

MINUTES OF THE LAND USE COMMITTEE MEETING 2-14-2011

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Tom Collins, Kathy Flaxman, and Linna Barnes (Council liaison).

No members of the public were present.

Minutes of the January 10, 2011 meeting were accepted as distributed, without dissent.

New building code clean-up items - The committee reviewed a list of building code issues compiled by Dave Walton. The committee has already addressed some of the items on his list and will address the remaining items this spring.

Article II 4-52 revision - The committee looked at Article III, section 4-52 of the Town Code regulating "Structures, walls, fences, earth berms, trees, hedges, shrubbery and other plant growth on private property." Dedun distributed a rewrite of the section which incorporated the revisions agreed upon at the January meeting and also a reordering of the items in the section to make it more coherent. A particular issue discussed was that of setbacks. As currently written, the code specifies several different setback requirements for walls, fences, trees, shrubs, or any other form of plant growth, etc. located on private property. These specifications are both confusing and somewhat contradictory. The code specifies that trees, shrubs, etc. must be set back "at least two (2) feet from the public right-of-way," while front-yard walls must be set back "at least two (2) feet from all public improvements such as sidewalks, paved streets, and curbs" and front yard hedges, if allowed, must be kept "at least two (2) feet from any existing sidewalk and if there is no sidewalk, at least (5) feet from the curb." The committee concluded that it would be better to have a consistent standard. The committee agreed that although a specific distance from the sidewalk/curb would be easier for residents to determine, the public right-of-way is actually the correct reference point. Because the width of the public-right-of-way differs from street to street, and the location of sidewalks and curbs within the public right-of-way also differs, measurement must be from the public-right-of way to ensure fairness and consistency. Measuring the setback distance from the public-right-of way (rather than from sidewalks/curbs) may also reduce resident angst when a situation arises that necessitates that work be done in the public right-of-way. The burden is then on the homeowner to determine the boundary between their property and the right-of-way.

There is a specification in the code about placement of fences along alleys. A question was raised about fences along alleys: Should they be set back two feet from the edge of the alley? Currently they are allowed with no setback, which has resulted in some narrow, canyon-like alleys. It is possible that the one remaining reference to alleys in this section of the code was supposed to be removed and was missed. We will consult with Town staff.

Dedun will compile a clean copy of this section of the code incorporating the agreed-upon changes.

Topics for next meeting:

- Review of above.

- Generators: Add to “Projections” list as a way of regulating location on lots.
- Driveways.
- Handicap ramps: No provision is made regarding these in current regulations. Construction of handicap ramps typically violates current setback regulations and generally a variance is not possible. The committee was asked to suggest specifications that could be incorporated in the code to permit handicap ramps to be constructed when necessary. The specifications should permit ramps of reasonable, not excessive size/bulk to be constructed. Members were assigned to check other local codes: Takoma Park (Craig), Rockville (Tom), and Gaithersburg (Kathy).

The meeting adjourned at 8:45 pm.