

## MINUTES – January 10, 2006

The meeting was called to order by President John Lyons. The December 2005 minutes were approved with 3 corrections (Page 1, ¶ 3 - \$3,500 to \$35,000, \$4,800 to \$48,000, and \$6,200 to \$62,000) and no additions. The agenda was approved with 2 additions.

### PUBLIC COMMENTS

- Arnie Gordon noted that:

- The Final Environmental Impact Statement on the Inter-County Connector (ICC) is available on the web, but it is long and difficult to navigate through or you can request a copy on cd rom. There are no surprises in the content, and a lot of environmental information.
- There will be a forum on the campaign in the Main Theater at Montgomery College on January 21<sup>st</sup>, 1-6 pm.
- The next meeting of the Norbeck Meadows Civic Association will be on January 18<sup>th</sup> at 7:00 pm at Cashell Elementary. Representatives from the State Highway Administration (SHA) will attend to discuss the impact the ICC will have on their community and immediately surrounding communities. Residents from those surrounding communities such as Cherrywood and Sycamore Acres were invited to attend.

- Danny Benn announced that the public is invited on January 20<sup>th</sup>, 6:30-9:00 pm, to the Kick-Off Dinner at Montgomery General Hospital for the Relay for Life, a 2-day Cancer fund-raising event at Sherwood High School in June.

- Isiah "Ike" Leggett, Candidate for County Executive, noted that he was attending the meeting as a part of a "listening tour" is his on throughout the County. The purpose of the tour is to learn more about the issues of concern to County residents. Mr. Leggett described his long history of public service including serving 3 times as President of the Montgomery County Council and 3 times as Council Vice President. He described his basic concept in governing a county as CORE. He would try to balance interests as they relate to growth and transportation. He starts with a premise that citizens are right unless proven otherwise. He realizes that it takes an enormous effort from citizens to make sure that their interests are heard. The process has gotten so that people almost have to be professional civic activists and it should not be that way. Mr. Leggett concluded by noting again that he was really there to listen to the discussion that evening.

### SPECIAL PRESENTATION

**Reforms in the Planning Process** – Derick Berlage, chair of the Maryland-National Capital Parks and Planning Commission's (P&P) Planning Board, began by distributing copies of a handout called "What We Learned from Clarksburg – A review of changes already underway, A Plan of Action released in November 5, 2005. It includes actions already completed and others in process or ongoing. He wanted to start by putting things into a broader context, noting that GOCA is one of the more successful civic organizations and hoping that GOCA would help them think about planning throughout the County. The following are points Mr. Berlage made during his presentation, and points made during a questions and answer period:

- The P&P Commission is independent of other government entities so that it can say what needs to be heard.
- Development in Montgomery County will be taking a new turn and will consist primarily with redevelopment and in-fill development which has different implication than previous development. "Green field" development of open land is coming to a close. But, this does not mean that growth will not continue to occur. The population is expected to increase by 20% over the current base during the next 20 years. Some feel this is inevitable, but others feel we need to consider whether we want this additional growth. The question is where to put this new population. We do know that it should not go into the Agricultural (Ag) Reserve. This is an area that has been protected for 30 years, and is a legacy to future generations by preserving agricultural businesses, maintaining open space, and providing recreational experiences. As the rest of the County gets more dense, the Ag Reserve becomes more valuable. Much of the rest of the County has been developed in single-family units, so there will be discussion of mansionization. In the future, development will be focused along centers and boulevards. It will be around Metro stations; in areas like White Oak; along roads such as Georgia Avenue, Rte. 355, and University Boulevard – roads that connect transit centers. The infrastructure is there and these areas can support additional density best. Development will be transit-oriented and mixed-use where people do not need cars for every trip. As traffic gets worse, it will be more desirable to locate in

mixed-use areas that are more pedestrian-oriented and following smart growth principles of development. The goal is to add density without all of the bad aspects of population growth.

- The vision in Clarksburg was good, but got ahead of the planning process. The implementation of the development was not as good as the planning. P&P admits it is a serious failing on their part. The long-term record of P&P is a good one and should not be forgotten. They will fix the problems. They have to because the plan for Clarksburg is the very kind of development needed in the future and we have to be able to implement the plan properly. We need to “sweat the details”. A few feet make a difference in a tight community. There will be a need for P&P’s outreach skills. Redevelopment is more controversial than new development because the change affects people who are there already. P&P staff needs to become “city planners”. In the past they have been “suburban planners,” and are not experts on things like “green buildings”. They will need new or retooled staff. They may need to rethink how they do master plans which are typically done every 15-20 years covering large areas. The Ag Reserve will not change much, but areas like Wheaton will change a lot south of Glenmont. In that area there are a lot of single-family residences that are not being used as residences, so they could be redeveloped as townhouses that would still be compatible with the surrounding development. They could provide attractive, positively-done, denser development. It was suggested that there needs to be more parking at many of the Metro Stations and Mr. Berlage noted that as they decide how land around Metro Stations is used, they will have to find a reasonable balance between land used for parking and for housing.
- With respect to the handout he provided, 19 of the recommended changes have already been implemented and 25 more are in the process of being implemented. It is critical that their development review process become a national model. The process will need to have transparency, involve community input sooner and better, and make better use of technology – both in sharing information with the public and in doing the reviews of development plans. Development of land in Montgomery County is an area of decision-making that has critical implications for current and future generations.
- John Lyons suggested that currently community outreach at critical points in the development process is non-existent.
- The town center area can benefit from the design ideas of the Centers and Boulevards approach to development. Beyond that, Olney is not a locale that, by future master plan revision or design, will see significant additional density. The new master plan sets current limits. Potential sites for this type of development are Silver Spring, Bethesda, Wheaton, Glenmont, White Flint, along Rte. 355 from DC to Gaithersburg, and along Georgia Avenue south of Glenmont.
- It was suggested that the County needs to keep the General Plan in mind as they move forward. It was also noted that the Glenmont and Shady Grove Stations seem full already and Mr. Berlage was asked if there was really Metro capacity to accommodate additional development there. He indicated that they had looked at capacity and found that the Red Line could be increased by 50%. During rush hour half of the trains on that line only run between Silver Spring and Grovesnor. Those runs could be extended to the full route which would add capacity. Also many of the trains are not 8-car trains. If all trains were increased to 8-car trains they could increase the capacity significantly.
- It is good to get input from the school system and from the police, but they also need to look at fire protection. And, they need to ensure that these organizations take a more comprehensive look at development plans. It was noted that often representatives from the school system and the police do not attend the Development Review Committee meetings. Including them at these meetings may be an important first step to increasing the awareness of these departments to the importance of them carefully reviewing these plans.
- The independence of P&P is very important. They are a creation of the State government because it was felt that they perform a function that needed to be separate from the political process. Clarksburg compromised their independence by compromising their credibility. As an example of their independence, Mr. Berlage noted that P&P disagreed with the County Council’s decisions concerning changes to the Annual Growth Policy and have continued to challenge the decision after the changes were approved because they still think it was a mistake. Each time the policy is reviewed, they continue to present their concerns and to present data reflecting the effects of the implementation of the revised policy to support their position.
- It was suggested that P&P will lack credibility until they go to the developers and make them correct the errors in the implementation of the Clarksburg site plan. Mr. Berlage noted that the Planning Board is not finished dealing with the Clarksburg situation. Their recognition of the existence of the problems does not absolve the developers. The fact that they did not catch the errors fast enough and did not respond to community concerns quickly enough was the fault of P&P; but a day of reckoning is coming for the developers as well.
- While he does not know what the Planning Board’s final position will be, Mr. Berlage may recommend that the child lot provision in the Ag Reserve be sunset in 10 years and that the child lots be counted as part of the base yield for a property under the zone not added to it. For example, now a 100-acre property would yield 4 units. But, if the property owner has 5 children, they currently can subdivide the property into 9 lots. Instead, he would want to limit the number of lots to 5. And, it may be necessary to extend the amount of time the

child has to hold onto the lot before being able to sell it similar to the time before MPDU's can be sold at market-rates.

- Procedures at P&P have changed within the last 6 months. Thirty work-years has become forty work-years so there are more eyes looking at plans. Checklists of legal requirements are checked off, dated, and signed, including by all outside agencies involved in the review of plans. They have created a position of a compliance officer who will be spot checking all approvals and responding to citizen complaints. The process has slowed down, but they will continue this way for now to be sure of the processes accuracy, accountability, and meets transparency standards.
- After Clarksburg, P&P staff looked at other areas to identify other similar problems. They have found a few problems, but nothing as serious as Clarksburg, and with some, they were able to fix the problems before construction began.
- Concerns were raised about the excessive access developers and their representatives have with P&P staff and records, and it was suggested that implementing things such as exparte meetings, maintaining visitor logs and records of who meets with staff, where they meet, and what transpired. Mr. Berlage indicated that he did not think the problems in Clarksburg were the result of corruption or criminality, but resulted because the process was inadequate and because of some incompetency of staff. They are investing heavily in technology to get information to the public via the internet and to get earlier notice to the public, thinking about developing logs for meetings, and to have the more public involvement in Development Review Committee process. They are going to publicize the activities of this Committee more.
- In light of political difficulties and costs, future expansion of Metro will be in areas already being contemplated for expansion such as the purple line or extending the Shady Grove line to Germantown. There is broad support for this, including from the Governor. Olney is not going to become a Metro transit center, and our protection is that these other options will be built first.
- With respect to the megastructure in the Ag Reserve, Mr. Berlage noted that land in the Reserve is cheap because it cannot be developed. So the price of the land creates pressure to open some of the land for uses like churches because it is the only land they can afford or for affordable housing. But, this is short-sighted. For example, Central Park is large piece of land in the heart of New York City which has even greater needs for affordable housing than our County does. But, no one ever suggests it be used to address this serious housing problem. The Ag Reserve is our Central Park. The County needs to find other places for these churches to develop.
- A concern was expressed about the inability for the public to rebut statements and testimony made by developers. There may be a need for public advocate to help civic and homeowner associations and individual who cannot afford legal counsel to assist them. Mr. Berlage suggested speaking to the County Council to expand the role of the People's Counsel. The current legislation creating the position only allows the Counsel to advise citizens, but not advocate for them directly. Mr. Legget noted that he had introduced the legislation creating the position, and he had envisioned the ability to advocate for citizens, but developers and others on the Council had objected, so the legislation was watered down. He would want to provide staff, resource, and a mandate for the People's Counsel to serve as that kind of advocate. Mr. Berlage also noted that in their hearing process, he does allow citizen rebuttal.
- A concern was raised about the real perpetual protection for conservation areas, for example as in areas like the Rural Neighborhood Cluster zone, provided by dedicating land as parkland. Mr. Berlage indicated that dedicating land as parkland provides strong protection. So far, the County has never waived in its efforts to preserve parkland. If land has to given up for a road or for stormwater management, they require that the acreage be replaced at a 2-1 ratio which is a disincentive for agencies to take parkland. With the ICC, they are requiring 8 acres for each acre that might be taken.
- It was noted that while Adequate Public Facilities (APF) policies exist, burdens on transportation and school capacity do not seem to stop development and a question was asked about the ability to stage development so that a community is not always playing catch-up with infrastructure. Mr. Berlage agreed that the APF policies do have loopholes. With the reforms to the APF policy, P&P suggests that the County be divided into 8 regions focusing development around transit centers. This could slow the rate of development in more rural areas driving developers to areas around the transit centers. However, the Council did not buy into that approach and over the next two years growth has occurred in exactly the places it should not be. They will raise the issue with the Council again when the policy is reviewed again 18 month.

## OFFICERS/COMMITTEE REPORTS

**Treasurer's Report** – Roy Peck reported that the current balance is \$5,211.84.

**Correspondence Report** – Jay Feinberg noted that we had received development plans for Norbeck Crossing, the Reserve at Fair Hill, and a number of smaller developments.

**Olney Chamber of Commerce Report** – Joe Buffington noted an article in the Gazette reporting that calls being made to residents raising funds for the police satellite facility are not from the Chamber. They are beginning a grassroots fund raising effort, but plan to attend local civic and homeowner association meetings to request participation. John Lyons indicated that GOCA will help distribute targeted letters to our member associations letting them know about the fund-raising effort. The funds are needed for the trailer rental and for the utilities for the facility. Joe also noted that there will be information on the Chamber website about the Athena Award that will be presented to an outstanding business woman in the area. The deadline for nominations is March 28<sup>th</sup>.

**Civic Federation Report**– Arnie Gordon reported that the Civic Federation's (Civic Fed) Public Safety Committee met with State's Attorney Doug Gansler who explained that the County needed to try the snipers in Montgomery County because 6 of the victims had been shot in the County and that it was not costly to do so because the evidence had already been developed for the earlier trials. The Civic Fed opposed the transfer of the Carver Center, the Board of Education headquarters, to Montgomery College. They felt MCPS should not give up the school building, but use it as a special facility at which students could take advantage of courses and programs at Montgomery College. Civic Fed expressed concerns about the many abuses of the Child Lot zoning provisions in the Rural Transfer Development zone and the lack of oversight of units build under this provision. Children of the property owner do not have to reside in the house built for them and do not need to farm the land; and the homes can be sold at market rates almost immediately. They would like the median limit in the proposed Work Force Housing legislation reduced from 120% of median income to 100% of median income. Civic Fed also opposes the transfer of enforcement responsibility from the Park & Planning Commission to the Dept. of Permitting Services because of the inadequacy of previous Permitting Services performance

**Membership Committee** – Art Brodsky reported that he will be start working on collecting the 2006 GOCA memberships next month and he hopes to exceed last year's effort.

**Candidates Debate Committee** – Art Brodsky reported that the committee is made up of 2 GOCA representatives and 2 Olney Chamber of Commerce representatives. They had originally hoped to schedule the debates at a variety of public schools in the area, but because they would not be able to confirm school sites for several more weeks, they have reserved several other locations around the area. On May 11<sup>th</sup>, there will be a debate at the Sandy Spring Museum for the County Council District 2 candidates. On May 18<sup>th</sup>, the debate for County Executive candidates will be in the Buffington RE/MAX Building. A site for the May 4<sup>th</sup> debate is still being worked on.

**President's Report** – John Lyons wished everyone a happy new year. John noted that every possible property in the Southeast Quadrant of Olney has submitted preliminary or pre-preliminary plans under the RNC zone since the passage of the new Olney Master Plan. Some raise more questions than others, but GOCA will follow them all carefully. Khalid noted that some P&P staff had been reassigned to site plan review staff, but none of his staff has been because of the workload they have. The Hyde property is the only one asking for a development review of a pre-preliminary plan. The Northwest Investment Co developing the site next to Good Counsel has the least problems and is further along than the other plans. It will probably be ready within the next few months.

## **OLD BUSINESS**

**The Inter-County Connector Final Environmental Impact Statement** – Ed Weisel asked that an ad hoc committee be formed to prepare a response to the Draft Environmental Impact Statement (DEIS) released on the Inter-County Connector (ICC). The committee would report back at the February meeting and prepare testimony for the public hearing. Ed initially moved that such a committee be formed, and Roy Peck seconded the motion. However, after a brief discussion it was concluded that all that was really necessary was for people to send their comments to John Lyons who would compile the testimony. So, Ed withdrew his motion. Bill Michie noted that John Kramer asked him to report that while they had thought the State was going to recommend putting the ICC under Georgia Avenue, the Final Environmental Impact Statement indicates that the decision is still under consideration because of concerns of a local civic association in the area and does not reference GOCA's interest in the issue.

**Sandy Spring Master Plan Review** – Helene Rosenheim provided a brief overview of the aspects of the Sandy Spring Master Plan and the zoning ordinances that relate to the Sandy Spring and Ashton Village Centers. They both provide guidance that describes how the village centers should retain their rural character and provide some design characteristics that promote the historic, rural qualities of the two areas. The consensus was that the

current plans for the Ashton Meeting Place seem to exceed the scale of development anticipated in the master plan. They will invite the developer and representatives of the Sandy Spring Civic Association and the Ashton – Sandy Spring Preservation Consortium to a future meeting for an update on the Ashton Meeting Place development plan.

**Olney Days 2006** – Helene Rosenheim reported that plans are underway for this year's Olney Days. Two changes so far are that the Mr. & Ms. Olney Contest & Olney Community Band & Jazz Band Concert will take place at the Olney Theatre and a walk has been added to Joe's Ride for people who want to participate, but do not ride bicycles or have children too young for the Bike Rodeo. The first planning meeting will take place on January 26<sup>th</sup>. Helene invited anyone interested in helping with the planning to contact her for information on the location of the meeting.

**2005 GOCA Awards** – Ron Berger noted that he had just received several Awards nominations at the meeting and was still expecting at least one more. So, he was not certain of the final number of nominees. But, ballots will be sent to eligible voters within the next week or so. The eligible voters include the GOCA officers and delegates from homeowner, citizen, and civic associations that have paid their 2005 dues. The ballots that are returned will be tallied at the February meeting and the awards will be presented at GOCA's Annual Awards Ceremony on Sunday, March 5, 2006. He thanked everyone for the nominations they had submitted.

**GOCA 2006 Elections** – Ron Berger noted that the slate for the 2006 GOCA officers includes:

President – John Lyons  
Executive Vice President – Art Brodsky  
First Vice President – Barbara Falcigno  
Second Vice President – Jay Feinberg  
Treasurer – Roy Peck  
Corresponding Secretary – Jackie Benn  
Recording Secretary – Danny Benn

There were no nominations received from the floor. Balloting will take place at the end of the February meeting.

## **NEW BUSINESS**

**Bike Trail Connections** – Bill Michie noted that the new development on Norwood Road and Dr. Bird Drive has a 2 ½ mile bike trail that ends about ¼ mile from Rte. 108. Also, the bike path further west on Rte. 108 needs to be extended from Olney Mill Road to Freeman Fields. John Lyons noted that the ¼ mile on Dr. Bird would require the taking of land from homeowners. John asked Bill to email him the specifics of what is needed and GOCA would address the issue.

Following an announcement that there will be a hearing on the Private Institutional Facilities policies before the County Council on January 19th, the meeting was adjourned.

Respectfully Submitted,

**Danny Benn**

Danny Benn  
Recording Secretary

### **People in attendance:**

Khalid Afzal, Mark Anchor, Jackie & Danny Benn, Ron Berger, Derick Berlage, Art Brodsky, Joe Buffington, Rick Coburn, Sharon Dooley, Kathy & Mike Bowser, Brenda Egeland, Dave Eskenazi, Barbara Falcigno, Jay Feinberg, Greg Fury, Arnie Gordon, Chuck Graefe, Terri Hogan (Gazette), Susan Hudson, Clair Iseli, Lee Kidd, Ike Leggett, John Lyons, Karen Mauprivez, Bill Michie, Astrid Pages, Roy Peck, Susan Petrocci, Helene Rosenheim, Robin Shea, Robert Sigillito, Lee Spencer, Robert Tworkowski, and Ed Weisel.