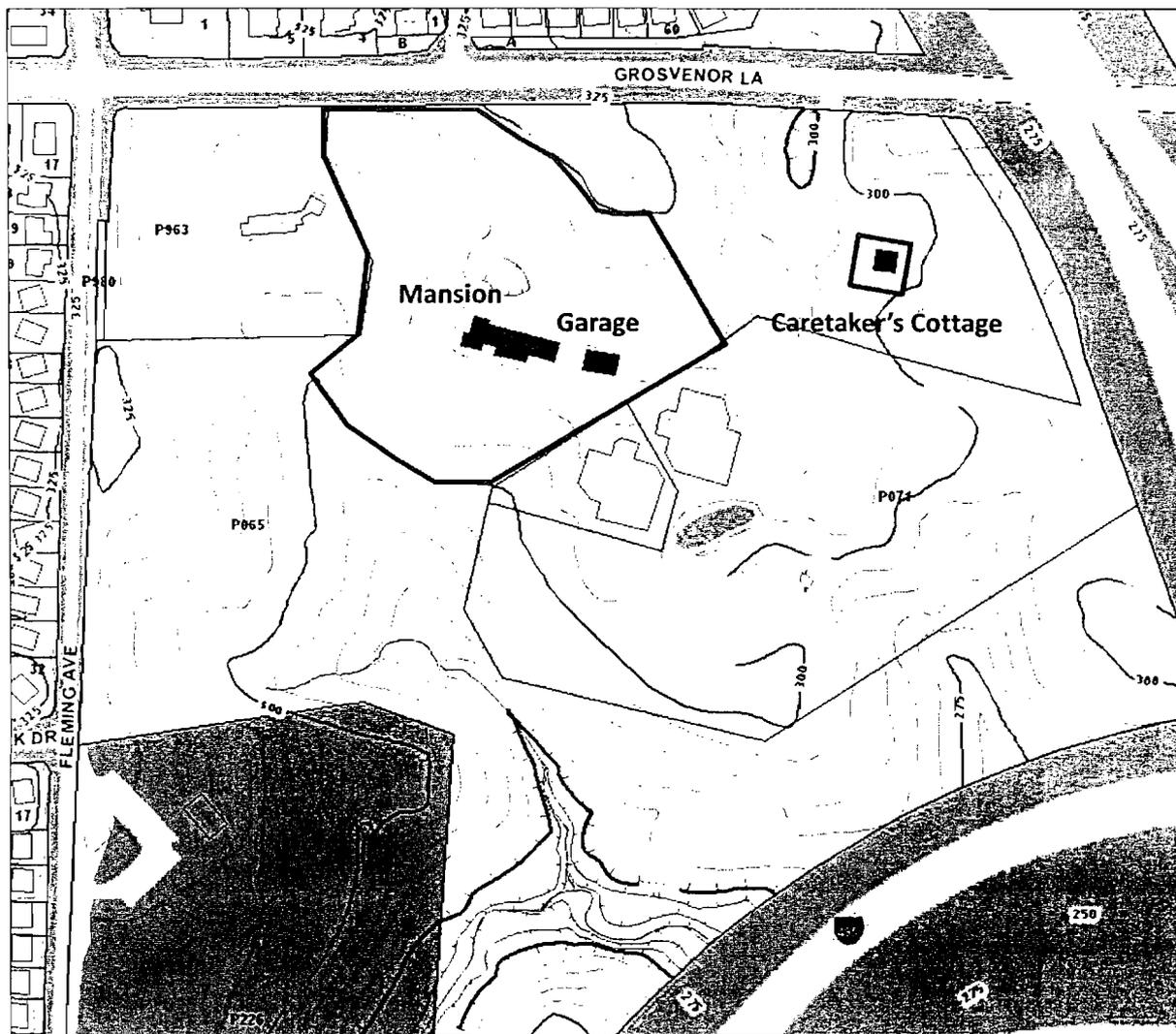


Garage



Caretaker's House

Wild Acres #30/15, 5400 Grosvenor Lane
Environmental Setting



TESTIMONY
OF THE
MONTGOMERY COUNTY PLANNING BOARD

**MONTGOMERY COUNTY COUNCIL PUBLIC HEARING
ON THE
PLANNING BOARD DRAFT AMENDMENT TO THE
*MASTER PLAN FOR HISTORIC PRESERVATION:***

WILD ACRES, 5400 Grosvenor Lane, Bethesda,
Historic Resource #30/15

January 13, 2009

Good afternoon. For the record, I am Royce Hanson, Chairman of the Montgomery County Planning Board. I am pleased to appear today to present the Planning Board's recommendations on the Amendment to the *Master Plan for Historic Preservation* for Wild Acres.

The Board evaluated this resource with a public hearing on May 29, 2008 and worksession on July 31. Based on this review, the Board recommends that Wild Acres be designated on the Master Plan for Historic Preservation.

Wild Acres is truly an outstanding property and recent research on country estates shows how significant this property is in Montgomery County. The Board recognizes that the protection of the resource depends on property owner being able to have an economically viable operation, and therefore the Board recommends an environmental setting of five acres. This is a compromise. The nominator and community have asked for designation of a larger setting. The owner has stated a preference, in the event of designation, of 1.2 acres. The Board found that a five acre setting for the mansion and garage is necessary in order to convey the context of a country estate. A separate setting around the caretaker's cottage with potential for relocating the cottage subject to HPC

review would allow the owner to have some flexibility in redevelopment options. This recommended setting would protect the historic resource, enable its adaptive use, and still provide for a viable use of the balance of the property, under the current special exception or a new special exception should one be proposed.

Thank you for the opportunity to present this testimony.

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TESTIMONY
OF THE
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

**MONTGOMERY COUNTY COUNCIL PUBLIC HEARING
ON THE
PLANNING BOARD DRAFT AMENDMENT TO THE
*MASTER PLAN FOR HISTORIC PRESERVATION:***

WILD ACRES, 5400 Grosvenor Lane, Bethesda,
Historic Resource #30/15

January 13, 2009

Good morning. For the record, I am Caroline Alderson, a member of the Historic Preservation Commission. I am pleased to appear today to present the HPC's recommendations on the designation of Wild Acres to the Montgomery County *Master Plan for Historic Preservation*.

The HPC held a public hearing and worksession on this Amendment on April 23, 2008. The eight members in attendance carefully considered the nomination and voted unanimously to recommend in favor of adding Wild Acres to the *Master Plan for Historic Preservation*. The HPC found that this resource meets six of the nine criteria of the Preservation Ordinance. It bears mentioning that a resource need meet only one of the designation criteria to make it eligible for inclusion in the *Master Plan*.

In my experience on the Historic Preservation Commission, this resource is among the finest we have seen. The resource is outstanding both for its historical significance and its architectural value. The estate was the home of Gilbert Grosvenor, Editor of the National Geographic Magazine. Grosvenor engaged architect Arthur Heaton to design all three buildings recommended for designation: the main house, the carriage house, and the caretaker's cottage. The buildings form a cohesive whole in their history and design by the

same architect. The rural design of the Tudor Revival house and garage, and the rustic Craftsman design of the caretaker's cottage were clearly part of the Grosvenor's vision for a country retreat embodied in the name Wild Acres. All three buildings have a very high level of integrity.

The HPC recommends an environmental setting that includes the northern portion of the 25-acre parcel owned by the Society of American Foresters. This setting encompasses 16 acres including the mansion, garage, caretaker's cottage, as well as important viewsheds associated with the resources. The house really has two fronts and it is critical that the environmental setting include the viewshed to and from both sides of the house. One looks to the yard facing Grosvenor Lane and includes the access to both the carriage house and caretaker's cottage, and the other looks over the sweeping lawn and wooded areas that are equally important to the historic character of the resource. The HPC recommended setting also includes the entire frontage of the property along Grosvenor Lane.

Thank you for the opportunity to present this testimony.



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January 13, 2008

The Honorable Phil Andrews
President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Re: Hearing testimony -Planning Board Draft Amendment to the Master Plan for Historic Preservation – Wild Acres (Grosvenor Estate)

Dear Council President Andrews and Members of the County Council:

Thank you for the opportunity to provide testimony regarding our property located at 5400 Grosvenor Lane (the “Property”) and its historic resources that are before you today. My name is Michael T. Goergen, Jr. and I am the Executive Vice President and CEO of the Society of American Foresters. I am also a resident of Montgomery County and live approximately one mile from the Property in the Wildwood neighborhood.

The Society of American Foresters (“SAF”) is a non-profit national scientific and educational organization that was founded in 1900 and is the largest professional society for foresters in the world. As an organization dedicated to ensuring the continued health, use and availability of forest ecosystems and resources to benefit society, and as a property owner that has owned and maintained our Property with the support of the County and the community for over 35 years, it has been discouraging to be subjected to nominations over the past year that reduce the value of our members’ asset without any outreach and coordination with us. First was the nomination and recommendation of 10-acres of our property as Legacy Open Space, and now the historic designation nomination.

The Wild Acres recommendation from the Planning Board before you today includes the preservation of the Grosvenor Mansion and garage and a 5-acre setting including the forest area to Grosvenor Lane, as well as a 10 foot setting around the single-family home structure known as the “Caretaker’s House”. For the past 35 years, we have voluntarily preserved the Grosvenor mansion (and the garage and Caretaker’s House) as our Gifford Pinchot Forestry Building without it being required or part of the special exception approvals, and after this Council determined it did not warrant historic designation in 1980 and in 1992. Based on our history with the Property and the Mansion, we do not think designation is necessary; nonetheless, we do support designation of the Mansion and the garage and an appropriate setting that incorporates the historical association to the Grosvenor family. However, the appropriate historical setting around the Grosvenor mansion and garage is the 1.44-acre setting depicted on the first

(10)



attachment to my written testimony, not the larger 5-acre wooded setting proposed by the Planning Board.

Our 1.44-acre setting incorporates the immediate west and southern lawn area associated with the Grosvenor family (and the location of the party attended by President William Howard Taft) and includes the loop road in front of the mansion (as requested by the Planning Board Chairman). Although we appreciate the recognition, understanding and effort of the Planning Board and Planning Staff with respect to the reduction of the original proposed excessive 16-acre setting, the Planning Board's recommended 5-acre setting is still too large and inappropriately based on "a concentration of significant and specimen trees, and a champion tree" and not the appropriate historic criteria. As noted in the attached written testimony submitted by our architectural historian, Mr. William Lebovich, the historic preservation standards dictate that a setting "should not include buffer zones or acreage not directing contributing to the significance of the property." Further, as you can see from the pictures of the views to/from the Mansion and the aerial view of the Property with the approved special exception plan attached to my written testimony, there is no historic vista on the Property, only the modern buildings to southeast and the wooded areas to the north and west that are there as part of our 35 year special exception use on the Property to screen our buildings (including the Mansion) from Grosvenor Lane.

Similarly, the Caretakers House is not related to the historical association of the Grosvenor family's use of the Mansion and the property. The Caretaker's House was built more than a decade before the period of significance for the Grosvenor Mansion, and was only recently even identified as a contributing structure on the property (along with ever other structure except for the new office building on the adjacent Renewable Natural Resources Foundation ("RNRF") property that are part of our shared special exception use). As explained in detail in the attached statement by Mr. Lebovich, the Caretaker's House was built when there was only a primitive farmhouse on the property and when the Grosvenor's only used the property on occasional weekends. The Caretaker's House is in a completely different architectural style than the mansion, bears no stylistic relationship to the mansion, and has not even been identified as to whether it was occupied when the Grosvenor's occupied the mansion. The previous "approach" to the mansion where the Caretakers House remains was destroyed by the construction of the I-270 spur, thus making the relationship even more tenuous. To demonstrate the position of the Grosvenor family on the Caretaker's House, we have attached the 1970 site plan the Grosvenor family submitted with a proposed zoning application for the property, which proposed preservation of the Mansion, the garage and a limited setting similar to our 1.44 acre proposal, and had multi-family buildings in the location of the Caretaker's House. We also attach a picture of the Caretaker's House when it was damaged by a tree last spring, which adds roof and water damage to the other expensive maintenance issues for the structure. We would proffer the alternative treatment for the cottage as proposed by Mr. Lebovich, similar to agreement between the Navy and the Maryland Historical Trust for one of the original Bethesda Naval Hospital Buildings before it was demolished for improvements, to have the Caretaker's House documented by large format archival photography.

In summary, we request that the Council only designate structures and a setting that merit historic designation pursuant to Chapter 24A of the County Code, which includes the Grosvenor Mansion and garage and an approximately 1.44 acre setting, and does not include the Caretaker's House (in any location on the property). Mr. Robert Day with RNR, our adjacent property owner and holder of our approved special exception, will address the history of our 35 years on the property and the impacts to our approved special exception. On behalf of the Society of American Foresters, I thank you for your thoughtful consideration of our comments today, particularly regarding the unnecessary and inequitable adverse impacts of an excessive and unwarranted historic designation on the uncertainty and value of the primary asset of our natural resource based non-profit organizations.

Thank you very much for your consideration.

Sincerely,

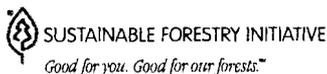


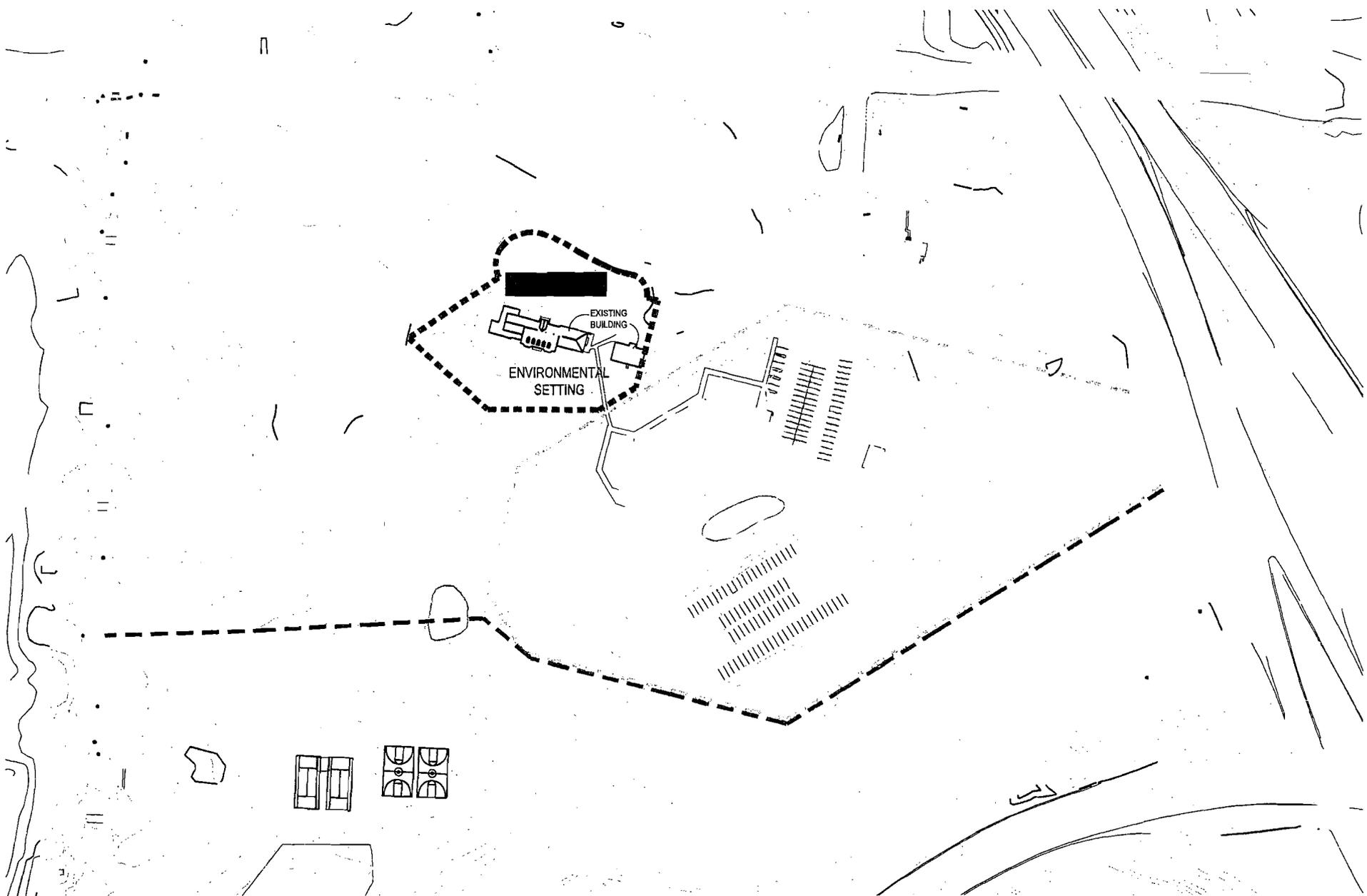
Michael T. Goergen, Jr.
Executive Vice President and CEO

Attachments

cc: Robert D. Day
Marc Bergoffen, Esquire
Anne Martin, Esquire
Jeffery Zyontz, Esquire
Scott Whipple
Clare Lise Kelly

Printed on SFI Certified Paper







NATIONS ACADEMY, DC
Bethesda, MD

APPROVED SPECIAL EXCEPTION SITE PLAN

DATE: 03.29.2006

14

Aerial Photo with approved
special exception site plan
(and previous 1.23 acre setting)

Perkins Eastman
4245 N. FAIRFAX DR., SUITE 650
ARLINGTON, VA 22203

WILLIAM LEBOVICH
Architectural Historian and Photographer

7302 Summit Avenue
Chevy Chase, MD 20815-4030
(301) 467-2831
architecturalphoto@mac.com
www.Bill Lebovich.com

January 8, 2009

Proposed designation of Wild Acres on master plan for historic preservation

In my testimony before the Historic Preservation Commission and the Montgomery County Planning Board, I stressed that there was no question as to the importance of the Grosvenors, their mansion, and its in close, intact setting. The issue has always been defining the appropriate boundaries for the property. My client, Society of American Foresters, has always appreciated the importance of the property, and supported designation of the mansion with an appropriate setting that reflected the house and setting at the time of the Grosvenor's occupation.

My judgments in evaluating properties for historic designation are based thirty-four years as an architectural historian, who directed the National Historic Landmarks Task Force and was review unit chief at the National Register of Historic Places, responsible for supervising the review of all nominations to the National Register.

The National Register's criteria for designating historic properties are not only national criteria, but virtually the same that are applied at the state, county and local levels.

These criteria require that before a property can be designated, how and when it was significant must be established and that boundaries be defined that only include intact areas.

The Maryland Historic Trust in 2000, in response to highway projects proposed outside the boundaries of Wild Acres, determined the property eligible for the National Register. This designation stated "The National Register Boundary for Wild Acres, the Grosvenor Estate, includes all land remaining from its association with Gilbert Grosvenor and the *property's period of significance of 1928-1966 (emphasis added)*. The boundaries consist of tax parcels P65 and P71 on Montgomery County tax map HP122. The boundary includes 14 hectares (34.7 acres), the main house, garage, outbuilding, silo, and cottage at 5240 Grosvenor Lane as contributing structures. Non-contributing structures within the National Register boundary include the two modern office buildings and all associated parking acres."

The Maryland Historic Trust documentation, which is cited by the Montgomery County Historic Preservation Commission staff makes two critical points: the period of significance is defined as 1928-1966 and the property's significance is due to the architecture of the mansion and importance of its owners.

The commission followed the lead of the Maryland Historical Trust and proposed designating extensive acreage. In both instances, those boundaries were, in my opinion, based more on planning considerations than on well-established historic preservation standards.

Subsequently, the Planning Commission, at staff recommendation, imposed much more modest, but still excessive boundaries --- again reflecting a planning rather than historic preservation long standing standards. As stated in numerous National Register of Historic Places publications, "The area to be registered should be large enough to include all historic features of the property, *but should not include 'buffer zones' or acreage not directly contributing to the significance of the property.*" (emphasis added) The area included in the staff recommendation still includes land north and west of the circular driveway (in front of the mansion) that lacks either integrity or significance, as it bears no resemblance to its appearance when the Grosvenors lived there. That non-contributing, non-historic acreage, is in fact, a buffer zone. And as such needs to be excluded.

In all documentation on Wild Acres the discussion has been about the historical significance of the Grosvenors and the architectural significance of the house. The grounds have often gone unmentioned as was the cottage house. Only in 2000 was the cottage considered by the Maryland Trust a contributing structure along with a concrete silo and an outbuilding.

But the caretaker's cottage was not built during the period of significance for the Grosvenor Estate; it was built more than a decade earlier. It was probably built then

because the property was only used by the Grosvenors on occasional weekends. The cottage was erected at the side of the road leading on the property, no doubt, to prevent outsiders from riding or walking onto the property. There was only an early, primitive farmhouse on the property, which the Grosvenors used until they demolished it to build the mansion.

The care-takers house was designed by the same architect as the mansion, but in an entirely different architectural style and bears no stylistic relationship to the mansion. It is not even known if the cottage was occupied during the period 1928-1966.

The lack of significance of both the cottage and its setting is reflected in the Historic Preservation Commission staff statement that the structure could be moved. "The caretaker's cottage is designated with a 10-foot setting around the building. The structure may be relocated if appropriate, subject to the approval of the Historic Preservation Commission. The relocation should take into account proximity to current location, orientation to the road and historic approach to the house, and appropriate distance from the new construction." (page 10, July 24, 2008 memorandum)

The above quote talks about taking into consideration the "historic approach to the house", but that approach was destroyed by the construction of I-270, which cut through the eastern end of the Grosvenor Estate. Ever since, the property has been entered through a new road from Grosvenor Lane.

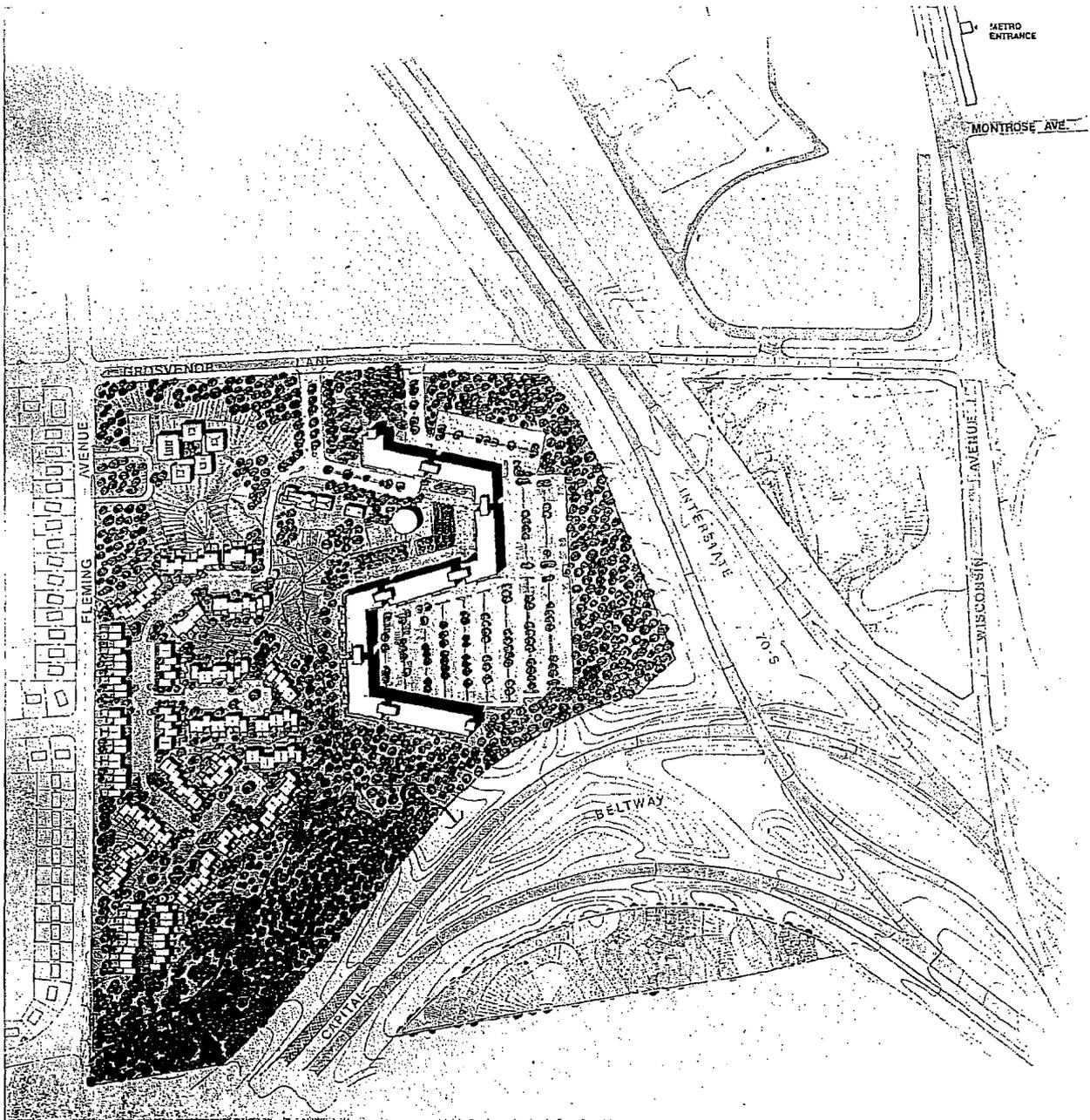
In sum, arguments for the inclusion of the caretaker's cottage within the designation are based on erroneous beliefs --- that there is a (1) significant architectural or historical relationship between the cottage and the mansion /or the Grosvenors and (2) that the present setting has the requisite integrity to reflect the cottage's original setting or function.

The alternative and appropriate treatment for the caretaker's cottage is to prepare mitigation document as was recently done at the National Naval Medical Center, a site also determined eligible for the National Register of Historic Places. Before Building 12, one of the Bethesda Naval Hospital's original buildings, could be demolished it was documented by large format archival photography, as required by an memorandum of agreement between the Maryland Historical Trust and the Navy.



Picture of Caretaker's House -
May 2008

(18)



**ILLUSTRATIVE SITE PLAN
GROSVENOR ESTATE
BETHESDA, MARYLAND**

OWNER: GILBERT H. GROSVENOR FAMILY
 ENGINEER: PLANNERS INCORPORATED
 PLANNER: PLANNERS INCORPORATED
 TRAFFIC CONSULTANT:
 DATE: JAN. 1970

SCALE: 1" = 100'



1970 Zoning Application Site Plan proposed by
 Grosvenor Family: limited setting around
 Mansion and no Caretaker's House



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View from Grosvenor Lane

4

January 13, 2009

The Honorable Phil Andrews
President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Re: Hearing testimony -Planning Board Draft Amendment to the Master Plan for
Historic Preservation – Wild Acres (Grosvenor Estate)

Dear Council President Andrews and Members of the County Council:

My name is Robert Day and I am the Executive Director of the Renewable Natural Resources Foundation (“RNRF”), the non-profit consortium of natural resources organizations that owns the 9-acre property located at 5400 Grosvenor Lane. Thank you for the opportunity to provide testimony regarding the adjacent property that is owned by the Society of American Foresters (“SAF” or the “Foresters”) and that has been part of RNRF’s approved special exception since 1973 (the “Property”). I will note that RNRF owned the Forester’s Property in 1980, when we specifically requested that the County evaluate whether or not the Grosvenor Mansion was historic. The requested evaluation was made before we began new construction for our approved special exception use (a scientific society use, now classified as a charitable and philanthropic institution use), and the County Council determined that the Mansion and Property were not historic.

For the reasons set forth by the Foresters in their testimony, we respectfully request that the Council limit the historic designation on the Forester’s Property - and our special exception property - to the former Grosvenor Mansion, the garage and the appropriate 1.44-acre setting without the Caretaker’s House. This setting is consistent with the historical association with the Grosvenor family and the architecture of the house and with the Historic Preservation criteria in Section 24A-3 of the Montgomery County Code. As the special exception owner, it is also critical for us to highlight for the Council that the 1.44-acre setting is the only setting before you today that is consistent with our existing special exception approvals for the full development of the Property, which was reviewed and recommended for approval by the Planning Board and its Staff, and reviewed and granted by the Board of Appeals and continuously re-approved over the past 35 years - with community support. Further, the 1.44-acre setting is the only designation that is consistent with the specific recommendations for the Property by the Planning Board and County Council in the 1992 North Bethesda Garrett Park Master Plan (the “North Bethesda Master Plan”). We also note that a limited designation is also consistent with previous recommendations by the Planning Board and Council for large acreage properties. The Property is not the “country estate” that it was for the

Honorable Phil Andrews
January 13, 2009
Page Two

Grosvenors. Although the Property includes a Mansion (and garage) that may warrant historic designation, the Property is significantly smaller than the Grosvenor farm and is now bordered by I-270 and I-495 and is an integral part of our non-profit office campus that includes modern office buildings and wooded areas specifically designed to block any "vistas" of the site or structures from neighboring sites.

We emphasize for the Council that all of the opinions issued by the Board of Appeals over the past 35 years (based on recommendations for approval by the Planning Board Staff) for the approval of the RNRFF special exception and the Site Plan demonstrate the continuing government approval and consensus that the Property is not historic. The Planning Staff Report for Wild Acres dated July 24, 2008 (the "Staff Report"), recognizes that the Board of Appeals originally approved the RNRFF special exception use in 1973 for 300,000 square feet of office uses (only .19 FAR) on the combined Foresters and RNRFF property. The Staff Report also correctly notes that the preservation of the Mansion was not required and that the 1973 Opinion stated that the "ultimate use, if any, of the mansion" would be determined at the conclusion of the ultimate development. The 1974 Opinion noted that the original special exception plans included a new office building in the same location as the house in the later phase of the RNRFF development; therefore, it was "not certain at the time whether the mansion will ultimately be removed." The opinion issued by the Board of Appeals dated September 23, 1980, references the re-approval of the Board of Appeals (pursuant to the recommendations of the Planning Board Staff) of the full RNRFF development with driveways and office buildings in locations proximate to the former Grosvenor Mansion (within 90 to 100 feet). The special exception site plan for future RNRFF office development for the additional buildings and parking areas was specifically approved by the Board of Appeals by opinion dated March 13, 1991. Further, the Board of Appeals (and Planning Board Staff) continued to review and approve (with the support of the community) modifications to the RNRFF special exception, which incorporate the approved expansion plans, in 1999 and 2004. For reference, we have attached copies of the Opinions of the Board of Appeals, including a copy of the letter from the County Executive for support of the RNRFF special exception modification approved in 2004.

To demonstrate the impact of a setting larger than 1.44 acres on the approved special exception, we have attached a copy of the current approved Special Exception Site Plan (the "Site Plan"), which includes an overlay of the setting proposed by the Foresters (although it shows a 1.23-acre setting, which has now been expanded to include the loop road and is 1.44 acres). As indicated on the Site Plan, the RNRFF special exception approval includes the addition of almost 100,000 square feet of new non-profit office development and associated parking in the southwest area of the Property that is immediately outside the 1.44 acres and included within the Planning Board's recommended 5-acre setting. We note that the recent County Executive letter dated November 12, 2008, mistakenly states that the 16-acre setting originally proposed by the Historic Preservation Commission ("HPC") does not include the grounds already

Honorable Phil Andrews
January 13, 2009
Page Three

approved by special exception; however, the 16 acres contains all of the remaining Forester's Property that is not Legacy Open Space and includes all of RNRF's remaining approved development. The Foresters and RNRF should not be penalized for our voluntary preservation and have our development approvals, which have been continuously reconfirmed and supported over the past 35 years, jeopardized and left uncertain because of an unwarranted 5-acre (or 16-acre!) designation and requirement to seek HPC approval of new structures and site improvements that have already been continuously approved by the County.

As mentioned previously, the current existence of the Grosvenor Mansion and preservation by the Foresters and RNRF is not based upon any County requirement. When RNRF specifically requested an historic evaluation in 1980 prior to beginning construction on the site, the HPC and County Council decided that the Property and structures did not warrant designation and the Foresters and RNRF relied on that confirmation in moving forward with future decision making for the Property and special exception. The continuous decision by RNRF and SAF to keep the Grosvenor Mansion and to incorporate it into the campus of non-profit office buildings in the 1990 Site Plan was voluntary and was consistent with the RNRF and SAF mission and design principles. Further, RNRF and SAF relied on the fact that the decision to keep the Mansion did not alter the nature of the existing RNRF special exception approval of the additional modern office buildings and parking lots on the Property.

In addition to the continuous recognition of the RNRF special exception over the past 35 years and the HPC and County Council's confirmation that the Property and structures were not historic in 1980, Planning Board and Council also confirmed the RNRF special exception approvals, and specifically supported the expansion, in the 1992 North Bethesda Master Plan. The North Bethesda Master Plan specifically references the Grosvenor Mansion and the original estate; however, neither the Mansion nor the Property nor any setting were designated as historic resources. The recommendations in the North Bethesda Master Plan support the approved development in the existing RNRF special exception, which includes office buildings and driveways in the setting now recommended by Staff for designation. We have attached a copy of the North Bethesda Master Plan for reference.

Thank you for the consideration of our request to limit the designation that is before you today to the 1.44 acres proposed by the Foresters without the Caretaker's House. As demonstrated by the approved RNRF special exception Site Plan for additional non-profit office buildings and parking on the Property that has been continuously approved for the past 35 years (including as recently as 2004); the decision of the HPC and County Council in 1980 that the Property and structures were not historic; and the confirmation and support of the special exception approval in the 1992 North Bethesda Master Plan, the Forester's proposed designation of the former Grosvenor Mansion, garage and a 1.44-acre setting is the only setting consistent with the long-established existing government development approvals for the Property. Further, RNRF and SAF have voluntarily

Honorable Phil Andrews
January 13, 2009
Page Four

maintained the Mansion as part of the campus and we hope that such efforts will be recognized and encouraged by the Council, that previous Council decisions will be respected, and that unnecessary and unwarranted uncertainty and review processes will not be imposed to jeopardize the value of the primary assets of our natural resource-based organizations, particularly during the current economic climate.

Sincerely,

A handwritten signature in black ink, appearing to read "R D Day". The signature is written in a cursive, slightly slanted style.

Robert D. Day, J.D.
Executive Director

Attachments

Testimony of Julia Weller
County Council Hearing
January 13, 2009
Re: Nomination of Wild Acres
for Master Plan for Historic Preservation

1. Good afternoon. My name is Julia Weller and I nominated Wild Acres to be included on the Master Plan for Historic Preservation. Please follow long with my testimony in the handouts I gave you.

2. My presentation is going to focus primarily on what I believe is the key issue before you: the size of the environmental setting. Wild Acres is unique in that it retains three well preserved structures from the early part of the 20th century in their original location. To preserve the historical integrity of the property, it is critical that the County Council adopt the 16.1 acres recommendation of the HPC, rather than the 5 acre “compromise” setting adopted by the Planning Board when the Nations Academy’s Special Exception was still pending.

3. Turning first to the setting, this aerial photo from 1951 shows the thick screen of trees along Grosvenor Lane on the horizontal access along the top and Fleming Avenue along the vertical axis on the left. The trees were largely planted by the Grosvenors around the perimeter to protect their privacy. The 5 acre setting would eliminate this perimeter. The photo also shows that trees obscured both the entrance to the driveway and the gardener’s cottage.

4. The gardener’s cottage was built in 1913 in the Craftsman style and is a significant contributor to the historical integrity of this resource. Wild Acres is one of the few country estates that still has the secondary buildings intact and in their original location. The 5 acre environmental setting recommended by the Planning Board would protect only 10 feet around the cottage and require it to be moved.

5. The caretaker’s cottage was designed by Arthur B. Heaton, the same architect who designed the house and garage. This architectural drawing shows the cutaway porch we saw in the photograph.

6. The next picture shows the original architectural drawing made by Arthur B. Heaton of the planned driveway. The angle of the driveway allowed for the house to be set well back from the road to protect its privacy, as well as screening the house from the gardener’s cottage, as befits a country estate. The oddly shaped 5

acre setting would cut off most of the driveway and a large portion of the area along Grosvenor Lane.

7. The historical integrity of a resource depends both on the location of a building within a resource, and on the location of buildings in relation to each other. As can be seen from this photo, the carriage house was intended as a visual continuum of the manor house. The West end was deliberately foreshortened so that when approached from the driveway, the carriage house would appear to be the extension of the manor house.

8. The stable doors shown in this architectural drawing are consistent with the look of a Tudor country estate, even though this was intended as a four car garage.

10. In conclusion—the environmental setting of 16.1 acres proposed by the HPC, under which none of the buildings would need to be moved, is critical to retaining the historic integrity of this property as a suburban country estate.

Wild Acres – Testimony Before the Montgomery County Council – January 13, 2009

Testimony of Michael Diehl
President, Fleming Park Community Association
9902 Broad Street
Bethesda, Maryland 20814
301.807.7828
diehl.mike@gmail.com

Good Afternoon. I am Michael Diehl and President of the Fleming Park Community Association. We represent almost 500 homes that lie immediately to the west of the Wild Acres Estate.

I'd like to talk about the remarkable person behind Wild Acres, and urge you to protect not only the historic structures of the estate but also an environmental setting of at least 16.1 acres, as recommended by the Historic Preservation Commission.

Mr. Gilbert Grosvenor, or "Bert" to his friends, was a colorful character. He was born in exotic Constantinople in 1875, he married the daughter of Alexander Graham Bell in 1900, and he entertained Charles Lindbergh, William Howard Taft, and other leading figures at Wild Acres. He purchased the property in 1912 and finished the historic mansion, carriage house, and caretaker's cottage by 1929.

Mr. Grosvenor had at least two great influences on American culture.

His first was in the field of photo-journalism. In 1903, he was named Editor-in-Chief of a scholarly publication with a circulation of about 1,000, called *the National Geographic*. Mr. Grosvenor realized that with the power of photographs he could interest a popular audience in geography. When he retired in 1954, the magazine's circulation exceeded two million. Today, circulation is at 9 million, published in 32 languages. Mr. Grosvenor not only created an iconic American publication, but he pioneered a new form of journalism as well.

Grosvenor's second enduring contribution was through his work to expand and improve the National Park System. Through the magazine, he educated the public as to the beauty and fragility of the natural world. In addition to raising public awareness, he took concrete action when he directed the National Geographic Society to help purchase land that is now part of Sequoia National Park. He also worked along with George Mather and others to develop the legislation that would give birth to the National Park Service.

Coming back to Wild Acres, it is fitting that a man with such a passion for the natural world would create a country estate to which he could retreat from urban Washington. In Grosvenor's day, Montgomery County must have seemed as far away and peaceful as the Shenandoah Valley does today.

You have a chance to help preserve Wild Acres today, just as Gilbert Grosvenor helped preserve the historical treasures of his day. I would urge the County Council to protect not only the historic architectural structures, but also an environmental setting of at least 16.1 acres, as recommended by the Historical Preservation Commission and the County Executive. The 16.1 acres are necessary to convey a sense of quiet, to protect the viewscales, and so to preserve the essential rural character of the estate.

On behalf of the Fleming Park Community Association, I thank you for your attention, and urge you to preserve Wild Acres and an environmental setting of at least 16.1 acres for future generations.

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Wild Acres Testimony Before the Montgomery County Council, January 13, 2009

Testimony of Cheryl Leahy
President, Wildwood Manor Citizens Association
10425 Snow Point Drive
Bethesda, MD 20814
(301) 370-2484
CLeahy@aol.com

Good afternoon. I'm Cheryl Leahy, President of the Wildwood Manor Citizens Association representing approximately 600 homes located just north of the Wild Acres property. I want to tell you why this nomination is important to me.

My family has lived in this neighborhood for several generations. Maurice Leahy came from Ireland in the early 1900's and made his way to Bethesda where he was hired by Gilbert Grosvenor to manage his country estate. He lived with his wife in the caretaker's cottage on the property and together they raised eight children.

Ed Leahy, my father-in-law, was born in that house and lived on the estate until he enlisted in the Army and went to war. After the war he returned home to Grosvenor Lane where he built a small bungalow. At that time Grosvenor Lane was a dirt road. He, in turn, raised his family there and before his death he was very proud of the fact that he lived on Grosvenor Lane his entire life! Now, here we are, raising our own family in the neighborhood!

Ed told many stories of growing up on that property, the most memorable is the story of shining Alexander Graham Bell's shoes. Mr. Bell would come to visit his daughter and son-in-law at the Estate and it always caused great excitement among the kids. Of course they met a lot of interesting people there over the years, but Alexander Graham Bell stood out as a quite a character!

Ed also spoke fondly of Gilbert Grosvenor and his love of nature. As a young boy Ed was caught throwing rocks at birds. The next day Mr. Grosvenor appeared with a big picture book of birds for Ed. The gesture touched him deeply, the eighth child of a poor Irish immigrant who had few resources -- and certainly no books! It instilled in him a life-long love of birds and even in his dying days he was concerned with feeding the birds in his yard.

A lot has changed around here in the past 100 years. I'm saddened that the current owners of Wild Acres have changed their stance on sharing their beautiful resource with the community. While they used to boast of their property, its natural resources and its historic significance, they no longer welcome visitors. Gone are the days when the owners proudly handed out brochures outlining the history of the estate to anyone who visited.

My husband and I have spent many hours on the property, skating on the pond in the winters and walking in the woods with our children and our dogs. Although we are no longer welcome, we still walk Grosvenor Lane and the Bike Path that runs adjacent to the property, and we still enjoy the beautiful landscape.

This nomination is important to our community. Wild Acres is a rare gem – the estate of a locally and nationally significant person, Gilbert Grosvenor, set right in our community, with beautiful architecture in an historic, wooded 35-acre setting. It is a familiar, distinctive, and treasured part of our community and our county.

The Council has a unique opportunity to preserve this piece of history. In an era when we are hearing a lot about what the County is taking away in order to meet budget shortfalls, this presents an opportunity for the Council to give the community something that will cost the County nothing.

Once this opportunity passes it is gone forever. On behalf of Wildwood Manor, I urge the Council to reject the Planning Board's 5-acre recommendation and to add Wild Acres' three buildings and at least 16.1 acres of environmental setting to the Master Plan for Historic Preservation.

Testimony on the Nomination of Wild Acres to the Master Plan for Historic Preservation

Montgomery County Council Hearing, January 13, 2009

Elke Jordan

10114 Fleming Avenue, Bethesda, Maryland, 10814,

301-530-1809

Elke.Jordan@verizon.net

Members of the County Council,

My name is Elke Jordan. I have lived on Fleming Avenue, adjacent to the Wild Acres property, since 1973. I am pleased to have this opportunity to testify in support of historic protection for the property, including an adequate environmental setting to preserve the original intent and design.

When I moved here in 1973, it was 20 years after immigrating to this country from England. I was charmed to find a property next door that reminded me of an English country estate. The Renewable Natural Resources Foundation had just taken over Wild Acres and made available trails on their property. For many years I enjoyed walking there, through woods, along streams and up and down the hilly terrain.

I was impressed by the beauty of the buildings, and by how well they were situated on the land. As is typical for English country houses, the buildings are protected from view, but emerge as you approach along a winding driveway. A caretaker cottage is near the entrance but far enough away to provide some privacy. The driveway ends in a circle to allow for easy flow of traffic in front of the house, and access to the carriage house next door. In the back there is a stately lawn with grand sweeping views. The setting gives a sense of spaciousness

both inside and outside of the buildings. It is obvious to the viewer that the relationship between the various structures and their environmental setting is part of the design and critical to the overall feel of the place.

In 2000 the Maryland Historical Trust found Wild Acres eligible for listing on the National Register of Historic Places. In 2008, the Historic Preservation Commission voted unanimously to designate Wild Acres to the Master Plan for Historic Preservation and included the entire remaining environmental setting not already protected under Legacy Open Space or occupied by office buildings, – about 16.1 acres. Later that year the Montgomery County Planning Board concurred with that recommendation, but reduced the environmental setting significantly, to about 5 acres. The Board’s recommendation would reduce the north and south vistas, cut off half the driveway and leave the caretaker cottage isolated on a small island of land. The suggestion was made that the cottage could be moved.

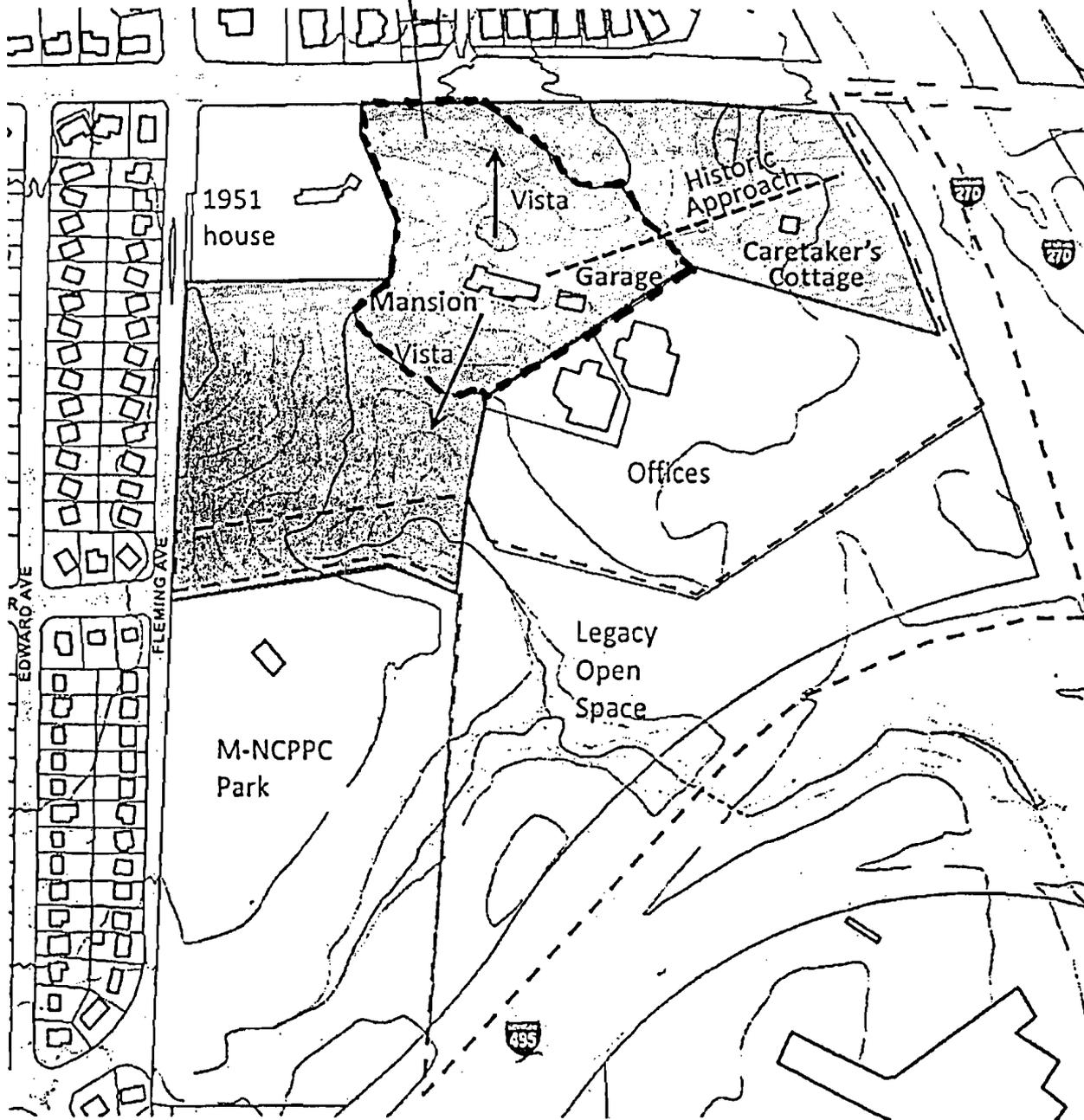
I believe the reduction in the environmental setting would be a mistake. It would destroy the very features that make Wild Acres special as an example of a country estate. The look and feel of the original design would be destroyed. Once the environmental setting is reduced it cannot be restored and we will have lost a rare and precious historic gem.

I recognize that designation on the Master Plan for Historic Preservation does not prevent development, but it will assure that any development is compatible with the historic nature of the site. The office buildings added in the 1980s demonstrate that it is possible to add new development without disturbing the essence of the design.

Therefore I urge the Council to support the original recommendation from the Historic Preservation Commission: to designate the mansion, the carriage house and the caretaker cottage with sufficient environmental setting to preserve the intent of the design and the feel of an early 20th century country mansion.

Attached is a map showing the location of the two environmental settings under discussion.

Recommended Environmental Setting



WILD ACRES, 5400 Grosvenor Lane, Bethesda

----- MCPB recommended boundary - 5 acres
shaded area is HPC recommended boundary - 16.1 acres

Wild Acres – Testimony before the Montgomery County Council – January 13, 2009

**Testimony of Lisa Goenner
Member, Fleming Park Community Association
5715 Kingswood Court
Bethesda, Maryland 20814
301-571-5245**

Good afternoon. My name is Lisa Goenner, I live on Kingswood Court in Bethesda, and I'm speaking today in strong support of this nomination.

I think we've all experienced the tension between preservation and progress. I grew up not far from the Grosvenor estate, and I remember the shock of seeing our huge front yard bulldozed away in the first stages of widening Old Georgetown Road. On that day I saw progress up close and learned the practical meaning of "eminent domain."

But we're not talking here today about a *taking*, an "all or nothing" proposition. Historic designation isn't meant to do that. It's meant to be a cooperative process that *does* allow for compatible development, while still conserving important historic resources. So there's no implicit "threat" in preserving the fullest setting for the buildings and grounds that comprise "Wild Acres."

It's too easy to dismiss any nomination for historic designation as a ploy to block development. It's certainly no secret that our community *did* oppose one development plan for the Grosvenor estate. In our view, that plan for Nations Academy, with its enormous and inflexible enrollment scheme, promised overwhelming traffic and would have put enormous pressure on local infrastructure. But blocking development is not the intent of county preservation laws, and it's certainly not the aim of this nomination.

By the same token, a valuable historic resource shouldn't be compromised just to accommodate a developer's heady concept. It's hard to fathom why HPC's original recommendation for a 16.1 acre-setting for "Wild Acres" was slashed by more than two-thirds.

There's no apparent logic in the reduced setting, or in allowing the historically significant caretaker's cottage to be moved around like a piece on a chessboard. It makes sense *only* in the context of the development plan that Nations Academy had on the table when the reduction was decided: the cottage and the grounds were clearly in the way. But the location and setting of structures on the estate were at the heart of Heaton and Grosvenor's planned vision for "Wild Acres." If you choose to ignore these fundamental design elements, you discard both the professional judgment of your own historic preservation commission, *and* dismiss our County ordinances regarding the designation process.

So I think our real focus needs to be on keeping things in their proper context. That's really what historic preservation is all about, anyway: helping communities to grow within the tangible context of their unique history.

Too many of the historic landmarks that illustrate our local history have already disappeared from Bethesda's landscape: places that defined Bethesda's roots as a rural, country community, a small town, and home to some great national figures from years gone by. Grosvenor's estate illustrates all three in one extraordinary setting. The overwhelming evidence before you is that the Grosvenor property should be designated a historic resource and that the architectural resources should be preserved in their proper context.

So I urge you to look at the property's historic importance from its broader perspective, and not just through the narrow lens of a surveyor's transit. I ask the County Council to confirm the original, unanimous recommendation of the Historic Preservation Commission, by preserving the mansion, carriage house, and caretaker's cottage *in situ*, and with the 16.1-acre setting that will *appropriately* conserve "Wild Acres" for Bethesda and Montgomery County.

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

January 23, 2009

Anne C. Martin
301.961.5127
amartin@linowes-law.com

The Honorable Phil Andrews, President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Via Email Delivery

Re: Planning Board Draft Amendment to the Master Plan for Historic Preservation – Wild Acres (Grosvenor Estate)- Supplemental Information

Dear Council President Andrews:

On behalf of the Society of American Foresters (“SAF”) and the Renewable Natural Resources Foundation (“RNRF”), the property owner and special exception holder of the above-referenced property, the undersigned respectfully submit the attached information to respond to the comments and questions posed by the County Council (“Council”) at the hearing held on January 13, 2009. At the hearing, the Planning Board Chairman provided a summary of the Planning Board’s recommendation for designation of a 5-acre historic setting and the Caretaker’s House, including the recognition that a property owner needs to have an “economically viable operation”. While we certainly appreciate this recognition by the Planning Board and the Council, the comment appears to have been inadvertently and incorrectly elevated to the *only* basis for the Planning Board’s recommendation. As clarified on the attached, the Planning Board’s adoption of the setting recommended by its Staff was based on other factors in addition to the balance of resource protection with a viable use of the property. However, as also clarified on the attached, the Planning Board did not have the benefit of an overlay of the 5-acre setting with the existing approved special exception plan to assess the impact to already approved buildings, relied on forest conservation objectives instead of the appropriate historic preservation criteria in Chapter 24A of the County Code, and had incomplete and incorrect information with respect to the Caretaker’s House.

Based on the questions posed by the Council at the public hearing and undue focus on the economic viability issue, the attached information (including a timeline and rendered approved special exception site plan exhibit) is beneficial to delineate the other factors in the Planning Board’s decision and note that some of the factors were beyond the appropriate Chapter 24A criteria or based on insufficient or incorrect information. As noted in the testimony of both SAF and RNRF at the public hearing, the property owner and special exception owner certainly

Council President Andrews
January 23, 2009
Page 2

recognize and appreciate the historic significance of Mr. Gilbert Grosvenor and the Mansion that they have voluntarily preserved on the property, but respectfully request that the Council's designation remain consistent with the historic preservation criteria and the existing approved special exception site plan that the Council, Planning Board, Board of Appeals and community have repeatedly supported over the past 35 years.

Thank you for your consideration of our comments.

Very truly yours,

LINOWES AND BLOCHER LLP


Anne C. Martin

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC


Marc B. Bergoffen

Attachments

cc: Members of the County Council
Jeffrey Zyontz, Esquire
Dr. Royce Hanson
Michael T. Goergen, Jr.
William Lebovich
Robert D. Day

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1) The summary of the Planning Board's recommendation for a 5-acre setting and the Caretaker's House (the "Planning Board Setting") included the comment that a property owner needs to have an "economically viable operation"; however, this comment has inadvertently and incorrectly been elevated to the sole basis for the recommendation and ignores the other considerations of the Planning Board at its worksession on July 31, 2008:

- April 23, 2008 Historic Planning Commission ("HPC") hearing transcript (16 acres):
 - Only one specific setting presented; HPC noted that setting was "arbitrary" but felt that had to "designate area as submitted tonight" and that setting could be reduced in the future;
- May 29, 2008 Testimony, including testimony of the Society of American Foresters, Renewable Natural Resources Foundation, Nations Academy, William Lebovich and Christopher Goodwin & Associates that a *reduced* setting (1.23 acres at the time) is consistent with: historic designation criteria, approved special exception site plan, historical context of Grosvenor's and Mansion (Grosvenor family photos, aerial plans of the property, the Grosvenor's actual farm use of the property), and with the recognition of the modern buildings and parking lots on the overall site.
- July 24, 2008 Staff Report- Considerations for Planning Board Setting
 - Previous Evaluation (including 1980 decision not to designate Property)
 - Country Estates
 - Planning Issues: Redevelopment Potential of the Property, Proposed Special Exception, Existing Approved Special Exception, Transportation Issues, Legacy Open Space Designation
- Staff Presentation at July 31, 2008 Worksession –Staff reviewed July Staff Report and the 4 settings:
 - 16 Acre setting from HPC (*although HPC "did leave door open to reduce setting" as noted by Staff*);
 - 5 Acre setting proposed by Staff after consideration of some of the factors above, discussion with parties, and a site visit;
 - 1.44 acre setting proposed by SAF, RNRf and Nations (larger than 1.2 noted in Planning Board's January 13, 2009 testimony); and
 - 9 Acres (approximately, between 5-16) proposed by nominator - includes more area on Grosvenor Lane and around Caretakers House.
- Planning Board Discussion:
 - The Planning Board Setting "protects the view [shed] in a more effective fashion." [In comparison,] the nominator's larger setting "relates to the commercial development already there" (*Commissioner Robinson's motion to approve Staff recommendation for Planning Board Setting*)
 - The nominator's setting includes "more trees on Grosvenor Lane...but the 5 acres provides enough to convey the sense of the estate." (*Planning Staff response to Commissioner Presley on inquiry why Staff did not feel nominator's larger setting was necessary*)
 - The public hearing before the Planning Board was "vigorous" and the 5-acre setting "is the only one that meets all of the criteria" that Staff pulled together. (*Commissioner Cryor in agreement with motion for Planning Board setting*)
 - The 5-acre setting is a good compromise; with either special exception it "protects the resource and allows for viable use" (*Planning Board Chairman Hanson comments on agreement with motion for Planning Board Setting*)

2) However, the Planning Board worksession format did not provide for consideration that the 5-Acre setting and Caretaker's House designation do not satisfy standards for historical significance in the Historic Preservation Ordinance, interfere with the existing approved special exception structures and parking, are inappropriately based on forest conservation criteria, and are based on incomplete and incorrect information:

Caretaker's House:

- Constructed 10 years before the Mansion - not connected to the Grosvenor's use of the property nor identified period of significance by Maryland National Historic Trust;
- Different architectural style than Grosvenor Mansion and garage structure;
- The architecture does not independently warrant designation (not regionally or nationally recognized);
- The structure is incorrectly categorized as a "Craftsman" design to justify as historic when all major characteristics of a Craftsman house are missing. The Abrams Guide to American House Styles, by nationally recognized architect William Morgan states: "Instead of grandeur, most Craftsman houses were one and a half stories, with comfortable porches supported by blocky piers- not Corinthian columns. The emphasis was on humble materials- construction joints were proudly exposed- and there was an overwhelming sense of the handmade." The characteristics described in the Abrams Guide are notably absent from the Caretaker's House;
- The original purpose of structure as gatekeeper house for farm was destroyed with construction of I-270 and relocation of "approach" road, which road has also been altered with the approved special exception driveways and parking lots (existing and future);
- The structure had been subjected to exterior renovations and recently incurred significant roof and water damage due to tree fall (in addition to internal infrastructure expenses);
- The purpose of the designation and documentation on Wild Acres, including the photographs in the Grosvenor's own albums and aerial photographs, is about the historical significance and priorities of the Grosvenors and architectural significance of the Mansion only (not include the Caretaker's House or a large setting);
- The 1970 Grosvenor family Zoning Plan for the Property demonstrates that the Caretaker's House and a large setting was not considered historically significant;
- Caretaker's House can be documented by large format archival photography, similar to Building 12 of the Bethesda Naval Hospital's original buildings before it was demolished per agreement with the Maryland Historic Trust. The Navy building was designed by Paul Philippe Cret, one of the Country's most important 20th century architects, who was awarded the AIA Gold Medal in 1938, the highest honor for American architects (in comparison to Heaton's recognition as an AIA fellow, common to several thousand architects).

5-Acre Setting:

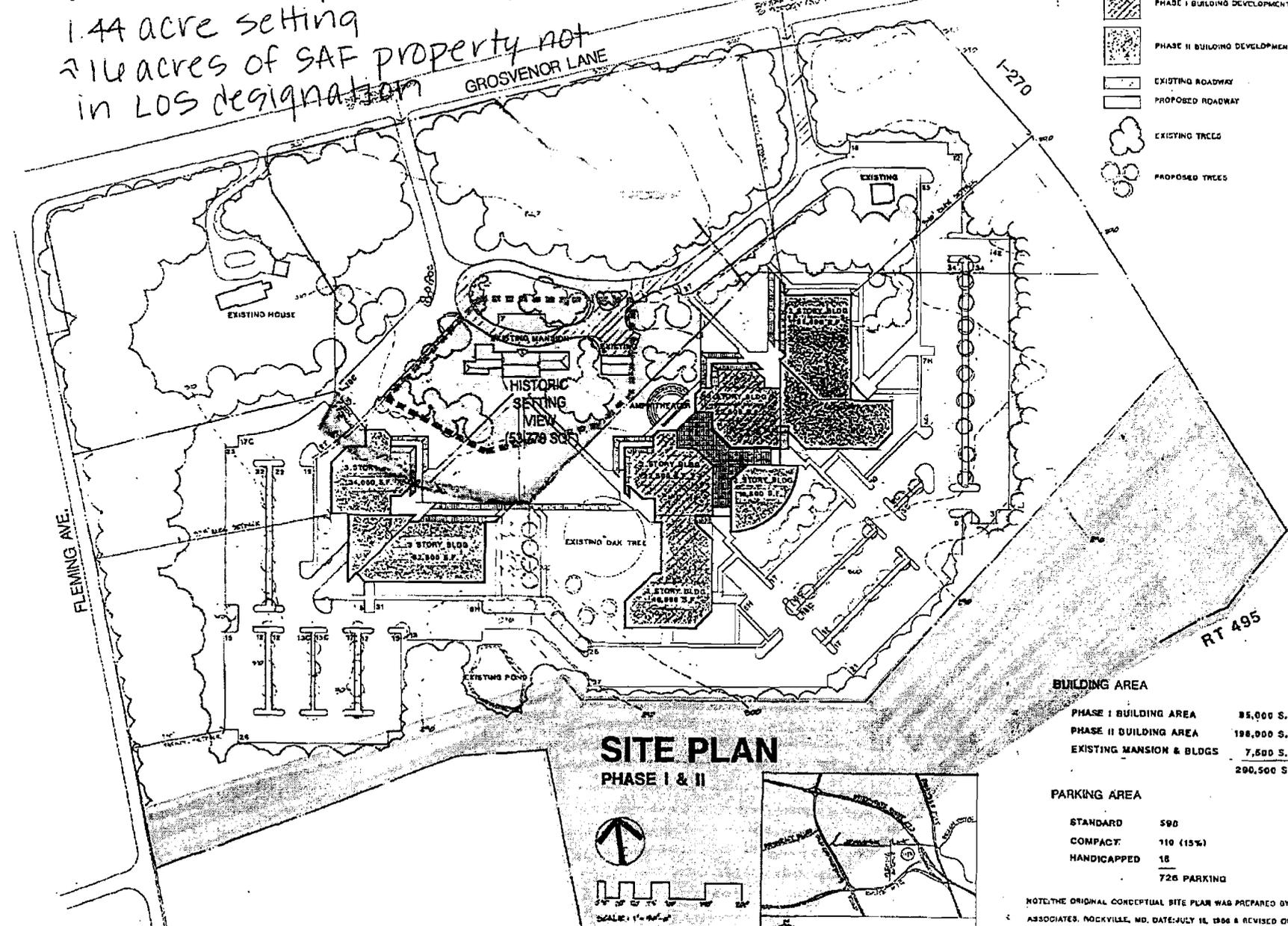
- Inappropriately based on factors unrelated to Grosvenors or historic designation criteria:
 - Transportation Issues- Grosvenor Lane identified as a part of a "Green Corridor" policy and that "historic designation of this setting would serve to protect mature trees within this setting *and require review of new plantings which supports the Green Policy designation*"- not part of historic preservation criteria (nor is review of new plantings);
 - Forest Conservation- the 5 acre setting "includes a larger concentration of specimen trees, including a champion Chinese elm" (also preserved in 1.44 acres)- not part of criteria;
- No overlay on Staff Report Exhibit to show that boundary interferes with approved special exception plans, including 1992 Master Plan support of full special exception development without designation (see Timeline and Special Exception Site Plan Exhibits attached);
- Large setting is inconsistent with historic Grosvenor association and use of the Property.

**Timeline of Significant Government Review and/or Approvals for the SAF and RNRFF
Property and Special Exception**

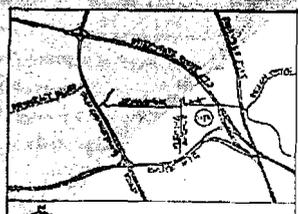
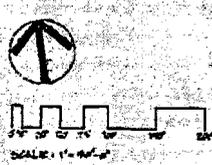
- 1970 Grosvenor family submitted Zoning Applications for the Property (Case Nos. F-491 and 492) – Site Plan depicted a limited “setting” similar to 1.44 acres with Mansion, garage and lawn, but no Caretaker’s House; included Grosvenor Lane entrance to townhouse and multi-family project;
- 1973 - RNRFF purchases Property and provides 12-acre Fleming Park to County at cost;
- 1973 - Special Exception approval for RNRFF use on 35 acres for 300,000 sf of new development;
- 1974 - RNRFF Special Exception Modification – permit renovation, dedication and occupation of Mansion as offices by SAF and RNRFF;
- 1976 - RNRFF Special Exception Extension -delay of new construction because of sewer moratorium;
- 1980 - RNRFF Special Exception Modification –approval of Site Plan for Phase I and Phase II (283,000 sf of approved 300,000 sf of new development);
- 1980 - Historic Designation Evaluation- Historic Preservation Commission, Planning Board and County Council confirmation that Property and structures, including Mansion, are not historic (confirmed in 1983 Amendment to Master Plan for Historic Preservation);
- 1990 - RNRFF Special Exception Modification – review and approval of site revisions and changes to transportation related conditions (includes approval of Revised Site Plan for Phase I and II);
- 1991 - RNRFF Special Exception Modification –approval of traffic study for implementation of Phase II;
- 1992 - Planning Board and County Council approve and adopt North Bethesda /Garrett Park Master Plan – recognized Mansion and RNRFF Special Exception approval for 300,000 sf; did not recommend historic designation and supported full RNRFF special exception development;
- 2004 - RNRFF Special Exception Modification -confirm general non-profit organization use, includes traffic review and approval by Staff and support from County Executive and community;
- Jan
2008 - Nations Academy Application filed special exception application for private educational institution use on Property (formally withdrawn in September);
- Jan
2008 - Planning Board designation of 10 acres of forested SAF portion of RNRFF Special Exception Property as Legacy Open Space (original Staff nomination for entire SAF property);
- March
2008 - Nomination filed for historic designation of entire SAF portion of RNRFF Special Exception Property - both Historic Preservation Commission and Planning Board settings include areas of approved Special Exception development (Phase I and II) and the Caretaker’s House that the Grosvenor family proposed to demolish.

~ 10 acre Legacy Open Space ("LOS")
 5 acre Planning Bd setting + Caretakers House
 1.44 acre setting
 ~ 16 acres of SAF property not
 in LOS designation

-  PHASE I BUILDING DEVELOPMENT
-  PHASE II BUILDING DEVELOPMENT
-  EXISTING ROADWAY
-  PROPOSED ROADWAY
-  EXISTING TREES
-  PROPOSED TREES



SITE PLAN
PHASE I & II



BUILDING AREA

PHASE I BUILDING AREA	85,000 S.F.
PHASE II BUILDING AREA	198,000 S.F.
EXISTING MANSION & BLDGS	7,500 S.F.
TOTAL	290,500 S.F.

PARKING AREA

STANDARD	590
COMPACT	110 (15%)
HANDICAPPED	18
TOTAL	726 PARKING

NOTE: THE ORIGINAL CONCEPTUAL SITE PLAN WAS PREPARED BY DMC ASSOCIATES, ROCKVILLE, MD. DATE: JULY 18, 1986 & REVISED ON DEC. 8, 1989. THIS INFORMATION WAS GIVEN BY ANRP.

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Comm. Proj. No. 2112/1-11
 Date: 11/11/11
 Scale: 1" = 50'-0"

RNRF PHASE I & II
 RENEWABLE NATURAL RESOURCES FOUNTAIN
 MONTGOMERY COUNTY, MD.

January 27, 2009

Dear Mr. Zyontz,

Thank you for meeting with my neighbors and me a few weeks ago and listening to our case for adding Wild Acres to the Master Plan for Historic Preservation. I would like to follow up on a few points that were raised in our meeting and at the January 13 County Council hearing.

Wild Acres is a remarkable treasure. As the photographs and research by the nominator make clear, the buildings and grounds of Wild Acres have changed little since Gilbert Grosvenor's time. For example, a comparison of a 1951 aerial photo and a 2008 Google Earth photo clearly shows that the wooded approach to the mansion and the screens of trees along Grosvenor Lane and Fleming Avenue were there when the Grosvenors lived at Wild Acres. (These photos are in the briefing notebooks prepared by the neighborhoods adjacent to Wild Acres and delivered to you.)

The 5-acre "compromise" is illogical and inadequate. The shape is so illogical that it's clear that it was made in response to pressure from the owners and Nations Academy and reflects the Nations Academy's site plan. For example, the caretaker's cottage and the woods around it stood in the way of the NA's competition athletic field and parking lot. The shape reflects the NA's plan to build an early childhood development center and another parking lot directly in front of the mansion. And the oddly shaped boundary near Grosvenor Lane makes no sense at all—there isn't a clearly apparent topographical swale, dip, or whatever at that boundary.

Moreover, the 5-acre setting isn't a compromise. It's more than two-thirds less than the original 16.1-acre recommendation. Furthermore, the 16 acres originally recommended (twice!) by historic preservation staff and the Historic Preservation Commission is actually a compromise from the ~ 35 acres that remain from the original 100-plus acres. Based on the county's historic preservation ordinance, 35 acres should be the environmental setting. All the more reason to include the 16 acres!

16 acres is necessary to reflect the Grosvenors' vision for their country retreat. Protecting Wild Acres isn't about protecting just a few buildings. The 16 acres is absolutely necessary to allow the buildings to remain in relationship to each other and to convey what Wild Acres was to the Grosvenors—their beloved retreat, embodied in the name they gave it, "Wild Acres." Think of Mt. Vernon. It's not just a mansion and assortment of outbuildings—the grounds and vistas are critical to provide context of how it was used by George Washington.

The 16-acre setting (which includes protection of the caretaker's cottage in situ) was recommended not once, but *twice* by MNCPPC historic preservation staff and reflects their professional judgment and that of the Historic Preservation Commission. The 16-acre setting was also recommended by the county executive.

Anything less than the 16-acre setting removes "wild" and the "acres" and makes a mockery of the historic preservation process.

Obviously, historic designation won't—and isn't intended to—prevent development of the property. The nomination and my community's hard work to have the buildings and grounds of Wild Acres added to the county's historic master plan is NOT a ruse to stop development. It is an effort by the people who live near and cherish this property to make sure that any development not only respects the three wonderful, historic buildings, but also respects an environmental setting that reflects Gilbert Grosvenor's love of nature and the way he planned and used his estate.

Furthermore, for years many of my neighbors and I had been under the (mistaken) impression that Wild Acres was protected. Call it neighborhood folklore—or wishful thinking! It was only when a small portion of the property was nominated for Legacy Open Space (by Park and Planning staff—the community didn't even know about the LOS nomination) and we learned of the Nations Academy's special exception application and examined their site plan(s), that we realized that the property was at risk.

It was suggested that historic designation would impose a financial burden on the property's owner. My understanding is that there are tax incentives and other potential assistance that are available. This is something that the historic preservation experts can address.

Legacy Open Space doesn't provide sufficient protection. LOS helps protect only the southernmost area of the property along I-495, encompassing a wetland, perennial and ephemeral streams, and hilly terrain that is essentially unbuildable. The historic preservation nomination of 16.1 acres would help protect the northernmost and westernmost parts of the property. Besides, the planning board approved "dedication" of the LOS area through the special exception and development review process if a new special exception or development is proposed. The LOS designation doesn't affect the current special exception.

Current special exception doesn't provide adequate protection. Under the current special exception, the final disposition of the buildings and setting is still up in the air. It makes clear that this is not the final plan for this property and leaves open the possibility (through a new special exception) for destruction of the mansion (and by inference, the carriage house and caretaker's cottage).

Historic preservation designation should be addressed through the appropriate HPC review mechanism, not the special exception process. It has been suggested that protection of the property could be dealt with later on as part of a new special exception application. It doesn't seem to me that that's the place. Historic preservation issues should be dealt with by the historic preservation process and the professional historic preservation staff. That's why the HPC and its review process was set up, wasn't it? We need to deal with protecting Wild Acres' three historic buildings and historic environmental setting now, as part of the official historic preservation process—not later on!

Public interest is served by protecting the three buildings and a 16-acre environmental setting. The historic buildings and grounds of Wild Acres are part of our neighborhood's unique history. For example, testimony by neighborhood resident Cheryl Leahy recounted her family's long association with the property and Gilbert Grosvenor.

In addition, the trees and view of the mansion through these trees are a "familiar and established visual feature" in our neighborhood. The stands of trees along Grosvenor Lane and Fleming Avenue not only enhance the quality of life of people, like me, who live on one of these streets, but also enhance the experience of anyone passing by on those streets. I understand that Grosvenor Lane is designated a Green Corridor, so on some level, the county does recognize the value of tree-lined streets. The woods along Fleming Avenue also provide a peaceful backdrop to folks who use the bike path. (This bike path has turned out to be very popular, by the way. There's a lot of activity—cyclists commuting, joggers, people walking their dogs, children and parents en route to and from the park. It's wonderful to see.)

I would like to make one more point. It is not only the people like me who live immediately adjacent to Wild Acres who want this property protected. Support for this is widespread throughout the adjacent neighborhoods. For example, the "briefing binder" contains 300 letters and petition signatures from residents that show how much they care about the history and woods of Wild Acres.

Mr. Zyontz, please help us protect this important and cherished historic resource for Montgomery County and the nation.

Thank you for your consideration.

Patricia Davenport
10012 Fleming Avenue
Bethesda, Maryland