

## **Nomination: Fox's Tavern, South Mountain Battlefield**

On a bright day, Appalachia's South Mountain rises in rich deep green against a stark blue sky. But as the weather turns wet and murky, heavy gray clouds descend upon the ridge, now a slate blue. The line between land and air blurs as swirling mist spills into the valley below.

This confused blending of blue and gray is the history of Frederick County, Maryland, where battles of the Civil War were fought. Below the ridge of South Mountain lies Middletown Valley, with the Mid-Atlantic's most fertile soils and centuries-old farms. At Fox's Gap, west of the historic town of Middletown, blue and gray mixed in chaotic furor in the Battle of South Mountain, on September 14, 1862. Maj. Gen. George McClellan pursued the Confederates to Frederick and engaged them on open fields and in the tangled forests of South Mountain. By dusk, 2,600 Rebels and 2,300 Yankees were killed or injured. Though McClellan drove the Confederates from the mountain passes, his limited pursuit allowed Gen. Lee to unite his divisions at Sharpsburg prior to the battle of Antietam two days later.

The fate of this profoundly beautiful and historic area is again swirling in foggy confusion as residents, their representatives, and preservationists seek to stop the proposed construction of a \$55 million gas compression station by Dominion Transmission Inc. of Virginia (DTI) on land it has purchased below Fox's Gap. This parcel is home to Fox's Tavern, a well-preserved 18<sup>th</sup> century stone German farmhouse on the old Sharpsburg Road, the original "traders' pass" over the ridge and on to the mountains of West Virginia. As befits a former tavern, it has four bedrooms, two attics, wood floors, and a cellar. A stream and springs flow nearby.

As knowledge of DTI's purchase of this 135-acre site, and its intent to build, grew, community members formed the organization Citizens for the Preservation of Middletown Valley (CPMV), in 2008. With only three weeks notice from DTI, 350 residents attended a local meeting with the Federal Energy Regulatory Commission (which has approval authority to allow the compressor to be built), and participants sent letters to FERC, again with a brief deadline.

CPMV understands that infrastructure is required for energy development. But because the compressor station is an industrial facility, CPMV's position is that it belongs on a site already zoned for industrial development. There is no hope of "blending in" a lighted, four-story concrete structure built high on a hillside below South Mountain, enclosed in tall, barbed fencing covering 14 acres. Phase one includes a 14,000 hp gas turbine engine used to compress gas. The process may generate heat up to 1000 degrees, and unwanted liquids, chemicals and particulate matter are released into the atmosphere. It would be visible across the Valley and from Catoctin Ridge to the east, and would deeply impact this heritage area.

The historical importance of Fox's Gap, Fox's Tavern, and the old Sharpsburg Road extends beyond the Civil War era. In 1932, an article written by Robert H. Fox, a descendent of the tavern owner, was published in the (Middletown) Valley Register. "In the summer of 1785, George Washington passed through this country..." On August 6<sup>th</sup>, President Washington wrote in his diary that he dined in Harper's Ferry and then viewed the Potomac by horseback.

"Sometime during the heat of high noon, Washington and his gentlemen companions drew up at a stone tavern and voiced a craving for a cooling draught of water." A slim,

black-haired boy fetched a green glass pitcher and filled it with water “from the hills”. The boy was Daniel Booker Fox, son of tavern owner Frederick Fox. The pitcher remains a treasured family possession.<sup>1</sup>

President Lincoln visited wounded troops in nearby Burkittsville after the South Mountain battles, and he probably traveled through Fox's Gap.

Middletown Valley is more than a crossroads; it also is an established, vigorous farming community. The DTI facility would be built on land that is within the Mid-Maryland Rural Legacy Area. It is part of a Maryland Priority Preservation Area and is surrounded by farms that are in permanent agricultural easements.

The Rural Legacy website describes it as the “South Mountain area on the east side...within the view-shed of the Appalachian Trail and South Mountain State Park.” Since the Rural Legacy Program was established in 1998, there have been 29 properties covering 3,783 acres put into preservation in Frederick County: 27 have been in the Mid-Maryland Area.

Priority Preservation Areas (PPAs) were established in the County to meet Maryland State Planning requirements. Land easement purchases are prioritized, based on prime soils, existing clusters of agricultural preservation easements, farm parcels of over 100 acres, and high value agricultural enterprises. The area east of South Mountain is “significant prime farmland including two of the three best farmland soils in the County with Myersville and Fauquier loams. This PPA contains the largest contiguous block of preserved farmland in the County, with 8,539 acres (57% of Undeveloped Land in PPA) under easement”.<sup>2</sup> This PPA is also largely within the boundaries of the Mid-Maryland Rural Legacy area.

Large numbers of local residents participate in and are supportive of agricultural preservation programs. Our community is reeling at the prospect that utility sprawl, by DTI and others, brings an additional threat beyond ongoing pressures of residential sprawl. The construction of a large, unsightly gas compressor station will devastate the integrity and appearance of this beautiful rural environment that so many have worked faithfully to preserve. We wonder how landowners can continue to put their properties into preservation easements without assurance they will not soon find a noisy, intrusive utility building next door.

Representatives and other officials share our concerns: the Burgess and Commissioners of Middletown, the Frederick County Board of County Commissioners, State Delegate David Brinkley, Congressional Representative Roscoe Bartlett, and the Superintendent of Antietam National Battlefield, J.W. Howard. They have written letters to FERC decrying the inappropriate selection of the Fox's Tavern location for this proposed facility. Though DTI has requested a suspension of the process by FERC, it continues to hold the property and may re-file in the future.

This year, before the National Press Club, and with actor Richard Dreyfuss speaking on behalf of the Civil War Preservation Trust, South Mountain was listed as one of the “Ten Most Endangered” Civil War battlefields. This selection, made by members and

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<sup>1</sup> Fox, Robert H., “George Washington Visited Middletown August 6, 1785”, *Valley Register*, Aug. 19, 1932.

<sup>2</sup> “Preserving Our Agricultural and Rural Community”, Public Hearing Draft Plan, County Comprehensive Plan Update. Official website, Frederick County Government, Sept. 23, 2009.

historians, is based on geographic location, military significance and preservation status. The DTI site is also within the 175-mile corridor Journey Through Hallowed Ground, designated a multi-state National Heritage area by Congress in 2008. If Maryland Life selects this site, it would strengthen the position of all stakeholders in our fight to protect Maryland's historical and agricultural heritage for the future.

Hundreds of millions of taxpayer dollars have been invested by governments at every level to preserve our cultural and rural heritage. With growing interest in local sources for food and the future necessity of limiting our fuel consumption, common sense calls us to preserve an area of concentrated history, recreation and rich soil. All Marylanders, and visitors to our state, benefit if we maintain the timelessness of this land of thickly forested ridges, winding country roads, farmland vistas and rounded green hills dotted with historical stone buildings.

**Nominated property:**

Fox's Tavern, 2203 Marker Rd., Middletown, Md. 21769

**Owner contact:**

Ms. Carolyn J. Moss, Dominion Transmission, Inc., Managing Director, State Government Affairs, 171 Elden St., 2<sup>nd</sup> Floor, Herndon, Va. 21070. 703-375-5960

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Written by Kathryn Ruud, CPMV board member