

MINUTES OF THE LAND USE COMMITTEE MEETING 6-5-2023

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram, chair; Rohit Bhayana, Kathy Flaxman, Sybil Freedman, Joe Rubin (7:20), Stuart Sessions, David Valenstein; and Rich Brancato, Council liaison.

Minutes of the May 1 meeting were approved as circulated.

The Committee discussed whether the Town should consider abandoning its water drainage regulations and just rely on the County's regulations. Consensus was to continue to have Town regulations, but with revisions. Reasons for continuing to have Town regulations included:

- The Town's regulations are stricter with respect to managing/limiting/treating run-off from impervious at-grade surfaces and limiting stormwater flow onto adjacent properties.
- The Town inspects drainage systems as they are installed, the County does not.
- The Town requires periodic inspections of stormwater systems; the County has no mechanism for checking that systems continue to function.
- The Town staff and Town Water Board are more persistent and creative than the County in finding ways that a property can minimize stormwater run-off and mitigate impact of stormwater run-off on neighboring properties. The Town is interested in the quantity of run-off while the County is interested in water quality.
- Somerset recently adopted its own regulations and Chevy Chase View is considering doing this – which suggests that the County's regulations are not sufficient.

The Committee is considering several possible changes to the Town's water ordinance:

- Simplify administrative elements of the regulations so Town regulations are more in line with County regulations even if going with the County regulations would sometimes be less good.
- Simplify calculation of the water volume that must be treated, but continue to be fairly strict about giving variances.
- Stop requiring a filtration test and rely on the County's required soil typing test.
- Change the dry well setbacks in our code to match the County's.
- Look at different ways to deal with impervious surfaces.
- Add a requirement to get a permit for a new patio so a large patio or increase in impervious surface over the 700 sf within 2 years will trigger the Town's water drainage regulations.
- Make it easier for residents to comply with the Town's water drainage regulations.

Soil typing versus infiltration test:

The Committee voted to recommend that the Town remove the Town requirement to use a soil infiltration test and recommend that the Town instead rely on the County's soil typing test. The Committee acknowledges that the soil infiltration test may sometimes be more accurate than the soil typing test but believes that any increased accuracy of the soil infiltration test is not sufficient to justify its high cost. The reasons for the Committee's recommendation include:

- The infiltration test the Town requires is expensive and residents must also pay for the County-required soil typing test.
- The infiltration test may not reflect the infiltration rate where the dry well is ultimately placed. Infiltration rates can vary on a property. The large equipment needed to perform the test often cannot access the places where the dry wells will be located so the results may not reflect the actual infiltration rate for the dry wells..

It was noted that the soil typing test generally goes down 5 feet which is less than the bottom depth of a 5 foot dry well with fill on top.

Setbacks for dry wells:

Some of the Town and County setback requirements for dry wells differ. The Committee agreed that the Town should align its setback requirements with those of the County with the possible exception of setbacks from neighbors' foundations because older foundations may not be very waterproof. Dedun will discuss with Dave Walton.

Impervious surfaces:

The County requires treatment of stormwater runoff from the roof but does not deal at all with runoff from at-grade impervious surfaces. The Town requires capture of runoff from both roofs and at-grade impervious surfaces. The Committee agreed that the goal of the Town's focus on run-off from at-grade impervious surfaces is to minimize impacts on other properties. And the Town's water regulations prohibit increasing run-off to another property. The Committee discussed whether we want to recommend that this water does not necessarily need to be retained if it can be directed (e.g., to the street) so it does not cause problems on other properties. The Committee will consider options for management of this water, other than retention. Currently, management options are often worked out at a variance hearing. It would be desirable if they could be worked out without having to invoke the variance process.

Water Engineer Reports.

Stuart reported that Dave Walton had sent him a new set of water engineer's reports and said that he would send 5 to each committee member to look at. Look for: how often is construction causing problems downslope? And if so, is there an existing stormwater management plan?

July will be the last meeting of the current committee year. Members were encouraged to sign up for next year. Dedun would also like to have a cochair.

The meeting adjourned at 8:45 pm.

Next meeting will be Monday, July 10 and will be virtual.