

GPLUTF July 23, 2009 Meeting Minutes as adopted October 8, 2009

Meeting Call to Order: Convener Gene Brantley called the meeting to order at 8:12 PM. Present were Task Force members, Bob Reinhardt, Ken Ingham, Lizzie Glidden-Boyle, Barbara Jackson, Nancy Schwartz, Kay Hager, Suzanne Grefsheim, Todd Harris, John King, Patrick Keating, Cindy Kratz, Peter Kratz. Ex officio Chris Keller. Natalie Shelton (8:35pm).

Gene Brantley apologized for not distributing the agenda prior to the meeting. Each subcommittee Technical Standards, Research and Communications made its report.

Technical Standard Subcommittee: Bob Reinhardt reported on the subcommittee's July meeting. Bob raised the question of exemptions. Although exemptions are not specifically found in the original GP setback ordinance, the GP Building Ordinance (Chap. 4) incorporates by reference the Montgomery County Zoning Code and definitions. Bob related that Harry Gordon, Chair of the GP Setback Committee, recommended that the town endorse the exemptions from projections used by Montgomery County. The Technical Standards Subcommittee, by a unanimous vote of six members, voted that the LUTF recommend to the Town Council that the exemptions from projections be accepted. According to Bob, one member of the subcommittee explained that the Montgomery County 'building line' definition specifically makes reference to the Montgomery County (MC) Code Section 59B exemptions.

Gene Brantley stated that Councilman Wegner asked that the LUTF consider making recommendations regarding town right of way, control over trees, curbs, paving, and bond requirements. Questions were raised as to whether this area was a part of the Town Council's charge to the committee. This may need clarification.

Suzanne Grefsheim agreed with Bob's conclusion regarding exemptions and asked whether the recommendation to the Town Council should be made now or later. Gene Brantley expected that the LUTF would prepare a final report; however, Gene thought this question may be important now. Peter Kratz suggested that the Setback Committee itself could make this recommendation to the Town Council. Patrick Keating, as a member of the Setback Committee, explained that the intention of the ordinance was twisted by a recent interpretation. Bob Reinhardt indicated that the current interpretation is hurting the town by limiting architectural interest. Bob recommended that the exemptions mirror the Montgomery County overlay and that the Town Council take action at its September 2009 meeting. To that end, Bob Reinhardt made a motion, seconded by Patrick Keating, that the Town Council clarify its setback ordinance to incorporate Montgomery County exemptions as set forth in MC Zoning Ordinance Section 59-B.

Cindy Kratz noted that, at the February 2009 Citizens' Association meeting, Mayor Chris Keller stated that the Town would follow the Montgomery County exemptions in the Town's building code during the discussion of the then-upcoming referendum.

Todd Harris recounted that one resident had complained to him about a problem with exemptions when submitting a planned renovation.

Patrick Keating, as a member of the Setback Committee, indicated that the question of exemptions has lead to much confusion for residents and for the Setback committee because the rules are not clear or logical. In his opinion, the Setback Committee is stymied on what is included and what is not included. Gene Brantley proposed a motion to recommend that the Town Council clarify its intent or modify the ordinance as needed to make effective exemptions from projections that are included in Montgomery County's Zoning Ordinance. Bob Reinhardt recalled that historically, exemptions were included, following the Montgomery County Code. About 2005-07, the Setback Committee, at the behest of Tony Altar, changed its interpretation and exemptions were no longer honored. Pat Keating reiterated that clarifications are needed as some exemptions are allowed but not written down or consistent. There is a lack of logic or reasonableness to the present interpretation. What are the rules? Pat indicated that the lack of clarity results in the Setback Committee's inability to give consistent guidance to property owners seeking building permits.

Natalie Shelton proposed an amendment to the motion regarding exemptions, seconded by Suzanne Grefsheim, that the GPLUTF make a recommendation "pending our final report". The motion was amended as follows:

That the LUTF recommend to the Garrett Park Town Council, as interim to our final report, to adopt the exemptions from projections that are part of the Montgomery County zoning ordinance (Division 59-B-3), with the exception of section 59-B-3.1(d) as it applies to front setbacks.

The amended motion carried with 11 votes in favor and 1 opposed.

Pat Keating raised the issue of variances for lots under 8600 sq. feet. A brief discussion on providing for sliding lot coverage in the GP building code followed. It was suggested that the committee needed more information on town lot sizes from the Research committee.

The question arose as to what the Town Council wanted from the Task Force- a detailed technical report or broad generalized recommendations. Natalie Shelton suggested that the GPLUTF ask the Town Council for further clarification/guidance. The suggestion was seconded by Bob Reinhardt asking what level of detail the GPLUTF report should take. Bob suggested that this question be posed to the Town Council at its September 2009 meeting, with a discussion of their expectations and how specific the report should be. Gene Brantley stated that he could approach Chris Keller and Beth Irons regarding the outline/model for the GPLUTF's report.

Research Committee: Suzanne Grefsheim presented the Research Committee report. She was preparing a chart comparing land use processes with other jurisdictions including the Montgomery County definitions, GP overlay, Barnesville, Chevy Chase Village, Somerset, Kensington and Alexandria. Pat Keating suggested the Town of Chevy Chase and Martins Addition be included and that a comparison of

setback be included. Suzanne hoped to find out whether other jurisdictions did a better job of defining terms.

Communications Committee: Cindy Kratz reported for the Communications Committee. She stated that the approved minutes of the GPLUTF committee had been posted on the Town bulletin board along with a list of the members of the GPLUTF and its charge. She contacted the Civic Association asking that one or two upcoming meetings be dedicated to citizen input on our building code issues. It was decided that the October 21, 2009 meeting of the Civic Assn. would be used as a public forum regarding Land Use issues. Ken Ingham announced that he had a website where he would post committee minutes and other information.

At the request of some members, the Committee changed its September meeting date to September 17th, a change from the originally scheduled date of September 24th.

It was suggested that a walking tour of town be conducted to see what has been built since 1992 ordinance was adopted. It was discussed that Harry Gordon may conduct walking tours or alternatively, self guided tours with written notes would be provided. Ken Ingham volunteered photographs of properties he collected. Kay Hager, Lizzie Glidden Boyle, Barbara Jackson, Bob Reinhardt, Ken Ingham and Gene Brantley will work on the details of this project.

A short discussion of the minutes of the May 2009 meeting resulted in the inclusion of a complete transcription of town attorney David Podolsky's presentation to the Committee. The May minutes were adopted as amended. The June minutes were adopted as amended.

Gene Brantley called for any other business. Cindy Kratz requested the minutes of the Setback Committee and Historic Preservation Committee and any of their recommendations. This may help the GPLUTF understand what issues are important to townspeople and the Town Council. There were no objections to this request. Gene indicated that he would follow-up to obtain this information.

Cindy Kratz also requested that the GPLUTF include in its report recommendations regarding the Town's future acquisition of open space.

The meeting adjourned.

Submitted by Cindy Kratz

Addendum to the minutes made by Barbara Jackson as approved by the Task Force.

I believe that there should be a correction on page two where it is noted that Todd Harris, "recounted that one resident had complained to him about a problem with exemptions when submitted a planned renovation." When asked to clarify what issue the resident was actually complaining about Todd indicated that he did not know if it was the County Regulations, the Overlay Zone regulations, the Town Regulations, or a combination of all three. Gene Brantley asked Todd if he would find out the specifics and relate them to the task force at the next meeting. Also on page two please note that the amended motion carried with 11 votes in favor and one against. The minutes omitted the discussion held regarding whether or not it would be wise to present a recommendation that could be overturned within 6

months when the final LUTF recommendation is assembled and that perhaps the LUTF needs to take advantage of this opportunity to not just adopt County regulations (which Pat Keating has noted are also dubious at times, requiring him to obtain a written document proving he had permission to build what he wanted to do) but to improve upon both what the County has to offer as well as to improve the Town's regulations. Finally, the discussion that ensued after you mentioned recommending the Town acquire open space in the future was omitted from the minutes. In that discussion it was pointed out that the Town and numerous individuals have worked for years using every possible means to preserve open space and that the Town is currently not in any position to purchase open space.

Barbara Jackson