

Situated in the green hills & valleys of Sligo Creek & its tributaries abutting the burgeoning downtown Silver Spring

May Issue 2011

Seven Oaks Evanswood



CITIZENS' ASSOCIATION
SILVER SPRING, MARYLAND

May Meeting

For SOECA Residents

Wednesday, May 11

Silver Spring LIBRARY

7:30 — 9 pm

Basement Meeting Room

Note: Library Doors are closed and locked at 8 pm

(due to budget cuts)

Please arrive early.

Last Meeting until September

Ongoing committees may meet over the summer.

AGENDA

7:00 Welcome & Greetings

7:35 Presentations

Neighborhood Montgomery

**8:15 Delegate Tom Hucker,
MD House of Delegates**

8:30 Reports & Updates

- SOECA Block Party
- Chelsea School Update
- Ellsworth Park Playground Renovation
- Lighting Task Force
- Reelection of Officers

8:55 Business Meeting:

- Membership Report
- Treasurers Report
- Approval of March 2011 Meeting Minutes
- New Business

9:00 Adjourn

SOECA Boundaries include:
Colesville Road on the West,
Cedar and Fenton Streets on
the South, Bonifant and Wayne,
on the East, and Franklin &
Caroline Avenues on the North

Presenter: Meredith Wellington of **Neighborhood Montgomery**

TOPIC: Demystifying Zoning: Proposed Commercial Residential Zones (CRN & CRT) and the Zoning Rewrite

Presentation on Proposed New Commercial/Residential Zones and the Rezoning of our entire County with former Planning Board Commissioner and attorney, Meredith Wellington. Ms. Wellington was a Planning Commissioner for 8 years, 1999-2007. As a Commissioner she participated in decisions about land use, where buildings could be built – including densities, setbacks and heights –and the required balance of public amenities.

Meredith will offer us a Community-Based perspective, having been involved in historic preservation, and advocating for Parks, Athletic Fields and Public Amenities in residential neighborhoods of our County. She will emphasize why public participation is important and why this complex issue is relevant.

Why Now? Why is this relevant to our Community? There is a sea change coming in changes to our Land Use Zoning Laws. There is the potential that land laws that govern property and our community: our public input is vital. It is also timely, there is a Public Hearing on the new Proposed Commercial Residential Zones set for May 17. Contact mkwelington@comcast.net to join Neighborhood Montgomery list serve. See page 4 for more information on zoning.

SOECA BLOCK PARTY — SAVE THE DATE — Sat., June 25, 3-5 pm

Potluck, Shred-it, Moon Bounce, Face Painting, Open-mike and Music by SOECA Teens. LOCATION TBD-watch the list serve .

TI-83 Calculators for Kids DONATIONS REQUESTED Students of Algebra in our local High School are legally required to use this model of calculators for Standardized Testing. The cost is upwards of \$100 each. and unaffordable for some families. Please consider a financial donation, or donating a 'used' TI-83 model that your child no longer needs. Contact: Carolyn Michell, our SEOCA VP, is accepting the donations: Please email her to make arrangements, she can pick it up too. ccmichell@verizon.net

Meet State Delegate Tom Hucker. He will say a few words at our May meeting.

www.soeca.org | email: soeca.board@gmail.com

SOECA March 7, 2011 Meeting Minutes

The meeting was called to order by President Kathleen Samiy at 7:35 pm at the Silver Spring Library.

Conservation Montgomery

Barbara Hoover, a member of the Board of Conservation Montgomery, described her organization and made a request to consider supporting them. Conservation Montgomery (www.conservationmontgomery.org) is a coalition of about 10 civic and environmental organizations recently organized by environmental activists in the County. It aims to show the connection between the health of the environment and our quality of life, and feels that education is key to making good policy and development decisions. Conservation Montgomery, a 501(c)3 organization is primarily educational, leaving stands on such issues as zoning to the civic associations.

Ms. Hoover described various activities in this, its first, year, including involvement in the rewriting processes for the zoning and forest conservation laws, both under way this year, support for the Maryland bag bill, and opposition to County Executive Leggett's plan to move administration of Parks into his Executive Office. Conservation Montgomery sponsors events such as a recent talk at the Audubon Society, walks, and social networking to organize meet ups.

Montgomery County has vital natural assets to protect, and should keep regional environmental issues in mind during development. Ms. Hoover described CM's particular interest in forests and trees. She pointed out that the County now has about 29% tree coverage, mostly up-county (a link on the CM website shows tree cover across the county), whereas the average in the Chesapeake Bay watershed should be 40%. 2100 trees are removed yearly, 1700 of which are replaced, and this year, no street trees were replaced.

Q: Does CM take into account the fact that many of our trees are very old, and some need to be replaced?

CM: We listen to arborists, but have no fixed policy on replacing old trees.

Q: The County habitually gives variances when developers want to remove "specimen" trees, circumventing the law. Could we take a stand to enforce the law?

CM: We try to convey the value of trees to legislators and developers, and to work with developers to preserve those trees.

Q: Developers have to plant shade trees, but the failure comes when they aren't maintained and aren't replaced when they die.

CM: Part of that problem is covered with the rewrite of the forest conservation law. Developers would pay the County to plant them, and then the County is committed to maintaining them. It is also important to realize that mature trees are more valuable than seedlings. Part of the current law that is controversial is the pay-to-play idea: some people are willing to just pay a fine rather than preserve a tree. There is draft language to correct that problem, but it can be very confusing.

Ms. Hoover finished by saying she hopes that SOECA will consider supporting CM. CM will not be taking controversial stands; they are interested in education.

Parks Department representatives on the Ellsworth playground

C.J. Lilly and Trish McManus from the M-NCPPC (Maryland-National Capital Park and Planning Commission) spoke about the Ellsworth playground site (next to the Library parking lot) and explained the reasons for the redesign and upcoming replacement of the playground.

They explained that playgrounds have about a 20 year life expectancy, and then can become unsafe as they deteriorate. For older equipment, it is very hard to find replacement parts, costs more, and takes longer. Having two playgrounds at the site is atypical. A public meeting at Long Branch on Nov. 9 and an on-line survey that closed on Dec. 3 produced feedback on the site and how Silver Spring is evolving, and led to developing several goals: numerous play choices, large

numbers of children of a range of ages, maximum use of the space, and safety. Mr. Lilly then showed a site plan of the proposed layout.

Kathleen pointed out that this plan reduces two play areas (and a plaza between them) to one. She has asked if two playgrounds can be kept: move the proposed playground a little further from the library, and then maybe form a public/private partnership to make a second. In the discussion that followed, Ms. McManus explained that the wooden equipment is rotting at the base, while bringing the surface around the metal playground to meet current standards would harm the trees, so they were thinking that the wooden area would get the new playground, and maybe smaller changes could be made at the metal playground. She also expressed flexibility in the overall site layout. She said that the Park and Planning staff had been asked to see if we could get something from EYA [the possible Chelsea developer], but Kathleen asked that they wait until the zoning change issue has been decided. In response to praise for the soon-to-depart wooden equipment, Ms. McMahan said they were looking into more interesting equipment from another company.

The final question was about the timeline. Ms McManus said that notices will be posted at the playground. Since they will do some redesign, the timing might slip, but they hope to get it finished in the summer or early fall.

Other business

Lighting and sidewalk survey. Bruce Altevogt spoke about the survey. There were 47 respondents, mostly from Ellsworth, Greenbrier, Rowan, and Woodside Pkwy. Four main areas need improvement: Bennington Rd. near the tennis court, Ellsworth Ave. near the Library, Pershing Dr. near the Chelsea School and at Woodside Pkwy., and along Woodside Pkwy. between Pershing and Greenbrier. There was a fairly even split on sidewalks: 26 in favor, 21 against. Kathleen hopes that we can submit a special request to improve the lighting.

Meeting Minutes, continued

Neighborhood Watch.

David Hartmann explained that the Neighborhood Watch group, which has met twice with the police for training, needs block captains. Measures that people can take to increase safety include lighting around homes, reducing the height of bushes, and having better locks. Being a block captain takes little effort. Please volunteer.

Zoning law rewrite.

Jean Cavanaugh reported on the County's plans to rewrite the zoning laws, touching on three topics. First, the original impetus was to simplify the code, which is very complicated, but the Planning Department is taking it as an opportunity to revise it. The civic associations are watching the process. Second, new CR (commercial/residential) zones are already being applied to White Flint, including the idea of having taller buildings in the middle of a zoned area, with lower limits at the boundaries. A key concern is making sure there is public participation. Third, the general master plan for the whole County is also being revised. A key element is the housing element, which the Council is now considering. Prominent issues include whether accessory apartments [in single-family homes] should be allowed by right or by special exception, and elimination of language about directing traffic out of neighborhoods as with the traffic plan in our area.

First Baptist Church.

Mary Reardon of the Silver Spring Historical Society and Karen Roper of the East Silver Spring Citizens Association (ESSCA) spoke on the First Baptist Church project, and in particular on whether SOECA would support the zoning text amendment (ZTA) that ESSCA and the developer have requested. Ms. Reardon told us that the Historic Commission would meet on March 23 to consider the Historical Society's application for historic status for the Church, and asked that SOECA postpone its decision until after that date. She favors a ZTA that would lower the maximum height along Bonifant, which is ESSCA's concern. She explained that only the façade, rather

than the whole building, would be preserved.

Karen Roper, the zoning chair of ESSCA, told us that ESSCA worked with the developer to move heights of the development around to lower the height on Bonifant St. while not reducing the number of units. ESSCA, not the developer, suggested the ZTA. The pastor of the Church does not want to keep the building, and has demanded a new location [a short distance up Wayne Ave.] from the developer. ESSCA is sympathetic with the Historical Society, but it's hard to get a historic designation at this late date, and they are concerned about losing leverage with the developer. Ms. Roper and ESSCA would like SOECA to support the ZTA.

In response to a question, Kathleen explained that delaying our vote on the ZTA would mean the decision would not be made until late May.

Vice-President Carolyn Michell, who led the SOECA side of the task force, read the resolution in favor of the ZTA, which includes three provisions: (1) that SOECA supports the ZTA in consideration of concessions to the community; (2) that the joint task force develop a contract with the developer; and (3) the SOECA Executive Committee would have the authority to sign the contract. Under the contract, SOECA would agree to give written or oral testimony in favor of the ZTA at hearings. The main focus on the subsequent discussion was on whether SOECA should sign a contract, which seems unprecedented. The resolution was amended to say that SOECA gives permission to ESSCA to sign a contract, and the amended resolution passed by 15 to 0, with one abstention.

Approved Resolution

RESOLVED 1. That the SOECA membership votes to support a Zoning Text Amendment (ZTA) for the development of the First Baptist Church at Fenton Street and Wayne Avenue in consideration of concessions to the community, including, but not limited to building step-downs, setbacks, support in traffic mitigation efforts, etc. 2. That the joint ESSCA and SOECA Task Force negotiate the concessions with the

developer detailing the terms of an agreement to support the ZTA. 3. That the SOECA Board of Directors is authorizing ESSCA Board of Directors to approve and sign the contract between the developer and the community, upon the resident Task Forces' recommendations.

New business

Carolyn Michell announced that there would be a SOECA wine tasting on Sunday April 3, 4:00-6:00, at the former location of Ceviche (921 Ellsworth Ave, upper level). It will also be an opportunity to contribute for legal expenses to support SOECA's opposition to the proposed Chelsea property townhouse development.

Changes to the noise ordinance have become an issue. Raising the limit to 75 db for Strathmore was originally suggested by Marc Elrich, but urban districts, such as Downtown Silver Spring, have proposed including such areas, and removing the limit altogether. Kathleen has written to object to the lack of notice, and has asked Councilmember Valerie Ervin to defer the decision.

Bill Kaupert gave the membership report—12 new households—and the Treasurer's report. We have \$4343.31 in the checking account and \$2224.47 in the CD earning 0.03% interest.

On the Chelsea development, the date of the hearing before the Planning Board is May 12. The incorrect date appeared in the newsletter. The date for the hearing before the hearing examiner, May 26, is correct.

Minutes of the January meeting were approved.

Meeting adjourned at 10:16 pm.

Chelsea School UPDATE:

The Planning Board hearing has changed to May 19. The Hearing Examiner date is set for May 26. To participate in these public hearings, and support the SOECA official position "to maintain R-60 zoning and the North & West Master Plan" contact the Task Force: Anne Spielberg aspiegelberg@harmoncurran.com and Michael Gurwitz mgurwitz@hotmail.com

Land Use: Zoning & Development

The Montgomery County Planning Board is rewriting land use regulations. If these new proposals are adopted, the plans call for much greater infill of commercial and residential densities, taller buildings and changes in housing patterns especially in the down County neighborhoods.

New rules could limit opportunity for public participation (current law allows for public hearings and review of developer plans), could reduce land protections we now enjoy for our neighborhoods (all residential R-60 zones vs. mixed residential and commercial zones) and "suggests" instead of requires developers to provide public benefits, i.e.: open or green space, traffic mitigation or storm water runoff.

The SOECA Board is tracking these changes as they will greatly affect our community, our public services and our environment. The Planning Board is pursuing these separate tracks:

- A) A zoning rewrite process (<http://montgomeryplanning.org/development/zoning/>);
- B) implementation of new commercial-residential zones in new Sector Plans, i.e. White Flint, Kensington, Takoma/Langley and other neighborhoods

(see <http://montgomeryplanning.org/blog-design/?p=685>);

The new zones and policies would apply to areas within a mile of rail stations (Metro and MARC) and within half a mile of Metro bus and Ride On bus routes with a high frequency of service during rush hour. These parameters include much of the down county area and all of SOECA. Some proposals that are being considered by the Planning Board are: allowing accessory apartments "by right," which means eliminating the current Special Exception application process; allowing a larger variety of residential units on single family home lots in communities like SOECA's, such as cluster housing, townhouses, and duplexes; allowing limited commercial activities in residential neighborhoods; raising building heights in all zones; eliminating neighborhood traffic protections; and making obsolete the Master Plan which has traditionally served as a pact between the County and property owners on how a neighborhood will develop. Montgomery County Council and Planning Board encourage public participation in these discussions. We are providing the following websites which will help familiarize you with the issues as well as give you an avenue to comment.

Official Montgomery County Zoning Rewrite website:
<http://zoningmontgomery.org>

District One Community Caucus presents citizen view:
<http://www.d1cc.org/content/4/en/Zoning%20Code%20Rewrite.%202011.html>

County brochure explaining zoning:
<http://www.montgomerycountymd.gov/content/council/opc/Brochures/zoningbrochure.pdf>

Current Land Use codes:
<http://www.montgomerycountymd.gov/apps/gis/zonelist.asp>

Montgomery County Civic Federation tracks land use issues:
<http://www.montgomerycivic.org/currentissuesPLU.html>

Accessory Apartments

There are differences of opinion in how to interpret current Accessory Apartment laws and what newly proposed zoning laws will allow. One difference is between allowing Accessory Apartments 'by right' or by 'special exception.' 'By right' means a person can get a building permit if needed with no notification to neighbors. "Special exception" means the homeowner who wants to put an income-producing Accessory Apartment in his or her home must apply to the Board of Appeals, show what changes are intended and other requirements regarding parking, notifying neighbors, etc. and they can testify at the Board of Appeals hearing if they wish. Making an apartment for relatives, such as elderly parents or adult children, does not require a special exception now, even though those are the frequent examples given for why the accessory apartments should be 'by right.' Also, today, anyone can rent rooms in their house to two non-relatives by right, no special permission needed. [Meredith Wellington at our May 11 meeting can explain more clearly the distinctions between 'by right' and 'by special exception.']

Housing Section of the General Plan: The County Council amended the housing section of the 'General Plan' and after much lobbying by neighborhood groups to retain important elements. They changed wording concerning Accessory Apartments, to allow the subject to come up later this year, to decide if Accessory Apartments should be allowed 'by right' or by 'special exception.'

Public Hearing: May 17. The County Council has introduced Zoning Text Amendment 11-01 to create two new Commercial Residential (CR) zones: CR Town allowing medium density and CR Neighborhood to allow low density mixed use (commercial) development. Shall this new type of zone go forward, it will begin to be applied FIRST to Kensington, Wheaton and Takoma-Langley Crossroads development.

SOECA Neighborhood Watch Program
Reminder to always lock your car doors and remove any visible materials to prevent break-ins.
Crime Reporting:
Call 911 Emergency No.
Call 301-279-8000 (Non-Emergency)
Call 301-949-3010 (Park Dept. Police)
Www.crimereports.com (enter your address to see recent activity)
Call for Neighborhood Watch Block Captains.
Contact David Hartmann, Task Force Chair:
dchartmann1@msn.com

SOECA Reelection of Officers, for Second Term
Kathleen Samiy, President
Vicki Warren, Vice-President
Carolyn Michell, Vice-President
Tom Armstrong, Secretary
Bill Kaupert, Treasurer & Membership

NEW County-wide LAWS April 24, 2011

Excerpts from an April 4 Letter, from County Executive Ike Leggett to County Residents:

"As a direct result of the work group's report, released in November 2008, legislation was passed and became effective in July 2009 that prohibits the parking of recreational and large commercial vehicles on public roads. In October 2010, Zoning Text Amendment 09-03 was passed which addresses three housing code issues: home-based businesses, off-street parking and the paving of front yards. Most of the provisions of this law go into effect on April 24, 2011. The issue of paving front lawns goes into effect on October 24, 2011.

"Preserving the quality of life in Montgomery County neighborhoods needs help from all of us. New County laws initiated by the County Executive and approved by the County Council are designed to help protect our residential neighborhoods. These laws go into effect April 24, 2011. In general, what follows is what you need to know. For exact details see the legislation or call 311."

A website has been set up with details the new legislation. Go to www.montgomerycountymd.gov/goodneighbors to find the brochure, frequently asked questions, resources and copies of the new laws. members.

Home-Based Businesses ZTA 09-03 Home Businesses

County residents can operate businesses out of their homes—subject to certain restrictions. There are three types of home-based businesses allowed: no-impact (which don't need to register with the county), registered (which need a permit from the Department of Permitting Services), and medical practitioners (must also register.) The person who performs the occupation must live in the house. On-site employees are limited to one in a 24-hour period. The number of visits to a no-impact business is limited to five customers/clients a week. A registered business is allowed no more than five customers/clients a day or 20 a week. The on-site parking for home occupations is limited to two spaces. Lawn maintenance companies operating as home occupations are allowed only one single-axle trailer or truck at a time.

Parking for Heavy Commercial and Recreational Vehicles

Bill 23-09 Unused Vehicles Storage Heavy commercial vehicles and recreational vehicles are prohibited from parking on residential streets, except temporary parking for loading and unloading. Heavy commercial vehicles are defined as follows: a gross vehicle weight of more than 10,000 pounds; a manufacturer's rated capacity of more than one ton; more than 21 feet long (including any object loaded onto the vehicle); or are more than eight feet high (including racks, but not antennas). These vehicles are prohibited from parking off-street in residential neighborhoods.

Recreational vehicles include motor homes and trailers, including those used to transport other leisure equipment. One recreational vehicle per household can be parked off-street on available surfaced area in residential neighborhoods.

SOECA SOCIAL EVENTS

WINE TASTING: April 3, 2011 It takes a village and we did it, SOECA held a long overdue social event. The Wine Tasting was a huge success, over 60 people attended and the ambience of the Civic Building was perfect. To those who were able to attend we thank you for participating, it was just great to get to know you better and in a relaxed setting. To those who could not make it this time, we missed you. With deep gratitude to SOECA Board Members, Carolyn Michell and Vicki Warren, who conceived and led the event and coordinated all logistics. We could not ask for better neighbors! We also dearly thank our Wine Tasting Partners, who made it special for us: A HUGE thanks to:

Jennifer Nettles of the Peterson Company for providing the space and for booking the Civic Building room; Anna & John Saint John for the Catering. annasaintjohn@me.com Fabulous food, tasty cheeses, and tidbits—along with the wine glasses, plates and party platters. We are so lucky to have you living in our neighborhood; Adega for 12 bottles of delicious wine.

**SAVE THE DATE SOECA BLOCK PARTY
Saturday, June 25, 3-6 pm, more info. to
come on the list serve.**

Parking Off-Street Bill 28-09 Motor Vehicle Traffic Parking Regulations Vehicles parked in front yards must be on surfaced areas. There is an off street parking limit of one light commercial vehicle. Inoperable or unregistered vehicles are not allowed anywhere on the property.

Paving Front Yards: In R-40 and R-60 residential zones, the limit is 35 percent of their front yard or 320 feet, whichever is greater. On major streets, the limit is 50 percent — or 320 square feet. No more than one vehicle may be parked for every 160 square feet of paved surface. Any surfaced area paved before October 26, 2010 does not have to be removed if the paved area is not increased. However, the occupants must comply with the new law's parking limitations effective October 24, 2011.

How Are These Laws Enforced?

Enforcement is primarily by complaint. Home occupations, the paving of front yards and off-street parking issues are the responsibility of the Department of Permitting Services. Unregistered and inoperable vehicle issues are handled by the Department of Housing and Community Affairs. On-street parking complaints fall to the Police Department. Typically, for Permitting Services and Housing & Community Affairs, an inspector investigates the complaint and issues a Notice of Violation if he or she finds just cause. If the violation is not corrected and/or dismissed within 30 days, a citation may be issued accompanied by a \$500 fine. On-street parking violators can be ticketed by the Police.

**Seven Oaks Evanswood
Citizens Association
Silver Spring, Maryland
www.soeca.org**

SOECA Officers

Kathleen Samiy, President
Mark Gabriele, Past-President
Vicky Warren, Vice-President
Carolyn Michell, Vice-President
Tom Armstrong, Secretary
Bill Kaupert, Treasurer

Resident Volunteers

Jean Cavanaugh, PrezCo Liaison
Jonathan Bernstein,
List Serve & Website Manager
Charles Wolff, SOECA Historian

Contact SOECA:
soeca.board@gmail.com

TWO WAYS TO JOIN SOECA'S LISTSERV:

(1) Via email

- A) Send an e-mail to: soeca-subscribe@yahoogroups.com with the word "subscribe" in the subject line.
- B) The ListServ moderator will email you asking for your name and address by response email, adding you after you respond.
- C) You will then receive a confirmation e-mail from "YahooGroups."

(2) Via Yahoo Groups at <http://groups.yahoo.com/>

(Use this method, if you already have a Yahoo account set up)

- A) Find SOECA and click "Join this Group."
- B) Fill in the form, including the email address you wish to use, adding a comment about yourself and why you would like to join the group. Click on "Join."
- C) The ListServ moderator will email you asking for your name and address by a personal response email adding you after you respond.
- D) You will then receive a confirmation e-mail from "YahooGroups."

Once you have joined....Post messages to the community by sending an e-mail to: soeca@egroups.com or soeca@yahoogroups.com

SOECA Membership 2011 Renew Annual Dues

**Send this slip plus \$10 annual household dues (\$5 for senior citizens and single members) to:
Bill Kaupert, SOECA Treasurer, 9222 Manchester Road, Silver Spring, MD 20901**

Name: _____ Today's Date: _____

Address: _____

Telephone: Home) _____ Cell) _____ Work) _____

Would you like to receive the SOECA newsletter by: Email? Printed ? Both? (circle choices)

If by email, please print email address here: _____

Are you registered on the SOECA Yahoo Groups List Serve? Yes No (please circle one)

Would you like to receive SOECA Board e-communication? Yes No (please circle one)

If yes, please print email address here: _____

NOTE: Resident email addresses, street and phone numbers are held in strict confidence, they are not shared.

SOECA May 2011, Issue 6

Seven Oaks Evanswood
Citizen's Association
Silver Spring, MD 20910