

MEETING OF THE LAND USE COMMITTEE 4-13-09

The meeting was called for 7 pm in the Town Hall. Present were Donna Kirk (chair), Sue Blacklow, Kathy Flaxman, Lees Hartman, Jim Roy (7:25-9:40), Joe Rubin, Joel Rubin (7:45), Bruce Russell, Linna Barnes (Council liaison), and guests Stephanie Flack (Parks and Playground Commission liaison) and residents Larry and Linda Lannon. Absent: Dedun Ingram.

Proposed dog park: A group of residents has proposed that the Town create a dog park where dogs could run off-leash. A written request from Pam Gardner, with comments from several other residents, was circulated. Zimmerman Park was suggested as a site. Committee members noted some potential problems. For instance, Zimmerman Park has issues with water runoff, (Coquelin Run) and also access to residents vs. non-residents, which would necessitate parking. A dog park requires fencing but fencing is a big issue in town and strongly regulated. The committee thought that we should be considering multiple uses for any given property, and that any proposed acquisition or use of an existing property should be open to public discussion. Montgomery County has some dog parks but none is very close to us; ours could become the de facto “down-county” park. It was noted that the county has requirements for dog parks which include distance from roadways, minimum size (at least an acre), and available parking. Zimmerman Park does not seem to meet these criteria, although it was noted that the District does have some smaller dog parks. The Lannons had done some research and presented information about dog parks and about the origins of Zimmerman Park, which included an archival document about the Zimmerman brothers and the origins of the park as a garden. They are opposed to a dog park at that location and prefer a more general use for the park. The committee asked them to provide further information.

Consensus: The Parks Committee is in charge of questions of use. They will need to research County guidelines regarding suitability of the proposed location.

It was noted that the wide part of Lynn Dr. could be narrowed and land added to the green space there. The end of Tarrytown Dr. could be converted. Maple Ave. north of Aspen widens from 24 to 30 feet; it could be narrowed and land added to Zimmerman Park. Trees have been planted there, but it could be opened to make informal playing fields. Also the corner of the 4-H property where it hits Meadow Lane—perhaps the Town could buy a piece? This area is currently forested. We discussed that the 4-H property is on a County list of properties to be acquired if available. The committee looked at a Town map where green areas had been indicated. The committee suggested that if and when we get a Town right-of-way survey done, we should expect to find places where residents have incorporated Town-owned right-of-way into their yards. It was noted that the map did not distinguish County-owned from Town-owned green spaces. The County owns the Leland Center, Elm Street Park and the grounds of Chevy Chase Elementary School.

The Li property came under consideration. It is currently owned by the developer, who has asked the County for a 3-lot subdivision which has been under consideration but not yet approved. The Town had looked into buying it but could not agree on a price. It was noted that when a park at this location had been suggested a couple of years ago, many residents were opposed due to safety and other concerns. The Town had tried to get the Li property onto the County list of properties to acquire but it is not big enough.

Buying properties that could be teardowns: It is not clear that tiny single-lot parks would serve any obvious need. The suggestion was made that long-term, the Town could acquire small houses and rent them out until several contiguous lots were acquired.

Do we really need more parks? It was suggested that not all desired facilities needed to be within the borders of the Town. The Parks and Playground Commission has been talking about doing a survey in the fall. The Town election on May 5 and the annual volunteers meeting on June 6 will be opportunities to interact with residents and gather information.

Consensus on property acquisition: Primary focus should be on (1) property adjacent to Zimmerman Park and (2) Li property, if developer is willing to talk.

Budget: Linna reported that at the budget meeting, the Council had voted for a \$500,000 set-aside for projects which will be separately reviewed. \$150,000 of the money previously allocated for parks was moved into the regular budget to be applied to Elm Street Park including reconfiguring some features. She was not sure how the Council would proceed with regard to requests from the various committees.

Streamlining the variance process: The committee agreed that front yard fences should always require a variance, even for replacement in kind. Then can we also include guidelines? Concern was expressed that any guidelines as to materials etc. would fade away if not written down and institutionalized.

Rear setbacks: The problem of a "hole" in the regulations caused by adding 5 feet to the setback on lots deeper than 120 feet was presented. It was suggested that all lots from 120 to 135 feet deep be treated as 120 foot lots.

It was pointed out that trapezoidal back yards still present a problem. The setback line is a curve? It is neither a straight line at the average depth, nor parallel to the back lot line. The committee will try to talk to Town staff Dave and/or Alan to see how the formula is used and how the proposed change would affect it.

Side setbacks: Should be left alone? Most variance applications involve putting a second floor over a nonconforming first floor. The County would allow this without a variance. Should we? All applications for such variances were approved.

The next committee meeting is May 11. Annual Town meeting and election is May 5. Our proposals for the Council need to be written up to be reviewed by our committee on May 11, and then presented to the new Council.

To pull everything together:

Lees will come up with language for setbacks.

Linna will talk to Dave/Alan about side yard setback.

Joe will put together criteria for fences and walls.

Kathy will work with Bruce on writing up all recommendations on the 35% rule and variance streamlining.

The meeting adjourned at 9:55.