

MINUTES – December 13, 2005

The meeting was called to order by President John Lyons. The November 2005 minutes were approved with no corrections or additions. The agenda was approved with 2 additions.

PUBLIC COMMENTS - No Public Comments were made.

SPECIAL PRESENTATION

Proposed Development Plans for Ashton Meeting Place – Fred Nichols, the property owner for the 7 acres on the southeast corner of Rte. 108 and New Hampshire Ave, and his planning engineer, Phil Perrine presented the current plans for developing this site. The base zoning for the site is C-1 and R-60. Mr. Nichols is proposing to develop a mixed use project using the rural village overlay zone from the Sandy Spring/Ashton Master Plan was approved. The project consists of several buildings: one building with retail on the first floor, office space on the second floor and 6 residential units on the second and third floor of the southern end of structure along New Hampshire Ave; the existing Sandy Spring Bank building will be torn down and rebuild as a free-standing building close to its existing; and a large one-story food store along the Rte. 108 edge of the property, with its entrance facing the parking lot. They are going for subdivision and are assembling several lots. The height of the multi-story building is within the 30 ft. height limitation in the overlay zone. They are proposing 354 parking spaces (349 required), of which 23 will be underground parking under the residences with an elevator to the upper floors.

A preliminary plan was submitted during the summer 2004. State Highway Administration (SHA) already had developed design plans for this intersection as a part of the studies done of numerous intersections throughout the County when plans for the Inter-County Connector (ICC) were put on hold. However, they did not have any funds for construction. SHA approached Mr. Nichols to partner on the improvements to the intersection. However, because of new development approved since their earlier plans were designed, coupled with the impact of the proposed development, SHA has redesigned the intersection improvements within the guidelines of the Master Plan. Mr. Nichols submitted a site plan in November. They have met with the Development Review Committee and are working on addressing their concerns. They are also working with the civic associations in the area to get their comments. A further revised plan will be submitted to Park and Planning (P&P) after they make some changes in response to the comments from the community and the P&P staff.

SHA asked them to make the access on both Rte. 108 and New Hampshire as far from the intersection as possible. The improvements to both roads will add left-turn and right-turn stacking lanes for east and west bound Rte. 108 traffic and northbound traffic on New Hampshire Ave. The mitigation plan for this project extend the new lanes south beyond their New Hampshire Ave entrance and the Cricket Book Store. They are hoping to fill the center with stores not in Olney. They anticipate that the food store would be Harris and Teeter. The square footage for the store is 35,000 sq. ft. This is a small Harris and Teeter store. Their typical store is 48,000 sq. ft. and a typical Giant Food is 62,000 sq. ft. Harris and Teeter is also opening stores in Darnestown, Rockville, and a third location in Montgomery County. The height of this one-story building is 24 ft which is as tall as some two-story buildings. The back wall of the building which is 20 ft. from Rte. 108 is 254' long. Relative to the grading of Rte. 108, the building will appear to be 19 ft tall at the west end, 24 ft at the midpoint, and 29' at the east end. The building will be 210 ft along the front, with a 40 ft. loading dock bay for deliveries; and 155 ft. deep. They are working on moving the store further from Rte. 108. The developer also anticipates having a Quizno's type restaurant, a coffee shop, and a clothing store in the other building. That building will be 70 ft. deep with a finished façade all around the building. Their storm water management will provide both quality and quantity controls with basins under the parking lot and a large facility at the end of the property that will release water into the creek on the site. They will be responsible for cleaning the filter in the basins and their storm water management includes treating run-off from the proposed road improvements.

The following are some of the comments made during the questions and answers:

- Harris and Teeter will attract a lot of traffic to the center and there may not be enough parking once you account for employee parking.
- The developer is looking at more underground parking, but feels they would need more density to make a parking garage cost-effective.

- The SHA proposed improvements for this intersection are required for this project to be built, so SHA will build them if the Ashton Meeting Place is approved. And, the redesigned intersection will result in an intersection that will not be a failing intersection, even with this proposed development.
- Joy Turner, chair of the Sandy Spring Civic Association Redevelopment Committee, noted that this Ashton intersection is a crossroads into Sandy Spring and their community is concerned about the extent of the widening of the intersection. And, while they support development on this site, they are concerned about the size of the project being proposed. They are concerned (1) about its impact on the rural character of this intersection and (2) whether it is consistent with the vision of the Master Plan.

See additional discussion points under New Business.

OFFICERS/COMMITTEE REPORTS

Treasurer's Report – Roy Peck reported that the current balance is \$5,130.09.

Correspondence Report – Jay Feinberg noted that there was no correspondence to report on.

Olney Chamber of Commerce Report – Jay Feinberg reported that he represented GOCA at the Chamber's ribbon cutting for the newly expanded Montgomery County Police Olney Satellite Station, noting that both Capt. Walker and Chief Manger attended and expressed their commitment to have their officers use the facility more and for some of their roll calls and to have more volunteers staff the facility. John Lyons added that the Chamber is now beginning to actively fundraise again for the ongoing monthly operating expenses for the facility.

Civic Federation Report– Arnie Gordon reported that John Carter, P&P, made a presentation at their last meeting including on work force housing which is being capped at 120% of the average median County income. Civic Federation is recommending that the cap be lowered to 100% of the average median income. Civic Federation is also recommending longer control on "child lots" in the Agricultural Reserve by proposing a 5-year occupancy requirement before a child can sell their home and that the provision be sunsetted. They also are questioning what can happen after the TDRs have been sold. Arnie also noted the release of the Property Tax Reduction Report which outlines three options for FY2007: (1) a \$440 reduction regardless of property value, (2) a sliding scale of reductions, and (3) halving the rebate. The County Council's PHED Committee seems to be leaning towards Option 2. He also noted an effort at the Council to ban speed bumps unless they are wide enough for a car to go over them at 20-30 mph. A study done by the Insurance Institute for Highway Safety has shown that the safest way to reduce intersection accidents and lower fuel costs is with rotaries at intersections. And, he noted that Civic Federation is opposing a proposal by Montgomery County Public Schools to surplus the Carver Educational Center which houses the Board of Education to Montgomery College.

Membership Committee – Art Brodsky reported that GOCA is ending the year with has 31 member associations which is an increase over the 21 member associations in 2004. He will wait a short time before beginning to collect the 2006 dues.

Land Use Committee – Art also reported that he had attended the seminar Nancy Floreen held to discuss land use planning. The seminar was moderated by Royce Hansen; the Civic Federation president; and Julie Davis, a former Bethesda activist. Most of the discussion of the seminar was on process: who listens to citizens, how to get input from citizens, how citizen input can be seriously considered if the Planning Board makes its decisions immediately after hearing public testimony. There was discussion of the procedures followed by P&P's Development Review Committee, the lack of knowledge by the public of when they meet and the need to increase the visibility of the work of this committee. They also noted the need to get staff reports out a longer period of time before a proposal is discussed at the Planning Board's public hearings. There was also criticism of the oversight of the Department of Permitting Services and the Board of Appeals. Also, P&P will be holding a public hearing to get comments on the public hearing process. Art is drafting a letter to Nancy Floreen with detailed comments on the planning process in response to her request at the GOCA meeting she attended recently. It was also noted that a replacement had been named for Charlie Lohr, the P&P department head who had retired after the disclosure of the problems in Clarksburg. The appointee had been the head of development review for the Prince Georges County P & P Commission. Art spoke with Derik Berlage, the P&P Chair, at the seminar who indicated that after responding to the Clarksburg situation, P&P will be a bigger, better organization. Barbara Falcigno noted that Mr. Berlage had indicated to her an interest in speaking to people in Olney and she had suggested to him that he come to a GOCA meeting. Shortly after that discussion, John Lyons received a call from Mr. Berlage and when John returns the call, he will invite Mr. Berlage to a future meeting.

John Lyons noted that all but one of the preliminary plans submitted for properties in the southeast Olney quadrant have been through the Development Review Committee and all need revisions. No hearing dates have been set yet. The staff will not address the proposal for the Pollinger property until litigation on the site is resolved. Mrs. Pollinger is currently in litigation with the company that has contracted to purchase her property. Also, a development plan has been received for the Winchester/Golden Bear site on the northeast corner of the Rte. 28/97 intersection. Their plan encompasses 43 of the 88 TDR-7 zoned acres in the triangular area south of the Inter-County Connector right-of-way. The plan calls for 322 units of which 132 are 2-on-2 condominiums, 146 are rear-loaded garage townhouses, and 44 are front-loaded garage townhouses. There are 43 Moderately-Priced Dwelling Units (MPDUs), and 279 market-rate units. Access to all of the units is Rte. 28.

Barbara Falcigno noted that the Request for Projects (RFP) for the Bowie Mill 32-acre site dated December 5th is about ready for release. The draft made available to her calls for 20% MPDUs, 40% work force housing units, and 40% market-rate units. Responses to the RFP are expected to be due January 27, 2006, but that date may change because of the late release of the RFP. The RFP will be sent to approximately 25 people. The RFP includes a preference for a developer who will be able to swap the MPDUs from this site to another site in the Olney planning area. The number of units transferred to the second site will not increase the total number of units on the second site, but would replace some of the market-rate units. For example, Winchester Homes which has expressed an interest in the Bowie Mill site could transfer the MPDUs from there to the Rte. 97/28 site.

OLD BUSINESS

Private Institutional Facilities Update – Susan Petrocci reported that she had testified at the public hearing on the development of private institutional facilities (PIFs) in the Agricultural (Ag) Reserve. It was a very polarized discussion with large turnouts from institutions interested in developing the mega-projects on land in the Ag Reserve and those interested in protecting the Ag Reserve. The County Council has banned extension of sewer and water into the Ag Reserve. And, by a vote of 6-2, they denied the request from the Bethal Church. John Lyons noted that the property the Bethal Church is interested in is actually in the Olney Planning Area, so there is more reason than originally thought for paying attention to this issue. The Laytonsville-based group, Preserve the Reserve is still taking to hear from the State about the size of these projects.

Olney Town Center Advisory Committee – John Lyons reported that Khalid Afzal is working hard to get the Olney Town Center Advisory Committee organized. GOCA sent a letter with a series of questions relating both to the concept of the Committee and some specifics outlined in Khalid's draft proposal. Khalid had tried to get a meeting with the Council and on December 8th had a meeting with Barbara Falcigno, John, Councilmember Knapp and one of his aides, and Councilmember Praisner. John indicated to them that people did not want to serve on this committee that carries no weight. Councilmembers Knapp and Praisner agreed to draft a letter to the rest of the Council stating the importance of the Advisory Committee to proper implementation of the Olney Master Plan and that the Advisory Committee needs to be heard by the planners and the Council. The Committee is just advisory, but the report(s) generated by the Committee need to be considered actively, especially by any developer who wants to do something in the town center area to ensure that their projects are consistent with the recommendations of the Advisory Committee. And, the Committee should last the life of the master plan. They should identify the goals for the town center area and create a picture of what it should look like. The hardest part will be finding space for the civic open spaces. John noted that this Committee has to be "functional" because if it doesn't work, the community will not get another opportunity to do this.

Inter-County Connector Update – John Kramer reported that District 14 State Senator Rona Kramer had arranged a meeting with SHA for a status report on the ICC that he attended. The plans SHA presented showed the Georgia Avenue intersection as an underpass. This is possible, in part, because the Brooke Manor Homeowners Association has agreed to allow SHA to deposit fill dirt on their property to create berms up to 30 ft. tall separating the ICC from the abutting developments. The cost difference between an overpass and an underpass at this intersection has been reduced to \$6 million, so the underpass is now feasible and is what the project team is now recommending. He noted as well that the Winchester property south of the ICC right-of-way will be impacted by the current plans because more land is needed for their storm water management system. The ridgeline for the watersheds in that area is west of Georgia Avenue. The State will decide whether to keep the Park and Ride Lot, but it is currently still on the plans. The community still wants to tie the improvements proposed for the Rte. 28/97 intersection with the ICC construction. There is a need to get the County Council to raise the priority for the Rte. 28/97 project, so SHA can begin the design work before getting funding for construction. Arnie Gordon noted that SHA representatives will be at the January 18th meeting of the Norbeck Meadows Association. People are invited to attend with the understanding that this meeting is not intended to be a forum for debating the merits of the ICC, but an opportunity for Norbeck Meadows residents to get answers about the impact of this roadway on their community and their homes. John Lyons noted that GOCA still opposes

the ICC, but recognized the need to be involved in looking at impact issues of the design of the road in the event that it is eventually approved. It was noted that the draft environmental impact statement (DEIS), is due to be released by the end of the year, is suppose to address the concerns raised about the road and will represent a "buy-in" from the necessary Federal agencies. The State has indicated its alignment preference. There will be more hearings after the DEIS is released. No funding has been allocated for construction yet. There is a Real People/Real Places web page on the Cashell Manor website that shows the house that will be impacted by the road. The ICC project team suggested to Senator Kramer that they will begin construction of the ICC in areas where they do not anticipate being subject to litigation. Both Arnie Gordon and Ed Weisel suggested that there will be enough litigation that it is not likely to be much area that they will be able to move forward on.

Candidates Debates – Art Brodsky reported that their committee has changed its approach to holding the debates at local schools because they will not be able to know till late in January, at the earliest, if they will be able to use the spaces. So, they are looking at alternative sites such as the Olney Community Room, and the Sandy Spring Bank meeting room, and the Sandy Spring Fire Dept. Ballroom.

2005 GOCA Awards – Ron Berger noted that GOCA's Annual Awards Ceremony will take place on Sunday, March 5, 2006. This is one of GOCA's premier events, but to work, we need to receive nominations from the community. Ron urged GOCA's delegates to think of people in other organizations they are involved with or in their churches, etc. that would be good candidates for recognition. He noted that awards are given to the Citizen of the Year, for Contribution to the Community, and to a GOCA worker of the year. There is also an Olney Heritage Award that recognizes contribution over a long period of time or early in the development of our community that had a significant impact on shaping the community. The awards can go to individuals and/or groups and/or businesses. Nomination forms are available for downloading from GOCA's website, www.goca.org or at the Olney Library and can be submit to GOCA by mail, by fax, by dropping it off at the Olney Library, by giving it to a GOCA member, or bringing it to a GOCA meeting. The deadline for submitting nominations is the January GOCA meeting. But Ron hoped that people would submit them earlier so that the Awards Committee has time to put together more detailed information about the nominees' contribution, if necessary. A list of nominees will be presented to the GOCA delegates at the January meeting, ballots will be sent to each delegate and returned ballots are tallied at the February meeting. The Awards are then presented at a ceremony at Longwood Recreation Center on the first Sunday in March.

NEW BUSINESS

GOCA 2006 Elections – Ron Berger noted that the GOCA By-Laws call for balloting for the 2006 GOCA officers at the conclusion of the February meeting and for presenting a slate of officers at the January meeting. All of the current officers are eligible to continue in their current officers if they are interested. But, if there are others who are interested in getting more involved and participating at that level or there are people delegates think would be good candidates, they should let him know as soon as possible. The only restriction on who can run is that a candidate for the presidency must have either held another office in GOCA or served as a committee chair. John Lyons noted that when officers have served for too long, they can become echo chambers of themselves, so it is important to continually bring in new people.

Discussion of the Special Presentation on the Ashton Meeting Place Proposal

The following points were made in discussion of the proposed site plan for Ashton Meeting Place:

- A 254 ft façade along Rte. 108 is massive.
- As one of the first Harris and Teeters in Montgomery County, it will draw a great deal of traffic from outside the Ashton/Sandy Spring/Olney area.
- Residents in many of the civic associations surrounding the site had heard a lot of rumors about what was being proposed, but did not anticipate anything on this scale.
- Although he did originally seem resistant to the idea of working with the community, Mr. Nichols is now working with the community and seems willing to make some changes in response to their concerns.
- The developer's attorney is Jody Kline.
- Mr. Nichols has also purchased the property on the northeast corner of this intersection where the Free State gas station was located, and it appears that they are proposing a mega-Sheetz gas station with 10 pumps and a market. It is not clear if this proposed use was considered in the redesign of the intersection.
- It had been difficult defining "rural development" when the Upper Rock Creek Master Plan was being worked on, so the community needs to be careful as they proceed with this.
- Over 20 people from the community, including Del. Herman Taylor, met with P&P staff members the day before to walk the site and compare it to the current site plan. It was noted that the Planning Board had

recommended an FAR of .4 for the rural village overlay zone in the Sandy Spring Master Plan, but the County Council raised it to .75. The P&P staff working on this project were not involved with the approval of the master plan and did not know why the Council had made such a substantial increase in the FAR. The Council also deleted language from the plan that would have restricted the use of the R-60 property for parking under the overlay zone. The P&P legal staff is currently looking at the question of the use of the R-60 property for parking with the overlay zone, since it would not be permitted if the property were being developed using the base zoning.

- GOCA needs to learn more about the details of the Sandy Spring/Ashton Master Plan and will have a presentation at the January meeting in order to make a better assessment of the consistency of the proposal with the intent and guidance in that master plan.
- The Sandy Spring Civic Association is sending a letter to P&P outlining their concerns about the current site plan.

Following this discussion, the meeting was adjourned.

Respectfully Submitted,

Helene Rosenheim for

Danny Benn

Danny Benn
Recording Secretary

People in attendance:

Ron Berger, Art Brodsky, Leslie Cronin, Sharon Dooley, Brenda Egeland, Dave Eskenazi, Barbara Falcigno, Jay Feinberg, Arnie Gordon, Chuck Graefe, Terri Hogan (Gazette), Lee Kidd, Dean Kimmel, John Kramer, John Lyons, Nadine Mort, Fred Nichols, Roy Peck, Phil Perrine, Susan Petrocci, Helene Rosenheim, Robin Shea, Robert Sigillito, State Del. Herman Talyor – District 14, Robert Tworkowski, and Ed Weisel.