

MINUTES OF THE LAND USE COMMITTEE 10-12-09

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Stephanie Brown, Tom Collins, Kathy Flaxman, Lees Hartman, Joe Rubin, Joel Rubin (7:20), Deborah Vollmer, Linna Barnes (Council liaison), Dave Walton and Alan Beal (Town staff), and John Murtagh (resident).

Dedun asked for public comment; there was none.

Dedun reported that she had attended a meeting of Town committee chairs where committee rules had been discussed. Members should notify Dedun in advance if unable to attend a meeting. A member who is frequently unable to attend may need to step down. Our meetings have been on the second Monday of each month but this can be changed if not a good night for many members. Committee chairs were also urged to post the minutes of committee meetings as soon as possible after the meeting (before approval at the next meeting) so that the public can see what has transpired and have the opportunity to comment at (or before) the next meeting.

November meeting: Scheduled for 11/9 but we need to meet with the Town attorney regarding consideration of recommendations on parking, and Mr. Podolsky is not available on that date. The committee agreed to move the November meeting to the first Monday, 11/2. Linna will contact Mr. Podolsky.

Rear setbacks: Dedun summarized the recommendations in the LUC report presented to the Town Council in July for the new members of the committee. Dave Walton presented his review of corner and other oddly-shaped lots for impact of the recommended change. On some lots it is not clear how to measure. Some setbacks could change substantially. After discussion, Kathy moved to withdraw the committee's recommendation of a new way to calculate rear setbacks. Lees seconded. Passed without dissent.

Front yard paving/35% Rule: The Committee looked at photos of some front yard driveways/paving. All predated the current rule. The question of how to clean up and administer the 35% rule remains. Double garages and driveway width have already been addressed. If the remaining issue is really parking pads, would it be more direct to regulate front-yard parking rather than paving per se? Our meeting with David Podolsky will address the question of how much we can do to regulate parking. Joel asked whether parking in the street isn't a bigger problem which should not be encouraged. Linna noted that administration of the 35% rule is straightforward for new construction and only a problem for existing houses. There was disagreement about whether rules could apply to new construction only; this is another question for David Podolsky. With regard to parking and traffic, Deborah suggested a joint meeting with the Public Services committee. The overriding issue remains front-yard parking pads—how to define and regulate? Members were asked to think about this before the 11/2 meeting.

Minutes of the 9/14 meeting: Tom moved to approve as presented. Seconded, passed without dissent.

Community Handbook: The committee has been charged with the task of creating a handbook for residents that lays out and explains Town rules and regulations pertaining to construction. Aim is to be more user-friendly than reading the code. Last year we had hoped to get funding from the Council to hire a writer. We need to develop a proposal and estimated cost. Committee input could be in the form of an outline of contents. Craig noted that we would need to keep it updated. It could be on line

with links to relevant sections of the code. All were asked to think about the content and format of the handbook. Do other towns have such a thing? Alan did not know of any.

Right-of-Way Survey: The Town currently does not know where the public right of way is on most lots in the Town and the LUC committee recommended in its July report that the Town have properties surveyed to ascertain the location of the public right of ways. The Town Council would like to know why other towns have decided to do this and how they are using the information. Alan said that other towns would probably refer us to him, and answered as follows: Chevy Chase View did their survey 3-4 years ago after a house was built that violated the right of way (apparently due to a discrepancy between town and county maps). More recently they have added all trees in the right of way to a data base in order to monitor town upkeep. They also use to calculate front building lines. Every property is photographed and they are building a data base of property information. Martins Additions has changed their zoning laws as of this past June and did the right of way survey in conjunction with that.

A list was presented showing “pros” and “cons” of doing a Right-of-Way survey. Regarding the “con” of showing right-of-way violations that one might prefer not to have to deal with, Alan noted that they are there and are the Town’s responsibility whether known or not. (The opposite is also true—e.g. some Town sidewalks may be on private property.)

Alan concluded by saying that staff uses the maps on the office wall 10 to 15 times a day but they are not accurate, and they could use better data. The big “con” is cost. Alan estimated the cost at \$150,000 to \$200,000 for the 1000 houses in the Town. There would also be software involved.

The meeting adjourned at 9 pm.