

Minutes  
April 9, 2013

**CALL TO ORDER**

President Barbara Falcigno called the meeting to order at 7:30 p.m. and the GOCA Board and delegates, alternates, and members of the public then introduced themselves. Howard Grief moved to approve the March 12, 2013 minutes. Not all delegates received the minutes so, the March 12, 2013 Minutes will be approved at next meeting. Kathy Curtis moved to approve the amended agenda and Meg Pease-Fye seconded. The agenda was approved unanimously by the delegates.

**PUBLIC COMMENT**

Barbara Falcigno announced that there will be an Awards Ceremony on April 29, 2013. County Executive Ike Leggett will announce the winners of “2013 Montgomery Serves” awards at Imagination Stage in Bethesda, including the Neal Potter Path of Achievement awards and the Roscoe R. Nix Distinguished Community Leadership awards. The awards ceremony is free and open to the public, but seating is limited and pre-registration is required. For more information or to register for the event on April 29, go to the Montgomery Serves website: <http://www.montgomeryserves.org/montgomery-serves-awards-2013>.

Homeowners and renters are invited to the Montgomery County 13th Annual Housing Fair and Financial Fitness Day. The Montgomery County Department of Housing and Community Affairs (DHCA) invite all County residents-renters, homeowners, and anyone with housing questions-to attend the 13th Annual Montgomery County Housing Fair and Financial Fitness Day. The fair will be held on Saturday, April 27, from 10 a.m. to 30 p.m. at the Bohrer Park Activity Center, Summit Hall Farm, 506 S. Frederick Ave., in Gaithersburg.

An Inclusive Childcare & Out of School Time Activities for Youth with Disabilities forum is to be held by the Maryland Out of School Time Network on Wednesday May 1, 8:30 a.m. to 12:30 p.m., Columbia, MD. For more information go to <http://events.r20.constantcontact.com/register/event?llr=oal6azbab&oeidk=a07e7966s94d0945fed>

Montgomery County will begin Residential Street Sweeping on April 8, 2013. Additional information about the street sweeping program is available on MC311's website or by calling the Customer Service Line from 7 a.m. to 7 p.m. by dialing 311 from within the County or 240-777-0311 from outside the County. Street sweeping will begin in Olney on May 20-May 31. All street sweeping routes will have signs posted. Please do not park in the street during this time.

The Montgomery County Park & Planning Commission is seeking to fill a vacancy for their planning board. Letters to Park and Planning for those interested are needed by April 17<sup>th</sup>. The term of Marye Wells-Harley (Democrat) will expire on June 14, 2013. Ms. Wells-Harley has indicated her intent to apply for reappointment to a second term. Letters expressing interest must be received no later than 5 p.m. on Wednesday, April 17. Letters should be sent to [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov).

A Block Party Event is set June 5<sup>th</sup> by the Manna Food Bank for thirty years of service. This event is free. There will be an Affordable Housing Conference on May 10. May 15 at 7:30 p.m. is the Second Annual Ride of Silence for 10 miles, starting at Harris Teeter. Participants must have a bike and helmet. The ride is to honor those that are injured or killed riding bikes.

Lastly, please do not use coal tar if you are resealing your driveway. There is a \$1,000 fine to homeowners for such use with this item.

## **SPECIAL DISCUSSION**

- 1) Mary Elsasser and Patricia McMannis from the Montgomery County Department of Parks discussed the North Branch Trail Connection, with background and future projections dealing with environmental design and the Master Plan. Background information can be found at [http://montgomeryparks.org/pdd/cip/north\\_branch\\_hiker\\_biker.shtm](http://montgomeryparks.org/pdd/cip/north_branch_hiker_biker.shtm)
- 2) Carol Rubin, Associate General Counsel at MNCPPC, and Rose Krasnow, Acting Director of MNCPPC, discussed legal mechanisms, such as easements and covenants, which protect Rural Open Space in RNC zones. Background information on Rural Open Space: Zoning Code – Chapter 59 of the Montgomery County Code. The Planning Board is currently reviewing zone implementation.

There are two ways a property can develop in the Rural Neighborhood Cluster (RNC) zone: Standard and Optional methods. Standard method provides the base density with a minimum 60% Rural Open Space (ROS) requirement. Optional method allows additional density while requiring more MPDUs and increases the minimum ROS to 65-85%. There many restrictions listed in the code for what can and can't be done in the ROS of the RNC zone are listed in Section 59- C-9.572 of the Zoning Ordinance, which includes uses recommended in the master plan. For example, the Olney Master Plan recommends the 17 acre parcel adjacent to Farquhar MS to be a park with active recreation, which is different than the usual passive conservation-type uses in most other ROS areas.

There are many ways to protect ROS:

- a) Easement = grant of use of a property for a specific use. For example, an access easement is used when there is a shared driveway.
- b) Covenant (sometimes referred to as a negative Easement) = is a restriction of use. There is no ownership interest granted; just the right to enforce the restriction.
- c) Dedication (only available as protection of ROS for standard method development) = similar to an easement. If use for which the dedication is conveyed is abandoned, the easement - or right to use the property goes away and all rights in the property revert to original owner. It should be noted that when a property owner conveys by dedication, the property owner retains the underlying fee and density that is attributable to the property.
- d) Conservation easements = attached to the property "in perpetuity." However, perpetuity is not truly forever. Since land use can change - the next year, in 10 years, or even in 100

years, there are ways easements can be undone (as long as all interested parties are in agreement). For example, forest conservation easements are sometimes encroached upon (usually by unknowing homeowners who build decks, pools, or mow the area). In 2008 the Planning Board adopted a policy allowing the release of a forest conservation easements in exchange for greater mitigation, usually more area covered by forest conservation easements, additional planting, and invasive species management. This allows the homeowner a way to rectify the situation while retaining the benefit of forest conservation granted with the original easement. The Department of Permitting Services has updated its permit application to describe the forest conservation easements, and the Planning Department has established a GIS layer website showing forest conservation easements throughout the County, so this should reduce the encroachments.

As far as the ROS set aside as part of the Batchellors Forest subdivision; the portion on the west side of Batchellors Forest Road will be held privately by the HOA with an easement granted to MNCPPC and Sandy Spring Greater Green Space (SSGGS). The 17 acre portion of ROS on the east side of Batchellors Forest Road adjacent to Farquhar MS has been dedicated to MNCPPC for use as an active recreational park as recommended in the Olney Master Plan. The developer also granted an ROS easement to MNCPPC, but there was no reason to have SSGGS to hold the easement since they focus on ROS areas for conservation/passive uses. If circumstances change (such as the proposed land swap with MCPS for the modernized Farquhar MS), the Planning Board should consider release of the easement in exchange for other ROS protected property. Planning Board must take action on any requests for release of easements.

The Planning Board has been asked by two different parties to effect such a release, one being the Board of Education regarding Farquhar MS. The second is Montgomery Hospice on Muncaster Mill Rd. In response to these requests, on May 2, 2013, the Planning Board will discuss (and likely approve) a policy outlining the criteria and a procedure for releasing a parcel from an ROS easement. It is likely that an equal or greater sized parcel will be required to replace it because the original density approved with the subdivision that was based on the entire property, including the ROS, and removing such an easement would affect that original outcome.

MNCPPC is evaluating and making recommendations on potential zone changes, primarily in non-residential areas. Background information can be found here: [http://www.amlegal.com/nxt/gateway.dll/Maryland/montzon/chapter59zoningnote?fn=altmain-nf.htm\\$f=templates\\$3.0#LPTOC3.9](http://www.amlegal.com/nxt/gateway.dll/Maryland/montzon/chapter59zoningnote?fn=altmain-nf.htm$f=templates$3.0#LPTOC3.9) and <http://www.montgomeryplanning.org/development/zoning/>

## **OFFICERS/COMMITTEE/LIAISON REPORTS**

### **a. President's Report**

Barbara Falcigno announced that next month is the State Senators/Delegate legislative wrap up. Ken Singleton from Nancy Navarro's office was present to add input on the new developments with the Sandy Spring Master Plan. The Planning Board has recommended to the County Council that there be a delay to approving the amendment to the Sandy Spring Master Plan because of two

projects currently underway in Bethesda and Aspen Hill. The Sandy Spring amendment would address the redevelopment of the Village Center in the Sandy Spring business district.

GOCA received correspondence on how messy Olney looks with signs, median strips, and the like. HOAs are encouraged to organize volunteers in their communities to help clean up certain areas on a coordinated schedule with other HOAs.

#### **b. Correspondence Report**

Notices include the Planning Board's position on Sandy Spring.

#### **c. Olney Chamber of Commerce**

The Olney Chamber of Commerce is now accepting scholarship applications. The dead line is on April 20. More information can be found on their website at [www.olneymd.org](http://www.olneymd.org). Lastly, Mark Rosendorf is the new Chamber of Commerce representative on the OTCAC.

#### **d. Olney Town Center Report**

Mark Rosendorf and Noreen Freidman are co-chairing the civic center town commons subcommittee. Illustrative ideas and design concepts for the town commons area are complete and will be presented to the MNCPPC in the next few months. The next plan is to come up with ideas for a civic center area in the town center as well as a green area in the same locale for the Farmers Market.

#### **e. Civic Federation Report**

The Civic Federation has appointed a nominating committee for next year's officers. There was a presentation for Bus Rapid Transit Plan, presented by Larry Cole, which is still in the conceptual stage with bicycle and pedestrian pathways as priority areas. Lastly, there was a discussion on the financial inadequacies of the maintenance of effort law.

#### **f. Membership Report**

The grace period for membership has expired. The GOCA website and the Representative sign in sheets currently reflect the current membership status.

#### **g. Transportation Report**

SB829 is a bill to lock transportation funds within the transportation budget for transportation issues, unless 3/5 of the General Assembly votes otherwise. The bill was passed by the General Assembly.

HB493 is a bill, sponsored by Eric Lutke and Ann Kaiser, which creates more legal hurdles for the citizenry to hold a referendum on any legislative bill in the future. The measure failed.

#### **h. Nominating Committee Report**

The committee has decided to create another award for a K-12 student who has greatly contributed to civic activism in Olney in hopes of growing a new generation of young civic activist. Information will be given to the local schools in Olney at the beginning of the school year.

### **ANNOUNCEMENTS**

The next GOCA meeting will be on Tuesday, May 14, 2013.

## **ADJOURNMENT**

Barbara Falcigno made a motion to adjourn. The meeting was adjourned at 9:33.

### **Respectfully submitted,**

Mark K. Hill, Recording Secretary

### **GOCA Executive Board**

Barbara Falcigno (GOCA President, Olney Oaks), Kathy Curtis (2<sup>nd</sup> Vice President, Lake Hallowell), Greg Intoccia (Corresponding Secretary, Ashley Hollow), Howard Grief (1<sup>st</sup> President, Norbeck Grove), Mark K. Hill (Recording Secretary, Camelback Village), Ruth Laughner (Treasurer, Williamsburg Village), Helene Rosenheim (Past President, Highlands), John Webster (Executive Vice President, Manor Oaks), Paul Jarosinski (Cherrywood HOA), Ann Marie Saporito (James Creek), Jim Smith (Oatland Farm), Jackie Benn (Fair Hill Farm), Andrea Keller (Fair Hill Farm), Judy Broseker (Brookeville Knolls), Janice Fothergill (SEROCA), Bob Reile (Victoria Springs), Meg Pease-Fye (SEROCA), Barbara Barry (Perspective Woods), Jay Feinberg (Olney Oaks), Ed Weisel (Norbeck Meadows), Dennis Twombly (Olney Mill), Troy Kimmel (Lake Hallowell), Carol Sullivan (Cherrywood), Aleka Kapaton,(Tanterra).

### **Invited Guests**

Mary Elsasser (MC Department of Parks), Patricia McMannis (MC Department of Parks), Carol Rubin (MNCPPC), Rose Krassnow (MNCPPC), Ken Singleton (Office of Councilmember Nancy Navarro), Terri Hogan (The Gazette), Ira Unger (Office of Bonnie Cullison).

### **Public**

Tim Stemann (Williamsburg Village), Alden English (SEROCA), Paul Strizak (Olney Acres), Vicki Collins (Olney Acres), Jeff Overwiller (Olney Acres), Gary Culver (OlneyAcres) Ann Culver (Olney Acres), Elizabeth Azariar (Olney Acres), Laura Lampshire (James Creek), Jean Cooper (Oatlands), Steve Epling (Hallowell), Matt Stinson (Olney Mill), Bobby Berg (Greater Sandy Spring Green Space), Barbara Galloway (Friends House Retirement Community), Kathlen Branigan (Kirk Lane), Claire Miller (Kirk Lane), Steve Meg (Kirk Lane), Barbara Ray (Green Space), Stephen Dudzik (Oatland Farm), Joe Fritsch (Highlands).