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The Brickyard Road Site and Nick's Organic Farm -- A Cautionary Tale?

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It was early March when the general public, adjacent neighbors and Nick Maravell, who has leased a former middle school site on Brickyard Rd. in Potomac for 31 years, learned that there was a plan afoot to turn the site of his farm into ball fields.

Two days before a pending Montgomery County School Board of Education (BOE) vote, Mr. Maravell -- a nationally recognized organic farmer who has maintained the 20 acres for growing non-genetically modified seed corn -- found out the farmland was to be converted for other uses. The site is perfect for organic farming since it is in the middle of low-density residential housing where no other agricultural uses interfere with creating untainted seed. Despite protests from the public about lack of notice, the BOE vote moved forward with a vote.

The community learned the sole objective of the new lease would be ball fields and that, since 2009, the County Executive's office has been in communication with soccer organizations about taking over the site for a soccer field complex by means of a public/private partnership.

Typically, when the BOE does not plan to build on an existing school site, it goes through a process in which the property is declared 'surplus.' This sets the stage for other public uses to be considered including parkland or housing with subsequent transfer of ownership. Master Plans provide direction and often specific recommendations on potential uses of surplus school sites. The Potomac Sub-region Master Plan notes specifically: "*The Brickyard Junior High School, Kendale Elementary, and Churchill Elementary School sites could be developed as local parks with ball fields or other recreational uses. . . . Any site acquired for parkland should be evaluated to determine whether it is appropriate for recreational opportunities (e.g. trails, ball fields, etc.)*"

The term "Local Park" has a specific definition in the document that guides all park planning: *The Park, Recreation and Open Space Plan (PROS)*. Local parks by definition are less than 50 acres and intended for use by the surrounding community. Were this site treated as surplus, as anticipated, the land would be evaluated for a potential local park with a wide variety of amenities determined by neighborhood and surrounding community need. The process involved would also be transparent, prescribed and inclusive involving the public through meetings at the Maryland National Capital Park and Planning Commission (MNCPPC)

That is not the situation with the Brickyard Road case. County Executive Ike Leggett and the BOE have circumvented an open process by leasing the property directly to the government through the County Executive which will then enter into a contract with a soccer organization using a Request for Proposals (RFP) resulting in a public/private partnership. On March 9, the County Executive Office sent representatives to a West Montgomery County Citizens Association (WMCCA) membership meeting. They assured the distressed community there would be opportunity for input, especially in determining additional park amenities on the site such as a playground, picnic area, community gardens, etc.. But the lease they ultimately signed with the BOE specifically says the site will be used only for soccer fields. While that lease was pending, the County Executive held the first of two formal public meetings. He promised that the community would be engaged.

The first meeting took place at Potomac Elementary School on April 4th and attracted over 200 people. The public was assured by David Dise, Director of the Department of General Services, that the County Executive's Office wanted input on additional uses. He said that in satisfying the additional recreational needs of the local community his

department could not fit enough soccer fields to make the public/private partnership viable to a soccer organization, then perhaps, as he put it, "the juice would not be worth the squeeze".

When the lease was made public and citizens expressed concern that they might be victims of a deal in which only lip service would be paid to an open process, a local group formed. The *Citizens for Transparency* started researching the history of the soccer field plan and discovered in publicly available documents -- including the minutes of one soccer organization, Montgomery Soccer Inc.(MSI) the existence of a \$35, 000 fund used to lobby the government for more fields. They learned that this proposal had been in the works for several years.

At the time of the April 4 public meeting, the lease between MCPS and the County Executive had not been signed and the public was not allowed to review it, despite requests from individuals and citizen groups. Within the language of the lease, there seems to be two-years of deception and a violation of Master Plan language regarding the 20-acre property. If properly interpreted, the lease language would allow the land to be added as surplus. Add to this the revelation that a well-known lobbyist had been hired by MSI and possibly influenced this outcome. This has raised the level of controversy to a countywide concern.

The lease designates only ball fields and states, "*the County or its agents shall use the leased premises solely for ball fields and improvements associated with that use such as a parking lot and amenity facility.*"

So what we have is: No sharing the site with a scaled-back organic farm. No playground, no community gardens, no nature. Only all fields. The second public meeting is scheduled for Thursday, June 9th at the Potomac Community Center and is intended to focus on the Request for Proposals. The County continues to move ahead without addressing discrepancies in the lease language.

In a recent parallel issue involving Rosemary Hills-Lyttonsville Local Park, the BOE endeavored to serve the Bethesda Chevy Chase area with a site selection process that involved 'taking' that park for a new middle school. In a well-reasoned but impassioned letter to the President of the BOE, our Planning Board Chair Françoise Carrier said: "...we cannot sanction the conversion of parkland we are pledged to protect and preserve." Due to public outcry and a letter from County Executive Ike Leggett, Rosemary Hills Local Park was spared but Rock Creek Forest Park in Kensington was identified as a substitute for the Rosemary Hills Park.

Because the County Executive and the BOE have ignored the public and circumvented recommendations in the Potomac Master Plan, there is no process available to fight for this open space as the Planning Commission did for Rosemary Hills. The precedent set by this case is a cautionary tale for every other community Master Plan. Civic organizations throughout the County have worked tirelessly to defend and uphold Master Plans as the tools we can count on to predict and determine growth. Will this be attempted elsewhere in the County using similar tactics?

There are dozens of unanswered questions as to how we reached this point with a lease already signed and an RFP looming with no review of suitability for land use. The cart has clearly been put before the horse. There should be a preliminary traffic study to determine if a "mini Soccer Plex" proposed in a neighborhood of narrow winding roads without sidewalks is appropriate. The BOE leased the site as an organic farm to Mr. Maravell for \$1,300 a year which is in line with what farmers usually pay per acre. Yet they are leasing the land to the County to turn over for use by a private soccer entity for \$1,500 a year. One wonders why the fee for leasing the land is not more if organizations like MSI have money to burn on lobbyists instead of maintaining the fields they already manage.

One of the most troubling aspects to the turn this issue has taken is the actual loss of Nick's Organic Farm and what it represents to Montgomery County and organic food movement. Organic farms are all about the soil. Mr. Maravell has been building healthy soil on the site for 31 years. The County Executive staff has described the farm as "vacant land" and claims the land "serves no public use." Are soccer fields a better use?

To overlook the unique isolation from other farms generating GMO pollen and potential for the farm to become a Down County anchor linking our much-touted Agricultural Reserve with emerging models of local food production and environmentally friendly farming is shortsighted. Why not consider amending the lease to permit educational, as well as agricultural, activities, so this site becomes a cooperative effort with appropriate nonprofit organizations in the County and in the region? This would demonstrate to county residents the origin of food, the connection of local food to food safety and security, the USDA "Know Your Farmer, Know Your Food" initiative, as well as becoming a mentoring and incubator facility for the next generation of farmers.

Food policy in this day and age is important. We should consider Mr. Maravell's farm at least as valuable a public use and asset as soccer. Montgomery County has been celebrated and cited as well educated and visionary. So we shouldn't miss this chance to maintain that reputation. As each day passes and new information surfaces, it seems more critical to stop this process on Brickyard Road and start over. If soccer fields are really the best use of land, the public deserves an open, inclusive and transparent process to participate in the decision-making.

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