

LAND USE COMMITTEE MEETING 2-9-09

The meeting was called for 7 pm in the Town Hall. Present were Donna Kirk (chair), Sue Blacklow, Kathy Flaxman, Lees Hartman, Dedun Ingram, Jim Roy (7:40), Joe Rubin, Joel Rubin, and Linna Barnes (Council liaison). Absent: Bruce Russell. Guests: Warren Rizzi, new TCC Management Assistant; Susan Reynolds Milner and Anjali Prakash, Playground Commission; Dave Walton, TCC Permitting and Code Enforcement Manager; Alan Beale.

Warren Rizzi, the Town's new Management Assistant, introduced himself. He is a recent graduate of Boston University.

The committee discussed with the representatives from the Playground Commission how the two groups would intersect. Our committee is looking at where in the Town there are currently park space and playgrounds, and where we could use more. Elm Street Park: Linna noted that most of it is not in the Town. The Hilton project is supposed to provide money for landscaping etc. for Elm St. Park. Rebuilding of the Leland Center playground (ongoing) is costing around \$100,000 (half for site preparation, half for new equipment) of which the Town paid \$30,000. Susan said that Chevy Chase Elementary School is also looking to build a new playground; Linna asked if the Town could contribute to improvements. Both our committee and the Playground Commission are looking for ways to get community input on the possible need for additional parks or playgrounds. Linna suggested considering the ration of active vs. passive parks. Some people have suggested a dog park; Bruce has suggested a wildflower garden in Rosemary Circle. Time frame? Donna noted that the Town is looking for budget recommendations for the next fiscal year which starts in June. Also noted was that the Environmental Committee is looking into conservation easements; Dedun said that some residents have also talked about donating property directly to the Town. A committee is also exploring listing (portions of) the Town on the State and National Registers of Historic Places. Kathy noted that this would not place any restriction on individual property owners, but it could affect public projects such as the Purple Line. Donna asked Warren if he could find out if there were any current easements in the Town or any mechanism for employing such easements.

Dave Walton and Alan Beale attended to assist with the committee's review of building variances. Donna asked what the committee's approach should be. What is the ultimate goal? To simplify the process? To increase the number done administratively vs. by a vote of the Council? The law is clear regarding requirements for a traditional variance. In administrative variances, there is not always complete vetting (they are generally approved if nobody objects) and reasons for acceptance are often not listed.

Alan noted that several sorts of variances come before the Council that everyone knows have to be granted; they would like to streamline that process. But we still need to get information into the record. Dave said that streamlining the process for ones that everyone knows will be approved saves money for surveying, and also saves time because only two requests per month are scheduled for Council meetings.

What should we be looking at? Dave: Replacement retaining walls trip people up. Even as administrative variances they take a month to approve. New and replacement retaining walls are treated the same. Alan suggested that replacing an existing retaining wall should require a permit but not a variance. Dave also noted that the Town requires a permit for any wall more than 12 inches high, while the County requires only for walls over 30 inches (because a footer is then necessary). A replacement wall would be one of the same size and in the same location (not necessarily the same materials).

Dave will send to committee members groups of variance records. The first group (front walls) has already been sent.

Dave said that a few things with respect to variances don't make sense to him. For example, if one side lot line is much longer than the other, the rear setback ends up being very large and impinging on the rear of the house. He thought that we should rethink the definition of rear setback.

Proposed amendments to the 35% non-vegetative limit for front yards: A draft prepared by Bruce and Donna had been distributed to committee members. Kathy asked how to distinguish front yard from side yard in the case of an articulated front façade. How far back might an articulation be before it was a projection into the side yard, as opposed to a setback in the front façade? Alan suggested that the word 'front' is a problem even if you replace the phrase 'front yard' with something like 'front surface area'. One suggestion: try limiting the front yard to some number of feet behind the front house line (as currently understood). A problematical case with a side-loading 2-car garage was considered. Donna said that she will blow up some house shapes from the Town map and we can look at them to get ideas. Everyone was asked to look further at the proposed 35% rules.

Budget: We had previously discussed asking for money to do right-of-way surveys of the entire Town. Alan said that this has been done in other local municipalities (Martin's Additions, Chevy Chase View) and that they are used every week and are "incredibly useful". Surveyors would establish everything owned by the Town and can overlay existing plat, but they would not do side lines or anything that would require going onto private property. They would also do Established Building Lines. Alan suggested that the County had destroyed this notion by limiting it to adjoining houses only. In many cases it defines the rear and side setbacks. Linna noted that the County does not use EBL for additions, but the Town does.

Joe asked who had done this most recently, and could costs be estimated? Martin's Additions did it in November, \$42,000 for 330 houses but the firm lost money? Alan suggested we expect \$150-\$200K for the Town.

The meeting adjourned at 9:40 pm.