

MINUTES – June 14, 2005

The meeting was called to order by President John Lyons. The May 2005 minutes were approved with one correction (pg. 1, last ¶, ln1, changed to Park & Planning attorneys) and no additions. The agenda was approved with no additions.

PUBLIC COMMENTS

- Arnie Gordon noted that the State Highway Administration (SHA) is closing Muncaster Mill Rd on June 16th from Sweet Birch Rd to Rte. 28 for 10-12 weeks in order to make some road improvements. Norbeck Meadows Civic Association is concerned about extra traffic on Emory Ln and back-ups at Emory Ln & Georgia Ave where there are already 2-3 light cycle backups both in the am and pm. There are also backups at Emory Ln & Cashell Rd. He spoke to the SHA traffic engineer who said they would adjust the light cycle. To date he had not received any response from the County's Traffic Management Center re: any assistance they could provide. John Kramer added that he and The Preserve HOA have also been working with the County on this.
- Arnie also noted that Celebrate Rural Montgomery is a group working to promote the agricultural aspects of the County. In recognition of the 25th Anniversary of the Agricultural Reserve, this group is offering to provide speakers to civic associations and other groups interested in learning about the purpose and history of the Agricultural Reserve and the County's agricultural history.
- Barbara Falcigno noted vacancies on 2 County Commissions/Boards: the County Charter Review Commission (filing deadline: 6/29/05) and the Board of Appeals (filing deadline: September 7, 2005)

SPECIAL PRESENTATIONS

Private Institutional Facilities in the Agricultural Reserve - John Lyons noted that there is a large amount of land within the Olney Master Plan area that is in the Agricultural Reserve. He introduced David Parkhurst, a resident of Laytonsville to discuss concerns the Laytonsville residents have with a proposal for the construction of a "megacomplex" on a site in Laytonsville. Mr. Parkhurst noted that a group of their residents had formed a Committee to Preserve the Reserve (CPR). The issue is a concern throughout the County, but that is particularly a problem at the moment in Laytonsville. He noted that non-profit institutional facilities include educational institutions and churches and these are uses that are permitted in the Agricultural Reserve. He added that last January the County Council's Transportation and Environmental (T&E) Committee directed Council staff to look at the impact of Private Institutional Facilities (PIFs) on large lot communities. The report is expect to be delivered to the T&E Committee with next week or so and should address zoning ordinances, sewer & water categories and balancing the needs of the PIFs and the County to minimize the negative impact.

Mr. Parkhurst and other members of CPR led a discussion of the challenges they are facing as the Derwood Bible Church wants to build a megacomplex on 229 acres under the category of a Private Institutional Facility (PIF), a favored category of development, eligible for water and sewer in areas in which other projects would not. Mr. Parkhurst, leader of the group, said the Church development would be located within the county's Agricultural Reserve at the intersection of Rte. 108 and Griffith Rd. Under normal conditions, nine homes might be built on the 229 acres since the zone permits development of 1 unit per 25 acres. But this project calls for a 1500-seat facility for events and services along with office space, a high school, a 20-acre cemetery, a sports complex with concession, residential facilities and impervious parking. The facility would operate every day of the week.

Mr. Parkhurst termed such developments a breach of contract between the county and residents because it would reverse the promise of less development in the Reserve in exchange for more development in other areas, like the center of Olney. Mr. Parkhurst also called the development out of character with the Laytonsville community, and said that other PIF developments, like schools or churches, could change the character of the county. Under the current Rural Transfer Density (RTD) zone, the area would not be entitled to receive public sewer and water, and the proposed use would require oversize septic fields. The property is at a high elevation and feeds into water lines for the existing residents and into the Hawlings River and the Potomac River. The RTD zone does provide for clustering, but this PIF as proposed would effectively remove agriculture from this acreage

The following points were made during discussion of the issue:

- The next step in the process is to analyze the June 30 report to be released to the Council's T&E Committee, which may have recommendations on how to proceed and to keep an eye on the developers' progress. No pre-preliminary or preliminary development plans have been submitted yet, but they do have an attorney representing them.
- Barbara Falcigno suggested that the best approach may be to impose imperviousness caps. She thought there might be an issue of changing the rules regarding PIFs for developers that already have contracts. But it was noted that until building permits are issued, developers do not have a vested interest in the land, so changes could be made. Also, while churches are permitted in any zone, they are subject to subdivision review.
- Some of the points CPR has made in arguing against this megacomplex is the building moratorium, the scope and scale of the proposal, the impact on the environment, particularly the extensive impervious surfaces, and the impact on traffic.
- It is important to get input both to the T&E Committee and to each individual Council member. It is also important to make it clear that it is not just a problem with this particular developer, but the concerns would be the same if this were a school or other institution proposing development on this same scale on land designated to stay agricultural or to be used for purposes consistent with the agricultural area. To stress that it is not an issue with the church per se, Mr. Parkhurst noted that there has been a Korean church in Laytonsville for approximately 20 years that moved into an existing building and only serves about 300 people. It fits in and has been a good neighbor in terms of its scope and scale. In September, the T&E Committee will take testimony on the Report.
- It was noted that the property owners in this Transfer of Development Rights's Conservation area have already gotten paid for the Transfer of Development (TDR) units under the TDR Program, and now could get paid again by a developer using the land. And, it was noted that there already appeared to be a breach since Olney received more density through the recent review of the Olney Master Plan than anticipated which will place a greater demand for services.
- Susan Petrocci noted that churches located in the Special Protection Area created in the Upper Rock Creek Master Plan that exceeded the imperviousness cap were given waivers for future development of their facilities which may reflect the attitude of the Council towards this issue.
- It was suggested that the CPR meet with Marilyn Praisner even though she does not represent Laytonsville, but might be sympathetic to their situation, that they work closely with Park & Planning staff, and that they contact churches that attended a recent forum on this issue who said that developers "should respect God's land".
- The Greater Laytonsville Civic Association is being reactivated, and the Laytonsville Council voted to send a letter to the County Council supporting the moratorium in Laytonsville. The CPR has established a website, www.saverurallaytonsville.org which has more details about the proposal and the Council review.
- GOCA members were generally sympathetic to the Laytonsville cause, but couldn't offer much encouragement in stopping the project, given recent County Council actions favoring development.

State Legislative Wrap-Up by Delegate Anne Kaiser, District 14 – Delegate Kaiser noted that

- The State will be getting \$250 million for school construction, and Montgomery County will be getting \$30 million. Olney will not be receiving much of that money since only 5 schools in the County are affected. Gov. Ehrlich described this as an historic increase from the original \$100 million proposed in the budget. However, there are more students in portables in Montgomery County than the total number of students in some counties.
- She serves on the Ways and Means Committee and this is the 3rd year they have dealt with the issue of slot machines. They were told it will not be looked at again this year. The District 14 delegates voted against them. Typically 70-80% of the people she has spoken to do not want slots.
- With respect to the Governor's effort to sell open space land, the Legislature attempted to try to limit his power to do that. There will be a constitutional question on the next ballot to require the Governor to come to the Legislature before doing this.
- The Legislature passed bond bills for the Olney Theatre, the Sandy Spring Museum, and the Odd Fellows Hall.
- She and Delegate Montgomery voted against the Inter-County Connector (ICC). She is not convinced it is a "done deal", but it seems likely that it will be built. There is some question about what will happen if people bring lawsuits that prohibit their ability to raise the needed funding.
- The deer management issue came to the Legislature late in the process. The excessive deer population impacts drivers, pedestrians, and farmers. They tried to look for remedies in existing legislation, but were not

able to find any solutions. There is new legislation that needs to be voted on within local delegations. There does seem to be a rural/urban split on the issue within the County.

- In September, the County Delegation will begin to identify issues for consideration during the next session. The community has an opportunity to provide input to the Delegation at their Legislative Priority Forum. Last year, the ICC dominated the testimony. Usually there are issues relating to WSSC, MN-CPPC, liquor consumption. Other possible topics of interest may be safety issues, and moving the Primary election from September to June 20th.
- While the State Legislature does not really get involved with affordable housing, she does see the need for this type of housing in the County. The problem is balancing the need for housing versus the impact on existing residents and the existing infra-structure.
- As the Legislature looks at the budget, they need to balance between how we tax residents –property, sales, etc. and weigh the public asking for tax cuts at the same time they are asking for increased services. They need to communicate more with residents to see what their priorities are and to look at long-range needs more as they make their budget decisions.
- A concern was raised during the discussion about funds for other road projects affecting the Olney community being delayed till after the ICC project is resolved. The ICC decisions are very political and communities need to make it clear to the Delegation that these other projects are a priority.
- Delegate Kaiser encourage everyone to keep the communication with their representative on-going, and invited people to visit her and the other delegates and senators in Annapolis, to call, write, and email.

OFFICERS/COMMITTEE REPORTS

Correspondence Report – Jay Feinberg reported receipt of a letter concerning the bright lights at the new Kirby senior housing development on Georgia Ave. He had driven passed the development and agreed that the lights could be blinding. It was agreed that a letter should be written to the developer asking them to shield the light fixtures.

Treasurer's Report – Roy Peck reported a current balance of \$5,987.96 and current bills of \$5,494.36. Helene Rosenheim noted that she had received a check for \$2,500 from Bobby Fletcher to help with the fireworks and other Olney Day expenses, and we would be receiving money from the entrance fees for Joe's Ride.

Civic Federation Report – Arnie Gordon reported that they will be receiving a briefing from the County's Office of Management and Budget on the budget process. Currently, 51% of the budget is for schools. He suggested that they County needed to look at consolidating items such as of the maintenance of school buses, paving school parking lots, shoveling with similar work being done by other County departments. Also, Civic Federation now elects its vice presidents by legislative district. Jackie Benn was elected to represent District 14 and he is 2nd Vice President.

Membership Committee – Art Brodsky noted that the Olney Village Civic Association has joined and he welcomed back the Brooke Manor and the Towns of Environ HOA. He is continuing to try to contact other associations.

President's Report - John Lyons noted that Capt. Patty Walker would be at the July meeting to discuss the status of the redeployment, noting that his home had been burglarized a few weeks ago and a neighbor had a vintage mustang stolen, so he has an increased sense of the reality of the situation of increased crime in the area. He is trying to develop data on how the County spends its money by area. This may take some time since the data is not normally maintained that way.

John noted as well that the Planning Board will sign-off on the sectional map amendments implementing the revised Olney Master Plan on Thursday. The changes will then be sent to the County Council for action. It is expected that the Council will act on the amendments by early Fall. Four developers have already submitted plans for properties in the southeast quadrant in anticipation of the Council action. Good Counsel High School has begun construction.

Susan Petrocci noted that Hollace Claire has purchased the Olney Antiques Village. The site has a special exception for use as an antique dealership. John noted that he was told that the owner plans to expand the antique business she currently has in her store in the Olney Village Center and plans to continue the antique dealership use.

OLD BUSINESS

Winchester School Special Exception Application – John Lyons reported that the Park & Planning (P&P) Commission has approved the forest conservation plan for the site, but recommended denial of the special exception application. With their approval of the reforestation plan, the Board of Appeals can go ahead with the special exception hearing. The Board of Appeals must now decide whether to agree with the Planning Board's recommendation or go against their recommendation. There is no date set yet for a hearing. A lot of the issues the Planning Board discussed in making their recommendation were similar to issues they discussed during the Master Plan process. If the Board of Appeals feels there will be contention over the application, they may ask the zoning hearing examiner for a recommendation. If they approve the application, the plan goes back to P&P for site plan review. The Planning Board has more control over the development through this process.

ICC/Rte 97 Interchange Meeting - John Lyons reported that he had attended most of the meeting the representatives from The Preserve at Smalls' Nursery had with the State Highway Administration to discuss the design of the ICC interchange at Rte. 97 which is currently proposed as a overpass over Rte. 97. John Kramer reported that he did feel the SHA staff had listened to their concerns. But, he did not think they had changed any minds yet. His Association, with GOCA's support, is asking that the design be changed so that the ICC goes under Rte. 97. The SHA representatives indicated that they had not understood that the impact the bridge would have on the gateway into the Olney community was as significant an issue to the immediate and surrounding community as it is. They had not considered the issues before, but would contact P&P and would weigh their views on the subject more heavily than they had earlier.

One important fact they had learned during the discussion that may significantly impact the final decision is that there will be ¾ million cubic yards of soil generated by this project that they have to find a place for and they were planning to use the overpass as a site for some of that. The soil would be used to build up the ramps they would need for the overpass. They are also planning overpasses at Rtes 29 and 95 where some of the soil would also be used. They would also be able to use the footprint of the road to move the soil, so there would be less impact on adjacent traffic with fewer trucks having to haul the soil off-site. Building this interchange as an underpass actually complicates this aspect in 2 ways. Not only would it eliminate a place for soil from other parts of the road, they would also now have additional soil to dispose of from digging the underpass. The SHA staff indicated they will do a study of a hybrid design for this interchange since the group from the Preserve had made them aware that they did not need to dig down as deeply as they had originally thought. They hope to make a decision by the end of June on which design to use. Transportation Secretary Flanagan hopes to forward a plan to Governor Ehrlich in the Fall. The Preserve is now pursuing political routes for addressing this issue. There was concurrence that GOCA should sent a letter to SHA, with copies to State legislators and County Council members outlining the points made at and understandings coming out of the SHA meeting, including noting the need to move ahead with improvements to the Rte. 28/97 intersection and the Georgia Avenue Busway because of increased traffic the ICC will bring to Rte. 97.

Also, Mr. Kramer also noted that houses west of Georgia Ave and north of the ICC will not qualify for noise walls. Emory Ln is being raised 5' to go over the ICC and the ICC will go under Rte. 28 at E. Norbeck Park. Roy Peck noted that his family owns the land Norman's Farm Market is on and SHA has not contacted his family at all in connection with the design of this interchange. Mr. Kramer added that SHA had not been able to take the 40 lots adjacent to the ICC right-of-way until recently when the developer of the Preserve had gotten building permits for the lots.

Mr. Kramer also noted that there will be a hearing in the Fall '05 on the widening of Rte. 28 east of Rte. 97 to Burtonsville. The timeframe for a detailed design plan for the Rte. 28/97 intersection has been pushed back to October '06. They also hope for another meeting with SHA, but none is scheduled to date.

Olney Days 2005 – Helene Rosenheim reported that Olney Days 2005 had been a resounding success. The little rain that occurred during the weekend fell on Friday and did not affect the kick-off event because it was an indoor event; and it stopped early enough so that the ball fields at Olney Manor Park dried out before we needed to use them. From the Mr. & Ms. Olney Contest & Community Band Concert on Friday night and on through the weekend, attendance at all the events was good as evidenced by the Sandy Spring Volunteer Fire Department selling out of hot dogs and having to go get pizza to sell. The new food eating contests added to the activities at Olney Manor Park on Saturday night were a big hit. There was continued interest in the Ice Cream Eating Contest sponsored by Cold Stone Creamery, and great excitement over the Watermelon Eating Contest sponsored by Good Earth Garden Market. The Watermelon Seed-Spitting Contest, also sponsored by Good Earth had to be cut a little short because it was getting too dark to see where the seeds were landing. However, the last contestant had spit his seed so far that it was unlikely anyone would have spit a seed further. The one

event that had not met expectations was the Family Picnic hosted by the Buffington RE/MAX Center following the Parade. A number of people did come over immediately following the parade, but once that group was gone, there was very little activity. By 5:30 people were pretty much gone and we were scheduled to be open till 7:30. However, when the sky filled with rain clouds around 6:00 pm, we decided to close up. Joe's Ride had nearly 500 riders and plans to add a walk to the event next year for those who want to be involved, but don't want to ride a bicycle. There are also plans being discussed for expanding the Friday night event by having a Swing Dance session following the contest and having Mr. and Ms. Olney lead off the first dance.

Helene expressed her appreciation to her Planning Committee and all the volunteers at the various events. She especially thanked the many corporate sponsors, especially the Fletchers, the Joseph Sanford Foundation, the Buffington RE/MAX Center, BJ Pumpnickels who donated or provided food and set up for Joe's Ride, the Fun Fair at Olney Manor Park and for the Picnic, and the Gazette newspaper for their wonderful coverage of the whole weekend. She suggested that people check the GOCA website shortly for a complete list of the sponsors and all the winners of the various events. She concluded by noting that the real indication of the success of the weekend was that the people involved with planning the events immediately started talking about what they wanted to do next year to improve the event.

Following Helene's report, the meeting was adjourned.

Respectfully Submitted,

Danny Benn

Danny Benn
Recording Secretary

People in attendance:

Cary Ballou, Danny Benn, Art Brodsky, Sharon Kay Dooley, Brenda Egeland, Boy Scout Troop 941, Dave Eskenazi, Barbara Falcigno, Jay Feinberg, Arnie Gordon, Stephen Gunnerpen, Terri Hogan (Gazette), Delegate Anne Kaiser (Dist. 14), Chuck Keyserling, John Kramer, John Lyons, Astrid Pages, David Parkhurst, Roy Peck, Susan Petrocci, Helene Rosenheim, Alan Schulman, Robert Sigillito, Moira Stone, and Michael Weber