

MEETING OF THE LAND USE COMMITTEE 5-27-2021

The meeting was called for 7 pm on Zoom. Present were Lees Hartman, chair; Tom Collins, Kathy Flaxman, Sybil Freedman, Rod Henderer (by phone), Dedun Ingram, Stuart Sessions, David Valenstein, and Ellen Cornelius Ericson, Council liaison.

Minutes of the April meeting: Dedun Ingram moved to approve as circulated with edits. Seconded and passed.

Public comments: None.

Ellen Cornelius Ericson was introduced as the new Council liaison to the Committee. Irene Lane is now the liaison to the Long-Range Planning Committee.

Thrive Montgomery: Dedun reported that the County Council has scheduled two hearings, on June 17 and 29. Mayor Barney Rush and Council member Irene Lane have signed up to give testimony on behalf of the Town. A draft letter for the *Thrive Montgomery 2050 Neighborhood Coalition* has been written. It proposes critical modifications to Thrive Montgomery. The Town Council met earlier on the evening of our LUC meeting to discuss the draft letter, and subsequently will send the letter to the other Coalition members to get buy-in. Dedun encouraged Committee members to send their own letters. The next issue of the Town Forecast will include material on Thrive Montgomery and will encourage residents to send letters/email to the County Council.

Sale of the 4-H property: Ellen updated the committee. A second round of bids was due May 25. The original timeline was to select a buyer in June. The Town Council has been conferring with advisors and the Special Committee of residents. A survey was sent out to Town residents and 464 responses have been recorded. At its June 9 meeting the Town Council will provide a report on the responses. The report will be published on June 10.

Canopy Tree Working Group: Lees reported that the working group had tentatively scheduled a second work session with the Council for June. [Note: The meeting is now scheduled for July.] The group is working on a description of each tree proposed to be added to the list of protected trees: maximum height, hardiness, typical wildlife supported. The Town Attorney has confirmed that if a proposed tree census requires that people go onto private property, it will require individual consent forms for each residence. The idea of expanding the list of trees included in private and public planting programs was well-received by the Council.

Lot coverage: Both the Town and the County have lot coverage ordinances. In the Town, non-vegetative surface in the front yard cannot exceed 35%. This was an attempt to limit paving of the front yard for parking. The County ordinance restricts lot coverage of buildings only. For infill development in R-60 zones, the limit is 30% of a lot 6000 sq. ft. or less, 20% of a lot 16,000 sq. Ft. or greater, and a formula is used to calculate the coverage limit for lot sizes in between. The County ordinance does not include paving/impervious surfaces as part of lot coverage. The Committee discussed the impact of impervious surfaces on trees and that limiting the front yard coverage could encourage impervious surfaces in rear yards. It was noted that at the time the 35% limit was passed by the Town Council there was also discussion of restricting

impervious surfaces in rear yards, but the Town Council did not adopt a limit. The Committee discussed looking at total lot coverage with respect to new construction of single-family as well as multi-family housing. Lees proposed putting this topic on the LUC 2021-2022 calendar.

Zimmerman Park: Lees reported that the Town will receive funds as part of the American Rescue Plan Act (ARPA). ARPA is designed to provide funds to states and local governments for a variety of projects including water and sewer infrastructure. The Town is considering ways to invest the funds in projects including Zimmerman Park. There will be an initial discussion of this topic at the June Town Council meeting. Lees noted that the Town Council at this point is open to additional project suggestions for the ARPA funds.

The Committee discussed things that could be done to improve storm water management throughout the Town. Protruding curbs could calm traffic while also channeling water and rain gardens in rights of way were also discussed. Permeable sidewalks like that found at the National Arboretum might be a possible solution. Flexi-Pave, which can be seen at Chevy Chase Elementary School is another permeable surface, but it has maintenance requirements including the need to vacuum the walkway to prevent the material from clogging.

Applicability of County Legislation: The Committee had been looking at two tree-related chapters of the code, 22A (Forest Conservation) and 55 (Tree Canopy).

About Chapter 55 (Tree Canopy), it was noted at our previous meeting that the Chapter requires that if an application for a sediment control permit is required subsequent planting of trees is also required. The question was raised: what triggers the need for a sediment permit? Answer: Disturbing 5000 sq. ft. or more of land; results in moving 100 cubic yards or more of earth; as for the construction of a new house or commercial building; or is associated with a change of use from single family residential to any other use. The number of trees required to be planted varies based on how much land is disturbed.

It was further noted that the Chapter requires that each tree have 400 sq. ft. of open surface area free of any impervious surface, utility, or storm water management system. If it is not possible to plant the required number of trees, one can pay a fee to have trees planted elsewhere in the area.

Chapter 22, Forest Conservation, which the Town has adopted, deals with larger areas: 10,000 sq. ft. or more, at least 50 feet wide, and with at least 100 trees per acre. This applies to parts of the 4-H property but is not typical for a single-family lot. Again, it is allowable to plant trees elsewhere to fulfill the obligation. Overall, the scale is quite different from what is covered in Chapter 55. The Committee was not in favor of adopting Chapter 55. Some Committee members felt that the goals of Chapter 55 resonated and perhaps the Town should develop its own version of the Chapter's regulations.

The meeting adjourned at 8:20 pm.