

## MINUTES – March 14, 2006

The meeting was called to order by Executive Vice President Art Brodsky. The February 2006 minutes were approved with no corrections or additions. The agenda was approved with no additions or corrections.

### PUBLIC COMMENTS

- Rosa Parks Middle School will be holding Earth Day on April 22<sup>nd</sup> from 10:00 am – 2:00 pm.

### OFFICERS/COMMITTEE REPORTS

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

**Correspondence Report** – Jackie Benn reported that the correspondence included a notice of the annual meeting of the Greater Sandy Spring Green Space on Tuesday, March 28, 2006 at 7:30 pm.

**Olney Chamber of Commerce Report** – Joe Buffington was not there because he had just become a father again.

**Civic Federation Report**– Jackie Benn reported that the County Executive's FY07 Operating Budget is being released on March 15<sup>th</sup>.

**Membership Committee** – Art Brodsky reported that the 2006 GOCA membership forms are available for downloading on the GOCA website at [www.goca.org](http://www.goca.org); and copies of the form were also available at this meeting.

### President's /Land Use Report –

Barbara Falcigno reported that

-when the RNC Zone was created they worked hard to ensure that the 65% open space remained open space in perpetuity. The language of the zone requires that an easement be placed on the land or the land be dedicated as park land. The ZTA is trying to eliminate the "or" so that even if land is dedicated as parkland an easement will be required.

- Higgen's Tavern, the building on the Silo Inn site, is on a list of properties to be declared historic, but it is not actually on the Historic Master Plan yet. An earlier developer asked to have a determination on the property deferred, so to date, the Historic Preservation Commission (HPC) has not taken any action to make it part of the Historic Master Plan. Now that the site is being developed, the HPC is considering the matter again. The current developer has requested that the designation exclude the additions added to the northern side of the house many years after the building stopped functioning as a tavern. Leonard Becraft, a local resident who is very knowledgeable about the history of the area had asked that the whole building be declared historic since it is the only log cabin home still in existence on Georgia Avenue. The additions were added when Martin's Dairy opened and he is concerned about difficulties that might arise with the tavern building as they demolish the additions. So he asked the HPC to declare the entire building historic.

- The proposed route of the Inter-County Connector (ICC) east of Georgia Avenue goes very close to the cemetery. While there is no specific category for cemeteries, there is an historic grave next to the ICC. She suggested that GOCA may want to look into that and contact HPC for their support.

### SPECIAL PRESENTATION

**GUIDE Youth Services** – Marti Crosby, Clinical Director for GUIDE Youth Services gave an overview of this program. GUIDE began in Prince Georges County as an outpatient counseling service. They now provide services in Montgomery Co., PG Co., Baltimore, and Baltimore Co. Their main office is Laurel. The focus of their youth services is prevention and early intervention. They are providing mental health services to students and families as a part of the County's Linkages to Learning program in 13 County schools. Eligibility for schools to participate in the Linkages program is based on the percentage of students receiving Free and Reduced Meals (FARMS) at the school. GUIDE is willing to help collaborate with the Olney community in their efforts to set up a similar program in this area. They can help with finding funding sources. They offer services as a part of a

network of service providers throughout the State. Another service they offer is the DAIS program which is a drug and alcohol intervention program. In Gaithersburg, they also offer a tutoring program, one time a week. They also have school-based programs separate from the Linkages program in which they go into schools to provide services in a variety of areas. They work with a small group of children once a week for 6-8 weeks.

A large part of their program is family counseling. They provide services to 5-18 year olds that are initiated by requests from the parents. They do a telephone intake, and then provide 14 weeks of counseling. They have a sliding scale for their services, but do not accept 3<sup>rd</sup> party payments. However, no one is turned away because of an inability to pay. GUIDE has been providing some services to the Olney community through their office in Longwood. Until recently they have had to limit the services offered at Longwood. Around 1998 they experienced budget cuts and for the past several years their budget has been flat-lined and at the same time they are being required to only use counselors who are certified which means higher salaries. They have recently hired a counselor, Beth Aragauer, for 15-20 hours a week. She will be providing family services, working with groups in schools and doing presentations. She is still working out of Longwood, but that office does not have the kind of visibility they would like and is not really laid out appropriately for the kind of counseling they do. So they are looking for another space somewhere closer to the center of town, but their limited funding makes it a challenge. In the meantime, they are getting some better signage, so people are more aware that they are at Longwood. They are very busy during the school year, but they are less busy during the summer. So, they look at opportunities where they can collaborate with existing summer programs. She has been in contact with Sophie Randolph the director of Longwood and with the Housing Opportunities Commission.

## **OLD BUSINESS**

**Candidates Debates** – Art Brodsky reported that the dates for the 3 debates we are organizing are with the Olney Chamber of Commerce: May 18<sup>th</sup> at the Sandy Spring Museum for County Council District 4 candidates; May 22<sup>nd</sup> at the Buffington RE/MAX Building for County Council District 2 candidates; and May 24<sup>th</sup> at the Buffington RE/MAX Building for County Executive candidates. There will be 2 moderators at each debate, one from GOCA and one from the Chamber. There will be a meeting in April for all the moderators and committee members. He will be working with the Chamber on the advertising which they will begin actively late in April.

**Olney Town Center Advisory Committee (OTCAC)** – Barbara Falcigno reported while she is not a formal member of the Committee, she had attended the OTCAC's first meeting since the Olney Coalition had suggested to the County Council that this group be formed to help implement the new zone created in the Olney Master Plan and she wanted to ensure that the intent of the Council was conveyed to the Committee. The 12 members began discussing what they will be doing, how they will be organized, how to lead themselves, how they will make their decisions, and how to distribute information. Khalid Afzal, who will be providing staff support for the Committee made it clear that the Committee does not have a mandate to get a product out by any specific date. So, they will have time to thoughtfully and deliberately put together their ideas. They will spend the first couple of months getting organized and putting together a work plan. There are no major property-owners who are ready to move forward so this effort will not be sprint, but a marathon. There is a developer assembling some property on N. High St., but it is not large enough to use the optional development method. The OTCAC will meet the first Monday of each month at the Buffington RE/MAX Building at 7:30 pm. The meetings will be public, but only Committee members will be able to vote.

**ICC Update** – Jackie Benn noted that she has cd-roms of the ICC Draft Environmental Impact Statement (DEIS) that are available to anyone that is interested in. The deadline for comments has been extended to March 23<sup>rd</sup>. There are 2 law firms that are helping opponents of the ICC pose questions so they can be included in any future lawsuits. The State is not being required to do a study the impact of a certain type of air pollutant that they were not required to study earlier. The final report will not be done until there is a chance to hold some public hearings on the DEIS. John Lyons will be drafting comments for GOCA that he will be sure to submit by the 23<sup>rd</sup> deadline. He encouraged anyone with comments they feel should be included to email them to him as soon as possible.

**Olney Days 2006** – Helene Rosenheim noted that the Planning Committee has begun meeting to work on Olney Days, May 19<sup>th</sup> -21st. The schedule of events this year includes: Friday night -The Mr. & Ms. Olney Contest, a band concert by the Olney Community Band, followed by Swing dancing with the Olney Jazz Troupe. Saturday begins with Joe's Ride and Stride for Olney's Kids. This year in addition to the 45 K Bike Ride at 7:00 am, 10K Ride at 8:00 am and the Bike Rodeo at 9:00 am, the Ride organizers are adding a 5K walk that will also begin in Oakdale Emory Church's parking lot just after the 10K Ride starts and will go south through Olney Manor Park, cross Georgia Ave. at Emory Lane and down the service road and back to the Church. Then at 4:00 pm, the Fun Fair at Olney Manor Park will begin with a performance for the younger children. The Fire Department will sell food, run their carnival games, do the fire engine ride, and may do the egg drop from the Quint 40. Chuck Hogan

with the help of the St. Peter's Athletic Association will run the Home Run Derby and the Lacrosse Shot-Out. We will also hold the ice cream eating, watermelon eating, and watermelon seed-spitting contests and are working on adding a fourth food contest. And, we will end with fireworks at dark. Helene encouraged anyone interested in helping with the planning or with the event to contact her at 301 774-6774 or at [helener@pressroom.com](mailto:helener@pressroom.com).

## **NEW BUSINESS**

Judicial Petition on the Rural Neighborhood Cluster Zone – David Troutner, a resident in the Upper Rock Creek area, noted that the Rural Neighborhood Cluster (RNC) zone is being used outside of the Olney area in the Upper Rock Creek area, Damascus, and other areas. The Ashton Preserve is the only completed development using the zone so far. The Sandy Spring community has put together the Greater Sandy Spring Green Space, as a non-profit organization. They were formed to put the open space land into a legacy program that would preserve it in a perpetuity. The Preserve at Fair Hill, across from Johnson's Nursery, is another RNC development going through the review process now. It will have 134 homes on 400 acres, and 200 acres being dedicated to the Parks Department, adjoining the existing Rock Creek parkland. Park and Planning (P&P) will place the land under a park initiative they have for maintaining the land essentially as it is or with passive uses. However, Mr Troutner questions their means of preserving the land. He feels that over time there will be increasing pressure to use the parkland for public purposes or development. P&P does develop parkland as they did with Sequoyah Elementary School and it is possible they would do the same with the RNC open spaces. He feels there needs to be a legal instrument on the land that will preserve it. The language of the zone now allows the land to be held in an easement or be dedicated as parkland with no easement. And, without a conservation easement on the land, there would not be any legal basis for preventing the County from developing the land at some point.

Mr. Troutner added that Councilmember Praisner has introduced a ZTA with language that will eliminate the "or" from the definition of the zone. However, even if the language is changed, it does not appear that it will apply to the Preserve at Fair Hill. P&P opposes the ZTA because they feel it is not necessary. Mr. Troutner has filed a Petition for Administrative Review to have a judge decide if the action of dedicating the land as parkland is consistent with the law's intent. He believes the law is inconsistent. People can join his action and several groups such as the Olney Coalition and the Upper Rock Creek Coalition has done so already, and he encouraged GOCA to join as well. P&P will have 30 days to respond to the Petition and then the judge has another 15-30 days to issue a decision.

**Barbara Falcigno moved that:**

**WHEREAS THE UPPER ROCK CREEK AND OLNEY MASTER PLAN AREAS HAVE NUMEROUS PROPERTIES ZONED RNC, AND WHEREAS GOCA FEELS THE OPEN SPACE REQUIRED IN THE RNC ZONE MUST BE LEFT AS OPEN SPACE IN PERPETUITY, GOCA RESOLVES TO SUPPORT THE PETITION OF DAVID TROUTNER FOR THE JUDICIAL REVIEW OF THE MONTGOMERY COUNTY PLANNING BOARD MNCPPC OPINION ON PRELIMINARY PLAN 1-04110, THE RESERVE AT FAIR HILL.**

**Arnie Gordon seconded the motion.**

Some of the points made during the discussion of the motion were:

- This is not a lawsuit. An individual files a petition that they argue before a judge on why an action should be overturned.
- Barbara's intent was that GOCA sign the petition and be a party to the action.
- Abutting property owners were notified of the petition by County and asked if they want to participate.
- Dave Troutner is prepared to do all the work that is necessary in connection with this, but would welcome GOCA's help with writing the memorandum he has to prepare, or getting as involved as they want to be,
- To join the partition, we simply sign a form stating our interest in joining the existing petition. Once that is done, you will be a participant and will be notified of any action on the petition.

**RON BERGER MOVED THAT THE MOTION BE AMENDED TO INSERT THE WORDS "SUPPORT JOINING THE PETITION" IN PLACE OF THE WORDS "SUPPORT THE PETITION .**

**Arnie Gordon seconded this amendment that passed unanimously.**

- Greater Sandy Spring Green Space has indicated that they will take over the open space of the Preserve at Fair Hill if the judge overturns the dedication of the space as parkland.

**SUSAN PETROCCI MOVED THAT THE LANGUAGE “AND HELD UNDER A CONSERVATION EASEMENT” BE ADDED TO THE MOTION AFTER THE WORDS, “IN PERPETUITY”.**

**Arnie Gordon seconded this amendment which passed unanimously.**

-There is a 51% chance of winning the petition.

- Khalid Afzal noted that if a master plan does not recommend that land be dedicated as parkland there is no issue. The Sandy Spring Master Plan did not say the RNC open space should be parkland. However, if a master plan does recommend the land be parkland, there is an issue. All master plans do not say the open space should be parkland. He also noted that the Parks Department has 3 types of land they maintain – conservation, stream valley, and recreation. Also, when an agency takes parkland they are required to give the Parks Department twice the amount of acreage in exchange. And, to date, they have never given conservation land to a developer. Some stream valley land has been given for public purposes, but again, in exchange for 2 times the acreage that is being taken. P&P feels that the government can be trusted to protect conserved land and that government conservation of land and protection of stream buffers should be the gold standard for conservation.

-Brenda Egeland was not sure we should bind the hands of P&P for 100 years because people think land should be open space for 20 years.

- Susan Petrocci noted that the 65% open space that would be kept as open space forever was pitched as a trade off for having sewer and water and higher density on the other 45% of the land. So even though the RE-2 zone is safer, P&P wants to add the RNC land to their inventory of parkland to us as needed in the future. This is the deal the community bought into.

- Dave Eskenazi believes development will continue, hopefully, in a reasonable manner. When land is put in a trust and left unattended it may become unusable. However, if P&P maintains it, there is a possibility they may put it to some future use, but it would not likely be an intensive use.

- Dave Troutner added that the land will have uses consistent with the applicable master plan and the RNC zone. The ZTA is intended to ensure that P&P cannot misuse the land.

**The motion was called, as amended, and passed 14 -2 with 1 abstention.**

Ron Berger commended Mr. Troutner for his effort in connection with the petition. It is that kind of commitment that is what makes Olney the community it is. It is important to support what he is doing.

**Zoning Text Amendment 38-05** – Susan Petrocci noted that there is a temporary moratorium on septic systems in the Agricultural Reserve. The Audobon Society is asking GOCA to send an email to Councilmember Leventhal supporting the Council bill allowing a study of the impact of sand mound systems in the Agricultural Reserve with a 6-9 month moratorium on the use of sand mound systems while the study is being conducted. At one time the sand mound systems were considered an alternative to septic systems, especially if a septic system has failed. If their use is permitted in the Agricultural Reserve, it could be subdivided.

**SUSAN PETROCCI MOVED THAT GOCA SEND A LETTER TO THE COUNTY COUNCIL SUPPORTING BILL 38-05 TO PUT A TEMPORARY MORATORIUM ON THE USE OF SAND MOUNDS IN THE AGRICULTURAL RESERVE TILL THE STUDY OF THE IMPACT OF THIS TECHNOLOGY IS COMPLETED.**

**Barbara Falcigno seconded the motion that passed.**

Following an announcement inviting people to attend a planning meeting for the Relay for Life at St. John's at 6:45 pm on Thursday, the meeting was adjourned.

Respectfully Submitted,

**Danny Benn**

Danny Benn  
Recording Secretary

**People in attendance:**

Khalid Afzal, Leonard Becraft, Jackie & Danny Benn, Ron Berger, Art Brodsky, Rick Coburn, Steve Cohen, Marti Crosby, Dominique D'Anna, Brenda Egeland, Dave Eskenazi, Veronica M. Everett, Barbara Falcigno, Jay Feinberg, Arnold Gordon, Terri Hogan (Gazette), Lee Kidd, Walter M. Lee, Astrid Pages, Roy Peck, Susan Petrocci, Helene Rosenheim, Robin Shea, Julie Small, Jim Smith, and David Troutner.