

"Federation Corner" column  
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### **Will Sandy Spring become the next Clarksburg?**

by Wayne Goldstein

There are few in Montgomery County who do not know that Clarksburg isn't just a town in northern Montgomery County, but that it is also a symbol of what happens when our county government allows problems to go uncorrected for so long that a one-time molehill of difficulty becomes a veritable mountain of trouble. Even as the sting of what Clarksburg means to county residents has begun to fade, we now face new questions about what is happening in another part of northern Montgomery County, Sandy Spring. Earlier this week, the Baltimore Sun wrote a story titled "No address, no options. Residents can't build, sell with no official road." According to the newspaper article, an unpaved "Farm Road" has been used for decades as the only access to paved roads by the descendants of the freed slaves who formed this small community after the Civil War.

The Maryland-National Capital Park and Planning Commission (MNCPPC) "has now determined that, legally speaking, the road never existed." An MNCPPC spokeswoman is quoted as saying: "We have nothing that says the general public ever benefited from the 'farm road,' so this is more like a private driveway. Everyone should understand what chaos would result if every private farm road from 200 years ago is somehow transformed into a public roadway." An MNCPPC official stated: "There is no indication that the farm road was anything other than that - a farm road... It was completely controlled by the property owners involved. I know of no easement on it."

By not recognizing that this privately maintained road exists, MNCPPC, which has sole responsibility for assigning street addresses in the county, will not do so for these properties. Without a street address, the 20 owners who rely on this Farm Road cannot get a building permit to construct a house or anything else. Without recognized road access to their properties, they are landlocked, and the value of their properties may be in the thousands of dollars where other properties with roads in the vicinity are worth hundreds of thousands and even millions of dollars.

"Property owners have filed two lawsuits against [MNCPPC], seeking access to a nearby public road from the Farm Road... Residents say they also have appealed for help unsuccessfully to state legislators and members of the Montgomery County Council."

Ashton resident Steve Kanstoroom is helping the residents. "... Kanstoroom said he has found the Farm Road on an 1895 survey, a 1966 tax map, a Park and Planning topographic map, and the agency's address book. He also said Park and Planning has approved at least three addresses for parcels along the road, most recently in 2002." Readers may recall that I have written three columns about Kanstoroom. Two of the columns, published (see 11/2/06 and 3/15/07) were about his battle against flood insurance fraud being committed by FEMA and its various partners, in order for him to help flood victims. A third column, published 5/11/06, described Kanstoroom's fight with MNCPPC to get the Forest Conservation Law enforced against a neighbor who violated it. MCCF awarded Kanstoroom our Community Hero award in October 2006.

Kanstoroom, accompanied by a number of Farm Road residents, testified at the Priorities Hearing of the Montgomery County state legislative delegation about the plight of these residents in November 2007. He has set up a website at <http://www.savesandyspring.org/Links/> which provides links to a number of documents related to the Farm Road. Interested readers may want to read these documents and look at the detailed color map titled "Farm Road Property Map". According to this map, part of the Farm Road is now in a conservation easement that was created when the land adjoining the northern half of the Farm Road was developed as a subdivision in the '90s. Thus, the statement by the MNCPPC official: "I know of no easement

on it" might be an uninformed one, especially since MNCPPC monitors and enforces all conservation easements in the county.

If the Sun continues to write about this issue, and if other newspapers join in, and if the Court of Public Opinion rules against MNCPPC, it could have a credibility problem made worse by what happened with Clarksburg. If other government officials and agencies knew about this dilemma, yet did nothing to stop or solve the problem, then they could have a credibility problem. When the first major violations hearing about the Clarksburg Town Center was held on 7/7/05, I testified, in part, as follows: "There is a model for quickly and effectively resolving a severe crisis. When 7 people died from cyanide placed in Tylenol in the Chicago area in October 1982, 'these poisonings made it necessary for Johnson & Johnson to launch a public relations program immediately, in order to save the integrity of both their product and their corporation as a whole. Johnson and Johnson's handling of the Tylenol tampering crisis is considered by public relations experts to be one of the best in the history of public relations... By creating a public relations program that both protected the public interest and was given full support by media institutions in the US, Johnson & Johnson was able to recover quickly and painlessly from possibly the greatest crisis ever to hit the pharmaceutical industry.' Johnson & Johnson solved its crisis and saved the company in 60 days because it took responsibility for everything it possibly could, thus rapidly regaining the public trust for such a selfless act, and then moved as swiftly as possible to solve the problem and get back in business."

That day, I advised the Planning Board to take full responsibility for the Clarksburg mess, even if they were not entirely to blame, fix the mess as quickly as possible, develop new procedures to prevent a reoccurrence of the mess, and then move on. MNCPPC and any other involved agency may want to take full responsibility ASAP for what might become as big a mess in Sandy Spring before the media coverage possibly grows and perhaps becomes very harsh.

The response on the Sun's blog about the article from residents from other parts of Maryland and other states was almost entirely harsh. "Ha - they don't own the road, they can't build on it, they can't get addresses, but they can STILL pay property taxes. Only in Maryland... Montgomery County, eh? Watch this one closely - the county will try to get this land out of Mr. Rounds' hands and into the hands of a well-connected developer... ~betcha those with the power have plans for this road and/or the associated property. Sounds like dirty politics to me... If it was to the advantage of the politicians, the Farm Road would become a road. As Mr. Rounds states, 'they have the power, I don't'. It truly is a shame when hard working people get stepped on... just pay off the right politicians and see how fast the problems disappear."

Are these examples of things to come?