

Minutes
October 11, 2011

CALL TO ORDER

President Matt Zaborsky called the meeting to order at 7:31 p.m. Arnie Gordon moved to approve the September minutes, and Troy Kimmel seconded. Troy stated the minutes should be corrected to indicate he was a GOCA delegate at the last meeting. The minutes, as amended, were unanimously approved. Arnie Gordon moved to approve the agenda, and Lori Wilen seconded. The agenda was approved unanimously.

PUBLIC COMMENT

Matt Zaborsky announced that Safeway would open in early 2012. Matt introduced Sharon St. Pierre, Staff Director for Councilman Craig Rice, who announced a Town Hall Meeting with Councilmembers Rice and Nancy Navarro on Monday, October 24, 2012 from 7 - 9 p.m. in the Buffington/Remax Community Room. Katie MacGregor of Norbeck Country Club left brochures for the review of the room. David Reile, chair of the Olney Adventist Preparatory School Board, requested HOAs recycle on behalf of the school in the National Recycle Rally. Olney Adventist, currently ranked in the top ten of the program, could win \$50,000.00 for the school.

SPECIAL PRESENTATION: Area 3 Planning Team, Montgomery County Planning Department

John Carter, Chief of Area 3 Planning Team of the Montgomery County Planning Board, provided some history of master plans for Olney and briefed GOCA on the recent activities of the area 3 team. John was an urban planner on the 1980 Olney Master Plan. The 1980 Olney Master Plan authorized 5 acres of farmland to be preserved for each 1 acre of development through the Transfer Development Right (TDR) program, thereby preserving much of northwestern Olney and developing the town center. The focus of the 2005 Olney Master Plan was to preserve Olney's southeastern quadrant with a rural, low density buffer. In 2011 as we implement the 2005 plan, many small developments are proposed for Olney, including the Brookeville Preserve (16 unit development), the Marian Fathers development and the Farquhar Middle School modernization. Many recent proposals have been special exceptions, including the Church of Christ property (anticipated on the Board of Appeals docket in December 2011) and the Danshes property on Georgia Avenue, the First Wheaton Baptist Church property on Emory Church Road, and the Golden Bear property south of the ICC.

In the event a farmer sells TDR rights, the development can't be for a mega church, but strictly for residential development. However, if the farmer sells TDRs to redevelop his/her farm, then an easement is put on that property, and the land is used for agricultural purposes. The Marian Fathers development is seeking a site plan amendment to the roughly 58 properties proposed, 12 ½% of which would be MPDUs. Concerning the Bowie Mill Road development, no new roads are planned. A question posed by Arnie Gordon regarding a Virginia law which requires disclosure of political contributions by developers received no comment.

On October 11th, the County Council was scheduled to vote on a new Commercial Residential (CR) zone, a transitional zone which would allow for mixed use development. The CR zone would also allow a minimum height of 45 feet backing up to a residential house, rather than more gradual transitions in previous zoning regulations. However, the CR zone can only be used as an amendment to a new master plan. Further, there are varying subcategories to the CR zone, including the mix of commercial to residential uses, the maximum floor area ratio (FAR) and height limits, which should allow for better customization.

SEROCA raised concerns regarding the relationship between Private Institutional Facility (PIF) policy and master plans, specifically concerning the recent Planning Board decision on development of the First Baptist Church of Wheaton. Points were raised about whether the Planning Board made a bad decision on permitting the construction of the church, even questioning the legality of that decision. Today, the Planning Board area teams offer great expertise in forest conservation, water quality, site plans, special exceptions, water/sewer categorization, and general planners. The master plans are important and their guidelines are needed. The PIF policy needs to be reviewed, especially in the Patuxent area. PIF policy does override a master plan, so strong arguments need to be presented when violations to the master plan are being proposed, such as when the County Council reviews amendment to the sewer/water category. When asked about the effectiveness of a water/sewer category policy which can be overturned by most churches through PIF, John noted that many churches complain that they can't afford land in other zones, such as a CR zone, which carries a commercial price tag.

John was asked to comment on the 2 assisted living facilities proposed on Georgia Avenue. When determining special exception recommendations, planning staff considers the water/sewer category recommendations, compatibility with zoning ordinances, community interests, and an avoidance of an agglomeration of exceptions. He noted that the staff report will likely not recommend a water/sewer category change for the proposed Danshes development, as it appears to violate the master plan.

Some Cherrywood residents are concerned regarding the potential for runoff from the proposed assisted living facility on the Church of Christ property on Georgia Avenue. Developers plan to install a swale at the base of the slope within the property line of the facility, but close to the boundary with neighboring residences. Water should collect there and be directed to the existing stream on the other side of Old Baltimore Road. John promised he would send a map of this property to Paul Jarosinski and asked that any questions be directed to his office at (301) 495-4975.

Anne Rood inquired regarding the status of the proposed extension of Old Vic Boulevard, which is included in the site plan for the proposed development of the Casey property on Batchellors Forest Road. John noted that the school system and parks are working on the issue of the Farquhar Middle School modernization. Anne noted that public notices suggest the Casey development and the school development appear to be scheduled concurrently in the future. John noted that there have been no changes to the site plan for Old Vic Boulevard. Additionally regarding the Farquhar land swap, John mentioned that Parks Department does not want to lose any parkland and does not want to gain any further costs associated with the swap. When asked about the demolition costs for Farquhar Middle School, the costs should be paid by and included in the MCPS CIP request.

OFFICERS/COMMITTEE/LIAISON REPORTS

a. President's Report

Matt updated delegates on the following activities:

- Developer of the assisted living facility next to the **Church of Christ** will hold a public meeting on October 19th at 8 p.m.
- At a recent presentation of the **MD State Highway Administration**, they announced:
 - a light at Bowie Mill Rd. and Route 108 will be operational by spring of 2012;
 - the turn lights on Route 108 at Spartan Rd. and Prince Phillip Dr. are still under consideration;
 - another traffic count for Georgia Avenue and Route 28 will be conducted after the ICC is opened by the end of this year;
 - a guardrail on Route 108 at the entrance to OBGC park will be installed this month, following the tragic car accident this past spring.
- Updates concerning the **First Baptist Church of Wheaton** will be discussed later in the meeting.
- The County Council is considering Bill 33-11, to require retail stores of 75,000 sq. ft. or greater to enter into Community Benefit Agreements with 3 or more civic associations to establish beneficial hiring practices, training requirements, proximity hiring preference, affordable workforce housing,

or assistance to community organizations. This bill may be more applicable to Aspen Hill, as Walmart considers opening a store there.

- Brad Branch will serve as the GOCA parliamentarian.

b. Correspondence Report

Kathy Curtis noted that the GOCA binder includes correspondence related to Matt's report. A meeting on the Danshes property is scheduled for next week and applications are still being accepted to the U.S. Merit System Protection Board.

c. Chamber of Commerce Report

Joe Buffington thanked everyone for coming out to the Olney Community Night on October 5th, making it one of the biggest turn outs in years.

d. Olney Town Center Advisory Committee

Bob Beard announced that Safeway would not open this year, but hopefully in January. Helene Rosenheim said Fred Lees of the Montgomery County Department of Transportation Director's office attended the last OTCAC meeting. Montgomery County DOT is currently reviewing OTCAC's recommendations for the Policy Area Mobility Review (PAMR) money from the Safeway project. OTCAC has invited Project Change, OBGC and Councilmember Craig Rice to discuss ideas and plans to address the lack of youth activity facilities in the town center. The three most recent appointments to OTCAC are Howard Greif, Lydia Rappolt, and Danny Benn.

e. Civic Federation Report

Arnie Gordon reported that no action was taken at the last Civic Federation meeting. Police Chief Manger and Dr. David Wilson of George Mason University gave a presentation on the teen curfew. The professor stated no studies suggest crime decreases in jurisdictions with teen curfews; the Police Chief suggested that the curfew could provide police with an additional tool. The Civic Federation declined a request by GOCA to engage in the possible lawsuit against the First Baptist Church of Wheaton. They avoid commenting on issues of concern to one particular area and lack resources for such activity.

f. Membership Report

Jodi Finkelstein received a membership form from Christie Estates at the meeting. There are 2 unpaid members to date.

g. Transportation Report

In addition to Matt's comments on transportation matters, Paul Jarosinski has not received confirmation of the paving on Georgia Avenue which should have occurred before Labor Day, 2011. On September 15th, Paul attended the SHA Road Show, a presentation on state road projects scheduled over the next year, which does not budget any funding for the Georgia Avenue/Route 28 intersection. Paul remains concerned that the traffic study at that intersection produced questionable data, and does not address overcapacity or the relationship between this intersection and the one at Route 28 and Muncaster Mill Rd. Senator Montgomery suggested meeting be scheduled with SHA concerning that intersection, and Senator Manno is exploring creative funding strategies for road improvements at priority intersections.

h. Treasurers Report

Ruth Laughner announced that the current bank balance is **\$15,240.92**. GOCA has received banner rental money from B'nai Shalom, Sandy Spring Friends School, and Ohev Sholom Talmud Torah Congregation (OSTT). Matt requested referrals for a company to conduct GOCA's audit.

UNFINISHED BUSINESS

First Baptist Church of Wheaton

Matt Zaborsky introduced David Reile, President of SEROCA, who awaits the filing of the decision by the Planning Board concerning the construction of the church. From that point, parties have 10 days to file suit in circuit court to appeal the decision. David stated that no one has showed how the church ever had legal access to public sewer. Instead arguments have relied on the authorization of the project by previous parties (i.e. the County Council and the Planning Board each claiming the other sanctioned the project). But SEROCA believes the government has ignored the relevant arguments brought forward by neighboring homeowners and SEROCA. David stated that this issue generated more letters of opposition to the Planning Board than any project ever has. SEROCA seeks support of GOCA in joining a lawsuit against the construction of the First Baptist Church of Wheaton. Chuck Graefe stated that GOCA should join this as an expression of support for the master plan. GOCA is exploring possible legal representation in this matter. Joanne O'Flynn suggested that attorneys with the Department of Agriculture provide legal assistance on similar matters and might be a good resource for GOCA. Matt reminded delegates that GOCA has already authorized \$500.00 toward this endeavor.

Arnie Gordon made a motion, seconded by Troy Kimmel, that GOCA authorizes its President and Officers at their discretion to take action to oppose the construction of the Wheaton Baptist Church project on Emory Church Road to include:

1. *Commencement of a lawsuit to oppose this project and for that purpose appropriates \$1000.00 should the officer of GOCA elect to proceed;*
2. *To join with other organization, as necessary, to oppose this project; and*
3. *To request the members of GOCA to make financial contributions to this effort.*

Chuck Graefe offered to match the \$1000.00 if authorized by GOCA. Jodi Finkelstein asked who GOCA was suing, the potential defendant; which would not be determined until after legal consultation. Bob Beard made the point that the church representatives had to pay for legal representation to attend public meetings just prior to the Planning Board hearing. Delegates raised concerns that a protracted lawsuit could cost far more than the available funds.

Motion passed (22 yeas, 0 nays, and 3 abstentions).

NEW BUSINESS

Matt asked for volunteers to organize the 35th Annual GOCA Awards Ceremony, scheduled for March 4, 2012. Ruth Laughner, Lori Wilen, Helene Rosenheim and Matt offered to organize the event. Additionally, delegates were encouraged to consider award nominees, and running for a GOCA officer position.

The new business portion of the agenda was closed. Troy Kimmel asked that the new business be reopened. GOCA delegates agreed to reopen the item. Troy Kimmel stated that the Montgomery County Board of Education voted to recommend the land swap option for the modernization of Farquhar Middle School. Troy briefed delegates on the recent history of GOCA's involvement in the Farquhar issue, from May, 2011 to present. He restated GOCA's resolution passed at the July meeting that "*GOCA supports the PTA's position that busing FMS students to the Tilden Holding Center for two years would not be in the best interest of the students.*" He questioned why the July 14, 2011 GOCA letter to the Board of Education included statements such as why options had been narrowed to 3 options, and asked MCPS to explore other options. Troy said Matt met with the FMS Principal, FMS PTA President, and the Montgomery County Planning Board Chair. Troy stated the September 11, 2011 GOCA letter to the Board of Education expressed support for sending kids to the Tilden Holding Facility. Troy asked why the letters were sent and why and if the officers acted in violation to the bylaws.

Matt said the letters were written in accordance with Article 5, Executive Board and Section 1 of the GOCA bylaws which reads:

1. The Executive Board shall be the governing body of GOCA. When the Board is not in session, the President, with the concurrence of a majority of the officers, is empowered to act on behalf of the Executive Board.

Dennis Twombly stated that other letters did not go beyond the scope of the GOCA resolutions, but that the September letter did not reflect GOCA's position. A delegate questioned why the 1st vice president was tasked to write the letter. Arnie stated that only the last paragraph of the September letter appears to oppose the GOCA resolution, and Bob Beard suggested that this probable error could be corrected with a clarifying letter. Sharon Dooley stated that in July GOCA stepped back from the land swap resolution because many delegates expressed concerns that it violated the Olney Master Plan. The result was the passage of the very narrow resolution. Anne Rood questioned the credibility of GOCA when GOCA Officers can take action without knowledge of the Executive Board. Matt expressed that GOCA presidents, past and present, spend many hours outside of the Executive Board meetings, drafting correspondence, phoning officials.

Troy Kimmel made a motion, seconded by Arnie Gordon, that now therefore be it resolved that GOCA supports the PTA's position that busing Farquhar Middle School students to the Tilden Holding Center for two years would not be in the best interest of the students. Be it further resolved that GOCA takes no position, other than above, at this time on the modernization of Farquhar, and instead leaves the issue to local homeowners associations, parent teacher associations, and other groups and individuals in the community.

Motion passed (20 yeas, 0 nays, and 4 abstentions).

GOCA agreed to send a clarifying letter on this issue to the Board of Education and the Planning Board, including the resolved motion.

ANNOUNCEMENTS

The next GOCA meeting will be on Tuesday, November 8, 2011.

ADJOURNMENT

Duly moved and seconded, Matt Zaborsky adjourned the meeting at 10:20 p.m.

Respectfully submitted,
Lori Goodwin, Recording Secretary

GOCA Executive Board

Bob Beard (Homeland Village), Danny Benn (Fair Hill Farm), Brad Branch (Olney Mill Community Association), Steve Cohen (Oak Grove), Kathy Curtis (Lake Hallowell), Sharon Dooley (James Creek), Jodi Finkelstein (Hallowell), Lori Goodwin (Hallowell), Arnie Gordon (Norbeck Meadows), Chuck Graefe (SEROCA), Howard Greif (Norbeck Grove), Robert Hanson (Christie Estates), Paul Jarosinski (Cherrywood), Jeff Kahan (Christie Estates), Andrea Keller (Fair Hill Farm), Troy Kimmel (Lake Hallowell), Carol Knight (Olney Oaks), Ruth Laughner (Williamsburg Village), Diana Littlefield (Olney Acres), David Reile (SEROCA), Theresa Kyne Robinson (Olney Oaks), Anne Rood (Lake Hallowell), Helene Rosenheim (Highlands of Olney), Ann Marie Saporito (James Creek), Louis Saporito (James Creek), Leisa Sarechy (Manor Oaks), Anne Stretch (Cherrywood), Dennis Twombly (Olney Mill), Lori Wilen (Cherrywood), Matt Zaborsky (Norbeck Meadows)

Elected Officials and Staff

State Senator Roger Manno, State Senator Karen Montgomery, Sharon St. Pierre (Councilmember Craig Rice)

Invited Guests

Joe Buffington (Olney Chamber of Commerce), John Carter (Montgomery County Planning Board Area 3 Team), Terri Hogan (Gazette)

Public

Robin Bruckner (SSCA), James Castle (James Creek), Maris Corbin (SSCA), Meg Pease-Fye (SEROCA), Steve Fye (SEROCA), James Haskel (James Creek), Alex Hamilton, Hank Hyde (SEROCA), Tom Hyde (SEROCA), Dave Johnson (SEROCA), Gail Kahan (Christie Estates), Aleka Kapaton (Tanterra), Laura Lampshire (James Creek), Katie MacGregor (Norbeck Country Club), Kim McCary (Cherrywood), Jennifer McKneely (Brookeville), Joanne O'Flynn (Sandy Spring), Roy Peck (Georgetown, TX), Susan Ramsey (James Creek), Barbara Ray (Brookeville), John Salzberg (SSCA), Carol Sullivan (Cherrywood), Virginia Twombly (Sherwood PTA Cluster Coordinator)