

"Federation Corner" column
The Montgomery Sentinel - January 6, 2011

Starting the year on a proactive note

by Jim Humphrey
member, MCCF Executive Committee

The start of a new year is a time when many people resolve to curb bad habits or find solutions to nagging problems. In this same spirit, we would like to revisit some topics that were examined in this column in past years, restate the solutions that were proposed, and urge once again that county officials take positive action on these issues.

Record Plat waiver for homes on former agricultural land. The April 17, 2008 Federation Corner column addressed a problem facing home owners on land formerly in agricultural use. There is a county law requiring Building Permits only be issued to properties for which a record plat (a drawing showing its size, shape and location) is on file. Many farm properties have not been platted; instead, the property specifications are recorded as verbal descriptions in the text of the deed. Another section of county law, however, grants a waiver allowing Building Permits to be issued to farmers or their children to build homes on unplatted properties in agricultural use.

A problem occurs once the land surrounding a farmhouse (or 'child lot' home) is no longer being farmed but is been sold for development and the waiver ceases to exist. Most folks in this situation are unaware that the homes they are living in are on land that was formerly in agricultural use, but that they now must get their properties platted in order to obtain a Building Permit. Should some damage occur to one of these homes requiring a Building Permit for reconstruction, the owner would find they first need to go through a lengthy, expensive process to hire a surveyor and record a plat before getting a permit to rebuild.

In August 2007, we emailed several Council members offering to help identify affected properties and suggesting a waiver from the plat requirement continue to be granted to all current owners of properties that were once in agricultural use, allowing them to pull Building Permits. Of course, a plat would be required when these properties are sold or change ownership. Our request for a simple legislative remedy was denied. Perhaps some member of this new Council will offer to try and solve this problem facing a limited number of imperiled property owners.

Farm Road. In 2007 in a Sandy Spring African American enclave, some descendants of the Freedmen found their properties blockaded, landlocked and virtually worthless except to neighboring developers after the Planning Department refused to issue addresses for their properties. The problem revolves around the fact that the county will not grant a Building Permit to a property with no address. Civic activist Steve Kanstoroom found that the Maryland-National Capital Park & Planning Commission (M-NCPPC) had accepted documents to erase the only road that served these properties for more than 100 years. After Kanstoroom founded SaveSandySpring.org and helped the families publicize their plight, County Executive Ike Leggett urged then-Chairman of the Planning Board Royce Hanson to see that addresses were issued and Farm Road re-recognized. This did not occur.

County Attorney Leon Rodriguez contacted a large DC law firm which agreed to represent the families for free. They filed a discrimination and fraud suit against M-NCPPC and those involved with physically blocking Farm Road and erasing it from public records. Krasnow testified in federal court about her refusal to issue addresses. And, the woman who blocked the road admitted she had no ownership or property rights in it. Undeterred, Krasnow testified she couldn't issue addresses because of the dispute.

Two Federation Corner columns were written on the subject in January of 2008, and in October of that year the road was physically reopened. But M-NCPCC has refused to issue addresses to the lots along the Farm Road, leaving the families unable to apply for building permits for additions or other improvements on their properties.

Clarksburg carousel. Kathie Hulley penned the July 10, 2008 Federation Corner column detailing the history of a carousel which was purchased as a condition of the deeding of land for creation of Ovid Hazen Wells Park in Clarksburg. The terms of the 1981 deed stipulated that the carousel should be bought and placed in another county park until the Clarksburg park was serving sufficient numbers of users to justify relocating the carousel. In 1982, the carousel was purchased as decreed and placed in a temporary location in Wheaton Regional Park. Thousands of families are now living in Clarksburg, Gaithersburg, Germantown and Damascus, many with children who would delight in a carousel nearby. In 2008 the Parks Department estimated that funding would likely not be available for the relocation until 2015. Nothing has been done to move the schedule forward, and the children are waiting.

Ending MPDU buyouts. In June 2007, Council member George Leventhal introduced a bill to end the provision in the Moderately Priced Dwelling Unit (MPDU) law that allows developers to buy their way out of providing required affordable units in their projects. MCCF has long sought elimination of MPDU buyouts, and we publicly expressed our thanks to Mr. Leventhal at the Council hearing on his bill. Later in 2007 a similar bill to end MPDU buyouts was introduced in Council at the request of County Executive Ike Leggett. The deadline for Council action on these two bills has been extended multiple times, but the committee with jurisdiction has yet to "report out" either bill for a vote.

Smog-eating cement. A January 1 article in another local newspaper discussed a Maryland state air quality monitoring study being carried out along the Beltway, a requirement of a legal agreement in a court battle over the InterCounty Connector. The November 29, 2007 Federation Corner column detailed the invention by an Italian company of a smog-eating cement containing titanium oxide particles, now marketed in the U.S. as "TX Active." This photocatalytic cement technology is not only self-cleaning, but has been proven to reduce air pollution. The suggestion by the author of our 2007 column that the State use this new cement in construction of the ICC fell on deaf ears, but perhaps County officials will consider using it in the new Silver Spring Library or Third District Police Station buildings. We could start a new green trend in public buildings.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to theelms518@earthlink.net