

MEETING OF THE LAND USE COMMITTEE 2-25-2021

The meeting was called for 7:00 pm on Zoom. Present were Lees Hartman, chair; Tom Collins, Kathy Flaxman, Sybil Freeman (phone), Dedun Ingram, Rod Henderer, Eric Murtagh, Sarah Runge, Stuart Sessions, David Valenstein, and Irene Lane, Council liaison.

Chair Lees Hartman called the meeting to order at 7:02.

Minutes of the January 28, 2021 meeting were accepted with minor edits.

Public comment: No members of the public were present.

Zoning Text Amendment 20-07: Dedun reported that the County Council had held a hearing on February 11. About fifty people testified, with almost an equal number of those speaking in favor and those speaking in opposition. Mayor Cecily Baskir testified on behalf of the Town. Many who spoke in favor were younger people who felt that more affordable housing options were needed. Most who spoke in opposition represented communities. Objections were specific to details of the ZTA and the process, not to the general goal of providing more “missing middle housing”. Many of those objecting recommended that the ZTA be postponed until Thrive Montgomery 2050 is finalized. Planning is updating the Silver Spring Master Plan and is considering allowing Missing Middle housing in the portions of single-family neighborhoods that were added to the Silver Spring CBD last year. As part of the Silver Spring Master Plan outreach, a member of Opticos Design, the firm that started the Missing Middle Housing movement will make a presentation in March on Missing Middle housing.

Canopy Tree Working Group: Lees reported that the working group has been looking at a document from the U.S. Fish and Wildlife Service that details native plants of the Chesapeake Bay watershed. It includes a list of 80 native tree species. The document was provided to Town Arborist Tolbert Feather and to Dave Walton. Lees and Dan Clohossey the chair of the Climate and Environment Committee discussed the U.S. Fish and Wildlife Service document with the Town staff. Dave and Tolbert recommended that an additional 7 canopy tree species be added to the list in the Urban Forest ordinance. Others could be added to the planting program. Lees will send the U.S. Fish and Wildlife list to the Committee members. A work session with the Town Council has been scheduled for March 10.

Town Authority for building regulations: Our State delegation has asked why the Town needs special building regulations beyond those of the County. The Committee was asked to develop a reply. Lees had sent out a draft memo discussing the need for the Town’s building ordinance. The Committee discussed the draft and made suggestions on how to improve the document. Lees will work on a revised version of the memo.

Applicability of County Legislation within the Town: The LUC along with the Long-Range Planning Committee have a process underway to review the chapters of the County code. Lees sent out Chapter 31c on home warranties and LUC members were asked to review the chapter.

Rod found that the County's regulation was more detailed than that of the State. The State law allows builders to not offer a home warranty while the County requires it. Currently, the State law applies within the Town; the County law does not unless we adopt it. If we adopt the County law, then the State law will no longer apply. Another consideration is whether residents and builders will realize that the County law does not apply and that the builder must explicitly indicate in a contract whether or not they are offering the warranty under the State provisions. The Committee will look at another chapter in March.

Zimmerman Park: Lees reported on the draft master plan. The committee has been asked to brief Town residents on the status. The Town has received a \$337,000 grant from the State's Project Open Space Program, it requires a 3-to-1 match. The Committee discussed drawings of the draft proposal. Members had questions about the proposed fencing. It was noted that the #1 issue for the space is still drainage. The draft plan includes an underground drainage system, a conservation garden, and a rain garden. It is possible that the drainage will be so efficient that irrigation might be required. Lighting is not included in the current plan. There are a few parking spots across from the park and there is some consideration for limiting parking duration. A dense vegetative buffer along the north edge of the park (East-West Highway) is planned. The walkway is a permeable surface (FlexiPave) which is ADA compliant. The large gates shown in the drawing can be closed to create an enclosed Dog Exercise Area. A children's play area is included in the plan. The draft plan is at a stage where resident input is welcomed. The idea is to use May to have several small group sessions with residents, then a public forum in early June. In late June the LUC will report on resident input and make recommendations to the Council. The Council will discuss the project and consider next steps in July.

The meeting adjourned at 9:19 pm.

Next meeting is Thursday, March 25.