

## MEETING OF THE LAND USE COMMITTEE 4-22-2021

The meeting was called for 7 pm on Zoom. Present were Lees Hartman, chair (by phone); Kathy Flaxman, Dedun Ingram, Eric Murtagh, Sarah Runge, Stuart Sessions; Irene Lane, Council liaison and Zoom host; and Joy White, candidate for Town Council.

Minutes of the March meeting: Lees noted that he had distributed a draft and that Dedun and Stuart had suggested edits which had also been distributed. Dedun moved that the minutes be approved as amended. The motion was seconded and passed.

Public comments: No public comments.

Thrive Montgomery 2050: Dedun updated the committee. On April 8 the Planning Board sent the Draft Plan to the County Council. It is very different from the Working Draft Plan presented to the County Council in October and even differs from the re-draft done in February and March. Each chapter in the March draft contained a set of recommendations; these are now presented proscriptively as things the County “will do”. The concept of compatibility which is a key component of Missing Middle housing and of Montgomery County zoning policy is explicitly denounced. The Plan continues to promote compact growth concentrated in centers of activity and along transportation corridors. The concept of “Complete Communities” continues to be vague in its definition. The County Council is likely to begin its review of the Plan in June.

Missing Middle Housing: Committee members were encouraged to send their thoughts on Missing Middle Housing (MMH) to the Town Council by May 14. A Town forum was held on April 8. The forum was recorded and is available for viewing. It was noted that at the forum, most Town residents seemed to look at MMH primarily as a factor in the development of the 4-H property. In fact, depending on zoning changes MMH could happen anywhere in Town. Council Member Lane reported that she has been holding listening sessions on MMH; the next one will be Monday, April 26. Between the forum and the sessions, she has reached around 80 residents, but this is not enough to get a real feel for sentiments overall.

Canopy Tree Working Group (CTWG): Lees gave a status update. At a work session with the Town Council two options for change to the current ordinance were considered:

1. Drop the list of canopy trees and give similar protection to all trees greater than 24 inches in circumference. Or
2. Expand the list of canopy trees. 14 trees would be added to the canopy tree list and 4 trees on the existing list would be removed.

Coming out of the work session, the Council was not in favor of dropping the list of canopy trees. On the possibility of adding new trees to the list, the Council asked for more information on the proposed additional trees. The TC also asked that more research be done regarding a tree census. The TC did approve an Arbor Day event which will be held on May 1. The TC was also supportive of expanding the list of trees for both the private and public planting programs.

Applicability of County Legislation within the Town: The committee looked at Chapter 55, dealing with the Tree Canopy. Lees noted that this Chapter is relatively recent; it was enacted in 2013 and took effect in March of 2014. For County code, municipalities may either automatically adopt new chapters and specify chapters to exempt or automatically exempt new chapters and specify chapters to adopt. None of the municipalities (including the Town) that automatically exempt new chapters have chosen to adopt Chapter 55.

Some of the areas of interest in the Chapter include:

- Based on the area of the limits of disturbance a table defines the number of trees that must be planted. For example, if disturbing up to 6000 square feet, you must plant three canopy trees.
- Each tree is required to have 400 square feet of open area around it, with no impervious surface or stormwater system.

The LUC will continue to look at Chapter 55 and gain a better understanding of how it connects with Chapter 22A, Forest Conservation – Trees which the Town has already adopted.

4-H Center: The Town Council had a work session on April 19 to discuss the proposed sale. Council Member Lane reported that the Town website has information and documents regarding the sale. The Town currently has a Memorandum of Understanding with the 4-H regarding certain matters and has a lease agreement for space for Town trucks through 2028. Council members did a walk-through of abutting properties to get a sense of water management and similar issues. The Council has appointed a Task Force of Town residents to advise them on the sale. The Town has also created a document to share with potential bidders on the property.

Next meetings of the committee are scheduled for May 27, June 24, and possibly July 22.

The meeting adjourned at 8:50 pm.