

MEETING OF THE LAND USE COMMITTEE 3-25-2021

The meeting was called for 7:00 pm on Zoom. Present were Lees Hartman, chair; Tom Collins, Kathy Flaxman, Rod Henderer, Dedun Ingram (8:07), Eric Murtagh, Stuart Sessions, and David Valenstein.

Chair Lees Hartman called the meeting to order at 7:07 pm.

Minutes of the February meeting: Chairman Lees Hartman had circulated a draft to members and Dedun Ingram had responded with some suggested edits. Lees will send the edits by email for approval.

Public comment: No members of the public were present.

Canopy Tree Working Group: The proposed March work session with the Town Council did not take place due to schedule conflicts. It will be held prior to the Council meeting on April 14. The group is still working on some recommendations. They are looking at a range of possibilities including adding some trees to the “canopy” list or protecting all trees above a certain size.

Applicability of County Legislation within the Town: Lees pointed to Section 1-7 of the Town code, in which (a) the Town exempts itself from County legislation except as listed and (c) is a list of ordinances adopted (numbered 1-57) but (d) says that if the County amends an ordinance that the Town has adopted, the updated version applies unless the Town opts out. The language is not clear, and the Town Attorney has recommended that the wording be updated so there is no ambiguity.

County Ordinance chapter 33B – Pesticides: Stuart reported that the Climate and Environment Committee has been looking at this chapter. The chapter targets “weed-and-feed” products and broadleaf weed control. Other local jurisdictions have opted into this regulation, including Garrett Park and Somerset. The Climate and Environment Committee is recommending that the Town opt into this ordinance. The Climate and Environment Committee has sponsored public education on the topic of pesticides and how to work within the County regulations.

Zimmerman Park: Lees updated the committee on the status of the Zimmerman project. Town staff reached out to the County and the Washington Suburban Sanitary Commission regarding the existing infrastructure under the park. Draft plans were sent and the County has concerns about the impacts of the park construction on that infrastructure. There are large culverts, storm water pipes, and other infrastructure items beneath the park. The County’s concern is that if maintenance is required on their infrastructure, Zimmerman amenities could be in the way. There is also concern that proposed Zimmerman amenities that require digging and any heavy equipment used could damage the infrastructure items beneath the park. The design will need to be reconsidered, which means that there will not be listening sessions in May or a public forum in June.

Missing Middle Housing/Form-based codes: Lees announced that the Town will be holding an on-line forum on April 8 with a discussion of Missing Middle Housing (MMH). MMH is not necessarily middle-income but more about size and style. Lees will send a link to a recording of the County's March 16 presentation on MMH in Silver Spring.

Lees and Dedun worked on a proposal, which they have sent to the Town Council, recommending that the Town hire a consultant with a background in MMH to help us address the subject. The Council has put money into next year's budget (part of the professional services allocation). The next step is to develop an RFP for consulting firms. Dedun noted that given that the 4-H property is likely to be developed with MMH, a consultant could help provide relevant assistance. Based on a recent State Attorney General opinion, municipalities in Montgomery County have the authority to regulate all residential buildings within their jurisdiction.

4-H Center: The 4-H has announced that its conference center property, located within the Town, is for sale. 4-H briefed the Town Council on March 17. The firm CBRE is handling the sale. The Town has asked for residents' input; they may form a task force and perhaps also get professional advice.

Thrive Montgomery 2050. Dedun reported that the new draft Thrive Montgomery 2050 is moving fast. The Planning Board has been working on a draft that is very different from what was originally presented in the fall. The Planning Board is presenting one chapter at a time in work sessions. Supposedly it is being readied for presentation on April 8. The County Council will not look at it until May or June; they need to work on the budget first. Town leadership has brought together a coalition of communities interested in Thrive Montgomery as well as the recent zoning text amendments. The coalition has sent a letter to the Planning Board raising concerns about the process and speed at which Thrive Montgomery and the ZTAs are being developed.

Zoning Text Amendments: There was a public hearing February 11 on Will Jawando's proposed ZTA 20-07 which deals with Missing Middle Housing in R-60 zones within one mile of Metro stations. Hans Riemer has proposed a separate, somewhat different ZTA which also deals with MMH. Riemer's ZTA makes no reference to Metro but deals with locations within a quarter mile of a Bus Rapid Transit (BRT) route. A March 4 memo from Hans Riemer and Council President Tom Hucker to Planning Board Chair Casey Anderson asked for comments on both ZTAs. The Planning Board has scheduled several community meetings, the first on March 29.

Lees will send out the edited February minutes for approval, a link to the Silver Spring presentation, and a chapter of County code to look at for April.

The meeting adjourned at 9 pm.

Next meeting is Thursday, April 22.